

**A CRITICAL ANALYSIS OF THE INVESTIGATIVE CAPACITY OF GENERAL
DETECTIVES IN HANDLING FRAUD CASES**

by

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Dedication

In loving memory of my late grandmother, Koko “Manti” Motsepe (1911-2002) who has been there for me throughout my early life. My grandmother and Mr George Motsepe persuaded me to return to school in 1979 after breaking for a year in defiance against acts of corporal punishment in primary school.

Special thanks are also due to my loving wife, Salome “Mumsy” Legodi-Motsepe and the kids, Lerato and Mapitsi who sometimes steer me off course, seeking my parental responsibilities during research and writing, for which I will always be grateful.

Special thanks to Ms Julia Motsepe for ensuring that I do not receive any sort of corporal punishment anymore on my return while she was still a temporal teacher at the school.

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- the supportive role played my colleagues throughout this study in the College of Law, particularly in the Department of Police Practice.

Thanks to all for your contributions

DECLARATION

Name: Motsepe, Lesiba Lolly

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Degree: Doctor of Literature and Philosophy

Title: A critical analysis of the investigative capacity of general detectives in handling fraud cases.

I declare that the above thesis is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.



SIGNATURE

2019-03-29

DATE

DECLARATION BY EDITOR

I, Melissa Adendorff, (BA Hons Ancient Languages and Cultures Studies; English Editing, MA, PhD), ID 8605080149089, declare that I edited the doctoral thesis titled “A critical analysis of the investigative capacity of general detectives in handling fraud cases” by Mr Lesiba L. Motsepe.



31/07/2018

Melissa Adendorff

Date

Abstract

This study investigates the question of investigative capacity of South African Police Service general detectives at the local station level with regard to fraud investigation. The research presented in this thesis is based on a qualitative thematic analysis of the systemic investigative capacity of the detectives handling fraud and related offences. Fraud related crimes are consistently dismissed and perceived as less serious than violent crime, yet the impact of fraud affects individuals, organisations, and society. This study includes interviews with $n = 15$ (83%) participants out of 18 (100%) using a semi-structured interview schedule for data collection. The available literature indicates the increasing incidents of general fraud being inadequately investigated at the local police stations because of investigative incapacity. The complexities of any criminal investigation require sufficient resources to achieve the highest level of investigative performance. In this regard, criminals are gradually outwitting the conventional methods of fraud investigation, especially in terms of technological advancements. The study's findings reveal how general detectives are systematically tested to their capacity in relation to fraud investigation – *inter alia*, participants identified the following challenges to meeting investigative objectives: ambiguous general fraud investigation directives, poor training, limited resources, abuse of available resources, unreasonably high workloads, and human resource shortages. These institutional factors need consideration to allow progress in criminal investigation procedures. This study creates the context for the recommendation that a series of systemic reforms be introduced, based on a professional model, pertaining specifically to fraud investigation at the local police station level. This means some of the distinct investigative practices that are effective be inverted and strengthened in recognition of the scope and complexity of general fraud, and the influence this complexity has on investigative methodology. For example, setting up proper and recognised station-level fraud units to handle incoming “general fraud” cases, staffed with trained detectives, who have access to adequate resources. This would create an opportunity to address institutional issues around training to rectify general detectives' core skill deficiencies prior to them being assigned to criminal cases. Training should include case management, investigative procedures, and the use of technology (to effectively combat digital fraud). Moreover, it is vital to maintain an oversight over the fraud mandates which differentiate the scope of practice between

specialist and general detectives, with a thorough understanding of what constitutes general fraud and complex, organised fraud. It is furthermore suggested that local and international best practice trends be implemented by general detectives in their fraud investigations.

Setswana (Abstract Translation)

Thutopatlisiso eno e sekaseka ntlha ya bokgoni jwa go batlisisa jwa matseka a kakaretso a Tirelo ya Sepodisi sa Aforikaborwa kwa legatong la seteišene sa selegae malebana le dipatlisiso tsa boferefere. Patlisiso e e tlhagisitsweng mo thesising eno e theilwe mo tshekatshekong e e supang, e tlhatlhoba le go kwala ditiragalo tsa bokgoni jwa go dira dipatlisiso jwa matseka a a dirang ka ditlolomolao tsa boferefere le tse di amanang le tseo. Bosenyi jo bo amanang le boferefere gantsi bo kgaphelwa thoko mme bo tsewa e le bosenyi jo bo sa tsenelelang go tshwana le bosenyi jwa tirisodikgoka, fela ditlamorago tsa boferefere di ama batho, ditheo le setšhaba. Thutopatlisiso eno e akaretša dipotsolotso le banni le seabe ba le $n = 15$ (83%) go tswa go ba le 18 (100%), go dirisiwa sejule ya dipotsolotso e e batlileng e rulagane go kokoanya tshedimosetso. Dikwalo tse di gona di supa koketsego ya ditiragalo tsa go se batlisisiwe go go lekaneng ga boferefere jwa kakaretso kwa diteišeneng tsa selegae tsa sepodisi ka ntlha ya tlhalelo ya bokgoni jwa go batlisisa. Marara a patlisiso epe fela ya bosenyi a tlhoka ditlamelo tse di lekaneng go fitlhelela tiragatso e e kwa godimo ya patlisiso. Mo ntlheng eno, disenyi di tlhalefetse mekgwa ya tlwaelo ya dipatlisiso tsa boferefere, bogolo segolo mo ntlheng ya tswelolepele ya thekenoloji. Diphitlhelelo tsa thutopatlisiso di bontsha ka moo bokgoni jwa matseka bo lebaganang le teko e e boitshegang ka gona malebana le dipatlisiso tsa boferefere – *gareng ga tse dingwe*, banni le seabe ba supile dikgwetlho tse di latelang malebana le go fitlhelela maitlomo a dipatlisiso: dikaelo tse di sa tlhamalalang ka kakaretso malebana le dipatlisiso tsa boferefere, katiso e e bokoa, ditlamelo tse di tlhaelang, tiriso e e botlhaswa ya ditlamelo tse di gona, selekano sa tiro se se kwa godimo moo go sa amogelesegeng mmogo le tlhalelo ya badiri. Dintlha tseno tsa mo setheong di tlhoka go lebelelwa go kgontsha gore go nne le tswelolepele mo ditsamaisong tsa dipatlisiso tsa bosenyi. Thutopatlisiso eno e tlhoma bokao jwa dikatlenegiso tsa gore go itsesewe diphetogo tsa thulaganyo di le mmalwa, di theilwe mo sekaong sa porofesene, se se totileng dipatlisiso tsa boferefere kwa legatong la seteišene sa selegae sa sepodisi.

Seno se kaya gore ditiragatso dingwe tsa dipatlisiso tse di dirang sentle di rulaganngwe sešwa le go maatlafadiwa go lebeleletswe bogolo le marara a boferefere ka kakaretso, mmogo le tshusumetso ya marara ano mo mokgweng wa dipatlisiso. Seno se kaya, go naya sekai, go tlhoma diyuniti tsa boferefere tse di siameng le tse di lemogwang kwa legatong la seteišene go samagana le dikgetse tse di tsenang tsa "boferefere jwa kakaretso", di na le matseka a a katisitsweng, a a kgonang go fitlhelela ditlamelo tse di maleba. Seno se tlaa dira tšhono ya go samagana le dintlha tsa setheo malebana le katiso go lolamisa tlhalelo ya bokgoni jwa botlhokwa jwa matseka a kakaretso pele ga ba ka rebolelwa dikgetse tsa bosenyi. Katiso e tshwanetse go akaretse tsamaiso ya dikgetse, tsamaiso ya dipatlisiso le tiriso ya thekenoloji (go lwantsha boferefere jwa dijitala ka nonofo). Mo godimo ga moo, go botlhokwa go nna le tlhokomelo ya dithomo tsa boferefere e e farologanyang tiro ya matseka a baitseanape le a kakaretso, go tlhaloganngwa sentle pharologano magareng ga boferefere jwa kakaretso le boferefere jo bo marara jo bo rulaganeng. Gape go tshitshinngwa gore matseka a kakaretso a diragatse mekgwa ya tiragatso e e gaisang ya selegae le ya boditšhabatšhaba mo dipatlisisong tsa ona tsa boferefere.

Key Concepts:

Co-location, Complex fraud, General detectives, General fraud, Investigative capacity, Specialised investigation units, Police, Crime, Training, SAPS

Abbreviations and Acronyms

ACFE	Association of Certified Fraud Examiners
AFF	Advance Fee Fraud
CAS	Crime Administration System
CCO	Crime Control Office
CCU	Commercial Crime Unit
CJS	Criminal Justice System
CSVR	Centre for the Study of Violence and Reconciliation
DNA	Deoxyribonucleic Acid
DLP	Detective Learning Programme
DPCI	Directorate for Priority Crime Investigation (Hawks)
DSO	Directorate of Special Operations (Scorpions)
FD	Fraud Diamond
FSL	Forensic Science Laboratory
FT	Fraud Triangle
GD	General Detectives
IFM	Iron fisted management
JCC	Johannesburg Central Cluster
LCRC	Local Criminal Record Centre
MBO	Management by Objectives
MICE	Money Ideology Coercion Ego
NI	National Instruction
NPA	National Prosecuting Authority
PSC	Public Service Commission
SABRIC	South African Banking Risk Identification Centre
SAPS	South African Police Service
SJC	Social Justice Coalition
SD	Special Detectives
SSA	State Security Agency

ST	Standing Order
UNISA	University of South Africa
RAG	Resource Allocation Guide
ROC	Resolving of Crime
WISPI	World Internal Security and Police Index

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Chapter 1: Introduction

1.1 Introduction

The processes of socio-economic growth and modernisation in technology, banking, education, business transaction, and many other societal issues of government often present unexpected opportunities and challenges for criminal justice systems (CJS), (including police departments worldwide). Criminals can take advantage of and exploit enviable developments (human ingenuity) for illicit purposes (cf. Legalbrief Today, 2017; Walters, 2015). To illustrate this, the new high-technology tools such as advanced cellphones, computers and sophisticated software are now commonly used to perpetrate various crimes by circumventing the security measures, as seen in the number of incidences of fraud across the world. Media reports suggest that advances in technological developments inadvertently expose opportunities in criminal activities, such as airplane hijacking, whereby criminals can gain access to the aircraft's electronics through hacking (cf. Legalbrief Today, 2017). McQuade (2006) notes that technological development and world mobility have inevitably been taken advantage of for criminal purposes where opportunities arise. According to Nuth (2008:437-446), "both criminals and police benefit from Information Communication Technologies (ICT), these new technologies create new pitfalls for both criminals and law enforcement". The process of technological development does not necessarily factor in measures to anticipate illicit activities and exploitation, and police systems struggle to overcome these unintended consequences. The police systems face the difficulty of the lack of conventional methods or tools that can be used to investigate various types of fraud, while still utilising skills and experience which have proven to be the most efficacious in investigating particular types of fraud such online fraud, phishing, insurance fraud, deposit scam, identity fraud, forgery, credit card fraud, Sim-swaps and many other scams. Training in the form of skills development, investigation, and prevention could be vital steps in combating potentially unforeseen criminal acts. It is, therefore, reasonable that the perpetration of fraud in South Africa is becoming more complex due to rapid advances taking place in technology and that this, in turn, calls for well-trained detectives.

The wave of fraud (rising rate of fraud) in South Africa has caused widespread concern among banks, corporations, civil society, interest groups, and customers at large (Erasmus, 2015; Pijoo, 2016). The statistics provided by South African Banking Risk Information Centre (SABRIC) (2017) shows that there was an increase in credit card fraud from R366 million in 2013 to R453.9 million in 2014 (Oberholser, 2014; South African Banking Risk Information Centre, 2014). Additional instances of fraud increased from R7.9 million in 2013 to R41.2 million in 2014, in terms of false applications, card not present, lost or stolen cards, and card skimming. According to SABRIC (2018), card fraud statistics for 2017 reflect an overall decrease in card fraud. Debit card fraud decreased by 8.5% while credit card fraud increase by 1%, from R434.0m in 2016 to R436.7m in 2017. According to Coenen (2009:xv), fraud scandals and their investigations have received a lot of publicity due to the escalation in fraudulent acts. As society becomes more digitised, the need to capacitate general detectives¹ with fraud investigative ability becomes more pressing. Currently, investigators are faced with challenging fraud investigative tasks on daily basis (Coenen, 2009:153,163). It is not simple for inexperienced general detectives, especially those placed at the police stations without all necessary resources to run a top-quality fraud investigation. It is noted that the biggest problem with law enforcement is the lack of adequate personnel and resources to combat non-violent crimes (Manning, 2000:453).

This thesis aims to address the assumption that fraud investigation tests the capability of criminal investigators, in order to illustrate and illuminate how the concept of capacity forms an integral part of a criminal investigation that can be sustained long-term. This question of capacity is examined through an analysis of both underperforming and high performing areas in crime investigation sections of the South African Police Service (SAPS), and includes the distribution of fraud cases between detective components.

1.2 Background to the study

Fraud is a common law crime and is not encoded into legislation. Generally, fraud is viewed as a crime with less impact in the community when compared to violent contact

¹ The term “detective” is used interchangeably with the term “investigator”.

crime such as the so-called trio-crimes, carjacking, house, and business robbery (Burger, Gould & Newham, 2010:3-12). The escalation and evolution of the fraud phenomenon allows the justice system to reconsider its legal application of the elements of fraud, thus placing the onus on the judiciary to keep up with frequent changes and new developments in society; while the police force is tasked with the demonstration of adaptation to these developments (Tamukamoyo, 2014). Furthermore, contemporary society demands that police perform their duties with due diligence, regardless of the constraints related to lack of access to resources (Marks, 2000:145).

The successful investigation of crimes which constantly evolve, such as fraud, requires a specific skillset, including the effective use of forensic methodical approaches and technology. Therefore, the training and development of general detectives is paramount to improve investigative capacity. It would be necessary to train general detectives in terms of data analysis, civil and criminal law in relation to fraud, investigative practice, human behaviour, interviewing techniques, the law of evidence, and procedures related to evidence collection and review. These skills would be scaffolded on literacy and numeracy skills, communication skills, skills related to the effective use of technology, and a basic understanding of accounting and business.

In this context, there is growing need for experienced fraud investigators at the station-level in the wake of the escalation of fraud commission both in terms of scale and frequency (South African Legal Information Institute, 2013; Albrecht, Albrecht, Albrecht & Zimbelman, 2012:19). Ramaswamy (2007:32) notes that because of the increase in white-collar crime and the difficulty faced by law enforcement to unearth it, there is growth in professions such as forensic accounting and auditing, aimed at detecting and curbing financial misrepresentation. Ragan, Hadley, and Raymond (2008:53) acknowledge that the demand for forensic accounting within the corporate world is continually increasing, and that this increase is concomitant to the need for general detectives to arm themselves with revised investigative skills.

According to the Independent Online Business Report (2014), South African companies experience more fraud and bribery than their global counterparts. The provinces of Gauteng, the Western Cape, and KwaZulu-Natal were at the top of the list of those experiencing loss increases due to banking fraud in the year 2014. It is

important to take into account that South Africa is one of the developing countries in the Southern African Development Community (SADC) region. As the country develops, it is likely that it is also moving into spaces of how the developed countries operate, particularly in technology to interact and expedite its services. For example, Gauteng saw an increase of 49%, from R63.5 million in 2013 to R94.7 million in 2014, the Western Cape's fraud incidence increased by 47%, from R26.2 million in 2013 to R38.6 million in 2014 and in KwaZulu-Natal the loss increased by 18% from R13.5 million in 2013 to R15.9 million in 2014 (Oberholser, 2014 & South African Press Association, 2014).

The deduction made from the aforementioned statistics is that the police in South Africa have also experienced an increase in fraud cases, if all cases were reported (Lancaster, 2017). It is necessary to note that fraud is not only committed in banking institutions. Although most fraud worth a large amount of money is committed against corporations, perpetrators of this phenomenon target any type of victim who can be deceived easily, and, as such, there is a greater commercial and societal vulnerability. According to Tamukamoyo (2014), public sector fraud cost the government close to R1 billion rand in 2011/2012, an increase from an estimated R130.6 million in the 2006/2007 financial year. This increased vulnerability requires more efficient forms of investigation. Skilled attorneys scrutinise the methods used to investigate fraud in court.

Fraud is often referred to as commercial crime and it involves complex, highly technical transactions, and this forms the basis of legal arguments because of a thin line between civil and criminal cases (Ramaswamy, 2007:35). Detectives investigating fraud cases must be willing to read extensively, precisely, and independently to acquaint themselves with the law and techniques of identifying, collecting, analysing, and presenting evidence. For a law enforcement agency with limited resources and budgets, it is a challenging task to conduct forensic-based, prosecutable, and court-driven investigations on fraud cases. This means that, on face value, investigating fraud effectively can be a challenging task for general detectives. To investigate this type of a crime requires some form of continuous training for public investigators in government entities, law enforcement departments, and private investigators in corporations worldwide.

Fraud is incomparable to other crimes and very intimidating and complex to investigate (Osterburg & Ward, 2010:6). Fraud investigation involves understanding its specific elements in addition to seasoned detectives' intelligence to follow the evidence which is often concealed in layers of misrepresentations. Waterhouse (2008:22) notes that South Africa initially embarked upon the route of investigative specialisation although this has recently been reversed with the decentralisation of specialised services down to the police stations through the restructuring process. However, skills development in those restructuring processes were not provided and have been insufficiently supported.

According to Corruption Watch (2014), there are two specialist units in the SAPS that investigate fraud of complex nature, namely, the Directorate for Priority Crime Investigation (DPCI) commonly known as the Hawks and Commercial Crime Units. The DPCI, which was established in 2009, is responsible for the combating, investigation, and prevention of national priority crimes such as serious organised crime, serious commercial crime, and serious corruption. It is only in espionage and national security threat circumstances where the services of the former National Intelligence Agency (NIA), now referred to as the State Security Agency (SSA) is enlisted. Apart from the SAPS crime intelligence component, NIA is the South African law enforcement agency or intelligence structure that operates as a domestic intelligence service that generally collects intelligence on crime to support SAPS crime intelligence.

Fraud cases are commonly reported at the police station and thereafter referred to one of the specialised units, depending on the merits that require further investigation (particularly those categorised as of serious nature), as screened by general detectives. This type of case allocation can be associated with an "*it is not my job*" mentality as highlighted by Mofomme and Barnes (2004:15). It seems that some of the general detectives lack the intellectual capacity and competency to handle and utilise forensic techniques to investigate fraud matters (Parliamentary Monitoring Group, PMG, 2012a). Crime statistics show that in 2013 under "other serious crimes", the total incidents of commercial crime were 91200 and in 2014 the total incident number was 79009 at the time of reporting (Crime Statistics South Africa, 2014).

1.3 Problem statement

An increase in the commission of fraud may be associated with global economic downturn that threatens the financial strength of individuals, companies, and countries. In light of this, the generic investigative problem within criminal investigation and other law enforcement agencies that creates barriers and backlogs problems of fraud cases relates to the concept of capacity. According to Geldenhuys (2016:49), there are cases which date back to 1976 that remain unresolved. In the recent years, it has become apparent that the conviction rate of fraud cases remains very low despite the period-based increase on the number of reported cases. The low conviction does not necessarily indicate that there is a decline in fraud cases, but it may be correlated to the inability of detectives in the country to come to terms with the demand for fraud investigative functions.

There appears to be a conflict between agencies in terms of fraud, based on the capacity to investigate its occurrence effectively. While the Land and Agricultural Development Bank of South Africa is actively seeking a speedy conclusion to fraud cases (Mkhwanazi, 2015), the police are not fully utilising the available resources to full capacity (Geldenhuys, 2016:49). As the individuals, businesses, and organisations experience the upsurge in cases, the capacity of general detectives to address fraud cases comes into question. This question encapsulates the human skills, time, and the resources needed for the investigation of fraud.

The inability of general detectives to handle fraud cases is pertinent to both the fight against white-collar crime and in instilling confidence in society (Lancaster, 2017) in light of gradually worsening economic situations. Therefore, it is necessary to examine the concept of capacity and identify what is lacking. The problem identified is centres around the fact that general detectives lack resources, skills and experience, motivation, and training in conjunction with carrying too many case dockets for investigation (Motsepe, 2014). The answer to the question of capacity is thus both individual and organisational.

The problem of capacity that forms the foundation research should be understood to comprehensively include staff (workforce), physical resources (technology, vehicles), training (skills development, mental capacity, and emotional intelligence),

qualifications, socio-economic factors, and excessive workloads. For example, the shortage of detectives and other resource constraints within the SAPS can amount to a crisis whereby criminal cases are shelved without proper investigation, and, as a result, the police fail to carry out their basic functions (PMG, 2012a; Umraw, 2016).

The disparity, which exists between the number of reported fraud cases and those which end up with a conviction is evidence of a problem. It is this “theoretical gap” that this thesis aims to analyse in order to establish if the detectives based at the police stations have the resources and intellectual capacity to handle fraud cases. Apart from the problem identified, there is a perception that specialised detectives choose to investigate the easiest cases (cherry-picking) that are solvable and that pose the possibility of conviction, which is extremely worrisome. Despite their lack of fraud investigation skills, general detectives are still tasked to carry out full investigations on those cases that might fall within the mandate of specialised detectives. This renders the detectives vulnerable in terms of the cases without quantifiable outcomes.

The main result of the problem identified in this research is that the cost of fraud to individuals, businesses, and society is substantial and worrying if general detectives lack the capacity to investigate the crime (Singleton & Singleton, 2010:42). Thus, without capacity and capabilities, there are considerable consequences, including the fact that fraud becomes more complex, and that it is becoming more difficult to convict criminals of fraud. When fraud is committed, it causes financial loss to the victims and yields an advantage for the culprit. According to Legalbrief Today (2015), a rise in fraud has a devastating effect on South Africa’s ability to grow its economy. This includes reducing public confidence in the police service, because of society becoming discouraged by the quality of service afforded to the victims and complainants of fraud cases (Theobald, 2015). Fraud victims may experience, *inter alia*, emotional distress and companies may face higher insurance premiums because insurers are determined to cover the loss suffered in addition to other operational costs to recover the losses caused by fraudulent claims.

This study aims to test the assumption that if general detectives and police stations have the capacity to fully investigate fraud, it is likely that more fraud cases will be solved at a lower level, leading to a deterrent to the commission of fraud. It is necessary to note that this capacitation does not involve an influx of funds into any

given police station. This thesis argues that there should be a clear and agreed-upon policy on which general detectives, as opposed to cases that should be transferred to specialised units, will handle cases at the police station level. If this is achieved, the perception that the specialised detectives tend to choose solvable cases can be resolved and there will be a workable strategy on how to solve fraud cases outside of arguing about the value involved.

1.4 Aim of the study

The aim of the study is related to the qualitative research methodology employed – how the phenomenological data is collected and analysed is underpinned by the aim of the research. The aim of this study is to investigate the capacity of general detectives based at the station level in handling fraud cases.

The objectives of the study are:

1. to describe the difference between the general detectives and those in the specialised units, in terms of the detectives investigating fraud cases;
2. to investigate and describe the current arrangement regarding the allocation and investigation of fraud cases in the SAPS;
3. to outline the differences between the investigation of fraud cases versus other crimes;
4. to determine the level of investigative capacity of general detectives to handle fraud cases;
5. to identify the possible hindrances to the capacity of general detectives in handling fraud cases;
6. to identify and describe skills required for fraud investigations;
7. to propose a clear guideline on which cases can be handled at the police station level by general detectives.

In addressing these objectives, the study attempts to contextualise and highlight fraud investigation activities expressed based on participants' experiences, and to contribute to the theoretical gap in the existing literature in terms of the development and empowerment of general detectives, particularly those involved in fraud related investigations.

1.5 Research questions

The focus of this study is to determine if the general detectives in police stations are capacitated in handling fraud cases. In order to break down this central research question into manageable components, the following guiding questions may be asked:

1. what is the level of investigative capacity that the general detectives have to handle fraud cases?
2. what are the core skills and abilities of a detective investigating fraud cases?
3. What are the differences between investigations of fraud cases versus other crimes?
4. what is the current arrangement regarding the allocation and investigation of fraud cases in the SAPS?
5. what are differences between the general detectives and those in the specialised units, in terms of detectives investigating fraud cases?
6. what are the possible hindrances to the capacity of general detectives in handling fraud cases?

1.6 Significance of the study to crime investigation

Crime is a major concern in South Africa and when investigative functions do not achieve their desired results, negative perceptions about policing ensue (Chutel, 2017; Centre for the Study of Violence and Reconciliation (CSVR), 2007). Despite many people currently being exposed to increasing incidents of fraud, the perception about this phenomenon still exists that sanctions against fraudsters are less severe (Button, Lewis, Shepherd, Brooks & Wakefield, 2012). This study highlights the fact that if a crime such as fraud is left untreated, its consequent damage is irreversible and has a significant impact on decision policy makers and society at large. Therefore, this study addresses the capacity of general detectives to handle general fraud. This research has identified the theoretical gap on the capability of those general detectives to handle the daunting task to investigate fraud without knowledge, resources, and necessary skillsets. The empirical evidence in this study would, therefore, be relevant in analysing the argument that the so-called general fraud or “soft fraud” is a major, if silent, component of organised crime. The evidence presented identifies to capacity

factors as the only effective mechanism to increase convictions of fraudsters by police and the court system.

Police detectives are vulnerable to constantly changing tactics of criminals and often prone to be denounced for failure to achieve convictions in criminal cases. The success or failure of the efforts mirrors the success or failure of the system of justice (Gilbert, 2004:37). The significance of the study is highlighted through the description of these difficulties in order to identify and address challenges of developing the best practices of fraud investigation. This study addresses the perception that fraud is a “painless” crime in order to show the reality of fraud’s debilitating global economic effects. Because of this perceptual shift, this study is able to recommend a tougher approach to investigating fraud cases. For example, fraudsters are still more likely to avoid prosecution compared to indigent lawbreakers involved in contact crimes, such as assault, burglary, theft, robbery, etc. Therefore, the significance of this study is that it raises awareness of the inherent danger of detectives’ work not being taken seriously in the underdeveloped level of station detectives. This creates the basis for the argument that the investigative capacity of the general detectives to handle fraud can secure the best course of action.

1.7 Key theoretical concepts

1.7.1 Investigative capacity

The Collins English Dictionary (2011:255) defines the word capacity as “the ability or power to contain, absorb or hold” something. For the purpose of this study, capacity refers to the combined abilities and capabilities of the organisation and individuals towards achieving the set organisational goals, thus fulfilling the objective of section 205(3) of the Constitution of Republic of South Africa, 1996. Based on these definitions, the capacity of detectives is questioned in Kelling (1978:181) by Goldstein (1990) in terms of the exaggeration of the detectives’ capacity to solve crimes. This is the origin of the question of investigative capacity. According to Stelfox (2009:2), “the police service’s capacity to carry out investigations across the wide spectrum of offending” is based on the police service’s ability to deal with and respond to new emerging challenges. This ability comprises “the knowledge, skills, and understanding that individual investigators have of investigative practice” (Stelfox, 2009:2).

A number of organisations and scholars connect capacity to someone or a structure possessing the power or ability to make use of available or limited resources to perform at the highest level to achieve the desired goals (Hartwig, 2010:23; Stavros, 1998:42; Soanes & Stevenson, 2008:207). Capacity can be interpreted in many different ways but its ultimate interpretation depends largely on the operational aspects and the theoretical context of its definition. It is, however, significant to highlight that this study focuses more on the capacity of general detectives in the SAPS to handle fraud cases. This draws the institutional capacity into the context of general detectives' development.

1.7.2 Detectives

The American Heritage Dictionary (2015) defines a detective as a member of the law enforcement agency who investigates crimes. These detectives are usually found at the station and specialised police units. Detectives begin their career as uniformed police officers and are subsequently transferred to detective units after gaining necessary experience as uniformed police officers. Detectives' duties include crime scene analysis, evidence collection, and evidence analysis (including collection and analysis of electronic evidence). In addition, detectives conduct interviews with witnesses, victims, and suspects to obtain information, and they compile reports about processes followed for investigative and court purposes.

To solve criminal cases, detectives work in conjunction with other support services. Osterburg and Ward (2010:271) state that detectives are organised as specialists who handle particular crimes and as generalists who handle any kind of case reported.

Three types of detectives have been identified, namely public, law enforcement, and private detectives. Police detectives and public investigators are concerned with the interests of society, whereas private detectives deal with noncriminal matters and serve organisational and individual interests, and may be profit-orientated (Gilbert, 2004:51). For the purposes of this study, a detective is seen as someone (charged with investigative responsibilities) who has the investigative ability, knowledge, and skills to systematically carry out a formal inquiry toward the resolution of a criminal case. In general, all fraud cases are criminal matters and are assigned to police detectives.

1.7.3 General detectives

The term “general detective” refers to a functional police detective, as previously defined, primarily stationed at the police station, who perform investigative functions on crimes of a general nature and who handles the processing of suspects. These detectives are generalists obligated in terms of their responsibilities to screen all complaints or cases and selecting those to be allocated for further investigation of criminal activities. General detectives have been centralised at the station level, which separates them from specialised detectives and the diverse types of cases they investigate. The general detective is a concept that builds on the unique varying degree of investigative functions of a generalist. It is important to note, that the level of their investigations on certain types of cases may be skewed because they do not specialise. Part of general detective’s duty is that a number of different cases are simultaneously assigned on a rotational basis for investigations. In this regard, all investigations are undertaken by general detectives, no matter the availability of resources or not at the station level.

For the purpose of this study, the term “general detective” is used to differentiate between general and specialist detectives. In this analysis, the term is defined in the sense that the general detectives do not have the necessary skills to investigate fraud cases. However, the attributes of detective are highly sought after. The abilities of detectives include superior reasoning, sufficient legal knowledge, and a wide range of interests, an understanding of cultural diversity, and the ability to persevere until successful (Gilbert, 2004:51).

1.7.4 Fraud

The Webster's Ninth New Collegiate Dictionary (1990:490) defines fraud as an intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right or as an act of deceiving or misrepresenting. Fraud is a generic term which embraces all the multifarious means that human ingenuity can devise, which are resorted to by one individual to get an advantage by false means or representations (Albrecht et al, 2016:7; Singleton & Singleton, 2010:40). Chauhan (2011:107) and Palmiotto (2013:202) refer to fraud as an intentional misrepresentation or deception employed to deprive another of property or a legal right or to otherwise

do them harm. Wells (2005:8) points out that any crime using deception to gain constitutes fraud. Akers and Bellovary (2006:248) note that there are similarities and distinct differences in fraud definitions. The act in fraud involves wrongful or criminal deception intended to result in a financial or personal gain (Oxford Dictionary of English, 2006:987).

In this study, fraud refers to a misrepresentation of facts done with the intent to unlawfully deceive others for financial or personal gain. The terms “fraud”, “theft”, “defalcation”, “irregularities”, “white-collar crime”, and “embezzlement” are often used interchangeably (Singleton & Singleton, 2010:42). Fraud is an elastic term associated with an array of acts that have some common elements defined differently under different circumstances. As a crime, fraud is a way to swindle embodied by illegalities committed by fraudsters violating the criminal law with bad faith and by inflicting damages on the victims (Bucur, 2015:28).

1.7.5 Criminal investigation

To investigate means to carry out a systematic inquiry in order to probe, examine, search or study facts or research about something (Shorter Oxford English Dictionary, 2007). Investigation refers to the process of collecting information in order to reach some goal; for example, collecting information about the commission of a crime in order to enhance the likelihood of apprehending the perpetrator. Applied to the criminal justice paradigm, a *criminal* investigation refers to the process of collecting information (or evidence) about a crime in order to: determine if a crime has been committed; identify the perpetrator; apprehend the perpetrator; using appropriate investigative resources and provide evidence to support a conviction in court (Smith & Flanagan, 2000:28). If the first three objectives are successfully attained, then the crime can be said to be solved. Several other outcomes such as recovering stolen property, deterring individuals from engaging in criminal behaviours, and satisfying crime victims have also been associated with the process (Brandl, 2008).

According to Gilbert (2004:51), investigation of crime is a legal inquiry based on logic and objectivity. It is emphasised that this is a highly important function inasmuch as various sections of the justice system depend upon successful investigations.

1.7.6 Co-location

To co-locate means to place two or more items closely together in the same place, sometimes in order to use a shared resource (Merriam-Webster, 2017; Webster's New World Dictionary, 1974:280). For this study, co-location may be described as a pairing of two people (detective and prosecutor complementing each other) to conduct an investigation in a criminal case with each executing distinct services. Co-location is only practiced between commercial crime investigation units and the national prosecuting authority, particularly at commercial crime courts. Co-location is achieved by assigning a case docket to the detective and then assigning a prosecutor (working in partnership with other services) to support the investigating officer to jointly determine if there is a probability of bringing cases to court.

Co-location includes joint planning and case solving, teamwork, case planning, prosecutor guided investigation, monitoring, and evaluation. Co-location eliminates the costs of assigning civil cases instead of criminal cases to already overburdened detectives, and it allows detectives to focus on core criminal cases. In this manner, it eliminates misuse of detective capacity and implements a cost-effective utilisation of resources. Through the practice of co-location (working collaboratively to provide an integrated and holistic investigation) of prosecutors and police investigators at the specialised Commercial Crime Unit, specialised detectives remain focused to convict criminals.

1.7.7 Special investigation

Special investigations are cases that are unique and often require special training to fully understand their significance (Gilbert, 2004:474). Special investigations are conducted when a highly organised group engage in criminal activities. Special investigations are generally designed to deal with difficult or challenging offenses such as white-collar crime and murder. The successful investigations of these types of crimes are best accomplished by organising special investigation teams or units. In addition, special investigations do not depend on the traditional investigative procedures alone, as they incorporate a combination of advanced methods in joint operations. Specialised detectives who have undergone cutting-edge training handle these investigations.

For this study, the special investigation is described as investigations whereby a set of skills, special training, and capacity to process information are required to handle certain types of cases. Numerous crime investigations often have to be handled by a single general detective, and this creates a cumbersome process which may become time-consuming. Special investigations reduce the period spent by a detective through the utilisation of a team approach. Special investigations apply techniques in the context of criminal investigations for detecting and investigating serious crimes and are aimed at gathering information in such a way as not to alert the target persons (United Nations Office on Drugs and Crime, 2009).

1.8 Different types of fraud

This study was also designed to investigate and explore different types of fraud. It is important though to note that fraud can be committed in many ways. That is the reason Albrecht et al (2012:9) mention that fraud is divided into categories according to fraud committed against organisations and fraud committed on behalf of organisations. There are other types of fraud outside these suggested categories committed by individuals where victims are ordinary members of the society. While there are many types of fraud, Robertson (2003:5) points out the principal types of fraud comprise:

- Misrepresentation of material facts

This type of offense occurs when someone deliberately falsifies documents to induce the victim to part with money or valuable property. The elements include a material false statement, knowledge of its falsity, reliance on the false statement by the victim and damages suffered because of the act.

- Concealment of material facts

This involves a failure to disclose material facts when someone had knowledge of the material fact, had a duty to disclose and failed to do so with the intent to mislead or deceive the other party.

- Bribery

This refers to the corruption of a public official to gain an advantage. The elements of this offense include giving or receiving a thing of value such as gifts or money in order to influence an official act.

- Conflicts of interest

Conflict of interest involves public official accepting or taking interest in employment, contract or transaction at a given period that is in conflict or adverse to their position without full and timely disclosure to and approval.

- Theft of money or property

This phrase refers to a variety of fraudulent acts, for example, embezzlement and misappropriation of trade secrets and proprietary information.

- Breach of fiduciary duty

This occurs when a person in a position of trust or fiduciary relationship is not acting in the best interest of their employers, such as officers, directors, high-level employees of a corporation or business, agents, and brokers.

- Statutory offenses

This includes bank card fraud, internet fraud, insurance fraud, skimming, customer fraud, investment scams, tax evasion, and other fraud.

Albrecht et al (2012:20) explain that fraud can be classified by the type of victim, type of perpetrator, or type of scheme. To this point, local detectives are expected to handle fraud cases where ordinary individuals are the victims of fraudulent schemes. Based on the emphasis of Albrecht et al (2012:20) that fraud is classified by the type of victim and other aspects, it is important to feature the list of fraud that is handled by the specialised detective units and local detectives.

1.9 Investigative legislation

Prior to the democratic government in 1994, miscarriages of the justice system in South Africa were prevalent (Super, 2014). Moreover, criminal investigation was perceived as an action against individuals who opposed the government. Detectives

were biased in dealing with information supplied by members of the public because their role was poorly defined by the legislation. Consequently, a legal framework that concerns criminal investigation as a feature of policing was developed with reference to the Constitution.

Stelfox (2009:10) points out that police are the main state agency with responsibility to carry out criminal investigations and have the remit to investigate all types of crime falling within their area. After the election of the democratic government, the legislation brought constitutional changes that regulate crime investigation processes in terms of section 205 of the Constitution. Now police detectives are guided by various legal decisions that influence the manner in which criminal investigations are carried out (Constitution of the Republic of South Africa, 1996). It is necessary to reflect on the source of legislative power of the South African Police Service (SAPS) to investigate crime and to measure the capacity of its agents, taking into consideration that SAPS is the most visible institution of the state.

The South African Detective Service has emerged from a problematic period that provided detectives with a space to use old unconventional and questionable techniques to carry out their investigatory function. Based on apartheid regime practices, the police were under the control of unjust governance and detectives were capacitated to serve the interests of those in authority until the recent shift to an outspoken democratic policing, better known as community-oriented policing. The reality now is that police organisations worldwide are under constant demand and pressure to realign themselves to changing political, social, and economic milieus, and to new forms of crime and disorder (Marks, 2000:144). Because of South Africa's effort to realign itself to international changes and practices, the constitutional mandate to investigate crime in South Africa is uniquely promulgated in the Constitution so that policing transformations can be affected according to the priorities of the changing society.

The SAPS's position in terms of the Constitution of the Republic of South Africa comprises various principles. In accordance with the Constitution, state institutions should strive to develop the relationship between government and the community, so that the SAPS is governed according to the Governing Principles 198 in Chapter 11 of

the Constitution. The following principles govern the national security in the Republic (Constitution of the Republic of South Africa, 1996):

(a) national security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life;

(b) the resolve to live in peace and harmony precludes any South African citizen from participating in armed conflict, nationally or internationally, except as provided for in terms of the Constitution or national legislation;

(c) national security must be pursued in compliance with the law, including international law;

(d) national security is subject to the authority of parliament and the national executive.

This means that general or specialised detectives depend on these constitutional principles to address problems of investigative functions and capacity, especially at the lower level where rank and file members are often not participating in policy decision making.

Generally, the SAPS has the legal responsibility to investigate criminal activities within the borders of South Africa. To perform its functions, the police service is subsequently strengthened and supported by section 205 of the Constitution which stipulates that:

(1) the national police service must be structured to function in the national, provincial and, where appropriate, local spheres of government;

(2) national legislation must establish the powers and functions of the police service and must enable the police service to discharge its responsibilities effectively, taking into account the requirements of the provinces;

(3) the objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law.

On the issue of legislative power to investigate and handle fraud or other forms of crime relative to fraud, general detectives are correctly mandated to conduct an

effective investigation. These powers include the ability to issue subpoenas, interview witnesses, seize items and arrest those involved in the commission of crime according to the Criminal Procedure Act 51 of 1977.

In addition to the governing principles and the Constitution, chapter 5 of the South African Police Service Act 68 of 1995 points out the powers, duties, and functions of the police (South African Police Service Act, 1995). This implies that legislatively, police are undoubtedly supported in their role by the Constitution, which should be read in conjunction with the Police Act and CPA. Court decisions have also influenced the conduct of SAPS detectives. These acts attribute to the current investigation guidelines that need to be adhered to by detectives. To realise the importance of these laws, it is necessary to examine the methods previously used by law enforcement agencies. An important aspect of crime investigation is that the SAPS derived its mandate from section 205(3) (a) of the Constitution of the Republic of South Africa, 1996.

1.10 Commercial crime directives

The SAPS Commercial Crime Unit is responsible for the investigation of serious commercial crime and serious corruption as stipulated in the South African Police Service Act, 1995 (Act, No. 68 of 1995). However, under the current SAPS structure, the primary functions of the unit are the development and maintenance of strategic direction to ensure the effective investigation of:

- commercial crime;
- syndicate fraud;
- fraud;
- serious economic offences;
- computer crime;
- custom law enforcing task groups.

The main objectives of the Commercial Branch are:

- to ensure the effective prevention and investigation of commercial related crime;

- to ensure the effective gathering, management, use, and dissemination of information on commercial crime, in order to meet the legal responsibility of the South African Police Service; and to ensure excellence in service delivery.

1.11 Criminal investigation standards

Despite the fact that there is no one common investigation procedure to follow in the investigation of all crimes, it is important to underline the principles of crime investigation. Stelfox (2009:1) acknowledges there has been a little study of how individual detectives practice criminal investigation and how the knowledge, skills, and understanding they bring to the task might be improved. As crime continues to be a major concern to society, the professionalisation of criminal investigation has rapidly intensified in technology and field techniques for number years (Gilbert, 2004:43).

According to Stelfox (2009:27), a current policing system has recently recognised that the investigation of crime requires a distinct occupational practice. Therefore, the investigation is an important function of the police investigator. Gilbert (2004:54) further states that criminal investigation processes cover an extensive scope of duties, methods, and objectives. It is important that in their role, detectives maximise the gathering quality of material for courts to make effective decisions. However, a major challenge of the investigative process can arise in coordinating the inflow of information into an understandable central pool of data (Gilbert, 2004:176). To understand the key functions of the general detective, it is significant to:

- comprehend the standardised method applied to criminal investigation;
- have knowledge of legal guidelines and restrictions of the investigative function;
- comprehend the significance and application of evidence to criminal proceedings;
- be able to list and define the three major phases of criminal investigation;
- be familiar with the ways in which a criminal case can be brought to the attention of a law enforcement agency, and
- appreciate the relationship of time to the probability of successful case solution.

These standards are essential to every type of criminal investigation but investigations on fraud cases such as credit card, cheque, identity, internet and online banking fraud

pose investigative difficulties for local police detectives. All investigations' success depend on physical evidence and information from a witness (Gehl & Plecas, 2017:48). Although traditional methods to investigate fraud are still viable, they depend on the user as they progress with socio-economic conditions and technological advancement. It is true that criminal investigators such as general detectives who handle frauds must be specialised. The generic assumptions of investigation are that, experience, training, and capacity to understand the details are needed to be effective in this area of investigation (Gilbert, 2004:391).

As soon as the crime is reported, the necessary elements that constitute an offense relative to the incident must be established. The difficulty of establishing crime in fraud cases is often associated with many factors such as detectives lacking knowledge in criminal law relative to the pattern of how the fraud was committed. Despite the abilities of general detectives overstretched by the so-called general fraud cases, Osterburg and Ward (2010:5) share the primary generics of crime investigation principles as follows:

- to determine whether a crime has been committed;
- to decide if the crime was committed within investigator's jurisdiction;
- to discover all facts pertaining to the complaint:
 - gather and preserve physical evidence;
 - develop and follow up on all clues;
- recover stolen property;
- identify the perpetrator or eliminate a suspect as the perpetrator;
- locate and apprehend the perpetrator;
- aid in the prosecution of the offender by providing evidence of guilt;
- testify effectively as a witness in a court of law.

Principles such as these were not changed by hypothetical future investigative concepts but were improved through modern trends in the field and technology. Gilbert (2004:552) mentions that criminal investigation today is an equal blend of old and new concepts while noting that some of the standards will no longer be sufficient. According to Stelfox (2009:1), the objective of criminal investigation has also changed. The recognition that the scope and complexity of criminal investigation is such that it

requires a range of knowledge, skills, and understanding, which is distinct from other areas of police work, is relatively recent.

The competence of the detective lies in the application of criminal investigation principles across all types of crimes (Stelfox, 2009:5). Although the skills of a detective are shaped by a day to day investigation, the types of cases also determine the framework approach of the investigative task, based on the practitioner's principles.

1.11.1 Practitioners' principles

This is an exposition of mandatory principles of operational detectives associated with crime investigation. Over time, criminal investigators developed a system on how to investigate the crime. The system applies to all types of criminal investigation and starts from the crime scene investigation to a final stage of the investigation. These authoritative principles force the detectives to follow certain procedures of crime investigation. According to Stelfox (2009:31), crime investigation procedures do not happen suddenly and simultaneously. The practices evolve slowly because of the nature of the crime. It is important to stress the operating principles or practices of detectives from standardised broad principles. For example, the following principles arise from the framework within which investigations are carried out;

- identification;
- individualisation;
- continuity of possession;
- the Locard principles.

These principles are authoritative and form the basis of police training. The logic behind principles or idea is to prescribe a standard operating procedure that will allow the detectives to do the basics of crime investigation. Understanding how to apply these practices to fraud cases that are deemed serious and complex is an essential element of general detectives. Knowing which technique and how to apply it is considered to be important to an investigation as investigation relies on the decision-making abilities.

1.12 Chapter layout

Chapter 1 contextualises the background of the topic, and provides the research problem, research questions, value of the study, definition of terms, limitations, and the demarcation of the study.

Chapter 2 explores the phenomenological qualitative design and methodology, and provides the procedures followed in selecting the study population, sampling, data sources, data collection, data analysis, and the ethical considerations observed.

Chapter 3 surveys the current literature that is relevant, reliable, and recent that compares, contrasts, and evaluates previous studies. The literature review focuses on addressing the complexity of fraud in SA and the investigative capacity of detectives in terms of fraud.

Chapter 4 addresses capacity dimensions and the degree of fraud phenomenon. This chapter expands the literature review to emphasise the dimensions of capacity within the South Africa Police Service and the degree of the fraud phenomenon in South Africa based on a large-scale comparison.

Chapter 5 reveals the findings and presents a multimodal data analysis. In addition, this chapter presents a discussion of the research findings within the context of the literature.

Chapter 6 provides the recommendations of the study and potential future research on issues which could be explored further.

1.13 Limitations of the study

This qualitative study was primarily limited to a convenient sample of purposively selected generalist and specialist detectives in the SAPS and prosecutors at the specialised commercial crime court in Pretoria and Johannesburg. Some of the problems encountered in this study include:

- accessibility of literature sources, especially books and articles commenting on general detectives and general fraud;

- unavailability of participants due to operational commitments represented a limitation regarding the number of participants;
- securing permission and approval to interview prosecutors was inhibited, and this led to potential participants to perceive an adverse revelation;
- some of the participants withheld information to some of the questions based on the fear that their names would be published despite showing anonymity affirmation on the consent form. Some participants thought the study was ordered by the police's provincial office in Gauteng. This presents limitation because participants could not be influenced to use other means to circumvent the nature of withheld information, which is critical to data accurateness;
- the envisaged number of interviews to be conducted was limited because of operational commitments and procrastination by some of the participants;
- interviewees were interrupted by colleagues who enter offices without being invited and these individuals provided information to some of the questions (individual interviews turned into group interviews);
- accessibility of official documents and the lack thereof from SAPS (based on a station mandate or directive);
- the demographics of the participants limit the generalisation of this study findings;
- the data may be biased as the majority of the participants were black males.

This study was conducted within SAPS with additional data from the NPA. One of the limitations is that this study measures the investigative capacity of general detectives in a limited area to handle fraud cases without the views of crime victims. Another limitation is that this study cannot generalise its findings to the whole of South African Police Service. The findings generalisations are limited to crime investigation units handling frauds that have the characteristics represented in the sample.

1.14 Summary

Based on the endemic and increasing incidents or cases of fraud, it may be argued that the fraud phenomenon is continuously becoming a major concern in the South Africa, and the world at large, especially for banks, corporations, civil society, interest groups, criminal justice fraternity, and other sectors of the society. This may be related

to the fact that societies are becoming entrenched in the digitised world, and that the level of concern about fraud increases alongside technological advances (Albrecht et al, 2012:4) These advances do not reach the police, however, and thus detectives are not provided with adequate training programmes.

Technological advances have led to the call from financial sectors for people to use electronic means to transact and do banking. This digitisation has caused gaps in the legal application around technology and criminals have been able to exploit these loopholes to perpetuate fraud. This affects how police detectives deal with the fraud phenomenon. The challenge is addressing the alarming number of fraud cases that largely go undetected by police because of capacity deficiencies. It is apparent that the conviction of fraudsters is very low in the so-called general fraud cases. This tests the investigative capacity of the general detectives with dire consequences of hampering quality service delivery.

Chapter 2: Methodology

2.1 Introduction

This chapter provides the methodological framework for the investigation of the research question is identified in Chapter 1. Chapter 2 describes the procedures followed for sample recruitment, data collection, the instruments used, and data analysis procedures.

2.2 Research method

Research methodology can be understood as a provision of a clear and complete description of specific kind of steps to be followed in studying any scientific issue or problem (Silverman, 2013:113). The intent to study a specific subject is amongst others to find the solution to eliminate the problem or change our perspective on small-scale issues – in this instance, to answer questions of capacity in terms of general detectives' ability to investigate fraud cases. The broader context of research methodology is that it depicts whether the research is a qualitative, quantitative or mixed method as well as to narrowly demonstrate whether particular research is based on a grounded theory or discourse analysis (Silverman, 2013:113). This study is qualitative in nature, as it focuses on human and institutional characteristics, which are not necessarily quantifiable.

2.2.1 Research design and approach

According to Gorard (2010:239), the research design is a way of organising research project from its inception to maximise the likelihood of generating evidence that provides a reasonable answer to the research problem or question. Research problem, questions, and purpose call for a specific research design to be applied (Saunders, Lewis & Thornhill, 2009). Therefore, analysing the investigative capacity of general detectives in handling fraud cases requires empirical research to address the problem and posit workable solutions.

The focus of this thesis required empirical research to be conducted in the field through interviews with the participants who are primarily engaged in the investigation of fraud cases, especially at police stations. The primary data in this study comprises the

aforementioned interviews, in accordance with the qualitative paradigm, focusing on the human experience of the participants (Gorard, 2010:238).

2.2.1.1 Paradigmatic approach

Five different paradigms or models may be employed when conducting qualitative research (Lester, 1999). These are narrative, ethnography, phenomenology, grounded theory, and case study. This study employs a phenomenological approach, in order to accurately capture and describe the meaning for several individuals of their lived experiences the phenomenon under study, namely, the question of the general detectives' investigative capacities to handle fraud. Phenomenological research is a distinct qualitative method for discovering the underlying structure of shared essences of some social phenomenon and seeks essentially to describe rather than explain and to start from a perspective free from hypotheses or preconceptions (Washington, s.a.; Lester, 1999). This research is focused on the participants' "lived the experience" in the criminal investigation within the police service. It is important to note that there are two different methods of phenomenology; descriptive and interpretive phenomenology. This study utilises descriptive phenomenology (also known as transcendental), which focuses less on the researcher's interpretations and focuses more on the description of the experiences of participants (Moustakas, 1994:34).

Hurssel's (1970) concept of the *epoch* (or bracketing²) is enacted in this study in order to focus on the phenomenology of the experience of the participants, outside of the researcher's observations and interpretations. Creswell (2009:13) emphasises that in phenomenological research, the researcher identifies the importance of human experiences to identify the phenomena using the views and experience as understood by police officers in the situation. Lester (1999:1) highlights that the phenomenological approach is concerned with the study of experience from the perspective of individuals, which involves collecting data from a broad spectrum of participants to provide contextual information in fraud investigation settings.

² A process where you create a distance from previously held theories and assumptions in order to become a nonparticipating observer of conscious experiences of the world (Bertelsen, 2005).

2.3 Population and sampling plan

Both qualitative and quantitative research paradigms may require the identification of study populations as units of analysis, from whom data is collected. The identification of the population and its location are also important to select appropriate participants. Upon the selection of a population, it is necessary to consider which units would be best able to address and answer the research question. This process is called sampling, selecting a few police detective from entire South African police detectives.

2.3.1 Study population

“Population” in this study refers to the general police detectives which the researcher wish to draw conclusions upon (Babbie, 2010:99; Williams, 2003:74). The ideal target population for this study was the South African Police Service detectives. The responsibility for investigating crime rests primarily on the police service, although there are a number of other state institutions that have investigative functions. However, this research study intends to involve only detectives located at police stations and those responsible to investigate fraud cases.

It has been estimated that there are 23000 detectives across all nine provinces in South Africa at the time this information was obtained. These detectives ($n = 23000$) forms part of the entire 150950 workforces appointed under South African Police Service Act No 68 of 1995 (SAPS Annual Report 2014/2015:35). Twenty-eight percent ($n = 6500$) of the estimated detectives around whom the study centres are based in Gauteng. The allocation of these detectives at the police stations is dependent on the size of the policing area, the levels of crime, population and socio-demographics characteristics of the society, such as migration background and ethnicity, religious affiliation, that are considered when concluding the staff compliment for each police station.

The other component of the population for this research consists of specialised detectives from Johannesburg and Pretoria Specialised Commercial Crime Unit, previously known as Commercial Crime Branches. The police share responsibility with the National Prosecuting Authority for deciding whether a suspect should be charged with a criminal offence (that is, commence criminal proceedings against suspected

perpetrators). The public prosecutors from specialised commercial crime courts who can articulate views about the subject area also form part of data collection.

2.3.2 Sampling plan

It is necessary to note that in qualitative studies, sampling is purposeful (Babbie & Mouton, 2010:288). Purposeful sampling was used to identify and select detectives who would provide rich information who handle fraud cases. These detectives are knowledgeable about the phenomenon of interest. The detectives were able to communicate the experiences and opinions. Mugo (2002) explains that the process of sampling entails the selection of an appropriate “representative part of a population for the purpose of determining parameters or characteristics of the entire population”.

There are two main sampling methods, namely, nonprobability and probability sampling. The difference between these methods is that non-probability sampling does not use random selection and probability sampling does (Center for Individual in Research and Teaching, 2018). Nonprobability cannot guarantee that the sample of general detectives for analysis is representative of the whole population of detectives. There are four types of nonprobability sampling: reliance on available subjects, purposive sampling, snowball sampling and quota sampling (Babbie, 2010:192). For this study, it was necessary to use non-probability sampling relative to purposive selection, which was intentionally selected according to the needs of the study, commonly referred to as “purposive sampling” or “purposeful selection”, otherwise known as judgmental sampling.

2.3.2.1 Purposive sampling

Purposive sampling (also known as judgmental sampling) is a technique in which every study unit is intentionally selected from the population (Babbie, 2010:193; Kumar, 2011:207; Khalid, Hilman & Kumar, 2012:21). According to Babbie (2010:193), it happens that a small subset of a larger population is studied in which members of the subset are easily identified. As such, it is estimated that there are 1138 police stations in South Africa (SAPS Annual Report, 2014/2015:35). It is estimated that there are 23000 detectives in South Africa and 6500 of these detectives are in Gauteng. In Gauteng only, there are 114 police stations, which is 8.2% of the countries’ police

stations at the time of inquiry. It is important to point out that the first phase of sampling was to purposively sample three police stations ($n = 3$) in Gauteng. Once the police stations were selected, a purposive sample of 14 operational general detectives from these police stations was identified for data collection, including the possibility of utilising the detective acting as the head of fraud unit. Only three detectives with one detective head/commander were selected from each of the three police stations.

Since samples in qualitative research are generally small and probabilistic, the ability to claim a representative sample is often diminished, and statistical generalisation is impossible (Malterud, Siersma & Guassora, 2015; Leedy & Ormrod, 2005:94). The final size of the envisaged sample for this research study was estimated at 18 participants, including two public prosecutors from Specialised commercial crime courts (National Prosecuting Authority) and specialised detectives from SAPS Commercial Crime Unit in Johannesburg and Pretoria. This study required that additional potential subjects could be identified within the population, due to the small sample size (Gray, 2009:153).

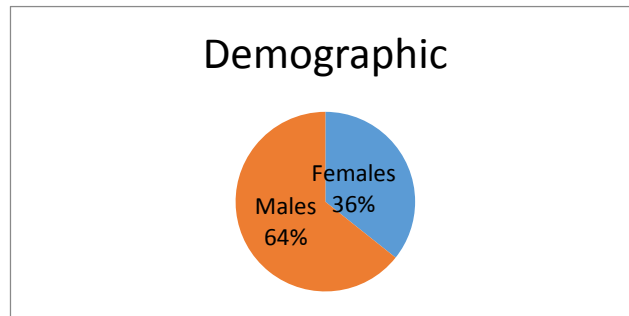
Operational fraud investigation was used as a criterion to participate in the study. This criterion was applied to the general detectives who make sure that elements of a crime constituting fraud are first identified by analysing the affidavit statement (available first information of crime) to establish elements of fraud, namely the misrepresentation of facts. Thereafter, these detectives would establish whether the case should be investigated by localised detectives or transferred to a specialised unit based on the merits and specialty of the case. This study therefore surveyed detectives whose function is to investigate fraud.

2.3.3 Description of study participants

To contextualise the qualitative data collection for this study, it is necessary to present a summary of the background of the participants in the sample. Further contextualising characteristics include gender, geographic region, age group and the participant's type of occupation. Upon receiving permission to conduct research from the SAPS and NPA, a minor change was made to the study units. For example, the number of participants intended to be interviewed at the NPA and Commercial Units was reduced because of operational commitment. It is important to remain cognisant of the fact that

the purpose of the research is to analyse the capacity of the police service’s general detectives to handle fraud cases. The following figure shows gender demographics of the actual study units:

Figure 1: Demographic percentage



The relevant demographic information with regard to the participants is that 64% were male and 36% were female as depicted in Figure 1. The majority of the participants were in the age group of 35–54 years and practitioners in their respective specialisation of crime investigation and prosecution service.

Figure 2: Participants’ description

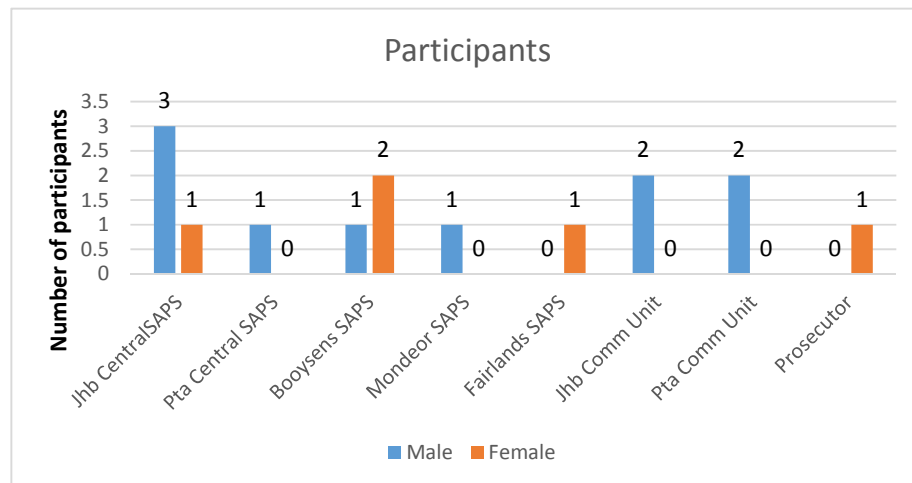


Figure 2 indicates the number of research participants from two parts of the police agency, ranging from police stations to police’s specialised units and other role players, such as the NPA. It is necessary to note that the highest number of participants ranges from one to three – the number of participants involved depended

on the size of the unit for analysis showing a smaller number in terms of prosecutor's involvement.

2.4 Data collection procedure

The main purpose of data collection is to verify the research hypotheses (Singh, 2006:212) through primary and secondary data. In this study, the distinction between the two is that primary involves interviews with the participants and secondary refers literature review of previously produced data in the form of documents, books, journal articles, texts, and websites (Babbie & Mouton, 2010:76). The interviews with detectives used as primary data in this study provide the basis of perspectives, experiences, feelings, behaviour, and emphasise their understanding of investigative capacity – therefore addressing the research problem directly.

2.4.1 Literature review

The purpose of the literature review is to collect and summarise the most relevant extant information on a given topic (Randolph, 2009:1). A literature review was conducted to familiarise the researcher with the concept and content around the phenomenon under study. Thus, to collect qualitative information in relation to research gap concerning the investigative capacity of general detectives, and the perception that this capacity has been neglected, even though it is vital in the investigation of fraud cases. The aforementioned research question directed this study toward analysis of literature in books, journal articles, public information, and various official government documents in the SAPS – and it is necessary to note the lack of availability of resources within this context.

2.4.2 Interviews

This study utilised semi-structured (moderately scheduled) interviews in order to gather primary data from the sample participants, focusing on their reactions as well as their answers to the questions (Potter, 1996:96; Zorn, 2003). The interviews were conversations in which the researcher established a direction for the conversation about the topic; but it is necessary to note that the participants did most of the talking. Semi-structured interviews were used to avoid leading the participants toward preconceived responses. That is why bracketing is applied to the process of holding

assumptions and presuppositions in suspension to improve the rigour of the research (Holloway, 2005:289). The purpose of the interviews was to collect data about the context of fraud investigative capacity within participants' experiences. The views to research questions and statements were transcribed and documented in order to capture the essence of the topic. The researcher conducted face-to-face interviews with police detectives at three police stations owing to time and budget constraints. Prior to interviews, the researcher:

- asked permission to audiotape or record the interview;
- explained that the interview was to be unstructured and that follow-up questions could be asked in order to clarify points of uncertainty;
- reminded the participant about the agreement;
- thanked the participant for his/her time and willingness to be part of the study and noted that the duration of the interview would be determined by the information given by the participant (Talbot 1995:477).

Following Creswell's (2014:190) guidelines, the researcher used open-ended questions intended to probe the views of general detectives, specialised detectives, and commercial crime court prosecutor(s). The interviews were triangulated to bring together different sources of information. This involves the crosschecking of information from different dimensions (Potter, 1996) such as interviewing several types of detectives, particularly general versus specialist (Thibault, Lynch & McBride, 2001:161), about the same phenomenon under the study. This means the study gained an understanding from different perspectives of an investigated phenomenon to strengthen the research's hypothesis from various aspects. Prior to interviews, the appointments were set in advance to secure the availability of interviewees. Participants selected in this study were visited at SAPS and NPA offices with research approval letters, a consent form, semi-structured questions, and a voice recorder. The response rate of the overall sample was reasonable.

2.5 Data collection challenges

Given the qualitative method of approach, it is important to stress that interviewing is a challenging approach to use. Prior to the interviews, the participants were provided with a detailed explanation of the purpose of the study and the impact of their views.

In addition, the participants were reassured regarding confidentiality in terms of the interviews. However, the following challenges arose despite this explanation:

1. some of the participants chose not to be audiotaped or recorded regarding their experience during participation. The reason for refusing to be recorded was that they did not want to be persecuted for telling the truth;
2. interviews with police detectives were interrupted as two and three officers shared a single office;
3. almost all the participants refused to sign the consent form despite the terms of confidentiality being clearly explained to them. Only two participants agreed to sign the consent form. However, participants offered verbal consent to be interviewed;
4. the researcher learned that prior to interviews; some of the research participants were advised by their team leaders or commanders to avoid negative comments. However, their responses suggest that there was no information or data withheld because the answers match with those of participants who were interviewed at different location.

The unstructured interviews between the researcher and interviewees proceeded regardless of the shortcomings. This allowed a free flow of a large amount of data to write down with the rather small purposive sample. To deal with the degree of data, the researcher sifted how much and what kind of data obtained would be usable for this study. The data was sorted thematically by hand as shown in Table 1 of the succeeding section.

2.6 Qualitative data analysis

According to Merriam (1998), data collection and its analysis in qualitative studies often proceed simultaneously. Once the collected data have been collated and structured into a suitable form, it is important that they are interpreted for drawing conclusions that reflect the interests, ideas, and theories that initiated the inquiry (Babbie, 2010:117). In this study, data analysis was performed according to research interest (topical) and research questions using qualitative techniques. According to Singh (2006:22), the data are often classified into division, subgroups, and are then analysed and synthesised in such a way that hypothesis may be verified or rejected, even in terms of a qualitative study where the focus may be a description of both the

story and themes that emerge from it (Creswell, 2013). There is no neat and tidy approach to qualitative data analysis, due to its phenomenological nature, and as such, this study used a thematic analysis in order to create a foundation for analysis (Babbie & Mouton, 2010:490). The thematic analysis could be employed to examine themes that relate to the question of capacity within interview notes and transcripts. Wiersma and Jurs (2009:381) argue that, in qualitative research, data analysis relies on the qualities and the meanings rather than statistical results, which is why the semi-structured interview proved to be effective with the detectives, as participants were allowed to express verbal and non-verbal meanings when answering questions around the issue of capacity.

Data analysis consists of examining the correctness, completeness, and coding of key and relevant data. The method followed to analyse the interviews in this study involved qualitative thematic coding (Gibbs, 2011; Babbie, 2010:338). Coding is described as the process whereby raw data are transformed into a standardised form suitable for machine processing and analysis (Babbie, 2010:338). It is important to highlight that computer-assisted qualitative data analysis software is available to manage and help in coding, but the researcher decided to manage data coding by hand. The coding and thematic analysis system were used with the goal of identifying recurring themes and their significance in relation to the topic. Selected participants in this research study responded positively despite challenges encountered as described earlier. Not all participants were articulate and perceptive about the investigative capacity of fraud phenomenon under study.

Creswell (2014:195) points out that “data analysis in qualitative research proceeds hand-in-hand with other parts of developing the qualitative study, namely, the data collection and the write-up of findings.” This data analysis does not follow a strict operational procedure, however, due to the nature of qualitative data (Guy, Edgley, Arafat & Allen 1987:278), and while it is possible to code the themes relating to the question of capacity in the answers of the participants, the phenomenological nature of the inquiry renders it impossible to convert the data into a purely numerical format (Babbie, 2010:394; 400). This study employs the thematic coding approach as described by Attride-Stirling (2001:385) and Gibbs (2011) to identify themes and subthemes (thematic networks) from participants’ perceptual experience about the

topic and code them (attach labels to index them) where they recurred several times within unstructured data. The analysis of data began as soon as the first data was collected.

The researcher read and listened to all transcripts from data audio recordings several times, making notes to identify themes and patterns as per the perceptions of participants. These interview transcripts of detectives, detective commanders, and prosecutors were arranged and organised according to broad themes. Patterns and occurring categories of information were also identified from the data according to the ideas expressed by the participants. According to Ryan and Bernard (2013), “theme identification is one of the most fundamental tasks in qualitative research.” The interview recordings were constantly consulted to identify relevant and important phrases that were mentioned often in the data and to categorise them into codes for content analysis as advised by Mouton (1996:67). Mouton’s (1996:xii) two-step process of analysing the data was followed to reduce a wealth of unstructured data from interview transcripts to a manageable proportion.

The following themes were coded in relation to its relevance and repeated phrases, important information explicitly mentioned, theories, differences of perceptions and new information.

Table 1: Themes

Key themes	Fraud	Training	Experience	Detective	Investigation	Resource
<i>Sub themes</i>	Schemes	Special	Scarce	Pressure SAP 6	Complex	Support Allowance
	Syndicates	Two weeks training	Lack of skills regarding types of approach	Loss of members to routine work	Difficult to comprehend	Lack of support from management
	Organised groups	Inadequate to learn	Misleading guidance/instruction	Promotions are the only way to	Pick and choose cases	Lack of coaching and mentoring
	Little difference of types of fraud	Favour of call-up instructions	Inexperienced team leaders	Frustration	Solvability	Equipment
	No difference	ROC – too short	Prosecutors do not have time	Crisis	No mandate	Manpower
	Not serious	DLP	Negligence	Cooperation	Misallocation of cases	Technology/ Internet
	All types – Confusing	Outcry for training	Formal education	Attitude	No amount	Not sufficient
	Trend	Qualification	Collocation of members	Groups	Civil matters	Workshop

False documents	Diploma	Assistance	Unique	Long period	Vehicles
Individual fraud	Change	Standards	Mandate	Crime scene	Telephone
Statement	Collaboration	Knowledge	Management	Undetected	Allocation

The subthemes as depicted in Table 1 were selected from interview responses from general detectives, specialised detectives, and prosecutors.

Coding involves a process whereby certain segments of text are attached to certain meaningful key labels or codes. The themes were linked to the investigative capacity of general detectives to handle fraud cases.

2.7 Validity and reliability

According to Welman and Kruger (2001:177), a scientific study must be both valid and reliable. Reliability is interrelated to validity as it refers to the repeatability of scientific studies. However, different data can be produced by using different research methods over a long period. Leedy and Ormrod (2010:100) state that the concept of validity emanated from discussions in quantitative research. For the purposes of this research, qualitative processes were adhered to in order to ensure that data-collection methods met the set requirements for validity and reliability. Interviews were held with the detectives at the police stations. Various data-collection methods were considered throughout this research. Creswell (2009:190) states that “qualitative validity” means that the researcher checks the accuracy of findings through certain procedures. Other research participants confirmed information provided by different participants during the interviews.

According to Babbie (2004:141), the requirement of reliability in both qualitative and quantitative designs means that the measures must be stable and consistent to produce the same results over a period if repeated. Measures were taken into consideration to ensure that literature sources were acknowledged, and interviews met the requirements for reliability (Leedy & Ormrod, 2010:29). This means the same answers obtained from police detectives can be obtained using the instruments more than one time. Other researchers can be able to generate the same research findings using qualitative research methods under similar conditions. Relevant information regarding the topic was identified and obtained accurately and not changed in any way to influence the findings. The techniques applied to ensure reliability are commonly

used by other researchers and can be considered valid. Creswell (2009:190) points out that to render qualitative reliability, the researcher should be consistent and should document their data-collection procedures. For this study, methods of data collection and analysis guidelines were adhered to. For this study, the following guidelines were used:

- the purpose of investigating the capacity of general detectives to handle fraud cases was clearly spelt out to promote participatory
- the scope of the study was defined in terms of the subject matter
- semi-structured interview with the participants was used to ask open-ended questions
- the objectives of the study was developed and explained to research participants prior to data collection and analysis.

To ensure the reliability of data and its analysis, the researcher focused on the research questions to examine the problem of detectives' capacity to investigate fraud cases. The key to ensuring the reliability of data is to develop and use a research design (in this case a qualitative design was chosen) that is appropriate for the research purposes (Beins, 2009:132) – in this case, the semi-structured interview for primary data collection and a literature review. Acknowledging the literature used to source information about the research problem was the first point of departure to ensure that the data was reliable (Creswell, 2009:191). The data from existing literature helps to strengthen reliability. Strategies to minimise bias associated with qualitative data collection were implemented. Since For example, preconceptions about the issue under study from the researcher's knowledge and experiences that may taint the outcome was considered through bracketing. Despite the researcher conducting the study, all researchers have some knowledge of the investigated phenomenon. However, Simon (2010) emphasise that, "one's personal experiences and cognitive responses cannot be fully set aside when conducting an investigation".

2.8 Ethical considerations

According to Babbie and Mouton (2010:520), researchers have the right to collect data through interviewing but not at the expense of interviewee's right to privacy. Researchers are governed by a set of ethical constraints that reflect ideas and values

aimed at helping and not harming people (Babbie, 2010:1). Any research that involves human sample subjects in research has certain responsibilities towards them (Singh, 2006:219). Unethical conduct in research compromises the quality and reliability of research results. Ethical issues are particularly important for postgraduate research as this is the entry point for future research. According to Gomm (2008:365), research ethics “refer to rules of morally good conduct for researchers”. It was important that ethical issues be placed high throughout the research undertaking. As Punch (2000:75) states, all social research involves voluntary consent, access, and the associated ethical issues, because it is based on data from people about their lived experiences. In exploring the topic, the data collection and interpretation were conducted and applied in the ethical manner as asserted by Creswell (2009:81), Babbie and Mouton (2010:522). The following points were considered in process of data collection:

- the researcher must protect the dignity and welfare of human sample subjects;
- the human sample subjects’ freedom to decline participation must be respected, and the confidentiality of research data must be maintained;
- the researcher must guard against violation or invasion of privacy;
- the responsibility for maintaining ethical standard remains with the individual researcher, and the principal investigator or supervisor is also responsible for actions of his scholars (Singh, 2006:220).

For this research, the researcher considered ethical practices to avoid harmful effects on the participants and data sourced from them and other materials (Leedy & Ormrod, 2010:101). This research followed guidelines of ethical principles to ensure the value of data integrity, impartiality and respect for participants and research communities (Punch, 2006:55). The researcher followed the guidelines as detailed by Trochim (2006), Punch (2000:59), Denscombe (2003:134), Babbie and Mouton (2010:520), and Hagan (2000:53):

- official permission to conduct the research study was sought from the SAPS’s Gauteng Provincial Research office and the NP A before the research was conducted, as advised by Wiersma and Jurs (2009:436). Approval policies of

both organisations were followed based on the conditions of the SAPS National Instruction 1 of 2006, Research in the Service;

- confidentiality of participants' identities and any information about their identities were maintained (anonymity of subjects). To preserve anonymity and confidentiality, numbers or pseudonyms were used to describe views of the participants;
- the participants' verbal/written consent was obtained together with the acknowledgment of the participants' right to withdraw their consent and discontinue participation in the research interview at any time without prejudice (Wiersma & Jurs, 2009:436);
- the rationale for the interviews (Westmarland, 2011:142) was explained to all research participants;
- the University of South Africa's (UNISA) research code of ethics was also adhered to in terms of the Unisa research ethics policy (Unisa, 2012). Ethical clearance was obtained from the Research Ethics Committee.

2.9 Summary

This chapter presented the path that the study followed to address the research question, including an exploration of the paradigm and model of qualitative research. Through contextualising the nature of the study, this chapter addressed the phenomenological approach used to investigate the phenomenon of general detectives' investigative capacity to handle fraud cases. The main purpose of using qualitative methods is to gain insights into participants' perspectives and interpretation about handling fraud cases at the station level compared to those dealt with by specialised detectives in collaboration with prosecutors who are co-located to provide guidance. This design was applied to draw purposive samples of police detective able to identify issues (factors and their effects) which draws attention to different situations in fraud investigation capacity.

Chapter 2 further explains the use of a literature study in addition to interviews in order to ensure adequate data collection for the study, and thus ensuring the reliability and validity of the research. The literature review would be triangulated with interviews from general and specialised detectives supplemented by interviews with prosecutors

to enrich and validate the data. For the collection of primary data, samples were recruited from three different settings. The sample size was rounded up to 14 samples. Semi-structured interviews were used in order to address the research question, for the specific purpose of investigating the capacity of general detectives in order to contribute to possible solutions in the capacitating of these detectives. Data analysis was carried out in accordance with the structured approach adopted for the study – the narrative data was analysed manually largely according to themes.

Chapter 3: Literature Review

3.1 Introduction

This chapter aims to provide an overview of the extant literature pertaining to the question of general detectives' capacity to investigate the incidence of fraud. This overview is based on a contextualisation of fraud investigation, in addition to the categorisation of crime investigation in general. The purpose of this literature review is therefore three-fold; firstly, it aims to survey the current state of knowledge in the area of fraud investigation; secondly to identify key authors, articles, theories, and findings in fraud phenomenon; and thirdly, to identify gaps in knowledge in the research area (Bhattacharjee, 2012:21). As such, the central focus of this chapter is to analyse and distill the main strands of fraud in the most significant available literature, tracing the origin of the phenomenon, through to its contemporary manifestation.

This trace of the fraud phenomenon pertains to the struggle of contemporary police services involving the evolution of not only crime itself, but how it is reported (taking into account access of information in society at large), raising the question of the skills of police services to address crime in a time of technological advancement. This question has rendered police services open to criticism by the public.

Keeping police detectives and crime investigators up-to-date with the rapid 21st-century technological and other innovative developments is fundamental to fight crime. This is of paramount importance in terms of fraud, where the advancement and development of technology the internet have created an additional platform for the commission of fraud, as there are measures in place to override security features of institutions worldwide.

This requires the technical evolution of the field of criminal investigation (Swanson, Chamelin & Territo, 2012:xvii). An example of this form of investigative evolution is the discovery of deoxyribonucleic acid (DNA) in 1868 and its first use in the criminal case in 1987 (Swanson et al, 2012:12-13). This view emphasises the new generation of criminal investigations that uses fundamentals of criminal investigations and forensic methods to bolster the fight against crime, particularly of identity theft, insurance,

internet-banking fraud, and other phishing³ scams that are perceived to be evolving and too sophisticated to investigate.

This literature review examines the deeper and long-standing philosophical and operational affairs that cause conflicts between local and specialised detectives about the capacity of handling fraud investigations (Burger, 2015a). Further, this analysis explores nature of fraud and the difference between investigating fraud and other crimes. The central thesis centres around investigative capacity proving to be the key challenge that hinders effective fraud investigation efforts undertaken by the station-based police detectives. This study seeks to determine whether general detectives are better suited to handle and deliver prosecution driven fraud cases (trial-ready dockets) or not. This chapter also examines the factors that cause continuous disagreements between the local and specialised detectives of the South African Police Service (SAPS) regarding fraud investigation directives.

3.2 Origin and nature of fraud

There have been many attempts by scholars, researchers, law enforcement practitioners, and government officials to find an adequate definition of fraud (Firozabadi, Tan & Lee, 1999). The term fraud is often quoted and applied but not well understood. The origin of the concept of fraud comes from the Latin *fraus* or *fraudis*, meaning “harm done to someone” (Brock & Boutin, 2012). Fraud can be traced back to ancient Egypt, Greece, and Rome, and is also evident in Christian history – One of the first documentations of the concept of fraud is found in Genesis 27 where Rebecca and her son Jacob intentionally deceive a blinded Isaac to bless Jacob instead of Esau, depriving Esau of his birth right as customarily observed (Good News Bible, 2013).

Bucur (2015) describes fraud as a way to swindle embodied by illegalities committed by fraudsters violating the criminal law with bad faith and by inflicting damages on the fraud victims. However, there is a common denominator that the act of misrepresentation is against the criminal law. Palmiotto (2013:202) defines fraud as

³ Phishing is the fraudulent practice of sending emails purporting to be from reputable companies in order to induce individuals to reveal personal information, such as passwords and credit card numbers which the scammer can use illicitly (Merriam-Webster, 2017).

an intentional misrepresentation or deception employed to deprive another of property or a legal right or to otherwise do them harm.

It is important to highlight that most studies often used the term “fraud” when referring to “general fraud”. General fraud is an operational phrase to be used specifically at a different level by detectives in order to understand the categorisation of fraud activities, which has been recognised by SAPS Detective Services. The phrase “general fraud” is common within policing environment and has been used to describe or identify the types of fraud cases investigated at the local level. Based on methods of operation and real or imagined ideology, the general definition must be modified to accommodate the various subcategories of low level-fraud as well, bearing in mind that there is no universal definition attached to the concept of fraud (Unlock, 2016).

Within the detective's circle, the categorisation of fraud affects which fraud matters/cases are assigned to general detectives and the specialised units. At the heart of general detectives' perspective lies the assumption that fraud and general fraud are the same. Goldstein (1990) affirms that despite variations under which detectives operate, their major functions are essentially the same. The interpretation of the term general fraud is often clouded when generalist and specialist detectives include their own particular criteria and specific interests and perceptions – this is when general fraud may be perceived to be a secondary or low-level fraud crime, which requires low-grade criminal investigation practices. Based on this artificial distinction, general fraud is a simple fraud generally committed by individuals.

This study also challenges these types of assumptions. For years, the South African local detectives were led to believe that fraud investigated at the local stations is secondary, meaning it is unimportant despite its impact and lamentations of poor detection rates. Another important factor to consider is that “white-collar crime”, “commercial crime”, and “economic crime” are terms often used to describe the acts of fraud, or fraudulent activities (Russow, 2000:886), and often the terms “white-collar crime” and “fraud” are used interchangeably (Picket & Picket, 2002:3). Minnaar (2000a) acknowledges the fact that the difference between fraud, white-collar crime, and other fraud-related acts may be confusing, which is why it is necessary to assign the term “white collar” to a type of criminal, as opposed to using it to categorise a type of crime.

Fraud is distinct from other types of crimes and it has been committed since the beginning of commerce (Dorminey, Fleming, Kranacher & Riley, 2012:556). Cunningham (2015) notes that, over the centuries, fraud has been associated with money or objects of value. This reflects in the numerous definitions of fraud collected over the years (Akers & Bellovary, 2006:248; Minnaar, 2000a). Practitioners in criminal justice systems define fraud differently than those in the accounting and auditing profession.

As a crime, it may be argued that fraud cannot be committed spontaneously without planning, and thus requires premeditation (Brodie, 2015). It is necessary to note that those who perpetrate fraud are often called “fraudsters” and are not seen as dangerous, and this contributes to the perception that fraud is less severe than violent crimes (Rossouw, 2000:891). However, this study supports the argument that the damage caused by white-collar crime and unethical conduct is equal to that of violent crimes (Minnaar, 2000a). From a criminal justice perspective, Joubert (2010:158) and Snyman (1995:487) define fraud as the unlawful and intentional making of misrepresentation, with fraudulent intent, which causes actual prejudice, or which is potentially prejudicial to another. This definition gives criminal justice agencies some leeway, particularly in terms of police who carry the responsibility of criminal investigations to distinguish “general fraud” from other types of fraud.

This distinction in terms of the definitional elements of fraud affects the general detectives, as they deal with general fraud, as opposed to the specialised detectives at Commercial Crime Units and the Directorate for Priority Crime Investigation (the Hawks) who are allowed to select “commercial related crime cases” or rather complex fraud, including corruption in terms of the Corruption Act No. 94 of 1992. According to research participants, many of the cases that the specialised unit investigate are manageable and can be investigated by the local police detectives. This is observed in the informal method of deciding the jurisdiction where a case should be investigated. This forms part of the crux of this study, as the perception of fraud in itself, and that of general fraud affects the perception of the capacity necessary to investigate its commission.

One of the difficulties faced by detectives is the challenging process of distinguishing between general or complex fraud, to prove misrepresentation. Due to the nature and

complexity of commercial crimes, a perception exists that fraud cases, in general, are complex to investigate (Thomson, 1999:94). This perception may stem from outdated technical knowledge and legal aspects which are insufficient to meet contemporary investigative needs in fraud cases (Robertson, 2003:1; Miller & Gordon, 2014:165). If confronted with an intricate case, detectives have a duty to refer to case law on the matter.

Fraud investigation involves gathering, assessing, documenting, and presenting evidence, within a legal context and based on rules of evidence, which enables detectives to pursue criminal matters (Miller & Gordon, 2014:17). The question of capacity may, therefore, be asked in terms of evidence collection in fraud cases, as there is a lack of physical evidence in the instance of digital fraud.

A crime affects the public interest, irrespective of its consequence. Robertson (2003:39) asserts that there is a belief that economic crimes do not hurt anyone. However, fraud can range from a minor offence to international commercial fraud that threatens the world economy (Okoye, 2006; Rossouw, 2000:885; Cunningham, 2015). For example, the Ponzi scheme of Bernard Lawrence “Bernie” Madoff, the Enron scandal in the USA and the Belvedere’s Ponzi scheme in South Africa illustrate how fraudulent acts can lead from minor issues to having massive criminal and economic impacts (Langevoort, 2009; Dembinski, Lager, Cornford & Bonvin, 2006; Church, 2015). The economic impact, therefore, can be as devastating as violent crimes, especially in terms of scale (Picket & Picket, 2002:13; Rossouw, 2000:885). Part of this devastation is that people can lose their jobs and their pension funds because of fraud that goes on unnoticed.

3.2.1 Motivation to commit fraud

Understanding fraud requires an understanding of the motivations for committing fraud. The prime causes of fraud and why it is committed are illustrated in the succeeding section using Cressey Donald’s *Fraud Triangle* as presented by Dorminey et al (2012:555-579) in Figure 3. This study narrows the focus to the so-called “general fraud” mainly investigated by the detectives placed at local police stations.

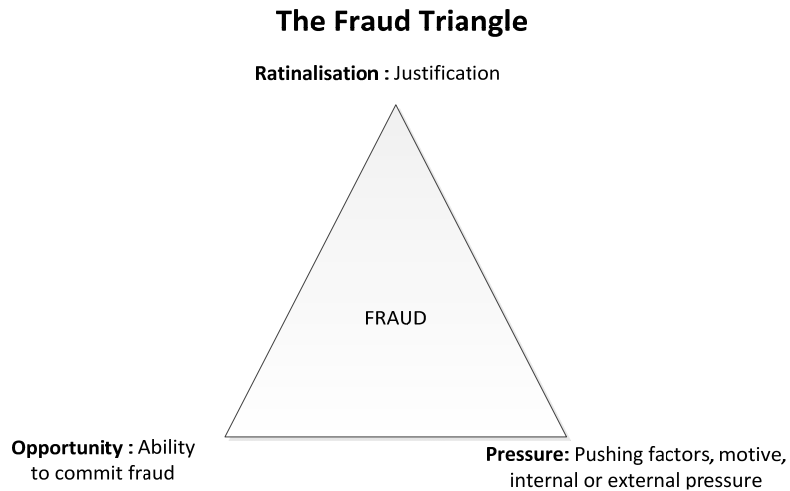
In every fraud case, police detectives and corporate investigators make an effort to find a causal story along with a reason to blame the victim for lack of skepticism (Hannah, 2017; Button, Lewis & Tapley, [sa]) and security procedures. According to Kennedys (2009), what motivates people to commit fraud is not very clear, and the investigation into fraud in general is hindered by its evolution, and the perception that it is not a real threat to society. This highlights the disconnect between the motivation to commit a crime, such as fraud, its perception by the public in terms of reporting the crime, and its investigation, when the perception prevails that fraud is not severe (Michel, 2016:53). Furthermore, the police may fail to recognise unlawful criminal activities. Rossouw (2000:885) argues that fraud is a worldwide phenomenon and it is detrimental to developing countries and continents such as Africa. Mangan and O'Connor (2012) assert that in developing or post-conflict countries, investigative police capacity does not receive sufficient international support. One of the major motivations to commit fraud is financial gain; and in countries where poverty is a threat to society, fraud becomes difficult to eradicate. Fraud may therefore be interpreted to be a socio-economic phenomenon (Pomeranz, 1995).

Fraud is difficult to measure because it is subjected to concealment by perpetrators and corporates for fear of reputation damage and financial cost to institutions (Miller & Gordon, 2014:166). To cover the extent of fraud and for fear of reputation damage, corporations use in-house expertise and investigators without engaging police detectives to guard against the collateral intrusion and breach of privacy, which is morally problematic. For example, banks and other big corporations are often unwilling to discuss what happened under the obligation of confidentiality to the clients.

Despite the drop in commercial crime from 91500 in 2013 to 67830 reported cases in 2015 (SAPS Annual Report, 2014/2015; Corruption Watch, 2015), police still see a fluctuating number of fraud cases being reported. It is difficult to pinpoint the separate causes of general fraud and those categorised as complex fraud. These crimes are considered to continue to test police capacity.

Various sources cited the Fraud Triangle, as depicted below in Figure 3, as an incomplete method to explain the causes of fraud. It would be unreasonable to use the Fraud Triangle as the only advisory on the causes of all varied fraud crimes.

Figure 3: Fraud Triangle



Source: Adapted from Dorminey et al (2012), Wells (2011), and Picket & Picket (2002)

Schuchter and Levi (2013:1-15) highlight three elements of motivation to commit corporate fraud, namely pressure, opportunity, and rationalisation. It is noteworthy that these elements of what causes fraud are fundamentally linked to the criminal liability of a crime of fraud. Riley (2010) describes these as follows:

Pressure

- a habitual criminal who steals for the sake of stealing;
- personal prestige, goal achievement;
- morally superior, exempt from accountability;
- the desperate need for money;
- vices: gambling/drugs;
- undue family, community, university expectation.

Opportunity

- weak internal controls;
- circumvention of internal controls;
- the greater the position, the greater the trust, and exposure to unprotected assets;

- most trusted employee.

Rationalisation

- I need it more than the other person;
- I am borrowing and will pay it back later;
- everybody does it;
- the institution is big enough that it won't miss it;
- nobody will get hurt;
- I deserve it;
- It is for the greater good;
- I am not paid enough;
- the institution is not equitable in compensation;
- it's just part of the job;
- I am not gaining personally;
- resentment of superiors and frustration with the job;
- it's legal.

Despite the aforementioned elements, fraud is a crime, which requires fundamental elements of a crime to take place; this includes prejudice or potential prejudice, conduct (act) of misrepresentation, unlawfulness and intention/culpability (blame) (Snyman, 2002:520-523; Minnaar, 2000b). In fraud, the element of culpability is the intention, which is usually the intent to defraud. It should be noted that these elements must be present as a common requirement to prove the commission of fraud. Despite the fact that some scholars argue that the motivation to commit fraud is under-hypothesised in Fraud Triangle (Ramamoorti, Morrison & Koletar, 2009), according to Dorminey et al (2012), what motivates fraudsters largely depends on the three theoretical factors, pressure from financial problems, opportunity, and rationalisation. This argument remains valid in the accounting and auditing field. The second factor, opportunity, signals a fraudster to commit the act with a perception of not being caught for the conduct. Robertson (2003:39) argues that opportunities are available to all, but the upper class has more opportunity to commit fraud. Thirdly, the fraudster commits fraud based on a justification of the act – that justification equates to rationalisation. Kruger (2008:2) states that Aristotle commented on the fact that some people commit

a crime for mere pleasure and even to fulfill a craving for superfluities with a view to painless delights.

Despite its relevance and applicability, it is necessary to note that the Fraud Triangle does not consider all possible motivations, and lacks inclusion of psychological and sociological factors. Motivations for fraud are complex. That is why two more causes or motivations for fraud were added. The concepts of Fraud Triangle (FT) have since been expanded and enhanced, as evidenced by the Mice Model, which stands for *M-money, I-ideology, C-coercion* and *E-ego* (Kranachner, Riley & Well, 2011), and the Fraud Diamond (meta-model) that promotes future fraud research in unexplored areas. Both Mice and the Fraud Diamond models modify the opportunity in the Dorminey et al (2012) FT theory. The latter idea expands on the theory of Fraud Triangle that it is important for the fraudster to have capabilities to commit the act (Wolfe & Hermanson, 2004). The causation of fraud in fraud models is not globally applicable, particularly to other types of frauds that take place outside organisations.

According to Kennedys (2009), fraudsters are untypically well educated and have a perception of intellectual superiority driven by the following key drivers:

- need – lack of money, possibly the result of unemployment;
- greed – I would like more money or property to improve my lifestyle;
- the desire to get value from insurance – recover money paid in premiums;
- peer pressure – the accepted norm – friends and colleagues are seen to have made successful fraudulent claims;
- credit crunch/periods of inflation;
- it is perceived to be “easy money”.

The criminal investigators are under a duty to establish the motive in all criminal acts so that they can assess whether it is relevant to a criminal investigation and to reveal it to the prosecutor.

3.2.2 The costs of fraud

The forms in which crimes are generally committed to having increased dramatically since alongside technological development, particularly with online spending

behaviour. Not all crimes generate the same amount of harm, on the contrary, it is estimated that in South Africa it is expected that online shopping will reach R53 billion; up from R37 billion in 2017. However, Mangan and O'Connor (2012) indicate that one of the challenges of investigating crimes of fraud is for detectives and prosecutors to prosecute and convict criminals behind the losses. As previously stated, the inability of the police to undertake certain criminal investigations can be destabilising for the country. Additionally, the resources used to commit fraud relate very well to the concept of loss, be it emotional, physical, tangible, and intangible costs. It is not easy to measure the extent of fraud impact and compile reliable statistics because it can be difficult to identify all fraud activities reported. This reflects in the Statistics South Africa (2017) survey, where categories of fraud (activities such as theft by means of misrepresentation, corruption, conspiracy, embezzlement, money laundering, bribery, and extortion) are not explicitly, cited but brought together under the constricted concept of consumer fraud. Tamukamoyo (2014) points out that, the reporting of crimes under broad categories can hamper efforts to identify and monitor specific trends of crime.

The followings points illustrate examples of fraud:

1. "On 21 June 2012 the accused, Thando Kwatsha (a financial planner at Standard Bank) was convicted, on his plea of guilty of 37 counts of fraud involving the total sum of R5955000,00 (\pm 6 million rands) between 2008 and 2010. The details of the case are recorded in the matter between the State versus Thando Kwatsha, in the KwaZulu-Natal High Court, Pietermaritzburg, Republic of South Africa, Case no: CC65/2011" (Broughton, 2012). It is believed that Thando Kwatsha led unsophisticated bank clients to deposit their pensions and life savings into long and short-term investments with Standard Bank and Liberty Life. The money was deposited in the bank account of Messin Projects CC of which Kwatsha's father was a partner (Broughton, 2012).
2. "A Cape Town businessperson, Johannes Erasmus van Staden, whose scheme resulted in SARS losing R250m was found guilty of fraud, racketeering, money laundering, and reckless trading. The Western Cape High Court found Johannes Erasmus van Staden guilty on 35 of 184 counts. The court found Van Staden conducted a multi-million Rand fishing business as a front for submitting

false VAT returns between 2005 and 2008. The State described it as one of the largest fraud cases ever prosecuted in the high court” (Etheridge, 2016).

3. “Major SA banks have taken to court over internet fraud. Unhappy banking clients have instituted legal action against the banking ombudsman and a number of South African banks due to the manner in which they handle Internet fraud cases. Twenty Absa and Standard Bank clients, who have each lost between R1 million-R2 million to Internet banking or SIM swap fraud, want the banks to be held accountable for fraudulent activities. According to the report, the banks and the ombudsman argue that where a PIN or a password is fraudulently obtained, the client must be responsible as they are the only person’s privy to that information” (Swanepoel & De Lange, 2017).

These examples show that fraud affects individuals and businesses. Fraud can result in a financial loss that can ultimately lead to the downfall of an organisation. The 21st century has seen an example of the collapse of many large international companies such as Enron, and World Com, due to errors in financial reporting and committing overt acts of financial fraud (Deakin & Konzelmann, 2003:583-587; Dembinski et al, 2006). There is no doubt that fraud is prevalent within organisations and remains a serious issue for government departments. The examples above do not offer a perfect reflection of all fraud cases, but a general picture of a growing problem. It is estimated that the majority of fraud goes undetected (Doody, 2009). The consequences of fraud are not easily observable as some of the cases get undetected, which compounds the efforts to measure its true harm. Furthermore, the risk of being caught, convicted, and effectively punished is outweighed by illicit gains from fraudulent (Sadka, 2006).

According to a report by Tracey (2015) from the World Economic Forum, fraud and corruption in South Africa cost economy billions (Tamukamoyo, 2014), however, the real impact of these crimes is felt beyond the national fiscus. In the business sphere, organisations that experience loss through fraud can recover from insurance claims, which then increases premiums. The loss in company turnover (revenue) hampers the business projections, growth and employment in the affected business sector. This implies big corporations and small enterprises spend some of their resources putting tougher security and safety measures in place. Furthermore, goods prices can increase to cover the loss through fraud. Individual victims of fraud can withdraw from

using internet-banking services (untrustworthiness of the technologies and systemic issues with negative effects) – further pertaining to individuals, only 22% of cases of internet fraud in South Africa was ruled in favour of the customer, while the remaining 940 cases of internet banking-related complaints went in favour of the banks (Staff Writer, 2017). With such unfavourable statistics, the police services, and detectives play a vital role in assuring the public that fraud is not only worth investigating but worth prosecuting as well. This is done, in part, through addressing the economic impact of fraud.

According to Albertson and Fox (2012:144), it is necessary to investigate the cost of crimes such as fraud on institutions, society, and individuals. Fraud creates institutional and societal burdens due to the fact that in countries where there are fewer developments in terms of policing, members of the police force who are desperate to achieve certain objectives may resort to harmful means such as torture and coerced confessions to solve the crime and gratify concerned communities. This may include unfair convictions deprived of comprehensive investigations because of the pressure of the workload and complaints on cases already reported and that remained unsolved. The volume of tasks involved in fraud investigation irrespective of the type of fraud is significant and requires a range of tangible and intangible capacities.

The cost constraints in the policing are critical to the type of service experience in the SAPS. Police cannot fully address the cost and burden of fraud, especially general detectives with high investigative workloads in a variety of cases. Nevertheless, instilling societal confidence in the police force may benefit vulnerable crime victims, and the effective use of detectives' skills and abilities may go a long way to deter fraudsters. The impact of fraud reaches beyond the banking industry, and the issue of fraud investigation should be addressed in terms of that larger scope (Broughton, 2012).

3.3 Fraud versus other crimes

It is difficult to combat a crime which lacks a universal definition, especially when fraud cannot truly be compared to other crimes. Fraud may be contextualised based on the motivation behind its commission, which is based on economic gains. According to Albrecht et al (2016:7), there are two principal methods of getting something from

others illegally, and this is applicable to fraud – either using physical force or misdirection and against someone to get that person's assets. Misdirection, misrepresentation, and deceit may be prevalent when the level of fraud awareness is low in a certain demographic (Michel, 2016:55). The broad concept and lack of a universal definition of fraud enable this lack of awareness in most communities.

Fraud is a broad concept that covers indiscernible acts of non-violence (Minnaar, 2000a; Pickett & Pickett, 2002:2), much like unethical behaviour, which is rife in corporate institutions. However, unethical behaviour is not deemed serious in relation to violent crimes (Minnaar, 2000a). According to Pickett and Pickett (2002:13), police agencies tend to treat fraud as a low priority compared to other types of crime. Miller and Gordon (2014:165) emphasise that fraud is a specialised form of crime which requires a specialised form of investigation. However, despite this view, it is evident that when fraud is not highly prioritised, the efforts to address it are negligible. Some detectives, particularly seasoned investigators, may believe that there is no need to improve or acquire new skills to investigate fraud because they are exposed to investigation experience of violent crimes.

Manning (2000a:iii) argues that the law enforcement community is better trained in combating violent or personal behaviour crimes. This is problematic, as there is an argument to be made that there have been numerous developments in the commission of fraud and very little variation in the commission of violent crimes. This means that there is a requirement of sophistication in the investigation of fraud, especially in terms of computer literacy when computers are being used for criminal purposes (Goodman, 1997:465). For example, computers are used to facilitate the falsification of evidential material previously physically falsified in hard copy. Miller and Gordon (2014:165) note that fraudsters are innovative and move with times. Crimes that were once committed with a pen and paper are now often committed on a computer, in a digital environment (Thomson, 1991:93). This minimises the detection of physical clues such as fingerprints, DNA, handwriting, typewriter analysis, and indentations or pen striations left behind on documents. Therefore, it becomes harder to track down fraudsters, in addition to being more time-consuming.

In comparison to fraud, violent crimes are described as crimes that involve some degree of force or bodily injury to the victim (Minnaar, 2000a), yet fraud may be as

damaging in a social context, with millions of Rands being stolen without detection, investigation, or prosecution. It appears that non-violent crimes such as fraud are often tolerated and potentially even accepted by the large portion of society, as opposed to violent crimes (Minnaar, 2000a). Picket and Picket (2002:14) explain that fraud is perceived as non-traumatic because it is non-violent. Police utilise more resources and staff to tackle the scourge of violent crimes (Manning, 2000: iii). There may be a correlation between the police's lack of attention in terms of fraud and societal involvement in terms of reporting fraud, where there may be a lack of awareness (Michel, 2016:54).

It is also necessary to note that imprisonment does not deter perpetrators to further their fraudulent activities and that other forms of modern punishment may be more appropriate to fraud (Minnaar, 2000a) – forfeiting of seized assets upon conviction, large fines, house arrest or, in serious instances, long-term imprisonment. Victims of fraud find it harder to accept lesser convictions against fraudsters. Michel (2016:53) points out that white-collar crime offenders' wealth, power, and respectability shield them from tougher criminal convictions, especially high-status perpetrators involved in organised crime.

3.4 The role of detectives as defined in the Police Service Act 108 of 1996

The most common goal of criminal investigations is to bring the perpetrator of criminal activity before the court of law for prosecution. This goal becomes achievable when detectives possess the necessary skills and an understanding of the phenomenon under investigation (Stelfox, 2009:7). A lack of these necessary skills leads to a lack of confidence in the police and criminal justice system, and yet without institutional support in terms of skill development, and lack of community support, detectives are still expected to effectively investigate crime.

According to the Constitution of the Republic of South Africa, Act 108 of 1996, the responsibilities of the SAPS detectives is to investigate any activity that is suspected to involve criminal activity by using many of the criminal investigation techniques and tools. The general detectives of the SAPS are thus subject to the Police Services Act no 68 of 1995 in the same way as specialised units. Commercial Crime Units and the DPCI form part of the SAPS and are thus not independent entities. Without appointing

detectives in terms of the Police Service Act and the significance of Criminal Procedure Act, SAPS it would be difficult to fulfil the duties set out section 205(3) of the Constitution, and policing duties in general (Joubert, 2010:13-15).

The investigation of crime process comprises of many factors, such as the recognition and identification, collection of physical evidence, examination of the crime scene and of collected evidence, and analysis of examined evidence using justified methods and techniques, and presentation of evidence before the prosecutor for criminal prosecution (Osterburg & Ward, 2010:5). Having trained law enforcement personnel such as detectives to uphold the Constitution and achieve stated organisational objectives is very important. The roles and responsibilities can be achieved, however, there are necessary costs involved in fulfilling these duties. To ensure that detectives perform their responsibilities SAPS policies, guidelines, and procedures governing criminal investigations need to be clear. The same policies (regulations, National Orders, and instructions) should address the capacity of detectives under normal circumstances. According to Westera, Kebbell, Milne, and Green (2014), most of the studies around criminal investigations examine the skills required by detectives to perform the job rather than examining the process. Despite the existing studies, there is still a lack of skill development, as is evident in terms of fraud investigations.

3.5 Skills of fraud detectives/investigators

It is necessary to recognise that a fraud detective cannot become proficient in all sectors of the business world; and thus, expertise in particular forms of fraud commission may be difficult to attain. However, general detectives should be proficient in the skills required to adequately investigate general fraud. Yet, there is currently no criteria or conditions for those detectives who want to investigate fraud, specifically, even though there are few similarities between fraud detectives and other detectives in law enforcement agencies.

Historically, the role of the police detective was invented and implemented after the second half of the 19th century (Miller & Gordon, 2014:3). This role embodies civil service, a robust nature, and a requirement for willingness to meet the requirements of a given investigation. The main requirement in an investigation is to find a perpetrator of a crime and ensure his/her removal from society. This can only be done

by ensuring that the prosecutor has sufficient evidence for a conviction. This requires the detective to have a working knowledge of the rules of evidence work, in addition to the ability to conduct investigative interviews and competently gather evidence. In order to conduct an investigation into fraud, or any other crime, the detective or investigator should have adequate operational knowledge of the judicial system (Manning, 2000:397). As a possible hindrance to investigations in terms of the aforementioned skills, Manning (2000:399) highlights that most police recruits have only attained high school diplomas (although this may differ between the developed and developing countries). However, it is acknowledged that law enforcement agencies currently require applicants to have attained associate and bachelor's degrees in order to become eligible candidates for positions within the police service.

It is necessary to analyse and compare the respective development and evolution of the detectives responsible for fraud investigation and the perpetrators of fraudulent activities. Manning (2000: iii) argues that law enforcement personnel in small police departments lack the training and expertise to combat the crime of fraud. This then gives perpetrators an opportunity to perpetuate fraudulent activities without fear of being caught. Manning (2000: iii) emphasise that many detectives do not have an accounting background and often struggle to use financial information to support their criminal cases.

Detectives, especially at a station level (Mofokeng, 2012:89), are faced with the task of putting together criminal cases of fraud in a short period of time without privileged training in advanced fraud investigations. For fraud investigations to be handled satisfactorily, a detective must have a sound knowledge of the fraud phenomenon under investigation. Detectives handling fraud, irrespective of where they are placed, should be trained accordingly (Miller & Gordon, 2014:165). The ability to investigate criminal conduct is considered a basic and necessary skill, and thus a foundational capacity which enables detectives to meet their primary responsibilities of policing effectively.

An interesting fact is that the best legal advisors often represent fraud perpetrators; adding an additional strain on the detectives in terms of investigative procedure being placed under scrutiny in court. The quality of legal representation is also evident in terms of the sentencing of fraud cases. It often occurs that cases are lost in court

because of incorrect handling of evidence. The correct approach to dealing with evidence in fraud cases, therefore, requires training institutional support (Rossouw, 2000:886; Kassem & Higson, 2012:191; Gbegi & Adebisi, 2013:129). Regardless of complex fraud cases being referred to specialised units, it is necessary for general detectives to have adequate capacity to identify elements of general and complex fraud in order to assign the cases appropriately and to address the evidence presented in order to assess and categorise the incident of fraud. Unfortunately, local detectives are not afforded the same treatment in terms of training as specialist detectives, especially in departments with little or no funding.

This study contributes to the ongoing scholarly analysis of the investigative capacity of general detectives to handle fraud cases and builds on a question asked by Mofokeng (2012:91) about the reasons why local detectives are not performing well in financial related criminal investigations. This study poses a further question regarding the capacity of general detectives only being able to investigate general or minor fraud cases – based on the argument that fraud is fraud (Brock & Boutin 2012). The value of fraud dockets can often reach tens of thousands to millions of Rand for an individual case and the sum regarded as lost is counted in terms of harm to the victims. The importance of general fraud cases cannot be over-emphasised and the need to ensure that they are successfully investigated and prosecuted is a challenge to police.

3.6 Contemporary fraud perpetrators

Minnaar (2000a) argues that one cannot study crime without considering the profile of the offender. The criminal profile of fraudsters has unique characteristics when compared to other criminals. In order to successfully commit fraud, an individual requires capabilities and knowledge of both his/her target and the processes involved in misrepresentations and exploitations for financial gain. These individuals may also be motivated by the factors indicated in the FT. According to Albrecht et al (2016:33), almost anybody is capable of committing fraud – intelligent, experienced, and creative people with a solid grasp of company controls and vulnerabilities could commit fraud worth millions of Rand.

These individuals may also be confident that their actions will go undetected. The Association of Certified Fraud Examiners (ACFE, 2009), Ramamoorti et al (2009), and

Miller and Gordon (2014:165) portray a fraudster as a first-time offender, manipulative, charismatic, middle-aged, well-educated, trusted in his/her social status and generally considered a good citizen in the community. Ramamoorti et al (2009) and Wolfe and Hermanson (2004) posit that, in the ABC model of fraud, that fraudsters are between 45 and 55, with a university or college degree, and generally do not have a criminal record. According to Kruger (2016:52), there is an emergence of female economic offenders in South Africa. This may simply be interpreted that fraud was historically interpreted to be a male-perpetrated crime, however, females are more vulnerable to the declining economic conditions and crime may be the gateway to them meeting their needs. This raises the question regarding male and female motivation to commit fraud.

The motivations as described in the Fraud Triangle do not represent universal characteristics of fraud or white-collar crime (Schuchter & Levi, 2013:2). The Fraud Triangle creates a fundamental basis to explore the causes and motivations of fraud in organisations, however, its lack of attention to individual motivations, even those based on gender, mean that it cannot be universally applied to explain the fraud phenomenon (Donegan & Ganon, 2008). Individual motivating factors may include age, gender, societal position, and educational background (Gbegi & Adebisi, 2013:129; Ramamoorti et al, 2009). According to Gomez and Sujatha (2013), there are two types of fraud; personal use of resources and drawing up financial statements falsely; the first type related to personal resources may be related to the question of motivation to commit fraud in the first place.

Dorminey et al (2012:565) note that there are two types of fraudsters, the predator and accidental fraudster. The predator looks for the opportunity to perpetrate schemes and accidental fraudsters are perceived to be good citizens who succumb to fraud because of weakness. Accidental fraudsters may become predators if not identified early or prevented from committing further crimes. Predators may be individuals or organisations, such as drug traffickers or organised criminal-terrorist financiers deliberately established for nefarious purposes (Kruger, 2008:4). Perpetrators of fraud, especially of white-collar-crime, are not as “obvious” as those of violent crimes (Minnaar, 2000a), due to the lack of direct, physical contact with victims, and the complex nature of the crime itself. Predatory crimes include conspiracy, money

laundering, and internet fraud. Predators are more focused on criminal activities than accidental fraudsters and are often more organised in terms of the complex commission of fraud.

This organisation makes it possible to posit that fraud is most efficiently committed by individuals with secondary or tertiary education, and further investigation into the phenomenon of fraud indicates that patterns of fraud commission differ based on perpetrators' levels of education. However, even if they have little education, amateur fraudsters can still take advantage if the opportunity prevails.

3.7 Fraud investigation capacity

According to Van Rooyen (2000), capacity refers to the power, ability, or faculty for doing some particular thing. In this context, this would mean a general detective's ability to meet the challenges of handling fraud cases. The focus of this section is to establish the organisation and individual police detective's capacity and readiness to combat and work on long-term strategies to handle fraud cases. The organisational capacity aspect is dealt with in the following section of this study, especially in institutional development in terms of training in technology, as most contemporary fraud involves technology. Lack of funding for the police service means that it is possible that detectives are not capacitated in terms of technology at the same rate as technology advances (Kruger, 2008:1); and individual fraudsters are often able to use upgraded technology in criminal conduct. This is a contributing factor to the necessity of specialised investigative units (Burger, 2015a).

One of the central questions remains whether police station detectives have the capacity to carry the current tasks of the fraud investigation at an acceptable level. Though this study focuses on fraud, the question of the SAPS being capable of investigating all crime is also subjected to scrutiny (Mbhele, 2016). According to Miller and Gordon (2014:2), criminal investigators require knowledge, skills, and experience to effectively conduct a successful investigation leading to prosecution, noting that in contemporary settings, the investigative capacity of police detectives typically resides with the police management (Miller & Gordon 2014:2).

3.8 Theoretical systemic capacity

In order to combat fraud, it is important to contextualise the capacity that affects the SAPS systems. Mangan and O'Connor (2012) state that capacity is often thought of as having two components, that is tangible capacity and intangible capacity. Intangible capacity comes down to the individual detective's innate capability, and comprises "human capacity" – the skills, experiences, values, motivations, habits, knowledge, and traditions of individuals and the organisations for which they work; while tangible capacity pertains to skills and training, and access to resources. Tangible capacity, therefore, relates to the organisational capacity to enable and support general detectives. This type of capacity includes resources, infrastructure, education, health, organisational structure, and legal framework. Without institutional capacity, it would be more difficult for detectives to carry out investigative tasks. Inevitably, a considerable amount of capacity building is required within SAPS structures

The SAPS organisation's capacity is directly related to its restructure and transformation in the post-apartheid paradigm (Marks, 2000:144). In this context, the SAPS capacity gaps from 1994 should have been addressed during the initiation of "restructuring" in 2000 (Burger, 2016; Madzhie, 2015). This process was intended to bolster and fortify local police structures in different areas of operations. In addition, a number of restructuring programmes were implemented in various SAPS divisions (Omar, 2007; Van Graan & Ukpere, 2015). According to Marks (2000:144), the transformation of the SAPS has taken place and changes were made in order to strengthen the organisational capacity. However, Pourdehnad and Bharathy (2012:692-704) explain that restructuring requires the "rewiring of corporate brains" in terms of the total redesign of the system.

A specific example of restructuring, called "back to basics" by the Acting National Commissioner, Lieutenant-General Phahlane, aimed to strengthen the capacity of police stations in the investigation of serious crimes, police visibility, and community involvement in policing. In this case, specialised divisions in the detective service were dismantled and the personnel was placed at the police station without articulating standards for general detectives (Burger, 2015b). Several of the SAPS training institutions and programmes were scaled down or closed, leaving most of the frontline

personnel such as general detectives vulnerable and without the power or ability to properly perform investigations.

The restructuring of police detectives began around 2000 after it was announced by the SAPS National Commissioner, Jackie Selebi. What followed was that former members of corruption, serious economic and other organised crime units were integrated with local detectives. Subsequently, some of these members were moved or incorporated to the Directorate of Special Operations (DSO), also known as the Scorpions (Glenister v President of the Republic of South Africa and Others, [2008]). Despite the restructuring implementation in an effort to establish a victim-driven crime investigation, the general detectives continued to experience high caseloads. According to the report by Public Service Commission (2001:42), restructuring of the specialised units within the detective service of the SAPS has led to much uncertainty and a decline of morale within the specialised unit. This includes the speculation that general detectives are insufficient and ill-equipped for handling fraud cases.

3.8.1 Organisational capacity

It is important to note that there is increased pressure on many organisations in public and private sectors to improve their fraud detection and management capabilities. This notion sought to enable and equip organisations because police in developing or post-conflict countries are often inadequately trained in criminal investigation methods and processes (Mangan & O'Connor, 2012). Therefore, it is necessary to examine the organisational capacity of the SAPS, because its capacity forms the foundation of its institutional ability to capacitate the local detectives to perform their work in terms of the South African Police Act (Van Rooyen, 2000). This work is essentially to investigate and reduce criminal conduct.

It is important to note that the police force is the largest of the criminal justice agencies in terms of the number of people employed (Stelfox, 2009:10). Its organisational capacity is therefore paramount in terms of skills development for all of its employees – with an estimated workforce between 193692 to 200000 which has wide-ranging responsibilities (SAPS Annual Report, 2014/2015:14, 308). The capacity to combat crime (Miller & Gordon, 2014:2) is determined by sound organisational leadership and management. Management capacity comprises a variety of individual competencies

that form part of the core competencies of the organisation, taking into consideration the unique context and industry of that particular organisation (Schwella & Ketel, 2006).

According to Van Rooyen (2000), if the capacity of a system is insufficient for accomplishing the desired goal, that capacity may be increased in a variety of ways:

- enhancing the capabilities and improving the performance of officers;
- adding additional resources to the policing system (personnel, materials, and/or technology);
- restructuring the ways in which work is organised;
- restructuring the ways in which services are delivered.

Because of organisational uncertainties caused by disgraced management since the implementation of democratic policing, Miller and Gordon (2014:4) posit that certain crimes, related to narcotics and fraud, are inadequately combatted both locally and globally. This means that, in general, police capacity worldwide remains under pressure. According to Burger (2015a), SAPS intelligence capacity has collapsed and lost its investigative capacity between 2000 and 2009. The question now is whether the SAPS has the current capacity to ensure that fraud cases investigated at police stations are handled properly.

Omar (2007) notes that some policing division underwent restructuring in 2006, and this directly influenced the capacity of their specialised units and their general detectives, due to the disbanding of fraud squads. The members of the specialised units had previously been trained, while the local general detectives did not receive investigative training on the same level, and therefore were not capacitated adequately to address the types of crime assigned to specialised units (SAPS Annual Performance Plan, 2014/2015:2; Public Service Commission, 2001:42).

In principle, provincial police leadership determines the local police capacity (SAPS Annual Report, 2008/2009:37). However, the reality is that there is a growing competition between the specialised units and local police for resources. It therefore places the specialised units in a better position since they are working for and

controlled by the provincial office that has the responsibility to distribute resources (Kruser, 2017). With respect to resourcing, the specialised units are typically financed from the national office, while the local police are resourced from the provincial budgets, and thus local police acquire their resources from the provincial authority.

Miller and Gordon (2014:41) explain that resources are salient constraints in criminal investigations. This implies that certain cases will be prioritised according to the seriousness of the crime and solvability factors. It is important to remember that criminal investigations take place within institutional contexts and those contexts shape the investigative attitudes and practices of detectives in terms of the possibility of successful investigations (Miller & Gordon, 2014:5). In analysing the perception around resources, under-resourced detectives are unlikely to achieve the same degree of success as well-resourced detectives. Failing to investigate cases properly can negatively influence the police and affect the disposition and behaviour of local detectives. Capacity to fight crime goes hand in hand with resources. The performance of SAPS's local enforcement is largely dependent on how well it is resourced (Schwella & Ketel, 2006; Van Rooyen, 2000). In the SAPS Annual Report (2008/2009:37), it is noted that police capacity in terms of the work force was expected to increase from 182754 to 204860 in 2012 in order to improve the performance at the local level. According to Goldstein (1990), police response to crime is based on the exaggerated image of police capacity in an effort to both allay and generate fear.

3.8.2 Individual detective capacity

The SAPS is currently engaged in improving the range of services it provides. The provision of these services is problematic, however, and places pressure on individuals within the SAPS to upscale competencies and skills to meet institutional expectations. These individual capacities include the following abilities:

- search and investigate crime scenes;
- collect and preserve evidence;
- interview and examine witnesses;
- use investigative technology;
- manage and coordinate investigations with other role-players in the criminal justice system.

Through effective training, detectives could be empowered to proactively improve their own skill sets. However, this requires the initial organisational capacity to influence the individuals, and this poses a challenge, due to a lack of resources and issues of morale within the institution. Police officers are often subjected to criticism which may stem from the SAPS history of enforcing apartheid ideologies as government policy. In the current criminal justice system detectives still face the challenge of stigmatisation, in addition to a lack of capacitation and support within the SAPS, while facing investigations which require them to have advanced skills, especially in terms of technology. Goldstein (1990) states that the capacity of detectives to solve crimes is greatly exaggerated.

It is impossible for individual members of the police service to realise their capacity and potential to investigate and handle fraud cases without organisational support (Schwella & Ketel, 2006). According to Miller and Gordon (2014:7), criminal police detectives should have virtues relating to finding the truth, the capacity for systematic reasoning, suspiciousness, and a capacity to win – and these capacities should be bolstered within an organisation with the primary purpose of solving and reducing crime. This requires training, skills development, and education in a democratic dispensation (Oosthuizen, 2015; Schwella & Ketel, 2006). These characteristics depend on the operational and institutional investigative environment.

Under-resourced police services are placed in a difficult position in terms of combating well-resourced criminals and organised criminal groups operating on a small scale (Corruption Watch, 2015). A good investigator is one who has the capacity to successfully investigate criminal activities, with managerial support. Therefore, managerial capacity is necessary for SAPS professional development programmes (Oosthuizen, 2015).

One of these programmes, the Police Station Management Programme (PSMP), aims to train SAPS leadership and build capacity on how to manage local stations resources effectively. It should be noted that without reinforcing organisational capacity at the top level of local structures, it may be difficult for individuals within the organisation to maximise the results of criminal investigations (Schwella & Ketel, 2006).

Holtfreter, Piquero, and Piquero (2008:397) indicate that organisational resources increase the likelihood of achieving staff outcomes, and this is lacking in terms of local police detectives who are not given access to resources for professional development. This professional development is vital when it comes to investigating fraud, however, the SAPS does not provide clear guidelines in terms of the necessary skills for fraud investigators. Osterburg and Ward (2010:10) highlight a list of traits, which are desirable and helpful to qualify an individual for investigative work. Some of the selected abilities that an investigator or detective should possess includes the ability to apprehend suspects in a lawful manner, assist prosecutors in presentation of evidence in court, conduct raids under adverse conditions and appear as a witness in court, etc.

The lack of skills development and the lack of skill categorisation in terms of roles and responsibilities of local detectives may lead to the practice of specialised units claiming the exclusive right to investigative work and an autonomy over the type of cases they handle. Yet, even with the broad mandate placed on general detectives (Goldstein, 1990), they are expected to perform beyond their ill-defined scope of practice in terms of general fraud investigations.

3.9 Summary

The amount of scholarly literature on detective capacity and capability to handle fraud is relatively limited. Based on the available literature, with a focus on police force publications, it is reasonable to assert that in the face of technological advancements and criminal evolution, detectives may continue to face challenges in terms of criminal investigation standards and explicit practices. These challenges speak to the lack of explicit demarcation of the necessary capacities that would enable general detectives to investigate fraud cases.

Identifying these capacities required a contextualisation of fraud – which this chapter presented in terms of an exploration of nature and evolution of fraud, focusing on ancient Egypt, Greece, and Rome. This historical context creates the foundation of an exploration of modern-day fraud, reinforcing the challenges facing general detectives at police stations.

This chapter also focuses on the roles and responsibilities of general detectives as opposed to specialist detectives. Generalist detectives are responsible for investigating all general fraud cases, while specialist detectives in special unit investigate complex fraud. The capacity to handle these general fraud cases requires the same effort, skill, experience, and knowledge in every case, no matter how extensive and technical. There are proportionally more fraud cases assigned to a single local detective than there are to a specialist detective. There is a perception that cases assigned to general detectives receive the lowest investigative priority. As a result, cases referred to specialised units may be more likely to be solved than those investigated at the police station level.

This literature review suggests that specialist fraud detectives have sufficient means at their disposal, this would mean the quantity and the quality of the criminal investigations can be kept up and where necessary, increased to the satisfaction of the recipients of these investigative services. It is imperative to note that, given the scarcity of resources, fraud has proven to be a costly crime (Rossouw, 2000:886). This chapter addresses this loss in terms of three real-world examples of the cost of fraud.

This study argues that, in the face of impending global technological development, the SAPS will need to evaluate its current training and recruitment approach of local detectives, especially those involved in the investigation of fraud cases at a general level. According to Wood (2017:1), the hiring process of police is often neglected. One of the intractable problems to SAPS Detective Service is the pressure to expand their size, particularly at the lower level with better quality in the provision of services. Perhaps more importantly, police stations are not free to increase their size. This chapter, therefore, addresses organisational capacity in terms of SAPS station detective commanders and their ability to manage themselves and their detectives appropriately.

Chapter 4: Police Capacity and Fraud Dimensions

4.1 Introduction

Since South Africa joined the global democratic sphere of influence, almost all police commissioners of the SAPS have been overwhelmed by the unofficial political slogan of “Let’s *fix the SAPS*” otherwise branded as “*Back to basics*”, “*Restructuring or Transformation*”. The notion of fixing the post-democratic police force encompassed efforts to capacitate police stations with experienced police officers from disbanded specialised units, however, this served to refurbish fragmented sections of the force without implementing solid, basic police work.

Despite the noble and inclusive aim of restructuring, enforcing these changes has proved to be problematic and difficult, especially to a big organisation such as the police force. In particular, restructuring has had an effect on the capacitation of local detectives, who were initially intended to receive support and training, but who were left disappointed due to lack of resources. Furthermore, the implementation of Resolution 7 of 2002 within the SAPS left many personnel stressed and families broken because of forced transfers (Parliamentary Monitoring Group, 2004).

This chapter investigates and discusses two issues that involve the general capacity of station-level detectives, especially those actively involved in aspects of criminal investigation and the degree of handling those fraud cases. Because of the multitude of investigative services offered by the SAPS, public debates about the various levels of organisational and individual capacities and basic capabilities of detectives at grassroots levels remain concerns to members of society. These concerns arise because safety and security services are paid for by taxes and levies. The public, as the primary client of the SAPS, expects crime investigation services to meet basic requirements.

4.2 Capacity narrative in a broader context

Since the barriers to access essential services of CJS, such as policing, progressively wane, it is evident that this is inadvertently testing the capacity of various government departments to carry out their services as enshrined in the Constitution (Suttner, 2017; Newham, 2005:160-161). Police represented the minority and the resources were

sufficient to serve “white areas” during the apartheid regime. This includes subdivisions of larger organisations such as the SAPS Detective Service. At an individual, organisational, and systemic level, capacity is the key instrument of the whole police force to achieve its objectives. Now that the racially prejudiced laws and policies are discarded, police resources must be increased equivalent to serve the entire SA society (Newham, 2005:161). A test of this capacity is the fact that public demand for police services is escalating and thus stretching SAPS resources beyond its limit. A further test to this capacity is the argument that South Africa’s current police structure carried over apartheid practices, and thus the SAPS may be perceived as lacking the will and capacity to govern security justly and efficiently (Froestad & Shearing, 2012:155).

The South African Police Service is one of the most important pillars of public service institutions within the Justice Crime Prevention and Security Cluster (JCPSC) (Naidoo & Makananisa, 2017). This organisation is solely designed to maintain law and order according to constitutional provisions and to service urban, rural, and poor communities with which it is intricately involved. The primary initiative of the JCPSC comprises the alignment of capabilities and resources across members of the cluster for the provision of specialised services. The lack of these services can breed hesitation and reluctance to report crime by truculent and discontented victims of crime. Each member of the JCPSC has well-defined and connected functions to fulfill by contributing towards the safety of the citizens (Naidoo & Makananisa, 2017).

Public organisations such as the SAPS is faced with the challenge of effectively discharging prescribed general functions of policing. The type of work produced by the agents of the organisation is an example to this fact – and the lack of capacity of these agents (general detectives) means that the organisation is unable to perform its basic function. These challenges are hypothetically intended to be perceived as opportunities to enhance organisational performance for the future (More & More, 2012:10). However, opportunities are only applicable when there are adequate resources available for the implementation of organisational enhancement, and when there is a lack of resources, the effects are evident in the capacitation of general detectives in the SAPS to deliver a public service.

In a broad context, capacity refers to the myriad of connecting abilities that enable individuals or organisations to function properly. It is therefore important that the SAPS implements a visual capacity framework that offers its detective division diverse resources aligned with the constitutional mandate and few of the discretionary add-on policing activities, such as engaging community policing programmes. The current detective resources are static, and they do not address the workload increase in terms of the escalation of fraud cases. Local police stations create demanding environments for general detectives who have high caseloads and low solve rates. These detectives may not be equipped to investigate the assigned cases adequately, and this affects personal capacity in terms of motivation and morale. This means core functions at police stations are not accomplished according to the expectations of both urban and rural communities within the operating area of detectives.

4.3 Resourcing in public service

It is necessary to contextualise capacity based on an individual's ability to perform certain tasks, with the understanding that this ability is dependent on the quantity and quality of resources allocated for that individual within an organisation. The first step often taken when allocating new resources is to assess the organisational needs, with basic principles of good management in mind, based on how a department does business (Kennedy, 1993). The business interest of the SAPS relates to crime reduction and requires numerous resourcing strategies.

It must be acknowledged that since the inception of the democratic policing system, South African citizens have started to realise their rights to safety and security services (Newham, 2005:160), as evidenced by the widespread reporting of various crimes that puts pressure on the SAPS and questions the resources available to render necessary services. For example, cases would not be solved if detectives were unable to skilfully use resources and those unexploited criminal investigative skills (investigative interviews, crime scene investigations, etc.). The capacity of human resources depends on the availability of physical organisational resources. According to Whisenand and Ferguson (1996:12), a police manager operates on the physical resources of a department, its finances, human skills, daily procedures, and technology.

Since 1994, the SAPS has been moving towards strategic redistribution of police resources known as the resource allocation guideline (RAG) (South African Police Service, 2015c; Kennedy, 1993). In the face of existing and ready-to-apply processes to distribute resources, police today are still faced with incapable management. This means when the resources are limited, the ability to act will be reduced, leading to worse performance and the inability to meet expectations. This was visible in the implementation of the 2002 SAPS transformation programme. In terms of this transformation, personnel at all police stations had to represent the national demographics of the country. One of the most visible aspects of restructuring is to shift personnel and authority out of headquarters and specialist units back to the field in police stations through area command posts (Kennedy, 1993). This type of reform was an attempt to improve the workload burden in deteriorating police stations through addressing lack of capacity by incorporating skilled with unskilled personnel in the form of mentoring. This arrangement is intended to advance decentralisation, solving problems, and responding to community needs. However, this intended advancement was not successfully implemented.

In light of this perspective, capacity together with its features is viewed as an ability of the police to adequately discharge its duties. The power and ability to do so depends on the accessibility of available logistical sources, personal attributes, and traits of individual detectives. The key elements of capacity on which this hypothesis is based rest on the resources, skills, and training that continues to be perceived as challenges when civilians become victims of fraud.

4.3.1 Resources

The ever-changing policing environment continues to challenge traditional approaches to policing (Morgan, 1990; Southgate, 1988). This means that the type of management and organisational style required to be effective may be influenced by best practices in the private sector and professional organisations (Kennedy, 1993). Although business practices may not accurately translate into the same practice in public organisations, it is worth investigating the application of business management principles in order to provide improved services. This investigation into principles of business practice may provide a solution to the limited resources and budget assigned

to the SAPS, especially when the SAPS is expected to continue to operate within the parameters of such limitations (Schwartz, Schurink & Stanz, 2007:42).

There is a direct relation between the services clients receive and organisational resources, and there is an assumption that that divisions or departments that are allocated more resources are able to deliver better service. This study argues against this assumption, based on the argument that in addition to adequate resources, capacity is vital in the accomplishment of effective service delivery. The allocation of resources and capacitation is based on SAPS reviews of community priorities. Allocating resources to already over-resourced departments will contradict and defeat the purpose of building capacity in underperforming sections of the organisation (Ross, 2012:108). If resources and capacitation are inappropriately allocated, levels of certain crimes such as fraud may rise, as police may be overly focused on any other types of crime, such as violent crime, creating an imbalance in crime investigation (Machin & Marie, 2005/06:14-16). This may also restrict general detectives in terms of performing certain selected investigative functions, thus increasing the level of community dissatisfactions with the quality of public safety services.

Froestad and Shearing (2012:157) note that African state policing remains poorly resourced, trained, and managed. African countries barely make it on the world ranking in terms of best or better policing. It is important to be aware that most African state institutions adopt the Western style of policing, including criminal investigations. However, the International Police Science Association (IPSA) and the Institute for Economics and Peace (IEP) has ranked Botswana the 47th in the world, the first in Africa, and Nigeria the worst on the best police force in Africa (Mbamalu, 2017). This suggests that some of the African states are determined to invest in the police, an area where community members are the beneficiaries. However, it is clear that police cannot handle some of the policing functions without support and resources, which could be provided by role-players such as community, business sector, professional bodies, and other partners in criminal justice clusters.

The contribution of these role-players could alleviate the lack of resources that hamper police detectives in performing their functions. Resource shifts, if correctly applied, such can create significant new police capacities (Kennedy, 1993). More importantly, resources cannot single-handedly ensure the competence of the general detectives,

but if utilised efficiently, can create an atmosphere where their skills are recognised in order to produce the desired results in accordance with the organisational objectives.

Machin and Marie (2005/06:14-16) acknowledge that obtaining sound evidence that additional police resources can reduce crime has proven to be elusive, but there is an argument to be made that increased capacitation of certain types of investigation, such as fraud investigations, would be bolstered by additional logistical resources. Increasing investigative focus on fraud and related crimes would rebalance investigative displacement whereby specific crimes detract from the investigative focus on other crimes, for example, a higher focus and resource allocation being granted to the investigation of violent crimes, as opposed to fraud (Machin & Marie, 2011:679-701). This suggests that with extra resources general detectives could increase investigative capacity in order to improve the number of fraud convictions.

4.3.2 Detective skills

Skills and capacity are intricately related, and form the fundamental features of this study, in terms of general detectives being able to effectively handle fraud cases. One may question, however, how general detectives are expected to handle these cases which are assigned to the SAPS as a corporate entity, wherein the general detectives function under bureaucratic regulations. As such, what general detectives do is determined by the skill and knowledge they are certified to possess, while they are not being trained and capacitated adequately in order to meet organisational requirements.

Therefore, this study analyses detectives' skills and the apparent skills shortage as elements of investigative capacity in terms of fraud investigations. Skills are defined as abilities to produce solutions in some problem domain, and it is noted that skills are acquired through training (The Sage's English Dictionary and Thesaurus, 2001-2017). This suggests that a degree of capability is attained through experience, practice, or training. There are three types of basic skill approaches (Katz, 1975:23); namely technical, human, and conceptual skills. These skill categories are also applicable to detective skills and capacity, which are necessarily acquired through police training. However, the basic training of crime investigation in the SAPS is scarce. As a result, the shortage of skills hampers the quality and quantity of detective performance

(Richardson, 2007). Richardson (2007) explores the classification of the detectives' skill shortage as follows:

Table 2: Classification of skills shortage

Level 1 shortage	There are few general detectives with the essential investigative skills who are not already using them and there is a long training time to develop the skills.
Level 2 shortage	There are few general detectives with the investigative skills who are not already using them but there is a short training time to develop the skills
Skills mismatch	There are sufficient general detectives with the essential investigative skills who are not already using them, but they are not willing to apply for the vacancies under current conditions.
Quality gap	There are sufficient detectives with the essential technical skills who are not already using them and who are willing to apply for the vacancies, but they lack some qualities that SAPS requires, including academic qualifications, and gender disparity considerations.

There is some connection in this classification to the current police detectives in South Africa. Level 1 and 2 identified in the table above indicate what the SAPS went through with the transformation of detective division in the following the implementation of organisational changes since 1996 (Schwartz et al, 2007:38). This is evident in the number of experienced detectives who left the police service given the problems with prospects of advancement (promotions), remuneration, poor working conditions, inequalities, corruption and other internal issues (PMG, 2012a). Skills mismatch and the quality gap appear to explain the status of the detectives. There are also sufficient detectives with skills who experience a deterioration of their skills due to heavy administrative work, and then these detectives remain idle within the SAPS, staying for job security. This last category of "idling" detectives enables the perception that SAPS detectives are unskilled and ineffective.

Skills, in this context, should be understood broadly, and not be limited to single expertise, particularly experience in fraud investigations. However, it is necessary to consider experience as, according to Bayley and Bittner (1984), there is no substitute for experience. Therefore, the investigative skills required to handle fraud cases comprises a subset of multiple skills that are indispensable to investigative functions.

The investigation of fraud at the local level requires more than ordinary investigative skills as it has become more complex and involves various approaches from various organisations. The general detectives cannot handle all cases without support and resources, and the necessary skills and capacities. This study questions whether the general detectives are currently equipped to investigate general fraud, bearing in mind that criminal investigation is one of the most taxing areas of policing at the station level (Omar, 2008:33). This question relates to the current contingent of general detectives, as the scientific approach to detective work points to a potentially evolving “professional” detective, significantly different from the detectives in the past (Tong & Bowling, 2006). Scientific developments and the improvement in forensic science and technology support the revision of detective training programmes that will equip detectives with the required capabilities. The type of skills that general detective exhibit in their case dockets has been criticised by prosecutors for weakening the outcome of cases and prejudicing the chances of successful prosecution.

4.3.3 Detective training

There is a public concern in South Africa about the type of training detectives receive and its effectiveness of crime investigation. According to Omar (2009:73), detectives are offered three types of training to perform their duties, including a basic training course, a detailed 14-week detective learning programme, and detective commander learning programme for managers. The problem is that when the detectives have an opportunity to attend these training sessions, the training may not be presented, and the opportunities to attend training are scarce due to detectives’ caseloads.

Based on the researcher’s experience, detective courses or training are not frequently organised to close the gap for fear of creating a lack of manpower. Leaving a substantial caseload of case dockets behind means the extra workload is created for remaining detectives, resulting in delayed investigations and poor case management. When one police detective attends training, only priority and urgent cases are reallocated to others in order to manage unfinished investigations and prosecutorial requests. This often creates a backlog of cases without attention and results in court case withdrawals. This often happens in terms of general fraud cases undertaken by detectives at local police stations. Local detectives are not being sufficiently trained to

take witness and victim statements, collect evidence, or to analyse the outcome of cases, and this implicitly demonstrates incapacity (Mofokeng & De Vries, 2016:84).

Training of detectives is a sensitive area to debate, given that it is done for personnel who already have minimum capabilities to be operational as criminal investigators. To enter into the detective division, a police officer must have a minimum service term as a uniformed officer, and then the officer may be selected or recruited to join a crime investigation unit at the police station. After this selection, systematic detective training is supposed to be implemented following a call-up instruction from the training office upon recommendation from the station. According to Mofokeng and De Vries (2016:88), the demand for entry-level detectives to be equipped with relevant and adequate training in economic crime investigation is inevitable, and yet, there is a lack of this fundamental training.

In the 2017/18 Annual Performance Plan report, it was disclosed that SAPS employed 194431 personnel members, which it intended to decrease to 191431 by 2019/20. The reduction was not expected to affect the performance of the SAPS over the medium term. This is contradictory to a 2008 report addressing increasing the capacity of the workforce by 5000 of police graduates from training colleges across South Africa (Erasmus, 2008). The performance targets in this regard are the investigation and detection of crime, which brings the question of who would be affected by the reduction. The reduction would compromise strategic areas already affected by poor policing services. Detectives form part of priority programmes and this kind of reduction would indirectly encourage criminals to continue with criminal activities, particularly in capacity-lacking areas (SAPS, 2015b).

Furthermore, it would be impossible to provide training to thousands of eligible untrained personnel simultaneously. Because, on completion of a two-year training programme, the new personnel would be eligible to take up positions in visible policing (crime prevention) and hard-to-fill detective positions in crime investigation units. However, the new personnel are assigned to the detective service without proper foundational training in investigative work. Moreover, once recruited in the investigation or detective service, there are slim chances of undertaking the detective learning programme (DLP) because of high caseloads (Mofokeng & De Vries, 2016:84).

This programme would at least enable the new detectives to face daily challenges in their work environment, especially regarding the large number of cases these detectives might face without the capacity to investigate them. While the SAPS may not be providing requisite training programmes for general detectives, private individuals with expertise from various organisations, usually sponsored, provide training/workshop for specialised detectives. These types of programmes enable the detectives in those units to keep up with the sophisticated systems constantly used by criminals. Often the skills entailed in training are complimentary to the specialty of the units and reinforce the investigative practices for the detectives without changing the existing fundamental and good standards practices of complex fraud investigation.

4.4 Capacity driving forces

In the preceding section, resource, detective skills, detective training, and their embedded significant aspects aimed to bolster detectives were emphasised as the ultimate “driving forces” to properly collect physical evidence, apprehend criminals, and aid prosecutions. These forces need to be reconfigured in order to address underperformance and lack of capacities amongst general detectives in their role of providing public services. Whisenand and Ferguson (1996:81) describe the driving force (DF) as a primary determiner on the scope of future services and user-clients. Driving force elements would, therefore, determine the direction of the type of investigative work produced to finalise cases according to societal expectations. The following table illustrates the different driving forces based on three categories of organisations (Whisenand & Ferguson, 1996:81):

Table 3: Driving forces

Category	Strategic area
Services	<ol style="list-style-type: none"> 1. services offered; 2. client needs.
Capabilities	<ol style="list-style-type: none"> 1. service capability; 2. technology; 3. method of delivery; 4. method of allocation; 5. resources.
Results	<ol style="list-style-type: none"> 1. effectiveness; 2. efficiency.

It is necessary to emphasise that the driving forces behind the investigative capability of general detectives in this context fall under the category of capabilities. From this perspective, capabilities and resources are perceived to be the main factors that drive crime investigation services and results. According to More and More (2012:55), the organisational capacity is enhanced by strategic direction. However, the loss of skilled detectives to private corporations, lack of basic resources, and inferior training continue to trend as something that could easily become a greater problem (Mofokeng & De Vries, 2016:84; Redpath, 2002).

Moreover, increasingly sophisticated crimes, including fraud, require continual and exceptional managerial efforts to solve them. A report by the Southern African Fraud Prevention Service (SAFPS), a non-profit organisation, indicates that it has prevented R2.8 billion from being stolen by fraudsters (Abraham, 2017). This suggests that companies can avoid falling victim to fraud to an extent due to their in-built planning programmes. However, those programmes may not be infallible. Ordinary citizens are not necessarily able to prevent fraud in the same manner, though, and may fall victim to falsely manufactured identity documents, falsification of salary slips, online banking scams, and the use of home addresses to get loans under false details. This shows the urgency of reinforcing local police with innovative investigative techniques and tactics to deal with fraud cases in their respective crime investigation units.

Harris (2003:5) points out that capacity is mostly concerned with the developments of enabling conditions, competences, and abilities to produce change. In terms of organisational performance, gaps are identified and improved. However, according to Arden, Patrick, Davies, De George-Walker, Janice, Jones, Matthews and Baguley (2010:17), developing capacity is complex and often a difficult process that requires organisational, individual, social, political, cultural, financial, physical, and practical change. To develop capabilities in public organisations, especially in the SAPS, certain theories can be considered. One of the approaches is called a “participatory approach” (Liebermann & Coulson, 2004:125). This method promotes a homogenous combination of various stakeholders for the oriented goal. Its purpose is to share responsibilities to develop capabilities of the emergent detectives. In the context of this study, it will be possible for local police to improve by co-participating with those in complex spaces, particularly the specialised police units. This approach is similar to

existing practice between commercial crime court prosecutors and Commercial Crime Units handling “complex commercial crime cases” (co-location) (Hofmeyr, 2007; Jordaan, 2008). Simply put, in the participatory approach “everyone” who has a stake in the intervention has a voice, in person or by proxy.

It is also important to remember that skills and resources available may be underutilised. For example, some individuals are incorrectly assigned because of poor transformation processes that are often associated with racial imbalances (Social Justice Coalition, 2017). Similarly, the success of criminal investigations, especially of fraud cases, involves continuous training that focuses on the latest information relative to investigative techniques.

4.5 Developing capacity to perform

Capacity can take various forms; and building capacity can mean anything from meeting minor technical assistance and training requirements to the complete rebuilding of a police organisation (Goldsmith & Sheptycki, 2007:15). Restructuring the whole organisation can be carried out as a last course of action since it is complicated and takes a long time to complete. The magnitude of police’s investigative capacity cannot be dealt with without addressing capacity building, particularly for those actively involved in investigating an excessive number of fraud cases unaided.

According to Goldsmith and Sheptycki (2007:15), under certain conditions, the police service may lack the capacity to undertake certain policing functions for which it was not prepared. This is true as fraud keeps on evolving with the help of advancing technology. The civil service of South Africa does not have the real ability to keep pace with the rate of change (Leggett, 2003). The fact is that some of the changes taking place are beyond the control of the police. Furthermore, many capacity building programmes do not address the rate of skilled personnel, such as detectives, leaving and seeking well-paying jobs and opportunities outside police service (Omar, 2009:75). More troubling is that the older, best, and experienced detective personnel who have been in the police longer are likely to be the ones leaving detective service (PMG, 2012a). This works against implementing transformation programmes.

Capacity building programmes are authoritative in terms of the Skills Development Act (Act No. 97 of 1998) and are significant for developing and emerging countries marred by unequal social-economic and political differences. The act suggests that organisational frameworks should be accommodated in workplace programmes, policies, and strategies. All types of police reform programmes are supposed to be regulated and operated according to mandated primary designs. Capacity building programmes allow organisational weakness and ineffectiveness of local police (Goldsmith & Sheptycki, 2007:14) to be realigned to deal with the primary interests of the organisation and its clients. Failure to do so may be ascribed to poor implementation of capacity building initiatives and efforts.

It is necessary to note that some of the improvement programmes aimed to capacitate detectives at the station level are hampered by poor human resource management systems. For example, a bloated line of managers who are ill-equipped (micro-management) to implement well-planned human resource planning such as monitoring development plans for members of the unit. Members of a unit or group should be surveyed to discover skills problems and extrapolate on critical issues of concerns. It is essential to assert that planning is a basic function of a manager (Thibault et al, 2001:364). The fraud investigation skills shortage at that level may be attributed to poor management in terms of client-driven policing.

According to Whisenand and Ferguson (1996:22), the community expects the police to deliver services such as:

- prompt, complete, and courteous service;
- feelings of being safe from crime;
- preventing of criminal acts;
- apprehending criminal offenders;
- accomplishing of all of the above with professional integrity, dignity, and efficient operations.

In addition, it is imperative for institutional managers to keep the right people in the right place, particularly when structures are being capacitated. If strategic skills aspects are properly planned and measured, the organisation moves toward setting strategies that require people requiring skills and tools to accomplish goals (More &

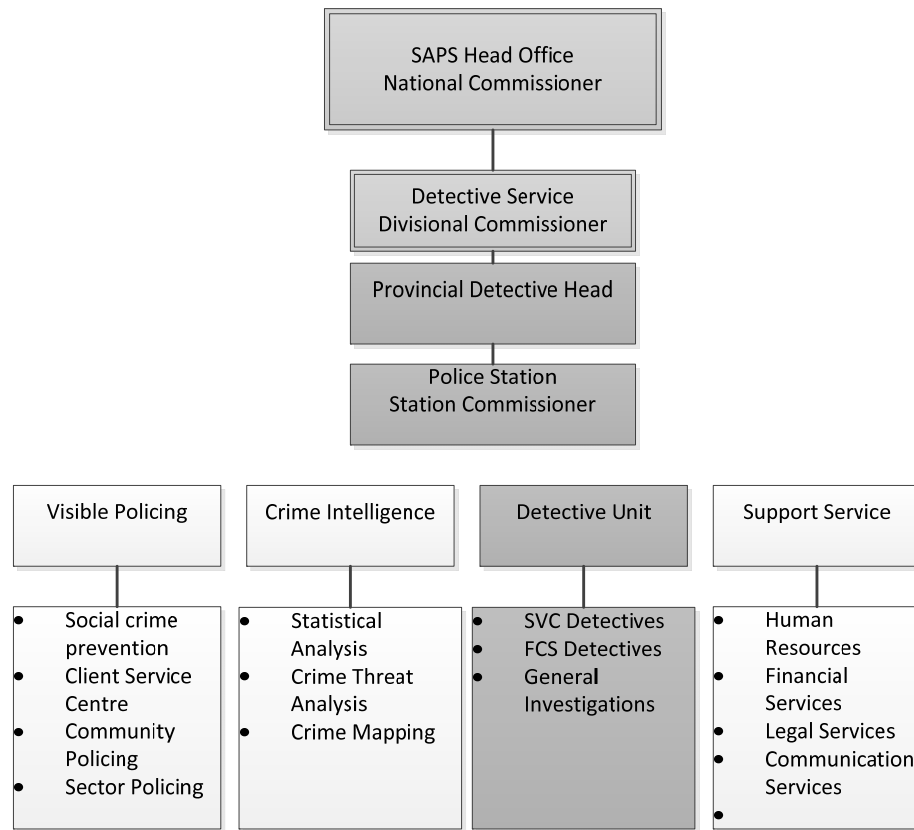
More, 2012:55). When people are not capacitated to meet goals, the entire system suffers, and this is evident when people are appointed in management positions without executive capabilities in their new contexts to serve people who require police services.

The majority of answers that seek to address issues around capacity offer an emphasis on building capacity programmes as interventions in terms of “multi-tasking”. A phrase that refers to working, for example, on several case dockets at the same time often without adequate skills or resources to handle the tasks. In this instance, it is assumed that police are obligated to multi-task based on the nature of demand and pressure to meet the expectations of crime victims. They are functioning under pressure, dealing with numerous simultaneous crises with limited resources. In this instance, building their capacities is a major priority.

4.6 Detective structure and capacity pyramid

The SAPS comprises three structural levels, head office, provincial office, and the cluster, which represents the local police station. This structure affects the divisions of the detective service and its capacities within the traditional policing system. In addition, this structure affects the deterioration of the constitutionally stipulated standard of criminal investigations. The SAPS structure is depicted in Figure 4 below, indicating how it currently serves the detective system (Omar 2009):

Figure 4: SAPS detective service structure



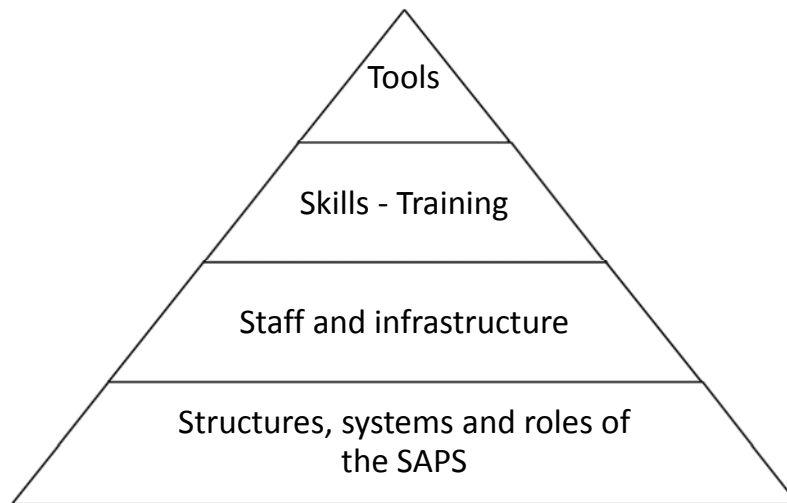
Source: Adapted from Omar (2009).

Based on the depiction of this structure, the detective service has a direct influence on and access to the National Commissioner in terms of allocating essential resources to general investigative services. However, the specialised detectives seem to be resourced better irrespective of the fact that they are on the same level in terms of organisational structure.

In analysing the capacity of general detectives, the following elements of systemic capacity building are relevant in measuring detective capacity: performance capacity, personal capacity, workload capacity, supervisor capacity, facility capacity, support service capacity, systems capacity, structural capacity, and role capacity (Potter & Brough, 2004). These elements are rooted in the two major components: tangible and intangible capacities as indicated by Mangan and O'Connor (2012). In Potter and Brough (2004), various elements of capacities are illustrated in the following pyramid that may be utilised in the SAPS as a model to evaluate the ability of local detectives

to handle fraud cases. This model is best suited in seeking to support general detectives who are the bedrock of the criminal investigation.

Figure 5: Capacity pyramid



Source: Adapted from Potter and Brough (2004)

There are thus four different levels of organisational capacities that need to be strengthened where necessary. For example, Potter and Brough (2004:339) claim that there are two types of capacity – intellectual, which refers to the skills already possessed, and volume capacity, manpower. These elements would, therefore, be relevant aspects to measure the effect of any organisational capacity. It is notable that in all the elements and the types of capacities, the nexus lies between organisational and staff capacities. Therefore, the breakdown of support to staff in terms of infrastructure, skills, and other tools can require a systematic overhaul to bring about desired results.

4.7 Management of police resources

The SAPS management style and approach has been adapted over the past 15 years, in order to adapt to 21st century policing (Rauch, 2000). However, the management of resources requires that the organisation further takes into account the changing economic, technological, political, and social environments, both locally and globally. Based on this argument, there are increasing signs that SAPS senior management is not participative in these environmental changes. This means decisions are taken in isolation without disclosing all decisions and planning to involved stakeholders. To

address this in one instance, the Social Justice Coalition (SJC) has taken the SAPS to court over inadequate resource allocation to poor areas (Magubane, 2017a). “In their papers, the activists argue that existing mechanisms to allocate police resources – which they term “a relic of apartheid” – have provided more police officers for wealthier white populations and fewer resources for poor, black populations that experience more crime” (Karim, 2017). In the path to practice management by objectives (MBO), iron-fisted management (IFM) and other approaches, the management of police resources has become a battle to access state resources.

The allocation of police personnel, resources, and finance in the above-described case is deemed irrational and likely to perpetuate the vicious cycle of violent crime in working class and predominantly black communities. In this case, SAPS management disregarded community needs, preferences, and other policing characteristics when allocating police resources. These types of decisions may cause harm to communities. This suggests that the SAPS requires a trained and experienced management body to address resource allocation activities.

According to Van der Walldt and Du Toit (1998:180), management’s task would, in this case, be to combine, allocate, coordinate, and use the institution’s resources or inputs productively to achieve the objectives. This notion means the issue of resource management in the SAPS is much broader than merely distributing the resources. The structure of police resources today is different from the “South African Police” (SAP) (Rauch, 2000) and requires effective internal systems to disable a list of barriers that hinder effective crime investigation duties. To understand police management, it is necessary to explore how police resources are managed at the top structural level of the organisation.

4.7.1 Misuse of police resources

The media has reported the abuse of police resources, police corruption, negligence, extortion, fraud, and other negative effects of the misuse of resources by the SAPS (Faull, 2007). These acts, perpetrated by senior officers, have serious consequences, including a decline in police resources and general crime investigative operations. When senior police managers and National Commissioners taking advantage of police resources, the system is left with fewer sources, in addition to a lack of public security

and trust in the organisation. This strains straining the capacity of the whole police system, including the general detectives around the country (Newham, 2002). Below are examples of such incidents involving senior SAPS officers:

- South Africa's first black national police commissioner, Mr. J. Selebi, was convicted of taking bribes (corruption) from a drug trafficker, Glen Agliotti (Fox, 2015);
- SAPS General, Bheki Cele, was found guilty of improper conduct and maladministration that involved an R500-million lease for the new SAPS headquarters in Pretoria. He was accused of corruption and fired by the country's president, Mr. J. Zuma, shortly after his predecessor, Mr. J Selebi, was convicted of corruption (British Broadcasting Corporation, 2012);
- Acting National Commissioner, Khomotso Phahlane, was suspended, allegedly for fraud and money laundering (Hlatshaneni, 2017). "In a letter sent to acting National Police Commissioner General Lesetja Mothiba, IPID said it had discovered that a police service provider, Keith Keating, the owner of Forensic Data Analysts, had paid a Pretoria car dealer for vehicles given to Phahlane, his wife and sister" (Serrao, 2017).

Management of police resources is at the heart of the aforementioned management controversies. This is a cause for concern in the 21st century when the superiors of the police organisation are entangled in corrupt "state contract processes" (Magubane, 2017b). The state contracts are often referred to as "tenders" (mostly flawed procurement process) (Hlatshaneni, 2017; Serrao, 2017) and remain the sole source of leadership battle in the police for those wanting to use police resources for personal gain. These flawed procurement processes are part of the fraud and corruption cases that are investigated by specialised law enforcement agencies against senior police officers, such as commissioners Lamoer, Mkhwanazi, Lazarus, and Mdluli (Faull & Rose, 2012:10-11). The allegations and cases combined involve millions of Rand in resources to which the detective service now has no access, and this affects the basic function of the police system.

Based on the aforementioned examples, something is fundamentally wrong with the way resources are used. This is also evident in research into the Social Justice Coalition, which indicates that despite experiencing a high crime rate, poorer

communities are policed with limited police resources including inadequate infrastructure (Magubane, 2017a). This study, therefore, questions how the SAPS can be expected to perform its duties when police work is tainted and marred by incidents of organisational fraud. Aside from resource abuse, criminal investigation processes are constricted in terms of service delivery. It may be posited that the manner in which general investigations are conducted at the local level is a mere façade of service delivery – poor resource management for detectives will render cases that come before criminal courts lacking in terms of physical evidence and case analysis.

It would be in both the public and organisational interests to efficiently manage SAPS resources in order to ensure successful criminal convictions. This would require monitoring and consistent evaluation of resources at the ground level, and monitoring of the management process. This is a long-term objective to address complaints and exigencies from members of the public and poor investigative work based on insufficient evidence, particularly when it comes to the victims of fraud cases.

4.7.2 The responsibility of police management

The management of detective training and provision of resources on the ground level is the key function of the National Head Office; however, the resource provision is constrained by resource availability (Van der Waldt & Du Toit, 1998:122). The question of basic resource provision requires coordination between decision-makers, provincial management, cluster managers, and police station managers. According to Van der Waldt and Du Toit (1998:122), it is vital for management to be constantly aware of the institution's strong and weak points in terms of available resources so that they can make strategic adjustments when necessary.

The training and resource activities of the detectives are co-ordinated from the cluster level to the provincial office. Senior managers who occupy these offices must demonstrate a commitment to ensure that they communicate strategies and benefits to personnel at all levels of the organisation. Bittner (1970:78) states that seniority in terms of years of service in the police tends to give some officers an informal moral right to expect that their choice of work assignments will be given favourable consideration in the overall division of the police, including resource allocation.

The task of implementing capacity plans or programmes is an important part of the National, provincial, and cluster officers' duties. In every organisation and its sections, there are processes on how to improve and prioritise the needs for operational purposes. The performance of general detectives falls within the levels of the SAPS executive (SAPS, 2010). This means the managers have total responsibility to eliminate barriers in order for detectives to achieve organisational goals. Therefore, a clear systematic approach should be implemented to address arising failures of capacity programmes. The role of management is to create systems that help personnel achieve objectives as set out in policies and strategies, and also to sustain and build skills and capacities.

The performance of general detectives should be compared to specialist detectives' needs, to establish monitoring and control systems at the local level. The working systems of the specialised units need to be cascaded down to general investigation units. An imbalance in resource allocation and training highlights a conflict of interest and expectations between generalists and specialists. To this end, there is a perception that SAPS management uses different standards in organisational resources. This may be due to resource departments placing unqualified officers without experience in positions to address resource allocation according to the command needs that will keep the system going. There is a perception that allocating resources does not require elaborate preparation and does not require skilled officers.

SAPS managers and commanders make decisions about resources that have a direct and lasting effect on the circumstances of general detectives, as much of the investigative work is done at the lower level. Yet, there are prevailing shortages in police stations compared to resource surpluses in specialised units, especially when dealing with sensational cases that attract public and media interest. Therefore, resource allocation for general detectives should include logistical resources to enable investigations. Unfortunately, police officers are not adequately skilled to distribute resources fairly as it is the function of professional managers with diverse resource management skills. This lack of appropriate resource management extends to human resource management (Magubane, 2017a).

Management positions require highly skilled people, and yet this causes organisational conflict as and senior police officers do not wish to be educationally outranked by their

subordinates. Skilled individuals can explore possibilities of good practice in place of the overused traditional police practices. Levine (1985:695) suggests that if problems arise that cannot be handled by the “old machinery”, a reassessment and redesign of the department's problem-solving capacity must be implemented. These views are based on observations of police practice and extended conversations with police officers. The SAPS is required to have enough resources to deal with crime on a day-to-day basis, and enough presence to act as a deterrent for criminal activity (World Internal Security and Police Index, 2016).

4.8 General versus specialist detectives

This study explores the general work allocation relevant to general fraud investigation. The concept of allocation is important, as crime investigation, functions in the SAPS are organised so that detectives can focus on their cases according to grouping and allocations. Investigations are therefore divided into small units to exercise control at the operational level. The units can be divided further into subunits. The categories in which crimes are investigated in the units influence the number of the investigation a detective component can have at the police station.

Case docket allocation is largely arbitrary with practically no regard for specific competency requirements. This means any general detective belonging to general crime investigation unit is eligible for the assignment of any type of fraud case, irrespective of its merits. This is a matter of internal station politics. However, in the specialised units, detectives are assigned cases according to their specialty, completely different from the police station fraud units. General detectives are typically assigned case dockets on a rotational basis to investigate until an arrest and trial are completed, or until the case is withdrawn provisionally or permanently. It is necessary to acknowledge the differences in standards for generalist and specialist detectives (Thibault et al, 2001:161).

This difference in standards creates tension between the groups due to the inequalities in terms of technological and logistical resources (Williams, 1997:v). Dialogues in the fraud investigation field highlight that general detectives are perceived to be inferior in terms of skills, capabilities, and training, while specialist detectives are viewed as more competent. This creates animosity between the two contingents. However, it is

necessary to note that specialist detectives offer specialised services while the general detectives have a general investigative focus. General detectives at the station level do a lot of basic investigative work and are thus assigned a broad spectrum of general cases. Specialised detectives are purposefully placed in investigative units according to their area of expertise, where a specialist detective may have a lot of skills and knowledge in one specific area.

The flow of cases to specialised units and much of the cases being investigated specialist detectives are supposed to have been properly prepared by generalist detectives and referred to the specialist branches for additional investigation. Additional investigation may include obtaining additional evidence, for example, evidentiary documents, and credit card information, to be submitted for forensic analysis. Despite the fact that fraud cases are screened before being allocated to specialised units, police resources continue to be allocated to these specialised units and affluent areas (Magubane, 2017a).

Some of these cases technically fall outside the specialist directive and are then referred back to general detectives to oversee and execute additional investigations, despite the scarcity of logistical resources and knowledge. However, the generalist detectives investigate a broad spectrum of crimes in the course of this directive. One may question whether these generalists are able to develop expert skills in those investigative, despite challenges of capacitation and resources. It is necessary to note that that general detectives have the potential to excel at investigating diverse crimes. This diverse ability may be juxtaposed to the focused expertise of specialist detectives, but it should be highlighted that due to generalists' workload, specialisation may not be feasible.

This high caseload is emphasised in a letter directed to Portfolio Committee of Police in Parliament from the Social Justice Coalition (2017), stating "in 2014, you yourselves found that a mere 56 detectives in Nyanga were investigating 9000 dockets. One detective had 600 cases to contend with". Currently, there are new cases that are assigned to general detectives on daily basis. Local detectives have the peripheral knowledge to detect the type of cases and their merits within their scope of the investigation. However, cases that require specialised attention are assigned to specialised units with difficulty. The detection and conviction rates of cases that require

more attention are lower and offer challenges, especially cases that are turned-down by specialist detectives, especially when it is argued that specialist detectives select cases that are within their mandate and solvable.

It is necessary to highlight the general detectives' commitment and dedication in terms of utilising their limited resources within their limited scope of operation, despite the allure of moving to specialised units for status, for example. The status afforded to specialised units creates the impression that these units are elite and thus better than other branches of police agencies. This impression influences the perception of detectives because specialist detectives are depicted to be better than generalist detectives. According to Thibault et al (2001:161), there are good reasons for specialisation and organising departments into specific divisions. The aim of organising these departments into division is to exercise control and address specific organisational problems. These specialised divisions have better in-service training resources compared to general detective services. This keeps specialised detectives more informed and better equipped to meet organisational needs and expectations.

4.9 Cooperation and bureaucracy

Detectives are increasingly expected to engage with other branches of the police service. The idea is to coordinate investigative work in a team context, with a range of experts from various law enforcement agencies and other stakeholders working toward a common purpose. Based on this recognition, it may be posited that not all police detectives would compete for recognition. However, there are competing perspectives regarding the nature of detective work, and whether it can be accomplished in a multidisciplinary team setting outside of the basic categorisation of generalist and specialist detectives (Tong & Bowling, 2006).

Detectives in the specialised divisions are supposed to play an indirect supportive role to local detectives through training, advice, intelligence-led information, and logistical support. This reinforces the perceived inequalities within law enforcement between generalists and specialists, and this contributes to competition between the general and specialist detectives over resources, skills, and mandates. This influences the police system, and the allocation of fraud cases to these categories of detectives – Thibault et al (2001:162) point out that specialised units often extend their scope of

practice in an attempt to outperform the local structure with the intention to receive glory and resources. Often the general detectives are only marginally credited for their tedious work of screening cases before they could be assigned to specialised units.

Competition can be both beneficial and detrimental. The detrimental part of the competition in this context is that the specialised division may feel superior and neglect the significant role played by general detectives. Thibault et al (2001:162) indicate that detectives feeling this very often do not fully utilise their skills because of miscommunication within the organisation. This attitude tends to demoralise the general detectives, as one of the benefits enjoyed by the specialist detectives is the scarce skills allowance received to improve their morale. However, this means that general detectives' capabilities remain untapped. When these capabilities are tapped into, though, the benefit of competition is the opportunity to bridge the gap in building organisational investigative capacity.

4.10 The degree of the fraud phenomenon

The increasing popularity of technology has increased the incidence of digital criminal activities, particularly in terms of internet banking (Thibault et al, 2001:363). Yet, despite this increased threat, this form of banking remains more efficient throughout the world because it has reduced the amount of time spent in banks both for personal and business banking. Digital crime in terms of internet banking has negatively affected the most disadvantaged members of South African society (Statistics South Africa, 2017:44). Furthermore, in the crime victims' survey, fraud was shown to affect a greater percentage of female consumers than males. Figure 6 shows that general fraud affects all age groups almost equally. The survey further supports the notion that fraud appears to gain momentum along with human and technological development. The victimisation survey indicated in Figure 7 was conducted from 2013/14 to 2016/17 and investigates why women fall victim to fraud in large numbers.

It is necessary to note that the validity of the aforementioned surveys may be undermined by unreported cases. Table 4 below addresses the reported incidents of fraud, and the representation of fraud in Figure 6 and Figure 7 are based on reported crime statistics, adapted from Statistics South Africa (2017):

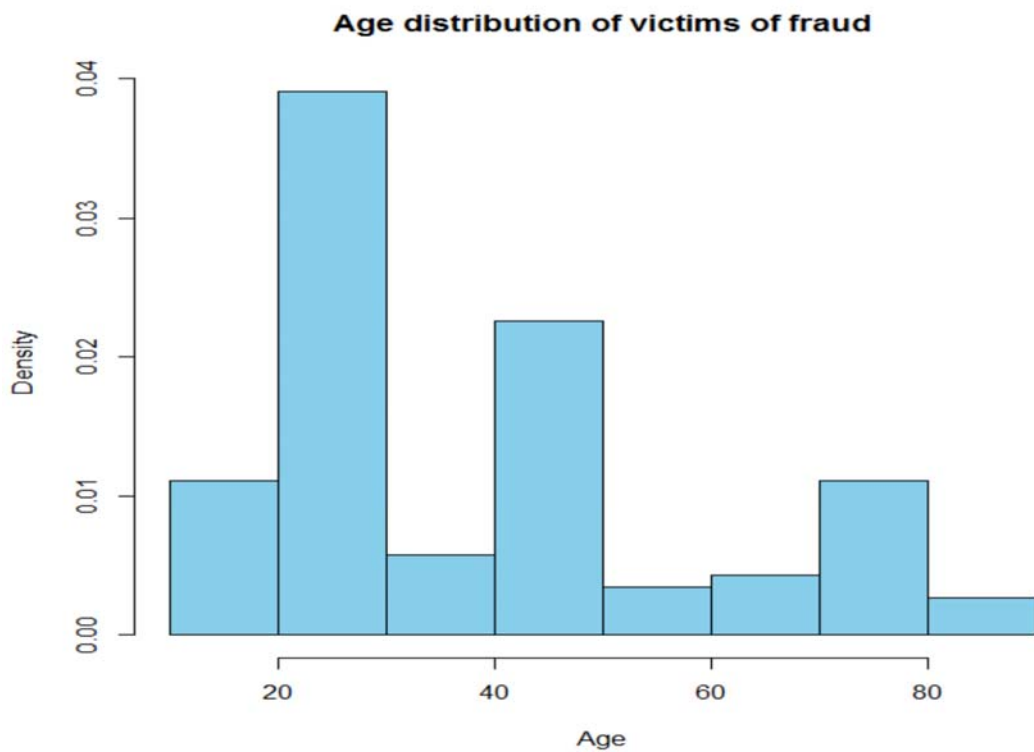
Table 4: Distribution of fraud by gender and population, 2016/17

Gender	Number	CV %	Percentage	CV %	Qty
Male	34 870	34	0,19	34	
Female	56 361	25	0,29	25	
South Africa	91 231	20	0,24	20	

Source: Statistics South Africa (2017)

Over 90000 adults were victims of fraud in 2016/17. There is a slight margin of victimisation between males and females

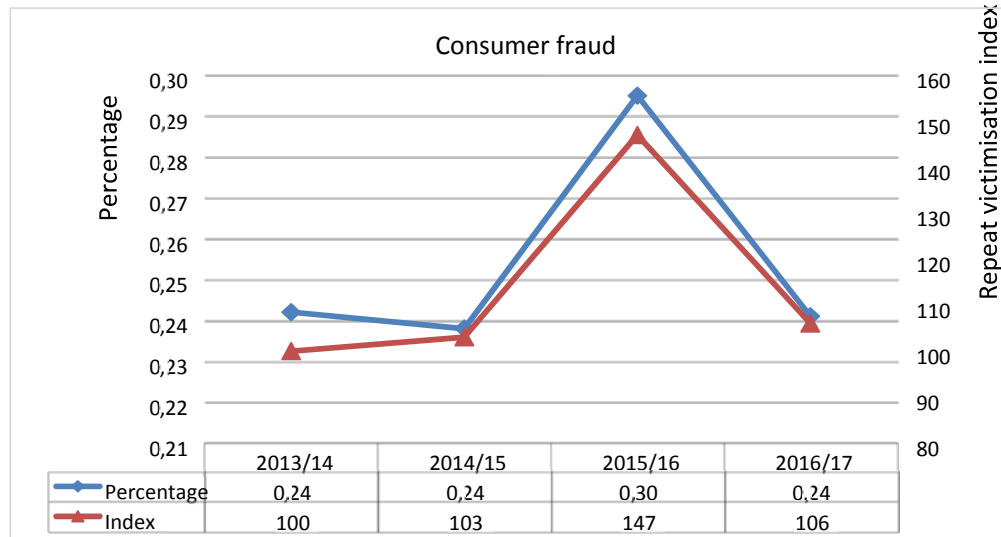
Figure 6: Age distribution of victims of consumer fraud



Source: Adapted from Statistics South Africa (2017)

According to Figure 6, the age group between 20 and 50 appears to be prone to being victims of fraud.

Figure 7: RVI and percentage of individuals who experienced fraud, 2013/14-2016/17



Source: Adapted from Statistics South Africa (2017)

The data indicate a significant rate of fraud victimisation in terms of the female population of South Africa. According to Smithers (2010), professional women aged 25-34 are most likely to fall victim to online fraud scams compared to men. Furthermore, Ganzini, McFarland, and Bloom (1990:56) also note that victims of fraud are frequently embarrassed to report their losses, and this may also be applicable to women.

4.11 Consequences of fraud

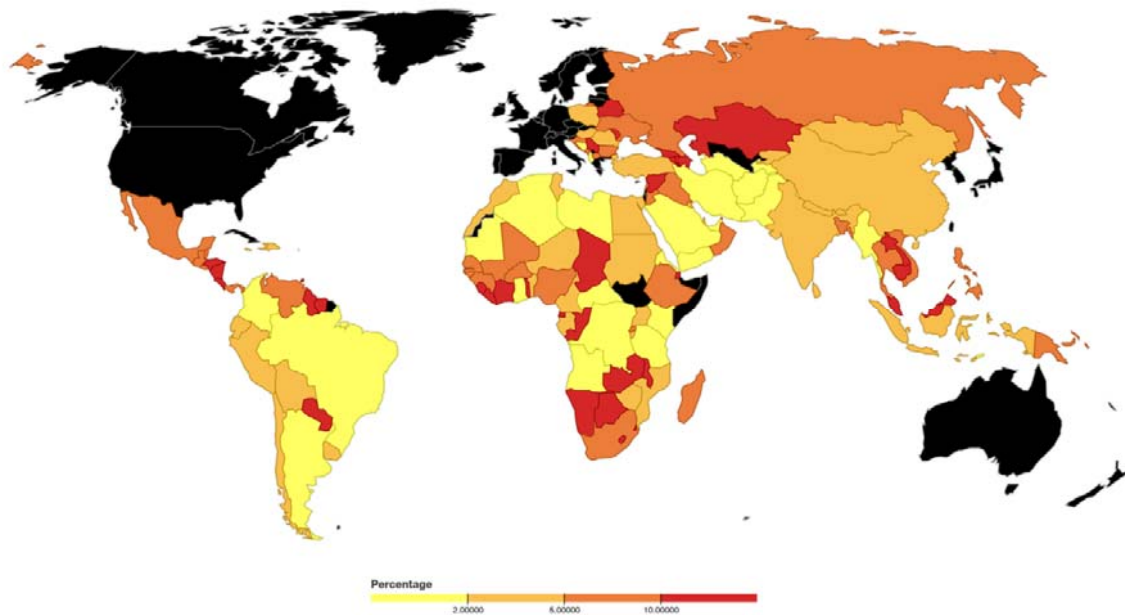
In the face of the well-known negative impact of fraud on national economies, loss of reputation, embarrassment and other forms of harm, individual harm is often negated as unimportant compared to losses suffered by large corporations (Theobald, 2015). The loss caused by fraud in corporations is often connected to impoverished families because of large-scale scandals that leave companies bankrupt and therefore impacts individuals. Regardless of the category of the victim (institutional or individual), the inability of the police to investigate this type of crime has very real consequences to all victims and society in general (Mangan & O'Connor, 2012). This inability may be

related to the fact that white-collar crime and fraud comprise a degree of criminal expertise and specialisation which is potentially challenging for investigators (Williams, 1997:v).

All of these points come down to the effect of fraud on society – fraud poses a systemic danger to both companies and ordinary individuals, and the effect of it places a burden on the police to do more in terms of fraud investigation. The prejudices facing victims of fraud should also be taken into account, in particular, emotional harm and physical costs. The quality of the victim's life is affected, and the fear of crime may hamper the victim's personal and financial development (CNBC Africa, 2016). Victims of fraud may be under the impression that fraud is undetectable. In many cases, the loss suffered through fraud cannot be recovered from the perpetrators (Dludla, 2016). This creates the impression that the police do not effectively investigate fraud because reparations cannot be made; thus questioning the investigative capacity of the police and eroding the credibility of general detectives in handling fraud. This may alter the victim's behaviour, in terms of avoiding habitual victimisation, and may leave the victim fearful of using the internet, and depressed due to the experience. Based on the statistics that women are prone to online fraud (Statistics South Africa, 2017), women may be influenced adversely in terms of utilising online financial services.

Albrecht et al (2016:5) emphasise the adverse consequence of fraud in that it affects how much individuals pay for goods and services, including the detection and investigation of the loss. Furthermore, it is reported that more people are injured and killed every year because of corporate negligence and recklessness than by violent street crime like assault and homicide (Michel, 2016:55). This suggests that numerous South Africans are vulnerable to a multitude of fraud phenomena in their everyday lives. Kar and Spanjers (2015) investigated global financial integrity in terms of illicit financial flows from developing countries between 2004 and 2013, and indicate that South Africa, which is regarded as Africa's largest economy, is rated seventh, followed by Nigeria in the tenth position, in the top ten developing countries based on illicit financial outflows on the continent.

Figure 8: Illicit Financial Outflows to GDP, 2004-2013



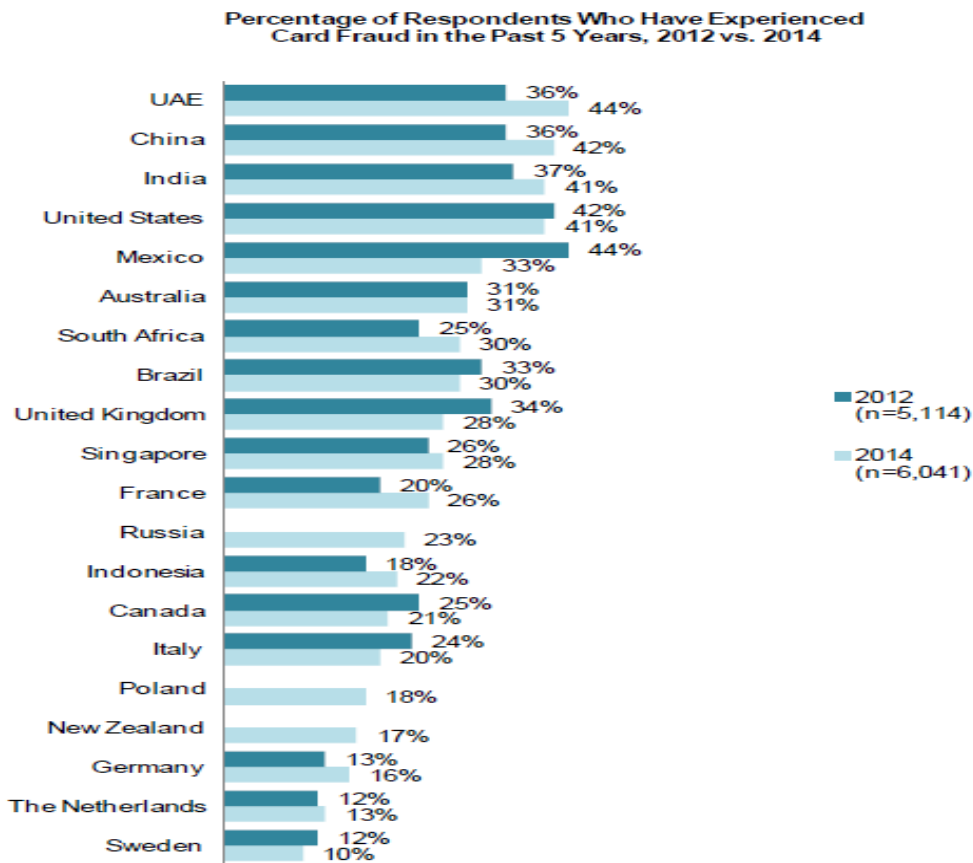
Source: Kar and Spanjers (2015)

As indicated in Figure 8 and Figure 9, South Africa is identified among other developing countries due to its high incidence of card fraud. Developing countries may be more vulnerable to card fraud due to the socio-economic developments in the digital space. Therefore, this study questions how detectives are being capacitated to address this increased vulnerability to fraud.

Kar and Spanjers (2015) state that from 2004 to 2013, developing countries lost US\$7.8 trillion to illicit outflows and as a percentage of the GDP, Sub-Saharan Africa suffered the biggest loss of illicit capital. It is further stressed that illicit outflows from the region averaged 6.1% of the GDP annually. Globally, illicit financial outflows averaged 4.0% of the GDP. There is a need to incorporate this understanding into legislation because of the national threat that fraud poses to a developing economy.

Figure 9: Card fraud rates

Current Total Card Fraud Rates by Country



Group, ACI Worldwide studies of consumers in 20 countries, Q1 2014 and in 17 countries, Q3 2012

Source: BusinessTech (2014)

This highlights that detectives and other role players in the African continent face a number of challenges with regard to fraud and corruption phenomena. Froestad and Shearing (2012:155) suggest that police forces in the African region are often perceived as indifferent, inept, brutal, and corrupt. This implies that some sections of societies do not trust the police to deal with basic policing issues, let alone investigating complicated matters of fraud that may evolve.

Fraud debilitates socio-economic development in developing countries; CNBC Africa (2016) reports that 90% of retail transactions in Kenya are cash-based due to fear of fraud, and thus enables these individuals to stay safe and secure in the face of the risks of cashless payment options available in online spaces. This safety and security

are necessary when individuals are faced with the risks involved in engaging in unidentified online transactions – to which individuals may be susceptible due to lack of technological awareness.

4.12 Criminal convictions of fraud perpetrators

Criminal investigations leading to the prosecution of contact crimes are handled differently to investigations and prosecutions pertaining to fraud. Contact crimes are often punished with the intention of punishment serving as a deterrent (Button, Lewis, Shepherd, Brooks & Wakefield, 2012:13). Considering this, Mangan and O'Connor (2012) emphasise that a high conviction rate is not necessarily the primary objective of the criminal justice system. Fair prosecution of the person responsible for the perpetration of a crime should be the ideal goal of the system, irrespective of the type of offense committed.

According to the Wisconsin Law Journal (2007), sentences for financial crimes are longer and harsher today than in the 1980s and 1990s. However, fraud prosecutions and sentences have not served as deterrents, based on the increased incidence of this type of crime. Furthermore, many individuals accused of fraud do not face investigation or prosecution. This then raises the question regarding the efficacy of the punishment of crime as a deterrent to its commission. In addition, it is possible to question whether the punishment of fraud is considered appropriate and proportional to the crime and the suffering of the victim.

Fraud cases are split into levels of seriousness in order to justify the length of a prison sentence. The commission of general fraud may be punished with a prison sentence of up to seven years, although that seven-year term is rarely imposed except in serious and violent criminal cases. Serious and complex fraud cases which are investigated by specialised units may also receive sentences of up to seven years. The approach of fraud cases in court proceedings seems to create an impression that there is some dereliction of duty on the part of local police, especially general detectives and the prosecuting authority. In addition, according to Williams (1997: vi), the prosecution of fraud cases are rare, despite increases in its commission, and its prevalence in the media. In practice, fraud perpetrators are not treated the same way as violent offenders and perpetrators of direct crimes. Fighting fraud irrespective of its complexity

or manifestation is a serious and necessary issue (Albrecht, Albrecht, Albrecht & Zimbelmann, 2016:7; Singleton & Singleton, 2010:40).

Following prosecution and conviction, fraud perpetrators are often sentenced to pay fines, even though the losses incurred in fraud incidents exceed losses from robbery incidents (Albrecht et al, 2016:7). This assertion supports the perception that fraud perpetrators receive lenient sentences following convictions. However, it is necessary to understand that fraud cases are prosecuted either criminally and or civilly. This is the reason why local detectives need to be proficient in researching criminal and civil law, to discern whether a given case is merely a breach of contract or a real misrepresentation and intentional fraud.

Regardless of criminal or civil prosecution, determining a sentence against the fraudster to satisfy the victim is a complex process. The sentence depends on the nature, type, scope, and severity of the act committed by an individual. It is also important to emphasise that in many fraud cases, victims do not recover from the loss suffered. One of the most distressing aspects of a fraud investigation is the prospect of punishment, given the leniency perception (Malherbe, 2001:109-126).

According to Button et al (2012:13), perpetrators are punished for the following reasons:

- to discourage the individual from offending again (individual deterrence);
- to discourage others from offending (general deterrence);
- to compel the offender to make amends for what he/she have done and ensure that he/she does not profit from the crime (restitution, compensation, redress, and community work);
- to protect society from the person offending again while the individual is imprisoned (or put under other control arrangements; incapacitation);
- to reinforce social values and bonds in terms of correct behaviour;
- to punish the offender (retribution).

Button et al (2012:14) point out that it is important to distinguish between individual deterrence and general deterrence. General deterrence aims to publicise the sanctions applied to an individual to deter anyone in that organisation thinking or

already engaging in that type of behaviour anymore. Furthermore, sanctions for individual deterrence are applied with the aim of deterring that specific individual from engaging in the sanctioned form of behaviour again.

Button et al (2012:13) emphasise that the severity of the penalty is not as important. However, given the above context, it seems difficult to undertake a conviction-driven fraud investigation without adequate skills and knowledge of fraud the phenomenon and its repercussions, especially when considering that prosecution and sentencing do not serve as a deterrent against the commission of fraud. Without the capacity to investigate fraud, and faced with lack of access to resources, general detectives will continue to struggle to build cases against perpetrators of fraud. This is compounded by the effect of disproportionate sentences on the victims of fraud. Even though legislation dealing with economic crimes has been enacted, there are areas where no laws exist yet. This makes it easier for law enforcement to focus on areas such as violent crime where legislation is codified, however, shorter, more lenient, and suspended sentences for fraud do not compare to sentences for direct and violent crimes (Van Hees, 2016).

The gravity of the crime and its aggravating factors should, in fact, determine the penalty in certain specified fraud cases. A crime of fraud cannot be committed without a plan. So irrespective of the degree of fraud committed, the prospect of prison is minimal (Malherbe, 2001:109-126). Yet, despite this element of premeditation, the perception remains that fraud is less injurious and deserves a lesser reprimand.

4.13 Collaborative investigative approaches

In this analysis, collaboration is referred to as a process in which detectives could share their expertise about the ways fraud cases are investigated. The collaboration of units and agencies has been a disputed topic in criminal investigations –but its value is evident when one notes that it can be exhausting for a detective to independently build a fraud case leading to criminal prosecution without assistance from prosecutors, especially where individual and organisational capacity is failing. The problem is that most detectives at the local police stations operate independently, meaning that they investigate a high number of cases unaided. contributes to the argument that South

African criminal investigation is an inherently low yield undertaking and is performed inefficiently (Mofokeng, 2012:91).

When a case is presented at court, the presumption is that the case has been sufficiently investigated on its merits. However, sufficient investigation of fraud cases may be hampered by detectives' reluctance to cooperate with each other, and their choice to work independently without trusting other detectives because of internal communication issues and poor case management. However, for a single detective, a simple fraud case may be difficult to investigate sufficiently. Therefore, it is necessary to determine whether detectives at the local stations need a team approach method in cooperation with prosecutors to accomplish fraud investigation objectives. Whisenand and Ferguson (1996:144) describe a team as a group of individuals who work interdependently in order to attain their individual and organisational objectives. According to Motsepe (2014:51), teamwork and collaborative approaches in crime investigation are seldom implemented, poorly expressed, and even inadequate in terms of yielding desired results. This is because detectives or investigators enjoy self-supervision and relative freedom from constant supervision.

The importance of supporting collaboration between entities (local and specialised detectives, and even prosecutors) is the potential improvement in the exchange of fraud investigative skills and practices. This dimension would possibly call for a variety of techniques to organise detectives working together to allow mutual collaboration. In this sense, the lack of training opportunities for local detectives could also be bridged by this approach to impart knowledge for successful fraud investigation. In practice, this approach should be formalised among detectives handling fraud cases to increase competencies. However, it is important for SAPS to create a platform that will open, support, and drive collaborative investigative practices.

4.14 The complexity of fraud

In a fast-paced world with technological and scientific advances, it is expected that detectives handling fraud will be faced with the task of addressing advances in the complex commission of fraud, including forgery, embezzlement, and online fraud. Therefore, general detectives handling fraud cases are expected to possess some degree of expertise and specialisation, yet this is believed to be uncommon to most

property crime investigators (Williams, 1997:v). The complexities of fraud create many difficulties for a fraud investigator (Williams, 1997:44). One of the difficulties encountered is dealing with the capabilities and skills of a suspect who commits fraud, and fraud suspects are often well educated.

According to Williams (1997:44), unraveling a fraud suspect's design is difficult since the suspect may design impediments to the investigation. Fraud is a diverse crime encompassing a variety of behaviours. Perpetrators use deception as the primary *modus operandi* (method of operation). The more education and training a suspect has, the more difficult it is to discover, investigate, and prosecute fraud. According to Omar (2009), the capacity to investigate fraud will depend on the adequate level of detective skills and the availability of appropriate resources.

It would be simple to investigate fraud with minimal resources if the concept were less complex in itself. However, fraud is rarely a product of simple mistakes or negligence that could reveal the identity of the perpetrator (Williams, 1997:46). Fraud perpetrators rely on misconception and deceit. In many general fraud cases, victims do not know who the perpetrator is.

Williams (1997:45) emphasises that the primary difficulty in investigating fraud is that fraud is an ambiguous term, and confusion arises in differentiating between civil and criminal fraud. The problem with fraud is that without basic training and skills in particular areas, it is difficult to detect and prove its definitional elements in a court of law. Since the number of specialist fraud units has declined substantially, including those at the police stations, the burden to deal with general fraud is now left to the general detectives. It can be difficult for the unskilled general detective to explain the circumstances surrounding the case before the court. In some cases, because of the prolonged relationships that perpetrators have with victims to gain victims' trust, it can be difficult to prove all the elements of fraud based on victim testimony.

There are a small number of general detectives who know how to properly collect evidence for investigative purposes. Fraud detectives will constantly need expert services for investigation. Where resources are scarce, the complexity of investigative work is compounded. This sometimes delays criminal investigations and threatens to secure quality criminal prosecution of fraud perpetrators. From this perspective,

general detectives may face various impediments to their investigations, including the lack of training and limited resources, thus rendering fraud investigations insufficient for prosecutorial purposes.

4.15 Summary

The literature on detective capacity building is minimal and overshadowed by information on fraud phenomenon. This disproportionate data representation points to the lack of investigative capacitation within the SAPS. A topic relevant to the question of capacitation is restructuring. The implementation of restructuring and many forms of capacity building programmes were conceptualised at the beginning of democratic policing; however, there are still many police structures that remain weak and unproductive. One such structure is the general detective system. Skills gaps and mismatches within the ranks of general detectives appear to contribute to the criminal cases that go undetected due to insufficient evidence to prosecute. This also affects fraud cases, as detectives handling general fraud cases lack the skills, capabilities, and competencies to adequately perform investigative functions.

Resourcing in the SAPS has been subject to scrutiny due to its flawed processes. Allegedly, affluent areas are over-resourced while poor areas and communities remain under-resourced irrespective of the high rate of crime in those areas. Allocation of work and police resources, including detective basic training are defective because of past societal disparities.

How individual capacities of general detectives are dealt with is organisationally unacceptable. Senior SAPS managers have been publicised in the media for corruption, fraud, and the abuse of state resources. The primary driving forces of the police are not strategically addressed to produce organisational change that provides a productive environment for detectives at the station level.

This chapter addressed the fact that general detectives require logistical support to attend crime scenes, collect evidence, and conduct evidence-based investigations. This is vital, as the fraud phenomenon is evolving in terms of complexity and prevalence, leaving detectives with high caseloads. General detectives attend to a fraction of these cases while some fraud incidents remain unreported because of the

poor conviction rate of this phenomenon. This affects detectives in terms of resource allocation, as deficient performance means fewer allocated resources and opportunities. Where resources and investigative skills and training decline, fraud investigation problems are compounded, posing a security threat against vulnerable victims such as individuals, businesses, and other stakeholders.

Chapter 5: Research Findings

5.1 Introduction

This study has thus far presented a theoretical contextualisation of the question of police capacity concerning resources, training, skills, and the dimensions of fraud as dealt with by general detectives. This chapter presents the findings of in-depth interviews with participants from selected police stations about the capacity of general detectives handling fraud cases. The data presented in this chapter were collated from themes that emerged during the interview process, in addition to the reference from the literature reviews in the previous two chapters. The focus of this data integration is whether general detectives have the necessary capacity to adequately investigate general fraud cases.

5.2 Participant response rate

The anticipated number of participants intended to provide the primary data was 100% ($n = 18$) as presented in the methodological contextualisation of the study (Chapter 2). However, the response rate was only 83.3% ($n = 15$) out of the anticipated 18 participants. The response was sufficient to determine the degree of incapacity in terms of fraud investigation. At the time of the interviews, many issues facing general detectives were undiagnosed, undermining the effective criminal investigations of fraud and other related crimes.

Some of the selected participants indicated an unwillingness to be interviewed even though the reason for this study was explicitly explained and assurance given that the names and information would be treated with confidentiality.

5.2.1 Participants' educational attributes

One of the important facets that cannot be overlooked regarding this population is the participants' educational attributes. This forms part of the paradigm of appointment, wherein certain individuals are assigned to certain cases (varying in complexity) based on individual characteristics and skills. It is necessary to note that literacy is of paramount importance in detective work. However, literacy among SAPS officers is concerning, as reported by Legalbrief Today (2018) and Magubane (2018):

“A significant number of SAPS officers cannot read or write, putting a hurdle in the implementation of the police’s turnaround plan.”

A report says details of this emerged during a presentation by a SAPS delegation to the parliamentary Committee on Police. SAPS’ General Francinah Ntombenhle Vuma told the committee SAPS planned to investigate why it still encountered officers with inadequate reading and writing skills.

‘Those we appoint we make sure meet the standards. Those who are said to be illiterate, if there are any; it would likely be members close to retirement. Those who are found to be illiterate will be adopted into the Abet (Adult Basic Education and Training) programme,’ she said.

The report notes Abet was introduced with the aim of supporting officers who were deprived of education during the apartheid era. MPs on the committee were stunned when they learned about poor literacy and numeracy among SAPS members. They were even more shocked when the police officials said there was no money to implement new Commissioner Khehla Sitole’s ambitious turnaround strategy. The SAPS delegation admitted that low literacy skills among officers presented a challenge to realise the outcomes of the turnaround strategy” (Legalbrief Today, 2018; Magubane, 2018).

In the context of this study, six percent of the interviewees underlined that, in the crime investigation profession, writing and reading skills are essential for all the detectives (Gunter & Hertig, 2005:14). This is because a number of professionals within the criminal justice system end up reading a lot of information written by detectives via affidavits, financial records, and important evidential notes. This information plays a critical role in decision-making. Again, it is necessary to consider that fraud is a document-reliant crime. Therefore, it is important to break down and reveal the participants’ educational level.

The study reveals that 66.6% ($n = 10$) of the participants hold no tertiary qualification despite the fact that a hundred percent ($n = 15$) have completed their primary education. Ninety-nine percent completed secondary education (Grade 12), while almost 33% hold one or other post-school qualification. Thirty-three percent ($n = 5$) of

the participants who completed or hold post-school qualifications were in the specialised crime investigation unit (26%, $n = 4$) and the prosecuting authority (6.6%, $n = 1$) attached to commercial crime prosecution service. This indicates that 93.3% ($n = 14$) of the participants have the basic ability to read and write. The competency to do so was not tested. However, they were considered active and valid for this study in fraud investigative tasks either at the local and specialised level. Figure 2 (Chapter 2) provides a graphical presentation of the number of participants who were interviewed.

5.2.2 Analysis of participants

It is important to unpack the details of participants related to interviews to contextualise the findings in this study. To understand the research participants better, they were grouped according to their functionality.

Table 5: Breakdown of participants in percentages

<i>n =</i>	%	
<i>General detectives</i>	66.3%	10
<i>Specialist detectives</i>	26.6%	4
<i>National Prosecuting Authority</i>	6.6%	1
Total	99.5%	15

Table 5 presents a breakdown of the participants in percentages. It is worth noting in Table 5 that the majority of the participants were key role players in this study. However, this did not affect the magnitude of data contributed by 26.6% and 6.6% of the added participants because of their knowledge of the fraud investigation phenomenon. A slight difference was found between data obtained from 66.33% and 26.6% of the participants. What is more important is that the collection of data and its findings from different categories of participants serve to answer the study's primary question, namely: what is the level of investigative capacity that the general detectives have to adequately investigate fraud cases?

This primary question and related sub-questions were addressed in a semi-structured interview, in order to qualitatively examine how detectives handle fraud investigations at three police stations in Gauteng Province. This study is not intended to teach

general detectives how the fraud phenomenon should be investigated, however, because there are many approaches to investigations. However, the primary qualitative data that arises out of interviews were assimilated with the literature in order to investigate the question of capacity, in order to create a foundation for the investigation into solutions to the inability to investigate fraud.

English was used as the medium of communication during the interviews with participants. However, not all of the participants were well-spoken in English. Where possible, some of the words used were translated into the participants' respective home languages.

The three selected police stations fall under the jurisdiction of the Johannesburg Central Cluster. The descriptive characteristics of the sample are presented in Table 1 and Table 2 (Chapter 2). The study was undertaken in the Gauteng province in Johannesburg's surrounding metropolitan areas and Tshwane, Pretoria. It is important to note that besides being the smallest province in South Africa, Gauteng is the centre of the South African economy and busiest province in the country in terms of the movement of people. Hypothetically, this means that general detectives in the Johannesburg metropolitan area may be exposed to various instances of fraud-related crimes due to the location of the business sector.

Due to study limitations, findings were interpreted with caution – The demographics of the participants of this study limit the generalisation of the findings. However, some of the findings are applicable to the police in Gauteng. In certain circumstances, when quotes and facts pertaining to specific participants were to be used, pseudonyms were created to ensure that the identities of those who participated in this study would be kept private and confidential. To address the problem statement that concerns investigative capacity of fraud in the local police stations, the following sections put emphasis on the questions and objectives of the thesis, utilising themes that emerged from the interview schedule.

5.3 General versus specialised fraud investigation

It is important to address the status of fraud investigation in the SAPS as a catalyst that instigates disagreement over the mandate of fraud cases between the generalist

and specialist detectives. In this context, the data revealed a need for critical examination of the directive (an official instruction to do something) on general fraud crime by assessing the strengths and weaknesses of the existing situation in the police.

There are some uncertainties that surround the “station mandate”. As presented in Table 1, it was interesting to note that 66.6% of the participants were concerned about the directive of the Commercial Crime Unit, as opposed to the 26.6% of those in the specialised investigation units. The Commercial Crime Unit is a unique specialist investigation unit and forms a branch of the Directorate of Priority Crime Investigation Unit, also known as the Hawks. This unit allegedly has jurisdiction over all fraudulent crimes defined as “serious and complex fraud” in South Africa, and the Johannesburg Commercial Crime Unit oversees the investigation of serious or organised fraud from 45 police stations. The data revealed that the DPCI investigates and prosecutes serious fraud offences.

5.3.1 Fraud investigation mandate

It emerged from general detectives’ perspectives that fraud is broader than mere crimes which use deceptions as their primary *modus operandi*. The SAPS directive to investigate all crimes springs from section 205(3)(a) of the Constitution (1996), and this applies to generalist and specialist detectives in terms of their primary function of investigation and prosecution of criminal fraud. Cases are only transferred to the DPCI if they fit the criteria as described in the directive and national instruction policies and mandates that regulate the agency.

The status of detectives suggests that police performance in terms of investigation and detection or clearance is measured in accordance with the Constitution. However, the performance rate has been inefficient as evidenced by the overwhelming number of cases withdrawn from court due to being under-investigation, undetected, unsolved, or even dismissed because of insufficient evidence. It is the responsibility of the police to see to it that internal systems are organised for crime investigative exercises that are carried out correctly by law enforcement agencies. The investigations should be implemented in accordance with the Constitution to fulfill the prospects of securing safety and security for the country’s citizens. In this case, the organisational

arrangement for general investigation sub-units to investigate general fraud is inconsistent, bearing in mind that general fraud investigation is understood to be at the lowest level of complexity.

5.3.2 Low level and serious fraud

General detectives are only tasked with the investigation of general fraud cases, which is not considered complex. Complex fraud cases (organised crime) are referred to as specialised units. However, the general detectives are responsible for that referral and are thus exposed to complex fraud cases, and may end up investigating these cases despite their restricted mandate.

One of the participants indicated that the value of fraud is the deciding factor that separates the categorisation of fraud rather than the level of complexity. In this case, a fraud case that involves between R100000 and R500000 falls under the remit of the Commercial Crime Unit that operates under its allocated jurisdiction. According to some of the participants, general detectives handle fraud cases worth smaller amounts, under R100000, regardless of the *modus operandi* of the commission.

It was revealed that unit or branch commanding officers can, come to an agreement over a case and decide that the specialised unit oversee its investigation. In some instance, where unit or branch commanders agree, general detectives can assign a case for investigations at the station level. However, some interviewees argued that “general detectives” equally investigate some of the cases that fall under the directive of specialised investigation units. This implies that there are some similarities (that are difficult to differentiate) in the type of cases handled by both groups.

This relates to informal screening detectives of the Crime Control Office (CCO) being placed adjacent to the client service centre. The role of the detectives in this office is to perform a basic analysis to establish where a case should be investigated. The purpose of CCO is to screen and consider which cases can be investigated further based on *prima facie* evidence. However, some of the cases screened for specialised investigation units are later returned to local police stations with the instruction that general detectives investigate the given case.

The majority of cases investigated by Commercial Crime Units are described legislatively and those falling outside the description are referred to as “general fraud”. This conveys definitional ambiguity concerning general fraud cases. Lack of transparency in this regard can bring forth serious consequences, such as failure to provide adequate investigation on complex fraud cases because of a lack of practical experience by general detectives. Irrespective of the distinctions drawn between complex and simple fraud, every fraudulent incident has its own complexity and needs a different investigative methodology. It is easy to label fraud incidents outside of the specialised scope as simple, but the perception of general detectives is that this is misrepresentative, as even general fraud is complex in terms of its investigation.

A simple case of fraud can become complex during its investigation, demanding more resources and expertise than expected. Some of the fraud cases referred to general detectives for investigations are the masquerade of some of the sophisticated matters that build up to serious or complex organised crimes beyond the scope of local capacities (PMG, 2012a). However, despite this development of complexity, there is a lack of an explicit directive that could guide police stations detectives in terms of the fraud cases they are responsible to investigate. This creates an opportunity for specialised units to abuse their power to control over which fraud cases they can investigate, as they take precedence over general investigation units. It should be noted that the mandate of the DPCI as prescribed in the National Instructions, especially in terms of the Commercial Crime Investigation Units in the SAPS. The National Instruction or Standing Order sets out the guidelines for the type of cases that the units may investigate, although it faces criticism due to its ambiguity.

5.4 The allocation and investigation of fraud cases

The difference of views and confusion often arises between general and specialised investigation units centres around how case dockets are selected by the specialised detectives. The procedures that are put in place to resolve fraud investigation disputes are often questionable. As indicated earlier, the value of fraud is allegedly open to different interpretations. According to one interviewee, “the value of R100000 is often increased or decreased when it suits specialist detectives”, particularly when fraud cases are weighed upon the solvability factor. For example, some of the cases that fall within the jurisdiction of specialist units are rejected on the basis of the argument

that the amount was “built-up over a period” (different amounts) and not a “once-off” act. This means that if an act of fraud was committed and the value involved is R500000 in one act, then the crime falls under the jurisdiction of the specialist unit. However, the case belongs to general detective units, irrespective of how the crime was committed.

This analysis appears to be unfair to local detectives. However, the Commercial Crime Unit is still a lead force for all “serious or complex fraud” and organised crime cases related to fraud. The specialist detectives have superiority concerning where a case can be investigated. One of the problems identified by the interviewees is that the specialist detectives choose solvable (winnable) cases (using solvability criteria) that produce high conviction rates. This is demonstrated in the official crime statistics. Not all participants shared the same view; because of the resources provided, specialist Commercial Crime detectives are able to focus on the conviction-based cases to complete their investigations. Sixty-six percent ($n = 10$) of the detectives interviewed at the stations believe the “station mandate”, meaning all general fraud cases, those falling outside the directive, are being imposed on them without reference from National Instruction, Standing Orders, or other bureaucratic regulations.

The “station mandate” is not explicit in the same way as the official document (a guiding tool) for the specialised units. It is interesting to note that the “station mandate” was not made available for review for the purposes of this study. A number of the participants, however, especially at the lowest ranks, acknowledged that the “station mandate” is an “unwritten mandate”. The majority of the participants, including general detective team leaders, knew nothing of the extant “station mandate” regarding general fraud. This means general detectives have no basis to refuse fraud cases and may be forced to handle everything that does not fall under the directive of Commercial Crime Units. In other words, the SAPS National Instruction recognises the “station mandate” as every case that falls outside the scope of the DPCI. However, the “station mandate” is not in any way distributed to members of the general crime investigation units, and this raises the question of its actual existence. This also implies that the SAPS management has no knowledge about the station mandate, and indicates an unwillingness to share information about the type of cases that general detectives should investigate.

In the absence of a station directive, the directive for the Commercial Crime Unit is left too vague for general detectives to use in their decisions regarding the allocation of cases. This fuels the hostility between stations and the special units on the non-existing “station mandate”, as mentioned by 66.6% of the participants. It allows some general detectives, especially those investigating fraud, to doubt the criteria of the forms of fraud that they are supposed to handle. Regardless of the existing complexity and the evolving nature of fraud, general detectives continue to be hamstrung by these internal constraints. A clear general fraud directive for all levels of fraud investigation remains inconsistent and incomplete. This also highlights the specialised units’ selection of the cases that they are willing to investigate, while all remaining cases are left to general detectives at the station level, with limited resources. Furthermore, it also happens that victims of fraud are turned away from police stations and rather encouraged to approach civil courts, because of the inability to investigate fraud.

5.5 Investigation of fraud versus other crimes

Participants were clear in their explanations that fraud is an altogether different phenomenon to other offences such as assault, burglary, robbery, theft, and murder. Fraudsters use complex methods and conceal traces of their activities to prevent being found and to reduce possibilities of criminal prosecution. For most general detectives, fraud is difficult to deal with. Participants acknowledged the impact of both contact crime and fraud as very serious, but on different levels. However, three participants stressed that fraud has a significant impact on the economy of the country. Because of fraud, companies’ turnover is affected, in addition to its tax submission. There is also a significant national illegal outflow of money due to fraud, corruption, and organised crime (including terror campaigns). For example, organised criminal networks use fraudulently obtained money (such as tax evasion rebates) to support drug use or to buy weapons and narcotics through illegal, underworld networks.

The complexities of some fraud cases make it difficult to trace and locate suspects; however, the basic principles of the investigation remain consistent with those of general crime investigation. One interviewee mentioned that although fraud can affect an individual, its widespread effect is very serious and rising at an alarming rate. Furthermore, if money is siphoned from banks through illegal means, there is an

increase in the rate of banks raising service fees and other charges, which are increased to cover such losses from the clients through insurance measures.

Despite the impact of fraud at the social level, the police's criminal administration system is designed not to recognise the impact of fraud with reference to SAP 6 (an official recording system of crime convictions). One example is the recording of shoplifting as a general type of fraud to maintain the credit for its conviction rate.

In the context of crime investigation, fraud detectives spent most of the time working on the computer with investigation-related administration. To perform these tasks, general detectives have an insufficient support system from the police structures. Only in sensational cases are resources pulled together to enable investigations. The investigation of fraud is not a priority in comparison to physical or contact crimes. From a policing perspective, investigating lower value fraud is not a priority for the decision-makers in the police. Furthermore, the SAPS does not acknowledge that fraud is a form of social destruction that creates fear and isolates small groups of people from participating in international technological advances. It is important to highlight that people are supposed to be able to act without fear of being deceptively defrauded. The biggest challenge is the lack of resources in the SAPS in terms of addressing the risk posed by fraudulent acts within the society. This occurs because fraud's influence in society is not clearly documented.

5.5.1 Fraud investigation competition

According to 40% ($n = 6$) of the participants, some of the fraud cases pose significant mandate challenges to all detectives. The scope of a fraud investigation is difficult to determine based on the manner in which fraud-related offences are committed. Thus, confusion (and conflict) would often arise between generalists and specialists, inciting arguments over the jurisdiction of fraud cases. It was revealed that many fraudulent acts fall within the remit of specialist units; however, detectives would spend a lot of time arguing against each other in ascertaining who has the responsibility for a given investigation. This occurs despite general detectives facing resource challenges compared to specialised units. These types of jurisdictional issues are fundamental to capacity implications that cause enmity among the detectives. Local detectives are not in the position to use outside professional expertise (as working practices) whereas

the DPCI can contract experts to undertake certain investigative and no-investigative functions to build their cases. Although the roles of detectives vary, their functions of fraud and related offences' investigations in some cases overlap (for instance, identifying and categorising fraud).

Even with a stipulated mandate for scope and responsibility, fraud encompasses a broad scope of different crimes. The mandate of the special investigation unit is not comprehensive in term of serious and complex fraud. It is important to note that general detectives also investigate certain type of fraud that is on the specialist mandate. There are common characteristics of fraud. This indicates there is a conflict about fraud, with its evolution. Participants revealed that although the simplest way of reporting fraud is to go to a police station, how the crime was committed dictates who is going to deal with the investigation.

5.5.2 Universal investigative principles

Given the reliance on specialist detectives to decide which fraud cases to oversee, there is no difference in the approaches on how to investigate general and complex fraud, despite their categorical differentiation in terms of complexity and value. The data revealed that a standard practice exists which detectives often follow during the investigation process of fraud cases. These general principles are the theoretical foundation for any criminal investigation together with some specific investigative techniques. It is important to critically evaluate the value of these investigative strategies, as they speak to capabilities and competencies. It is necessary to note that these basic strategic guidelines are not problematic to fraud investigations, although they are emphasised in the literature. However, for a case to be investigated, it is important for detectives to use appropriate legal standards to produce acceptable and admissible evidence for the court. The following table summarises the set of basic crime investigation guidelines used, irrespective of the type of crime being investigated:

Table 6: Principles of crime investigation

Unit	Function
General investigation units	<ul style="list-style-type: none"> • investigate crime scenes; • collect and preserve evidence; • interview and examine victims and witnesses.
Specialised investigation units	<ul style="list-style-type: none"> • use technology and forensic science; • coordinate investigations across police stations and provinces; • coordinate police detectives, prosecutors, and judges in the criminal justice system.

This guideline can be utilised for the planning and initiation of technical investigative activities of any crime. Detectives use these prerequisite procedures and generic principles when they approach any criminal case. It is, however, important to point out that these standards are essential and form the foundation for deductive reasoning in investigations. For example, in fraud cases, crime scenes are identified and determined through deduction, as they may be digital, in juxtaposition to the physical visitation of the scene of contact crime, such as robbery or murder. It is often challenging to determine the scene of a crime for a single fraud case that involves online activity. Furthermore, determining the crime scene of a deposit scam, for example, is problematic as it impacts on the jurisdiction of the police station where that case docket will be investigated. This affects case allocation and the criteria used to determine which fraud cases are referred to as specialised units.

The data emphasises that general detectives at the station level investigate fraud cases while carrying heavy caseloads, using conventional investigative skills and knowledge with limited resources without real support from specialised investigation units. These organisational limitations perpetuate fear and doubt among interest groups that criminal investigations carried out by the SAPS, especially at the local level are ineffective and yield no results. Hence the appeal by 73.3% ($n = 11$) of the participants that all fraud-related case dockets must be handled and investigated by the Commercial Crime Unit. It was suggested that all police station fraud units adjacent to specialised divisions be put together with specialised units.

Although the investigative guidelines are significant, they are not fixed for every case. The approach to each case is guided by the nature of a crime and the scope of the necessary investigations. Some cases are easier to investigate whereas others test the ability of local police detectives and require a systematic approach because of the nature of the evidence, and this compounds the pressure on local detectives with their high caseloads and expectations of competence.

5.6 General detectives' investigative capacity

General detectives dealing with fraud-related cases are faced with new challenges due to the evolving and unpredictable nature of the fraud phenomenon. Investigations may lead in various different directions, and some may come to dead-ends, such as cases which are deemed to be civil rather than criminal, following long and detailed investigations. Acknowledging the rarity of criminal convictions for general fraud cases, the problem of detective capacity at the police stations is clearly a systemic one, as it affects the entire SAPS organisation. This creates the basis for asking the research question of whether detectives in police stations are capacitated to deal with fraud cases and this was addressed during the interviews in order to help measure the investigative capacity of the detectives. Seventy-three percent ($n = 11$) of the participants responded that general detectives do not have the necessary capacities to deal with fraud cases. Twenty-six percent ($n = 4$) were uncertain, however, they indicated that the level of fraud investigated at the station-level is equivalent to their capacities.

The investigative capacity is complex, as fraud cases are seldom solved within a brief period, and this the lack of investigative abilities may extend the investigative period indefinitely. Furthermore, the lack of training and resources mean that detectives are not appropriately capacitated to face the challenges posed by complex technological fraud. Ten out of 15 (66.6%) participants recognised training, resources, (particularly vehicles, communication equipment such as telephones, copiers, and printers, ink, internet access, computers) workload, and specific knowledge as the key components that play critical roles in fraud investigations. Poor resource management systematically deactivates these features; this creates a gap that enables fraudsters to benefit from the inequality in terms of access to resources. Fraud may, therefore,

be interpreted to be a resource-intensive crime to investigate despite the organisational opinion within the SAPS that it is less serious than direct crime.

Investigative tasks may have a direct or potential impact on the crime under investigation, in addition to having an effect in terms of the cost of victimisation, and finally, affect the SAPS as an organisation. The costs of victimisation may encompass financial losses, negative impacts on physical and emotional health, and ultimately detracting from the well-being of victims and their families. Investigative tasks also impact on the detectives involved in an investigation in terms of the challenge they face to compile a sufficient case to withstand scrutiny from defence attorneys.

Sufficient investigation requires a basic understanding of law and forensic science. This understanding requires specific vocational and academic training to ensure the competence of a detective. If there is a lack of this basic understanding, a detective may make an unlawful arrest due to a misunderstanding of an incident that amounts to a civil case; this may cause a gross violation of the person's rights.

There are nuanced distinctions between criminal and civil matters, and therefore training for detectives is vital. In terms of fraud, there is often confusion between civil and criminal fraud, resulting in the false reporting of cases and the misuse of resources for investigative purposes, when the cases should be referred to a civil court (as only criminal cases are tried in criminal courts). This results in numerous civil claims against the police and the criminal justice system. The majority of civil cases against the police result in damages being awarded to plaintiffs. In the same context, there is evidence that some of the victims do not know to whom report that they have been victims of fraud, therefore they ultimately do not report the crime, perpetuating the under-reporting of many fraud crimes, particularly by those unaware that they have been defrauded using internet requests or notifications.

5.7 Impediments to investigative capacity in fraud cases

5.7.1 Training

According to 66.6% of the participants ($n = 10$), detective training, encompassing the basic elements of a criminal investigation, is perceived as the key part of primarily what detectives are expected to do. Training general detectives are necessary

because it enables the application of practical skills in accordance with global contemporary policing issues. Training and knowledge-transferal activities provide general detectives with an entry point in crime and fraud investigation fields whereby they can produce appreciable results. There is a perception that lack of basic detective training and poor understanding of fraud activities can complicate investigative tasks for general detectives. Interviewees agreed that this is true in the sense that those entering detective careers are not provided with a foundational knowledge of investigative skills. This may lead to inadequate investigations, causing criminal courts declining to prosecute a considerable number of cases citing insufficient evidence, particularly related to cases presented by newly appointed detectives.

Proper professional training is the epicenter of producing quality crime investigation and it depends on the commitment of those actively involved in the process. In the same context, interviewees noted that SAPS provincial training divisions would only train few detectives and thereafter break for a long period without training the remaining personnel. This means that the SAPS is providing inadequate service; general detectives requires more than this current practice to make a positive and constructive impact in crime investigation (Burger, 2012).

After joining the police service, all detectives are required to attend a formal training course designed specifically for detectives, if there is such a provision (Rauch, 1992). This hardly takes place because of a lack of training providers in the SAPS. It is important to acknowledge that local and specialised detectives are competing with fraudsters, especially in terms of technological knowledge and skills; and therefore resources and training are vital to ensure the efficacy of detectives, even though their function is largely reactive. The detectives investigating technology-related crimes, such as fraud, are faced with the challenge of first understanding how the technology was used to commit the crime before being able to investigate the crime traditionally.

The above issue of training relates to the manner in which the SAPS recruits personnel. The objective of police recruitment and selection is to appoint qualified candidates in terms of their talents, ethics, drive, and emotional stability (Thibault et al, 2001:297). In many cases, recruitment and selection processes should be aligned with on-the-job training provided after appointment, in order to ensure that detectives learn to master contemporary investigative practices and adapt to the changing milieu.

Because of the nature and complexity of fraud, certain processes and methods are required to investigate and prosecute fraud cases. However, in the current circumstance, detectives are unsupported in terms of investigating difficult cases that could be addressed if foundational crime investigation training were provided at an early stage of their careers. This lack of support and training is evident in poor evidence collection and analysis, yet these unsatisfactory practices remain unaddressed. A continuous training programme for detectives could capacitate and empower detectives to deal with the evolving nature of the fraud phenomenon. Formal training of detectives would provide knowledge and reinforcement of the standard practices while bolstering required investigative competencies.

Forty-six percent of the participants ($n = 7$) revealed that training costs in the police are not weighed up against the conviction benefits where criminals make reparation for their actions. This means that acquiring the right people with expertise, allocating time, and tools to provide training are not on the list of detective development priorities. It is therefore imperative for SAPS to regard training of general detectives as an integral part of strategic and operational management processes.

Training is allegedly not prioritised and supported the SAPS management. Lack of training in the detective division is a major constraint in the ability of detectives to handle contemporary fraud investigations. In response to the lack of basic training, some of the participants cited management complaining about insufficient funding for proper general detective training for proper performance. Prior to the year 2000, this has not been the case; however, after 2004 it became apparent that programmes such as basic fraud investigation training, predominantly in the Criminal Investigation Division, were “discontinued” after the introduction of courses such as the ROC and DLP.

These courses address a general investigation of crime without specifically contemporary investigative issues. Because of structural and procedural changes within the SAPS, basic training opportunities became unlikely to be implemented for new detectives, indicating that the value of properly educated police detectives is not emphasised. Sixty-six percent ($n = 10$) of the general detectives emphasised that basic fraud investigation training is a unique feature of criminal investigation and it is a luxury to the majority of the detectives in general fraud investigative units. During 2000-2002,

this training was only offered for two weeks. This lack of support and training for fraud investigators may be juxtaposed to the support given to specialised units who deal with violent crime, where SAPS crime statistics are used to gain support for advanced training.

Although there are resources supplemented into police stations for capacity building purposes, the problem of resources cannot match the increasing number of fraud cases. The level of crime in South African society dictates that more resources are required to address social problems. The resources that are required to carry out fraud investigative functions are often diverted to violent criminal investigation units citing “important” priorities. The diversion of resources negatively affects detectives in this field of operation, despite evidence that certain sections of criminal groups are moving from traditional contact crimes to fraud because it is more profitable.

An interviewee indicated that developments in the police are first reserved for high-ranking police officers’ duties (from entry-level, middle-level, and executive-level management). Allegedly, development programmes are dedicated to management roles. One particular example is the Leadership Development Programme (LDP) for top management, the Police Station Management Programme (PSMP) for middle management at the station level, the Operational Management Programme for junior to middle management, and the Basic Management Programme for new and potential managers. These programmes overshadow the potential capacity-building opportunities related to lower levels of investigative operations.

The Basic Management Programme was designed specifically for station managers as a development tool for building management capacity within the SAPS. This is necessary to combat practices which disadvantage the general detectives at the station level, such as senior police officers being sent overseas for training courses (police leadership training) while the general detectives do not receive training at all. The courses offered to these senior officers create a bias against lower-ranking members of the SAPS. It is important to note that this type of training is provided by specialist institutions at a cost. However, there is no programme or plan for high-ranking polices to share new knowledge or practices with members at the local level on their return from abroad. In the absence of training tailored for general detectives, the culture of reading and learning about their field of expertise is not supported in the

workplace. Their capacity to deepen the level of their understanding of fraud is not sufficiently encouraged.

5.7.2 Limited resources

One of the factors that support the pursuit of justice in the police is the provision of adequate and required investigative resources. In this context, some interviewees indicated that the SAPS is under-resourced and that the management lacks insight into how to distribute resources where they are most needed. Some of these resources are also overused whereas others will remain underused; 73.3% ($n = 11$,) of the participants mentioned that police vehicles and access to telephones are the most significant means of achieving investigative functions. Preliminary investigation of fraud cases is crucial to determine if it is reasonable to solve the crime. This means that the theoretical underpinnings of investigation are based on the availability of resources.

In this case, it would make sense to use investigative resources effectively before embarking on a full-scale investigation known as a follow-up or latent investigation. All further fraud investigation challenges by detectives relate to the limited or scarce resources. Ninety-three percent ($n = 14$) of the participants acknowledged that SAPS management does not provide sufficient resources in the investigation of crime. However, 66.6% ($n = 10$) expressed that high profile fraud cases receive priority treatment and the investigative resources are put together in order to conclude investigative activities speedily. Therefore, handling crime investigations is influenced negatively by the limited and remaining resource that are often overstretched.

According to 26.6% ($n = 4$) of the participants, there are resource weaknesses in the police to pursue fraudsters. This simply means that the capacity for the investigation of fraud is evidently under a threat of inferior investigation. One interviewee pointed out that:

“Companies such as insurance and financial organisations have committed sufficient resources to investigate fraud internally, and we don’t have comprehensive abilities to do that”

Because of this systemic weakness, some of the detectives decide to join these corporate institutions when job opportunities are available.

It may be reasonable to assume that the police as an organisation prepares general and specialist detectives for other organisations. The same interviewee remarked that this creates a gap that is difficult to be filled in the police service. Among the interviewees, there were some comments about a number of significant resources, telephones, vehicles, computers, internet, and printers that should be noted. Because of the status on resources (absence of capacity) at a general level, detectives' ability to respond well to fraud cases would not be improved. Police resources are a pertinent concern in the Gauteng province, especially when there is an influx of foreign nationals coming to Johannesburg and neighbouring areas for job opportunities (Jordaan, 2018). The reason for influx is assumingly associated with the fact that people want to be where there are services. Much of the resources in the police are often directed to deal with increasing crime rate because of the number of people moving to cities for job opportunities (Mabena, 2018).

5.7.3 Resource overuse

The concept of resource overuse is explored in terms of the correlation between lack of adequate resources and the inappropriate overuse of limited resources in police stations, particularly in the general criminal investigation units. Issues such as training neglect, insufficient resources, workload, and a shortage of manpower may influence the overuse of limited resources. A significant number of interviewees (80%, $n = 12$), acknowledged that among all physical resources, one vehicle can be shared by three to seven detectives, which increases the investigative period of already lengthy fraud investigations. In an interview, one of the specialist detectives commented:

“It would be unfair to pretend and not mention that, general detectives believe we always have vehicles to attend every situation that needs our attention, and that is not true. We have challenges too and sometimes one has to borrow a car from another group for investigative duties. For example, if a group of seven detectives has two vehicles, when one of the vehicles is broken or booked in for long period for repairs, the remaining vehicles are shared by seven

members”. Fifty-five percent ($n = 13$) of the interviewees indicated that some of the fraud cases require the collection of evidentiary materials and interaction with a number of different people from various places, and this adds to the cost of how resources are used. Furthermore, when some cases come under scrutiny, it becomes apparent that they do not require criminal investigation, as one interviewee noted:

“When you present the case before the prosecutor for a decision, some of the cases are declared civil when you’ve already spent too much time on futile investigations. And a victim will insist that police investigate the case because they do not have money to pursue civil matters. That is where the term ‘bad debt collectors’ comes from and started circulating among the fraud detectives; that we are settling civil disputes to recover the lost costs”.

As soon as the victim or complainant of fraud realise his/her case civil rather than criminal, the victim may withdraw the case, after wasting police resources. Investigating fraud is costly, difficult, and time-consuming. Moreover, it is rare for police detectives to recover the damages or unjustified costs after a number of investigative activities have been initiated. This recovery is only feasible when a fraud case is falsely reported with false supporting evidence because restitution is possible in this instance. For victims of fraud, failure to recover damages creates frustration because they do not want to pursue civil prosecution, especially when there are minor damages incurred.

Another cause of resource overuse is the lack of actual knowledge of the definitional elements of fraud. Local detectives may refuse to investigate seemingly sophisticated fraud cases because they want to investigate cases with which they are comfortable and have sufficient investigative knowledge to address. Some of the cases that the detectives turn down fall within the scope of cases that the detectives are not trained to investigate, in addition to being too inexperienced to address the cases, such as fraud in “double discounting” deals. Cai (2008:x) refers double discount as the situation when two or more (multiple discounts) are combined together resulting in a discount larger than any of the individual discounts. However, in the financial sector, this

concept can be interrupted for fraudulent purposes. For example when a person receives a financing offer from two financial institutions for one item.

Another concern related to general detectives overusing police resources is their high investigative workload. It is noted that the excessive degree to which these resources are used has consequences. For example, vehicles that are written-off before they reach their service lifespan often create a vehicle shortage. Detectives may face an institutional cultural bias regarding prioritisation of access to resources while being forced to overuse vehicles and telephones to attend to numerous urgent cases. Financial resources to address these urgent cases are often absent. Some interviewees noted that stations with minimum resources and a limited workforce face challenges when a vehicle is written off. Often overused vehicles with high mileage are kept until they break down completely. This practice puts the lives of those using these vehicles at occupational risk.

The overuse of resources is compounded by general detectives' limited knowledge and skills when faced with fraud cases. As previously stated, fraud investigation is a specialised field and requires appropriate expertise and experience. Because of limited technical knowledge and experience, interviewees from specialised Commercial Crime Units acknowledged that they would, at some stage, take over cases from general detectives after the exhaustive use of local resources. This puts general detectives in a difficult position of meeting specialised units halfway with the allocation and use of local resource before deciding which fraud cases to assign to which unit. This issue of resource allocation and use is neither addressed in the station mandate nor the specialised directive.

However, one may argue that the specialised units have an advantage in terms of resources due to their mandate regarding which cases to investigate, placing these units in a "directive gatekeeping role". Furthermore, as the specialised unit investigate complex cases, they may argue receive preferential resource allocation, as the resources allocated determine how far a case can be investigated. The fewer resources allocated, combined with additional challenges including workload and lack of skills, negatively influence detectives' investigative functions, leading to a minimum of investigative work being performed efficiently. It is important to note that a combination of resources is an effective tool in the fight against fraud.

5.7.4 Workload capacity

General detectives are challenged with perpetually increasing workload and the volume of incoming cases of fraud that require attention. Almost all the participants ($n = 14$) complained about the number of case dockets they are carrying. The interviewees noted that that fraud cases are time-consuming, and this adds time pressure to the existing caseload pressure. When new cases are assigned to general detectives, the detectives are required to undertake follow-up inquiries, best described as the primary investigation in the crime investigation discipline. In these circumstances, the detectives are expected to prepare cases with sufficient and relevant information (objective and subjective evidence) which assists in further investigations in order to ensure successful prosecution. However, the detectives' caseloads limit their ability to collect sufficient evidence, and this is compounded with the time pressure placed on detectives as they can only afford to spend investigative time on a few urgent cases.

Workloads are extreme in busy metropolitan police stations. Participants indicated that a high workload affects victims, witnesses, suspects, prosecution, and society as a whole. The inflow of cases is a systemic worrying factor, over which the SAPS detective service has no control. In traditional crime investigation, detectives lack basic investigation training, essential resources, and skills to manage a high workload of case dockets. Moreover, these detectives use outdated and underhanded methods to disguise investigative delays, such as illegally obtaining evidence in order to favour the suspect. The rationale behind this improper approach is to extort money from the suspects involved in the commission of a crime.

Considering that fraud investigation involves a large collection of evidential documents, analysis, and interaction with professional role players such as bank officials, financial institutions, insurance companies, forensic submissions, and other businesses, it is likely to expect a vast number of case dockets to build up and be assigned to individual detectives. One of the consequences of overloaded detectives is that all cases that require comprehensive investigation may suffer insufficient investigative efforts in addition to the circumvention of practices and procedures in order to attempt to achieve the anticipated investigative outcomes.

The majority of criminal cases are pending with investigations that need attention. Some of these cases present complex problems for general detectives, as some cases may be beyond the scope of detectives to investigate, and managing the problems related to detectives' caseloads may be beyond the scope of detective commanders and station managers to resolve.

Furthermore, there is a social problem in terms of crime increasing despite the SAPS instituting "get tough" approaches to crime. However, there have been insufficient long-term interventions to address the internal issues, such as high caseloads, which contribute to local incompetence, passivity, and political managerial battles. It should be noted that the investigation of a single case could range from a period of months to years, during which a detective will painstakingly try to prove the elements (reasonable grounds) of criminality to begin to conduct an investigation. In many instances, the investigations depend on pieces of evidence sourced from various stakeholders, such as witnesses, victims, suspects, and other interested parties. The quality of reports (affidavits in terms of subsection 212 of Criminal Procedure Act 51 of 1977 and financial reports) raises the probability of successful investigations.

Without addressing broader systemic and structural issues as emphasised in the National Development Plan (National Planning Commission (NDP), 2011:98), high detective caseloads will generally fail to improve, as systemic capacity enables individual general detectives to handle fraud cases properly. It is important to note that general detectives work directly with the complainant, victims, witnesses, and interest groups, so the ability to handle fraud cases are often discussed, especially when investigative pitfalls hinder the production of substantive evidence. In terms of caseloads, casework often increases when, as the participants noted, detectives spend a considerable amount of time correcting errors made by first-on-the-scene police officers (otherwise known as response officers), particularly uniformed members of visible policing units. These corrections require the detectives to work overtime (without pay), and this practice has become the norm at local police stations. This has harmful effects on individual detectives, as an interviewee noted:

"We always work extra hours without bonus and at the end; we are not allowed to use state vehicles to transport us home. Every time we use the car as transport, we must produce a case number for it. The next

day we must be here to attend to other cases. You must remember that with fraud cases you are dealing with deceptive people who have multiple addresses. It is not a normal situation”.

The pressure of high caseloads has resulted in managers making negative inroads (forcing staff members) into labour related issues in terms of working additional hours without compensation. If detectives at the local level would only work for compensation, many victims may suffer, because the detectives' high caseloads would mean that only the cases that are attended to during office hours would be investigated, with numerous cases left unattended for extended periods. Seventy percent of the study's participants ($n = 10$) described these types of situations as representative of poor decision-making by police management.

Seventy percent ($n = 10$) of the participants further admitted that in extreme cases, high caseloads which exceed the basic number (18 to 30) of cases per detective often lead to detectives booking off sick to avoid bad preparation of court cases. Additionally, participants indicated that they would have to continue working excessive hours outside of office hours to reduce the backlog of cases – this backlog negatively impacts on their performance and perpetuates the pattern of abuse by managers who enforce the detectives' hours. While detectives are struggling to cope with the number of fraud cases on hand, they admitted to utilising sub-standard methods and techniques to deal with the volume of their individual investigative work.

Moreover, the interviews with the detectives confirmed that the workload not only affects their performance but also harms individual detectives psychologically, and thus ultimately does institutional harm, as the underperformance of the detective service places strains on the SAPS in terms of publicity and public perceptions. The pressure of workloads, the work associated with case investigation, and the absence of necessary resources to undertake fraud investigations undermines the capabilities of fraud detectives. However, the blame for substandard investigative practices is placed on the detectives who are expected to deliver the services.

5.7.5 Shortage of detectives

The shortage of skilled detectives in the SAPS is a serious matter, which should be addressed directly. There is a perception that where there is no shortage, training is sought for junior detectives before they can be considered for senior investigative work. Nevertheless, it is doubtful that this will be sufficient to address correlated factors that threaten to undermine the willpower and inspiration of local detectives to remain with the SAPS. Twenty-six percent ($n = 4$) of the interviewees indicated that fraud investigation is an area of investigation where fraud investigators (in private or public sector) have significant career potential. Therefore, general detectives in SAPS may find external opportunities for corporate investigation services enticing, as there may be more benefits in the corporate field. This perpetuates the shortage of skilled detectives in the SAPS who have the skills and capacity to investigate fraud.

Limited SAPS resources ration investigative functions. The quality of investigative service for remaining detectives is then problematic both in terms of workload and turn around-strategies. This means that victims will not get the service they want and expect a human resource perspective. Several interviewees were particularly concerned that the shortage of detectives would increase the cost of SAPS preparing personnel through training and experience. This concern stems from the fact that numerous investigators in corporations come from South African law enforcement agencies, including the SAPS. This means that when the SAPS equips and capacitates an investigator, the institution suffers a loss of skills and manpower when these trained individuals leave the SAPS to work in private and public sector companies. This suggests that the detective division's strategy to retain personnel is failing to serve the organisation.

Table 7: Number of fraud detectives per station

Police station	Number of detectives	Fraud unit	Average cases per day	Average cases per detective
Johannesburg Central	123	14	±10	±50
Fairland	13	1	±2	40
Booyens	61	3	3	81-100
Mondeor	65	5	3-5	±20
Pretoria Central	±58	9	±10	±60

Column one of Table 7 above represents the average number of detectives per station at the time of data collection. In the second column of the table, it shows the number of detectives allocated to oversee fraud investigations, followed by the number of fraud case dockets assigned to each member per day. The fourth column shows the total number of cases carried by a single detective. In column three and fourth, the number of cases fluctuates (asterisks) as they are controlled by a few factors. Factors include the number of cases registered per day and those that are closed before and after investigations for a number of reasons, such as undetected with no suspects identified, withdrawn, convictions and mandate issues. The interpretation of these figures is complex due to the qualitative and quantitative data represented in the table. The number of cases investigated by an individual detective at a given time suggests that the conditions that facilitate the investigation of fraud cases are not favourable. One particular example is that investigating fraud is a secondary function for those detectives who have other investigative responsibilities due to personnel shortages. Some police stations are faced with resource constraints to the extent that these stations cannot afford to devote a team of detectives solely to the investigation of low-level frauds.

A shortage of skills is compounded by a shortage of staff, and this is a source of aggravation to many organisations. When acute, such as it is within the SAPS detective service, it is likely to hamper the quality and quantity of the organisational output. It is important to note that since the 1980s, the number of specialist fraud police officers has declined substantially (Button et al, 2012). This means that the SAPS investigative function in this specialisation is deteriorating. This deterioration also affects the detectives currently investigating fraud cases, as their caseloads may lead to investigative errors, ultimately negatively impacting on victims and stakeholders.

SAPS structures may suffer staff shortages in areas where highly skilled staff are sought. Various divisions and components in the police service are getting smaller because of local service needs and demands that arise from crime rates that dominate public concerns (Newham, 2005:161). It may be argued that as an organisation, the SAPS does not have the internal capacity to investigate fraud because of the level of reported fraud cases with dropping convictions. The available workforce is challenged by unreasonably high caseloads; yet, the data revealed that there is no plan to

increase fraud investigatory personnel. Bearing this institutional incapacity in mind, the participants noted that general detectives continue to tolerate the existing “incapacity” without an outlet to voice their concerns.

According to interviewees, human resource dedicated to fraud investigation are not prioritised in the same way as human resources assigned to violent crimes. This is evident in the number of police officers (general detectives) assigned to fraud investigative units. Furthermore, some local police stations do not have fraud units or detectives dedicated to fraud investigations. Although some of the police stations are too small to set up different investigative units, general detectives have no option to transfer fraud cases and are then burdened with their investigation. The majority of participants (80%, $n = 12$) acknowledged that there is a shortage of “experienced fraud detectives” in police stations.

Eighty percent ($n = 12$) of interviewees also highlighted is that as soon as detectives acquire experience in fraud investigation, they leave the local stations to join other criminal investigation units because of caseload complaints. This issue is exacerbated by the fact that human resources, if any, are directed towards “priority” or “serious crime” investigation units. Fraud is the lowest in terms of priority for investigative units for human resource allocation and resource reinforcement, as depicted in Table 7.

The sampled police stations have dedicated fraud units is due to their location within metropolitan localities, serving a large number of people. Metropolitan location and the size of the population increase the likelihood of the incidence of fraud commission. Although there are few reports about the investigation of fraud cases in rural areas, it may be argued that police stations in rural areas do not have the capacity to group crime investigation units according to categories of crime. Furthermore, based on the metropolitan demographics’ influence on the incidence of fraud, it may be argued that the crime of fraud is seldom perpetrated in rural areas.

Regardless of station location, the detectives’ capacity comes into question, as detectives outside of metropolitan areas may be unable to investigate a reported case of fraud due to lack of training, resources, and institutional support. This study argues that there is a significant decline in the number of general detectives who are competent to handle fraud cases. It is also important to note that additional “income in

the corporate sector” was indicated as the primary influential factor in the declining number of detectives in the SAPS, especially in terms of fraud. All ten of the general detectives interviewed stated that they have an interest in becoming financial investigators in the corporate sector. Most of the detectives interviewed aspire to leave the SAPS in the near future. It should be noted that some of the detectives who aspire to leave the SAPS, have substantial fraud-related investigative experience.

Given the broad-spectrum shortage of detectives the SAPS, it is improbable that Commercial Crime Investigation Units would be able to alleviate the burden of shortages by sharing their workforce and expertise (such as intelligence and trends in fraud) with local police detectives. Specialist detectives are reluctant to leave their privileged units because of the unreasonably high caseloads that would be assigned to them, in addition to the declining state of resource allocation at local police stations. One participant indicated that:

“Most uniformed police from crime prevention units despise joining crime investigation units because detectives, wherever they are, are always carrying brown files, even during the weekends. They do not have lives”.

It may be argued that SAPS resources are not aimed at fighting fraud and pursuing individual fraudsters at the so-called “general level” on behalf of fraud victims. It is extremely difficult, in this sense, to investigate a wide variety of general fraud with the smallest possible number of assigned of general detectives. Although complex fraud and fraud related to organised crime fall under the directive of the Commercial Crime Unit, general detectives may still be tasked to investigate “complex fraud” disguised for example as Automated Teller Machine (ATM) fraud, online and offline fraud, advance fee fraud (AFF), romance fraud, mass marketing fraud, and insurance fraud. The lack of sufficient investigation of the aforementioned types of fraud may perpetuate the advancement of skills of fraudsters, thus allowing these perpetrators to commit more advanced crimes, ultimately leading to an increase in organised crime. This type of fraud generates numerous investigations that can continue for extended periods. Despite the magnitude of the fraud, there are few competent detectives to investigate cases such cases, as confirmed by the interviewees. Therefore, it is

possible to hypothesise that the ultimate consequence of detective shortages is that junior detectives are not receiving appropriate investigative guidance in terms of fraud.

5.7.6 Criminal prosecution

In terms of preparing for the prosecution of fraud cases, it is important to take into consideration that a criminal prosecutor performs a critical function as gatekeepers in achieving a conviction (Schönnteich, 2014:1; De Villiers, 2011:256). A prosecutor is appointed under the law as a public prosecutor on behalf of the state (De Villiers, 2011:250). Prosecutors work in a close (inseparable) relation with detectives handling various criminal cases, including the investigations of fraud-related offenses. The functions of these prosecutors include the ability to make decisions over which cases can be presented before the court, and the power to control the continuance or discontinuance of prosecutions (Schönnteich, 2014:1; De Villiers, 2011:256).

Distinct from other countries where prosecutors have a twofold role in certain domains, in South Africa, the investigation of crime as described in earlier chapters fall under the responsibility of the police as stipulated in the Constitution and Police Act. In contrast to this, one interviewee mentioned that there are benefits (one being reasonable instruction and advice to detectives because of legal knowledge and interpretation) when a prosecutor gets involved in the investigation of a case. The data revealed that 26.6% ($n = 4$) of the participants were cognisant that where prosecutors have the power to investigate, the conviction rate is high. That is why presenting a sub-standard criminal investigation docket before prosecutors is a standard barrier to pursuing justice on behalf of crime victims.

Each pillar of the criminal justice system has an important role to play in the successful investigation and prosecution of crime, including both complex and general fraud. However, 93.3% ($n = 14$) of the interviewees commented that the majority of prosecutors at the district courts do not understand fraud, and more importantly, they are not interested in a fraud prosecution. According to these interviewees, many of the prosecutors refer to workload challenges associated with fraud cases as too exhausting, arguing that it takes too long to obtain a conviction. These participants further indicated that some of the prosecutors are not in a position to guide the detectives during the investigations, particularly with evidence gathering. This renders

case dockets null and void when presented before the court. One interviewee explained:

“It would be better if there were dedicated prosecutors who are experienced and interested to handle fraud cases at the district court level, in order to provide general detectives with informed instructions and guidance during the investigations. The complexity of fraud cases is quite daunting for district prosecutors also. If there is any case I think is too sophisticated for the district and regional prosecutors, I take it to commercial crime court prosecutors for expert advice and then place it on the roll with them”.

This comment implies the lack of ability of some of the prosecutors to augment and support the pursuit of criminal prosecution against fraudsters. One interviewee noted that prosecutors sometimes are reluctant to read all of the provided information related to a certain case. Another interviewee highlighted that some of the prosecutors are not analytical in identifying various elements of fraudulent activities, especially fraud committed by a well-resourced fraudster using sophisticated methods and tools. For example, dealing with complicated transactions involved in fraudulent activities seems to be a daunting task. Moreover, the quality of every decision made over a fraud case docket has an impact on the victim’s perceptions of the investigators, the SAPS, and the prosecuting authority. The data revealed that there are mixed perceptions about prosecutors placed at commercial crime courts. Twenty-six percent ($n = 4$) of the participants acknowledged that the complexity of fraud cases presided over by the commercial crime court prosecutors and differs from the complexity of the fraud handled by the district court. However, it is expected to be the same in district courts.

Twenty-six percent ($n = 4$) of the specialised detectives interviewed emphasised that the inherent characteristics of fraud pose challenges to district court prosecutors. It is unsurprising that in some of the cases, especially in terms of court dockets carried by general detectives, there are no guidelines, and there are often conflicting instructions from a prosecutor as to what evidence detectives are supposed to collect. This occurs despite the presentation of physical evidence to provide insight into what occurred. The general perception of participants (80%, $n = 12$) is that the prosecution of “general fraud” is a “waste of time”, whereas the prosecution of high-profile, complex fraud

cases is important, due to these cases attracting attention from the media and interest groups. Interviewees further noted that the prosecution of fraud cases is increased when there is “production pressure”, or in cases where there could be serious consequences from poor investigations.

Forty-six percent ($n = 7$) of the participants highlighted that they “hate” attending the trials of their cases; because of the questions and challenges, they face with regard to their evidence collection methodology and protocols. The interviewed detectives stated that they are always blamed, belittled, and embarrassed by prosecutors and judges for issues that are beyond their control, such as witnesses not turning up at court, and mostly for lack of evidence. As a result, these detectives explained that they do not always investigate their cases completely. This is a setback for the victims of crime because it jeopardises the criminal investigation process and undermines the strength of cases, and ultimately, justice.

5.7.6.1 Co-location as best practice

One of the most common techniques used to investigate fraud cases in the specialist Commercial Crime Units is to implement a case plan. This involves the careful analysis of available evidence, however minuscule, and the outstanding issues that require action. Planning both the case investigation and prosecution takes place to gather outstanding evidential materials as soon as the assigned officer receives the case. Initially, during the first investigative stage, a detective handling the case conducts a systematic plan of what is to happen prior to discussing the case with a prosecutor. This involves the collection of witness statements, gathering of evidence to confirm how the crime was committed, linking individuals and other corroborating facts. Depending on whether the law enforcement agency is responsible for the investigation of the case or its prosecution, this process would be known as a case plan (investigative) or co-location (prosecutorial). The second investigative stage involves a prosecutor specialising in the area of that particular fraud implementing a plan to strengthen available evidence and analysing the possibilities of a successful prosecution and conviction. The case plan technique, much like techniques refined by fraudsters in their *modus operandi*, constantly evolves alongside the level of fraud. This plan, reportedly, should be compiled before a case can be presented to the prosecuting authority.

Despite minimal perceived impediments in terms of criminal prosecutions, interviewees noted that there are procedural tenets which require strict adherence to secure criminal convictions. One of the factors that enhance investigations is the co-location of a team during the investigation. It is important that, contextually, fraud investigation is grounded on co-location, which involves factors such as teamwork of skilled personnel and resources due to the magnitude of the investigations. According to 6.6% of participants ($n = 1$), co-location between commercial crime prosecutors and specialist detectives enables them to discuss critical case issues regarding how best to approach the given fraud cases under investigation.

The co-location process begins as a case is assigned to a police officer for investigation. In such an allocation, a prosecutor is paired with the detective to assist technically and provide adequate knowledge on the investigation for sufficient evidence collection and analysis. This method facilitates the best working relationship for a common investigation agenda. In contrast to this view, participants emphasised there is no communication between the generalist detectives and prosecutors. In the context of crime investigation, general detectives are, in most instances, undermined because of where they are placed and the circumstances around them, such as the type of environment and its capacity structure.

This type of arrangement (co-location) is rarely practiced within the general detectives' circle where interviews were conducted. Participants ($n = 4$) indicated that co-location is not possible for local detectives because of numerous factors, including high caseloads, handled simultaneously. This suggests co-location is beneficial to detectives handling most serious fraud cases in the CCU. Throughout the investigation of a case, prosecutors who have legal knowledge and capabilities can provide technical and legal assistance complementary to the investigations in areas in which detectives are perceived to be weak. This means that the potential ineffectiveness of specialised detectives is somehow curbed, as they are externally capacitated to undertake fraud investigations. The duration of investigative co-location may continue throughout the duration of the investigation and prosecution of a given case. The effectiveness of the co-location approach is evident in the prosecutorial outcomes on fraud cases handled by specialist personnel.

5.7.7 Allocation of work

When cases or complaints of fraud are registered at the police client service centres, these are allocated based on the station directive or mandate. Ten participants (66%) confirmed that the standards of allocation of cases are not compatible with the capacity of local detectives. In terms of work allocation, interviewees mentioned that during many of the SAPS transformation processes after 1994, the abolition of fraud units at the local police stations became standard practice for every candidate appointed as a police commissioner. This left fraud investigation mandate subjected to change. In the process, the crime of fraud was labelled to be the lowest priority crime by executive police management. After the implementation of these transformation initiatives, some of the detectives were moved to less intensive investigative teams; indicating a correlation with the literature that fraud and many other crimes are consistently not perceived as priorities despite their potential for global harm (Stelfox, 2009:202).

Because of this perception, the allocation of fraud cases to various role-players (whether general or specialist detectives in police agencies) is left to those with sufficient resources to make allocation decisions. It is important to note that the level of resources determines who can oversee the investigation of fraud, according to the fraud's complexity and severity. This directive is vague and open to interpretation, according to 66.3% ($n = 10$) of the participants. Allegedly, unresolved cases (of low solvability) of fraud mandated for specialised units are downgraded to the general detectives' in-tray so that they cannot affect the conviction rate of the specialised investigation units. This means that the performance measure of these specialist units influences the allocation of fraud case dockets.

Twenty-six percent ($n = 4$) of participants stated that there is a mismatch in terms of cases that are allocated to local police and those allocated to specialist detectives. Many factors influence the determination of the "magnitude" of cases and to which unit they should be assigned for investigation. Influential issues in case allocation comprise the lack and availability of personnel, case complexity, resources, and case solvability.

The number of general detectives handling fraud cases at the station level indicates that the number of cases reported are above the level of investigative capacity (Table 7). The consequences of this demonstrate that the local level of a fraud investigation

is marred with incompetency, as described by interviewees. Irrespective of the so-called low-level or lower profile investigation of cases allocated to general detectives, there is a conflict between the expectation of investigative competence and the reality of the outcomes of these investigations. Eighty-five percent ($n = 13$) of the participants mentioned that the allocation of investigative tasks (case dockets) is based on balancing the caseloads rather than assigning cases because of the skills and knowledge possessed by the detectives. This practice is likely to cause trained and seasoned detectives to be overburdened with work.

5.7.7.1 Demoralised skilled detectives

Sixty-six percent ($n = 10$) of the participants acknowledged that there are skilled detectives in police stations who are capable of adequately performing investigative tasks. Furthermore, these detectives are often unwilling to leave the SAPS for more lucrative positions in the corporate sector. This relates to the detectives who are involved in fraud investigations at the “low-level”. The data revealed that there are competent and able detectives in the SAPS who possibly require support and encouragement to survive the organisational instability of ongoing changes implemented since 1994. Some of the participants (26.6%, $n = 4$) shared their insight that those willing to cope with detective work despite inevitable pressures, do so because they are left with few years to retire. These soon-to-retire detectives are perceived to feel that they have made significant contributions to the SAPS and may not want to lose extra benefits added to their pension funds and medical aid cover. An adverse effect of being a competent or experienced detective in the police, however, is associated with the view that:

“As soon as it is realised that you are good at what you are doing, you get bombarded with a lot of case dockets, supervision of other investigators, administrative functions, and perform supervisory roles on behalf of incompetent group commanders (team leaders) who do not a clue about fraud investigations process. You have your own cases but you will also do other inexperience members’ work. Some of these experienced members are investigating cases that fall within the DPCI’s directive. The whole thing is like doing a good thing without reward but is negatively a punishment for doing a good job”.

Most participants believe that these experiences are common and have harmful effects on committed and seasoned general detectives. It is important to note that while every case docket requires the full attention of a detective, fraud cases require the application of vast investigative knowledge and skills, and therefore require even more focus and attention. Almost all serious cases are assigned to one or two experienced members for investigative oversight. With a shortage of detectives, the few skilled detectives are habitually weighed down with cases. According to the participants (26.6%, $n = 4$), skilled detectives find themselves in an unattractive and difficult position, as they feel alienated with caseloads without support from flawed institutional structures.

Because of staff shortages and under-resourced police stations, members of crime investigation units are cautious of any investigative functions that would generate a large volume of work, particularly in terms of demanding fraud investigations cases. Twenty-five percent ($n = 3$) of the participants cited that the pressure of fraud investigations discourages even those detectives whose investigative skills are of high quality, despite managers increasing their workload and work hours, which is accepted as a norm for fear of being victimised during promotions. The reliance on experienced detectives to heighten crime investigation efficiency is mostly good for organisational outcomes but problematic when done at the expense of unreasonable workloads while under-resourced.

These findings on the decline of skilled detectives indicate that the decline is a direct consequence of inappropriate police management, as issues of, lack of training, under-staffing, and resource shortages are not addressed, leading to the increased pressure on experienced detectives.

With lesser-qualified detectives in police stations, it is perceivable that victims of fraud are disadvantaged in the pursuit of justice. Bearing in mind the police incapacity outcry, one of the participants indicated that some of the victims of fraud have already begun their own investigations and presenting detectives with fully collected evidence of incidents prior to the police investigating the crime. The prevailing view is that experienced general detectives suffer from low morale and job satisfaction due to resource and staff shortages.

5.7.7.2 Disconnection of detectives

In addition to the pressure placed on skilled and experienced detectives, twenty-six percent ($n = 4$) of the participants appear to be disappointed with transformation promotion policies in some areas. It is important to note that, within the SAPS, especially in the detective division, the only way to advance to the next rank or career level is through promotion (PMG, 2012b). In the interim, while the police are still struggling to fix policies, detectives are encouraged to accept promotion posts in visible police units whenever they are available because of the low number of promotions posts advertised in the detective division. These posts are often outside of the detectives' scope. Numerous detectives have acted outside of their abilities in order to occupy posts outside the scope of the investigative environment just for promotion purposes. According to forty percent of the research participants ($n = 6$), this results in inexperienced, junior, and "average" detectives being allocated fraud cases to meet the investigative standard set by the skilled and experienced detectives to meet national targets. According to these participants, there is a poor understanding of the nature of detective work in the SAPS.

Forty-nine percent ($n= 7$) of the participants suggested that inexperienced senior ranking officers who never investigated fraud or serious crimes, who furthermore have not had careers as detectives, have an advantage over the detective division, and are hostile toward the idea of creating detective posts in police stations. This is associated with the notion that general detectives have lost status in the South African Police Service. They are marginalised through resources and training. Additionally, the interviewed detectives believe that visible police are incompetent and do not understand the value of crime investigation. At the senior level, SAPS members compete for resources. At worst, one participant noted, high-ranking SAPS members compete for highly ranked positions despite poor knowledge and operational expertise in specific areas of policing. This lack of knowledge and skills is prevalent throughout the SAPS as it has been shown in Table 7 that, the human resource shortage, the assignment of experienced detectives to uniformed divisions, the allocation of excessive workloads, lack of training and institutional support have impaired the investigative capacity at the local station level, rendering detectives unable to sufficiently investigate fraud and other crimes.

5.8 Skill requirements for fraud investigations

Crime commission in the 21st century comprises various *modus operandi* due to significant advances in technology and social change in terms of access to information and resources. Participants noted that fraud investigation is generally extremely time-consuming in terms of obtaining evidentiary documents and preparing a case for prosecution and that this is often influenced by sophisticated technology involved in the crime. Therefore, general detectives handling fraud cases in the light of technological advancement, require adequate technological training, in addition to procedural and methodological training. Seventy-two percent ($n = 11$) of the interviewees pointed out that the type of training detectives undergo in preparation for fraud investigations is of poor quality and is often outdated. Besides understanding business practices and basic accounting skills, the nature of social change necessitates the robust development of detectives' practices to address the fraud phenomenon.

The failure of police to recognise global changes and problems associated with the evolution of fraud commission can count against law enforcement agents in terms of the acquisition of necessary technical and investigative. Some of the necessary skills which training programmes could address comprise:

- basic fraud training;
- detective training;
- legislation on physical evidence issues;
- investigative procedures and practices;
- basic computer systems and other specialties.

If detectives do not understand criminal techniques, they will be perpetually challenged by technological fraud. Due to this challenge, 33% ($n = 5$) of the participants indicated that all fraud is complex and should not be categorised by levels of simplicity or complexity. This compounds the perception that general detectives are at the lowest level of individual ability and capacity to investigate fraud. In spite of inferior training or the complete lack thereof, general detectives still require various investigative skills and knowledge in different disciplines in order to address the fraud phenomenon. To

this end, 26.6% ($n = 4$) of participants cited the following as the basic requirements for varying degrees of fraud investigations:

- attaining a minimum of one university degree in a specified field of study (such as the natural sciences, law, psychology, or computer science);
- passing physical and psychological evaluations and examinations;
- undergoing psychometric testing, drug testing, and polygraph testing;
- having no previous criminal convictions;
- demonstrating support for democratic values and ideals;
- being under the age of 40 years prior to entering into an investigative career.

According to 6.6% ($n = 1$) of the participants, the SAPS unsuccessfully attempted to recruit members with academic qualifications into the field of commercial crime investigation. One interviewee indicated that the majority of those members left the SAPS to join private companies – explaining that SAPS members are attracted to appealing incomes and other allowances, over SAPS promotion and advancement policies. It alluded that it is almost impossible to turn down beneficial prospects of work, even when this leads to the endurance of a failing policing system that continues to put more pressure on its personnel.

Taking into consideration the context of the recruiting complexities of police in South Africa, qualitative evidence suggests detectives are not adequately trained to recognise the social dynamics of the country. Moreover, numerous complaints from interest groups were made to SAPS management to respond to the deficit situations, such as the variety of under-resourcing of local stations in specific areas of policing. In some areas, the situation lowers criminal investigation standards, particularly of fraud cases.

5.9 Additional findings

5.9.1 Police fraud statistics

The findings on police fraud statistics pertain to the continuing disregard for “low-level” while fraud victims indicate that the harm caused by fraud is similar to the harm experienced by victims of violent crimes. This harm may be visible or invisible; the latter occurring when victims decide not to report the crime to the police. Seven percent

of the participants ($n = 1$) indicated that, in the official national crime statistics, fraud is considered a low-level crime, and is thus seldom mentioned in crime statistics. The official crime statistics do not provide accurate fraud data, and thus neglects its impact.

This resonates with unreported cases of fraud. Most fraud remains hidden from the public sphere because the cost of fraud is neither calculated nor presented in crime statistics. Participants noted that it is the lack of reported fraud that justifies its lack of statistical representation. According to 26.6% ($n = 4$) of the participants, there has been a call for police to include and share fraud statistics in the official national crime statistics to facilitate its reduction and prevention. This would allow police and other role players to focus specifically on identifying aspects that create opportunities for the commission of fraud. The interviewees argue that inclusion of fraud statistics in the official national crime statistics will benefit police in terms of strengthening resources devoted to fighting fraud. This would support improving operational resources and police investigations relative to addressing fraud incidents in society. This can be achieved through monitoring fraud activities through statistical analysis.

In contrast to the lack of disclosure of fraud statistics, fraud poses a significant problem. According to twenty-six percent of the participants ($n = 4$), the decision around the level of resources to be injected to local stations in relation to fraud investigations will remain uninformed because of the lack of intelligence around the phenomenon. This is compounded by technological and societal evolution that increases the challenges experienced by general detectives in attempting to address general fraud. This study argues that fraud can be devastating, however, the SAPS only features “serious fraud” in official statistics. This lack of concern has steered many corporate institutions to develop their own solid fraud investigation structures. Further analysis is required to explore the ignorance of not adequately addressing all categories of fraud seriously because it impacts on the intention to prepare and capacitate detectives to best deal with fraud case dockets on a daily basis.

5.9.2 Victims of fraud

Based on practical observations, interviewees ($n = 4$) noted that victims of fraud are highly critical of the way their cases are handled. In comparison to other crimes, one participant mentioned that fraud victims are problematic in the sense some have been

defrauded a large sum of their monies through fraudulent means. Eighty-two percent ($n = 12$) of the participants explained that victims often claim police are not willing to investigate this type of fraud, particularly if it involves a case against a company. For example, once a person is aware that he or she is a victim of fraud against the bank because of poor security measures, police become reluctant to investigate. According to twenty-six percent ($n = 4$) of the participants, victims of fraud do not report their complaints to the police anymore, particularly when the value of the fraud involved is small. The value of fraud often dictates the level of police response in terms of the investigation. The research participants ($n = 9$) mentioned that victims had no interest in police challenges, such as poor communication, lack of equipment, resource issues, lack of supportive evidence, and other factors prohibiting the proper investigation of their cases. These contentions are problematic, as individuals and some organisations have no other options to resolve complaints but report them to the police. Cases going un-investigated pollutes crime statistics in terms of the conviction rate in fraud cases.

Many businesses use their own teams and methods to investigate and determine the favourable outcome of cases. This indicates that police are failing to deliver on expectations of proper fraud investigations. Ordinary victims remain dependent on police investigations to find out what transpired in fraud perpetration. Without the police, victims of fraud are left helpless against fraud. The lack of organisational capacities makes it difficult for general detectives to deliver high-quality investigative services to victims according to the service agreement enshrined in the Constitution and the Police Act.

The perceptions above are not the criticism by general detectives but an acknowledgment and defence for local police that operate with limited tools and do not possess knowledge and expertise in a fraud investigation. The majority of the victims of crime in South Africa are aware of expectations, police pressures, challenges, and limited resources. However, victims need reassurance that their complaints (cases) will be given the proper attention. It is apparent that most fraud victims are dependent on the police for assistance because of the nature of the resources required to investigate fraud. The victims' reliance on the police is compounded by the fact that victims have no alternative means to recover the losses on their own. This is because

victims have limited authority and power for information retrieval, as opposed to the authority of the SAPS.

5.10 Summary

The research findings demonstrate that general detectives have a key role in fighting fraud assigned for low-level investigation. A number of themes emerged during the interview process: the lack of police interest in addressing general fraud seems to precipitate backlogs, doubt, and distrust of the police. In contrast to the high level of illiteracy in the SAPS, participants had “satisfactory” levels of reading and writing, particularly those engaged in fraud investigation and prosecution. Factors such as sub-standard detective training, limited resources, skills shortages, poor criminal prosecution, unreasonably high workloads, and staff shortages emerged during the interviews, as the major contributing factors to general detectives’ lack of capacity to address fraud cases.

Although the Constitution states that the responsibility to investigate crime rests on the police, there is confusion that concerns the jurisdiction over the types of fraud cases, which may be investigated by more competent and skilled units, as opposed to general detectives. Furthermore, the SAPS appears to be less inclined to combat fraud in comparison with its efforts in fighting violent crimes. Yet, despite the challenges facing general detectives, there seem to be a few skilled detectives devoted to sufficiently investigating fraud cases. Moreover, there are best practices in the specialised fraud investigation units that can be adopted by general detectives undertaking fraud investigations at the local police stations.

Chapter 6: Discussion and Conclusion

6.1 Introduction

This chapter discusses the research findings and identifies the limitations of the study, in addition to the providing future research recommendations, based on this study's qualitative analysis of the investigative capacity of general detectives in handling fraud cases. It is important to point out that this study was not designed to serve as a systematic guide to fraud investigation, as there are numerous ways of conducting a criminal investigation – this study aimed to address the skills necessary to conduct successful fraud investigations. The findings substantiate the argument that there are many pertinent issues linked to systemic faults in the SAPS, particularly concerning how detective services operate at the ground level. This study was intended to draw attention to the circumstances under which general detectives function in order to deliver the expected level of quality service, with a particular focus on fraud. In the process, this study identified key issues which impede general detectives in their day-to-day investigative duties and objectives.

The root cause of incapacity in the police rests on the lack of investigative procedural knowledge in conjunction with critical factors of staffing, training, and access to resources. Furthermore, the literature on the topic supports this study's findings that "general detectives" and "general fraud" are low in terms of policing priorities. This indicates a systemic and organisational capacitation issue, which impacts on the individual detectives' investigative capacities, especially in fraud investigations.

6.2 Discussion

Despite the limited scientific research on the investigative capacity of general detectives the SAPS in relation to the investigation of general fraud cases, the available evidence substantiates the concerns raised by this study. One of these concerns is related to the perception of fraud being less severe than violent crime. However, fraud is just as harmful to victims, and to society as a whole. However, the degree of harm is difficult to measure because some of the victims choose not to report fraud because of its associated stigma. Furthermore, public perceptions of police incompetence further hamper fraud being reported, and this reinforces the

organisational failure of the SAPS to address fraud cases. This damages the image and integrity of the police as an entity that is responsible to safeguard the interests of vulnerable members of the society, especially when cases of this nature are lost in court. The organisational failure of the SAPS to investigate fraud cases is compounded by the evolving scope and complexity of fraud investigations. When general detectives lack sufficient investigative, technical, and evidentiary training, even low-level fraud investigations become complex and exhaustive. This, in turns, perpetuates the victims' perceptions of police incompetence and enables fraud perpetrators to keep committing fraud, as they are rarely apprehended.

The key study findings that emerged from the primary data is characterised by inherent police systemic deficiencies. These institutional problems and lack of capacity directly related to the emerging organisational crisis that hampers the investigation of fraud, and various other crimes. The study found that the issue of capacitation is fundamentally dependent on the following factors:

- (i) the scarcity of police resources at the local level;
- (ii) inadequate training and lack of station mandates/directives;
- (iii) unreasonably high detective workloads (caseload);
- (iv) poor managerial skills;
- (v) cascading incapacity.

According to Sennewald and Tsukayama (2015:18), the person who lacks resourcefulness tends to give up on the task they are faced with. Although the tasks assigned to individual detectives may be viewed as trivial, they all contribute to addressing the scourge of crime. The issue of resourcefulness directly relates to the shortcomings of SAPS fraud investigations, due to the failure of interventions (solutions) to increase capacity. These issues influence the success of ordinary detectives at the local police stations to investigate fraud within their jurisdiction.

This lack of capacitation is harmful to the overburdened general detectives who are strained by work in an attempt to solve the reported cases reported, despite the organisationally perceived insignificance of fraud in official crime statistics. According to the participants, these institutional problems stretch back to transformation and restructuring, dating back to 2000.

The participants expanded on the themes and indicators in postulating the level of investigative capacity of general detectives in the SAPS:

i. The scarcity of police resources at the local level

Within the context of this study, the concept of scarcity relates to the lack of basic resources that a general detective would require to perform criminal investigative tasks. The primary data and literature concur that police are grappling with staff shortages in terms of trained detectives, and vehicle shortages; these shortages hamper the police's ability to adequately serve the communities surrounding the local police stations. This staff shortage was noted in a 2008/2009 report; indicating that in comparison with other provinces, Gauteng had understaffed police stations (Plato, 2014). It may be argued that if detectives have the resources they need, fewer detectives would be overworked, for shorter periods.

It is important to note that government institutions such as the SAPS have weak support systems for their personnel, leaving general detectives feeling exposed and suffering from exhaustion, exacerbated by high workloads and long working hours. This high workload and long working hours may cause stress, depression, and anxiety (burnout). These psychological symptoms of burnout are both local and global epidemics (Stotland & Pendleton, 2010:5-17; Kumar & Kamalanabhan, 2014:82).

According to twenty-six percent of the participants, it is alleged that more than three-quarters of active police detectives, regardless of the level of skill and experience, are experiencing burnout symptoms because of workload pressure associated with criminal investigations amid limited resources. According to the participants, often skilled and experienced detectives decide to leave the SAPS prior to becoming victims of burnout. The data showed that some of these detectives are most likely to leave the police service and find alternative employment in different private companies for attractive job opportunities, including increased resources. The decline in the number of general detectives creates further pressure for skilled detectives to adequately investigate fraud.

The participants noted that the investigative tasks in the private sector are less taxing and are rewarded with benefits and high salaries. This draws skilled detectives away

from the SAPS, as their skills and experience are sought after in the corporate world. This shows that there is a contingent of general detectives that is effective in addressing criminal investigations. However, the probability that all general detectives will be provided with the necessary resources and training to fully capacitate them is low in the face of increasing caseloads.

While general detectives struggle with meager resources, criminals continue to increase their skills and resources, often “graduating” from committing minor offences to perpetrating organised and serious fraud that supersede police resources. It is important to understand that the lack of resources serves as a key indicator of investigative capacity, and is considered the most important decisive factor of a criminal investigation.

The concept of resources can be broken down into critical tangible and intangible dimensions which are necessary for detectives to operate optimally within the scope of their duties. This study found that lack of essential resources, which is relative to capacity, poses a serious threat to criminal investigation functions at police stations. Therefore, the adequate allocation of resources is of paramount importance to all general detectives. Resources are central to determining the quality of fraud investigations. In other words, the availability of resources allows an individual general detective to increase the detection rate and for senior managers (decision makers) to hold detectives and their commanders accountable for poor performance. The impact of resources may be measured in conjunction with investigative skills acquired through training, bearing in mind that the lack of resources leads to lack of general detective training.

ii. Inadequate training and lack of station mandates/directives

This study found that there is a systemic difficulty relating to the directive of fraud investigation between the generalist and specialised crime investigation units. According to the participants, a fraud referred to as “general-level” are perceived as less complex and challenging, although general fraud is challenging and taxing to the general detectives tasked with its investigation. The participants noted that when comparing low-level and serious or complex frauds, it may be argued that general fraud shares some characteristics of complex fraud. In addition, the distinctions

between the levels of frauds influence the allocation of resources and the opportunity for professional training relative to the detectives' job descriptions. It is important to note the perception that the SAPS concentrates its energy into training detectives investigating cases of serious commercial crime, some of these cases seem to overlap with those handled at police stations.

It is apparent that in addition to the necessary investigative, skills there are various necessary capabilities and capacities required to sufficiently handle the investigation and ultimate prosecution of fraud. However, the data suggest that police, in general, do not have a vested interest in fighting fraud; resulting in poor efficacy in addressing the increased number of fraud cases in contemporary society. This lack of interest may relate to the fact that fraud investigations are time-consuming and difficult, especially when witnesses are reluctant to attend court proceedings in order to provide evidence, and cases are complicated by the involvement of institutions such as banks. Furthermore, general fraud is perceived as less serious than direct or violent crime and may be regarded as victimless in some instances. This supports the argument that fraud has traditionally received little attention from the police (Cross & Blackshaw, 2015:119). This perception undermines the expectations of quality service on behalf of the victims who suffered unpredictable and immeasurable losses because of fraudulent activities.

Because management is primarily responsible for policing weaknesses, general detectives tend to inherit the chronic systemic failures from the top down. This means that the failure of managers to implement training programmes and to provide sufficient investigative mandates burdens to those at the ground level. In response to these systemic weaknesses, members sometimes seek alternative solutions to address poor training by enrolling with private education institutions outside the SAPS. The training that these members seek externally is based on courses similar to those which should be offered by the SAPS in subjects such as crime and forensic investigation. However, this only addresses one component of detective training, which allegedly is institutionally neglected, thus creating a limiting factor to detectives' capacity to investigate fraud.

The problem of a lack of training in the detective services across the country was also acknowledged as a serious challenge by senior detective officials during the Public

Service Commission's (PSC) inspections at the national Department of Police in 2011 (Public Service Commission, 2011). In the interim, this provides an opportunity for fraudsters to perpetrate large scale general frauds. This is one indication that weak policing systems in the SAPS have prevailed following the failed transformation and restructuring of fraud investigation units in 2002. This was proven during the disbandment of effective crime investigation units such as the Directorate of Special Operations (DSO, Scorpions). Although this directorate did not fall under the command of the police, many believed the unit achieved better results because of its skilled personnel. Poor general fraud investigations are often masked by some weak organisational arrangements that make it impossible to address fraud, as they disconnect the efforts to win convictions against fraud perpetrators. An appropriate tone at the top by setting up working training programs can, for example, enhance actions to address the current low standard of investigative practices through addressing detectives' particular limitations.

One more factor that emerged from the study's findings involves the conflict and confusion regarding the directives to investigate fraud between police stations and specialised crime investigation units. The lack of a fraud investigation directive at poorly resourced police stations was emphasised by the interviewed detectives in terms of their investigative capacity and capability. There is a need for a proper balance between cases handled at the station and by specialised units. General detectives have the mandate to investigate general fraud but they still carry those cases which should be allocated to specialised investigation units. This indicates that the mandate is flawed, in addition to its inconsistency. This inconsistency has been attributed to the ability of specialised unit members to choose the cases that they investigate.

A mandate should be used as a guiding tool for case allocation according to investigative scope. The current station mandate is problematic in this regard. It is important to note that fraud activities involve calculated actions that require police efforts to prove the perpetration of criminal activities based on legal evidentiary requirements. The definitional elements of the crime of fraud are applied to simple and complex fraud and should be tracked through the evolution of general fraud to sophisticated fraud and organised crime. However, despite its linguistic categorisation,

even simple fraud is a complex crime that is difficult to investigate. Therefore fraud investigation requires the investigating detective to be equipped with the appropriate investigative, procedural, and technical knowledge, in addition to skills and experience.

The skill of gathering intelligence comes through proper education and training, which the SAPS is failing to provide. It is a fundamental requirement in contemporary fraud investigation due to the advancement of technology, yet the detectives are not capacitated in this regard. General detectives must rely on various in-house network systems to accomplish their criminal investigation objectives. More importantly, lack of requisite skills has left police stations inadequately staffed with young and inexperienced detectives, while some experienced detectives are no longer motivated to maximise their efforts in criminal investigations.

Fraud is a serious crime, regardless of its categorisation as simple or complex. However, fraud is inadequately represented in the official national crime statistics. This lack of representation may be due to the difficulty in obtaining fraud convictions, in addition to the perception that fraud is not as serious as violent crimes. This sends a negative message to the public in terms of police competence and efficiency in handling criminal investigations. This suggests that the SAPS lacks in terms of their endeavors to reinforce individual detectives' capabilities, in addition to group and organisational capacity to pursue fraud-related offenses. The findings highlight this poor interest in fraud investigations, especially cases handled at the local level. The apparent investigative inefficiency in relation to fraud is evidence of a lack of systemic support. This propagates fear among victims of fraud that their cases will remain unsolved and their losses remain unrecovered. Therefore, there is a serious need for further detective training, because if cases are not solved, the public loses confidence in the police and ultimately in the criminal justice system (Stegeman, 2014). Because of poor training and confusion over the type of cases general detectives should handle, a substantial backlog of pending investigations builds up.

iii. Unreasonably high detective workloads

The study's participants raised concerns around the issue of unreasonable workloads in terms of the allocation of case dockets. According to Mabena (2017), there are some

serious concerns that relate to a shortage of detectives that results in case overload per detective. It was further pointed out that each detective is left to do work equivalent to that of two to three detectives. Besides the police struggling to deal with increasing fraud perpetration, the office of the Ombudsman is also grappling with pressure related to online fraud, standing at 22% in 2017 (Legalbrief Forensic, 2018b). This illustrates the pressure that general detectives face.

Workload pressure has harmful effects and may destabilise the ability of both inexperienced and skilled detectives to function properly. For example, it is not simple to close a fraud case without investigating all the leads provided in various statements, because this information has the potential to help solve the case. However, because of their unreasonably high caseloads, detectives may become sloppy when dealing with a vast number of case dockets, leading to them overlooking vital information. It is important to note that fraud cases take long to investigate and finalise without “cutting corners”.

Without essential resources, many detectives are challenged with the accumulation of cases and pending investigations. As a result, only urgent court cases prioritised, while the remainder of cases is poorly investigated. This concurs with the literature that the resources to investigate crime are generally limited and choices are made about which cases have investigative priority (Stelfox, 2009:202). Yet, there is a concern that even the urgent court cases are not receiving sufficient investigations to secure convictions. They are, however, processed for formality without expectations of successful prosecutions. Most of these cases remain undetected, unresolved, rejected, prolonged, and are eventually withdrawn from the court’s roll. This affects the SAPS negatively, and reinforces poor performance, ultimately leading to the exclusion of fraud data in the national crime statistics. Since the abolition of dedicated fraud squads at local police stations, establishing fraud units is a station commanders’ prerogative and this is dependent on the availability of resources.

It may be argued that the investigative capacity of the detective service to fight fraud is mostly dedicated to specialist investigation units in the SAPS. This is despite local police detectives fighting significant numbers of general fraud cases with limited resources on a daily basis. The inflow of serious (organised fraud and money laundering) cases is lower when compared to low-level fraud that becomes a burden

on the capacity of police stations. Some of the types of cases carried by general detectives fall within the remit of specialist units. However, if local detectives have limited knowledge, personnel, and insufficient resources, they are not capacitated to address these complex fraud cases, or the general fraud cases allocated to them. Many of these cases are closed as undetected with glaring mistakes in the statements taken with ineffective evidence collection. The quality of preliminary investigations in these cases is often paramount in determining the success of the investigations. However, a significant influencing factor that hampers detectives in concentrating on their cases is burnout due to a large caseload, in addition to inadequate resource allocation, and lack of training.

iv. Poor managerial skills

One of the central issues that emerged from data is SAPS management's lack of responsibility for proper crime investigation and case clearance. The participants explained that a number of police managers lack abilities and intentions to drive criminal investigation excellence at the general level. Their argument is that the detective service lacks managerial commitment and that it is currently dysfunctional in terms of a fraud investigation. Many of the issues confronting police's general detectives in capacity development are due to management's inadequate standards. It is the responsibility of the senior police officers to allocate the necessary resources for detectives to succeed in their investigative tasks. Unfortunately, the opposite happens as the managerial problems suggest that fraud investigations are systematically disabled. The key components such as training, resources, and the workload crisis necessitate the flexibility of pragmatic police managers, not rigid traditional management, to address the limitations of capacity.

It is important to take into account that capacity regulates the power of police management to act in order to accomplish organisational goals. To achieve the conviction of fraudsters, general detectives need to be capacitated in terms of the key elements identified in the findings in order to address the source of deficiency in criminal investigations undertaken by general detectives. It is also important to acknowledge that the police manager is the first line of ensuring that crimes are investigated effectively. This is done by training, providing and mobilising sufficient resources to address criminal investigations, regardless of the gravity of the crime.

The limited resources that are allocated to police stations as indicated in the findings are apparently the only means of support to enable the investigation units in the handling of shared investigations. Developing skills is important, however, according to Sennewald and Tsukayama (2015:29), a good manager need not possess the same technical skills as those staff members being managed – however, the manager should be supportive of the staff members continuing to develop their own technical skills.

This study found that the research participants feel that supervisory responsibilities can change the perception that management systems (police administrators) are dysfunctional. Furthermore, it is interesting to note that the “management of detective services” seems to be complacent with the status quo of under-resourced units, for example, four detectives may share one vehicle for a long period to carry out investigative errands. This is illustrated in a case where four vehicles serve eight policing sectors, thus one vehicle serves two sectors (Mabena, 2017). It is important to note that the uniformed SAPS members, mostly without detective experience, manage detective service resources. This means that the detectives do not have a separate budget for investigative sub-processes where they can decide which resources to acquire, for example, the acquisition of new vehicles, office space for detectives, and other administrative consumables.

It may be argued that the detective commanders who came through the ranks should understand the dimensions around training and resources necessary to conduct criminal investigations. Police managers (commanders) know how much it costs to investigate a fraud case; they but choose not to address issues that frustrate the frontline detectives. With this in mind, this study argues that detective managers need to shift their emphasis from traditional operations to contemporary and innovative solutions to raise the value of fraud investigations at the ground level. However, it is challenging for managers to change once they grow accustomed to prevailing failure and no longer wish to fight against the lack of access to resources.

It is worth mentioning that police are traditionally trained to follow instructions and policies often do not allow commanders to raise serious concerns objections over the minimal provision of essential resources. This has led to resources being allocated to non-essential divisions because there are no questions asked to challenge the

decision-making processes of top SAPS management. Managers must be involved in the resource allocation process because of their knowledge about what is taking place at the forefront of criminal investigation services. Their primary role is to address issues that could impair fraud investigation at the lower level. It is important to note that managers or commanders cannot prescribe how fraud investigations should be conducted because there is always something new to learn, but they can create an environment where detectives' capabilities of investigative science are utilised in the best ways possible.

v. Cascading incapacity

The type of investigative work conducted by general detectives in fraud cases shows the deficiency of organisational structure in the SAPS. This results in poor investigative ability and produces the inferior and often unexpected outcomes of court cases. In the global fight against violent crimes such as *inter alia*, murder, robbery, and assault, it is likely that many perpetrators of violent crimes may engage in fraud to obtain similar goals, especially in terms of monetary value. This may widen the existing gaps in policing in terms of technology and human neglect. The existing pace of capacity building to investigate crime in South Africa does not match the pace at which criminals are operating. This leaves large sections of society vulnerable to crime. This vulnerability escalates when law enforcement agencies are themselves charged with corruption, indicative of self-serving senior officers who become obstacles to the delivery of quality service. It is in this context that the development of crime investigation in the SAPS is changing, to start exposing the distressing conditions under which detectives operate.

In qualitative studies, issues under analysis are verbally described in detail and focus on subjective experiences. However, this qualitative data is not necessarily quantified and statistically tested (Balian, 2011:79). This study embarked on the qualitative investigation of the question of detective's capacity, based on the qualitative data that fraud at the general level is not given the proper investigative attention by general detectives stationed at local police stations. The findings are sufficient to formulate and support the hypothesis that the local police have no capacity to investigate fraud cases in the fight against crime.

Lack of capacity at the station level cascades down from organisational incapacity. Moreover, based on the size of this study, there is an assumption that this issue is far deeper than the concept under study for this thesis. Police have no interest in the spread of fraud except when the fraud is complex, sophisticated, and has a high monetary value attached to it, and therefore only focuses on solving serious or organised crime in terms of corruption and money laundering. A fundamental theme that appears to be inclusive during qualitative interviews is the systemic failure of the police to inject resources in the police stations in order to enable capacities around criminal investigations. But crimes such as fraud are ignored when resources are limited because simple fraud is regarded as trivial. The themes, which suggest that criminal investigation incapacities in the police are due to systemic distresses, are supported by the SAPS Resource Allocation Guide (RAG) which appears to be problematic and inaccurate. In fact, the allocation of resources is not based on the analysis of crime reports, rather resources are distributed randomly, and this distribution depends on whether the application of resources was considered from senior managers in terms of the allocation system.

This study explored the various elements of the fraud investigation phenomenon. This revealed the extent of the challenges faced by the general detectives, not only on how to handle cases but to comprehend the scope of the fraud. Fraud is amorphous in the sense that it can take any direction driven by prevailing societal circumstances. The use of the term “general fraud” by the police suggests that it is easy to deal with and that it is downgraded to the lowest level and priority of investigation, often conducted by “general detectives”. An important point of concern for these general detectives is to textually limit their investigative capability of fraud and discreetly extend their directive with complex cases. This is a subtle deviation for general detectives in terms of handling more than the trivial types of fraud and allows them to utilise their skills and experience to address organised fraud.

The study participants indicated that some sections of South African society are not well informed or protected against becoming victims of fraud. That is why the number of fraud victims continues to increase (Legalbrief Forensic, 2018b). The increased number of fraud-related incidents reported to the police (Van Petegem, 2018; Stead, 2018) further exhibits this. Statistical silence around the fraud phenomenon is a

serious threat to organisational and societal threat. It is common to see members of the public demonstrating outside court premises in support of victims of violent crimes. This happens often in demand for severe and punitive justice against the perpetrators of violent crimes. Yet, these forms of societal demonstrations are completely lacking in terms of fraud perpetrations. This means that societal behaviour may influence the policing system that is hinged on the notion that violent crime is the only serious crime.

Certainly, violent crime is devastating and causes irreparable damage, but is not entirely comparable with the crime of fraud, which has its own harmful societal impact. Mackevičius and Giriūnas (2013:150) assert that fraud is one of the most negative factors of society. Yet it is very rare to see public demonstrations and protests in support of fraud victims seeking similar justice as those of violent crimes, with the notable exception of wide-scale, high-value, and complex financial fraud. It is imperative to note that fraud causes damage on individual, societal, and institutional levels. There are often numerous parties that are caught up in fraudulent activities, such as banks, insurance companies, and investors, all of whom suffer harm as fraud victims. This harm creates an impetus to investigate and prosecute fraud cases adequately; however, with the increasing pressure to perform without the provision of adequate organisational support, it is likely that police detectives will encounter more pressure and less investigative success.

It may have been difficult to foresee that fraud would gain momentum and become a global phenomenon that threatens financial and technological systems. The accurate cost of all levels of fraud is incalculable because the police do not fully disclose fraud-related statistical data in the official national crime statistics. This is exacerbated by companies that experience fraud scandals without reporting the crimes to the police for fear of losing clients, investors, and reputational impact in terms of market vulnerability. In some instances, individual victims do not report fraud to police because of their inability to recognise their involvement in the fraud commission (Cross & Blackshaw, 2015:123). Fraud statistics reported in the official crime statistics are masked by serious commercial crime details. The ignorance of “smaller frauds” in police statistics is perceived to be misleading members of society. In this case, police capability will continue to be tested by the presence of unpredictable pressures, motivation, opportunities, and rationalisation in terms of the societal perceptions of

investigative incompetence. The police cannot control the behaviour of members of society, but the policing system, especially in the detective service, should have high capacities and be ready to respond to the adverse effect of ideological, psychological, economic, and personal variables that push individuals to commit fraud.

Based on the investigation of the aforementioned qualitative themes, this chapter further explores the hypothetical approaches and methodologies relevant to a criminal investigation that can be improved upon to address investigative capacity at the local police stations, particularly in terms of fraud investigation.

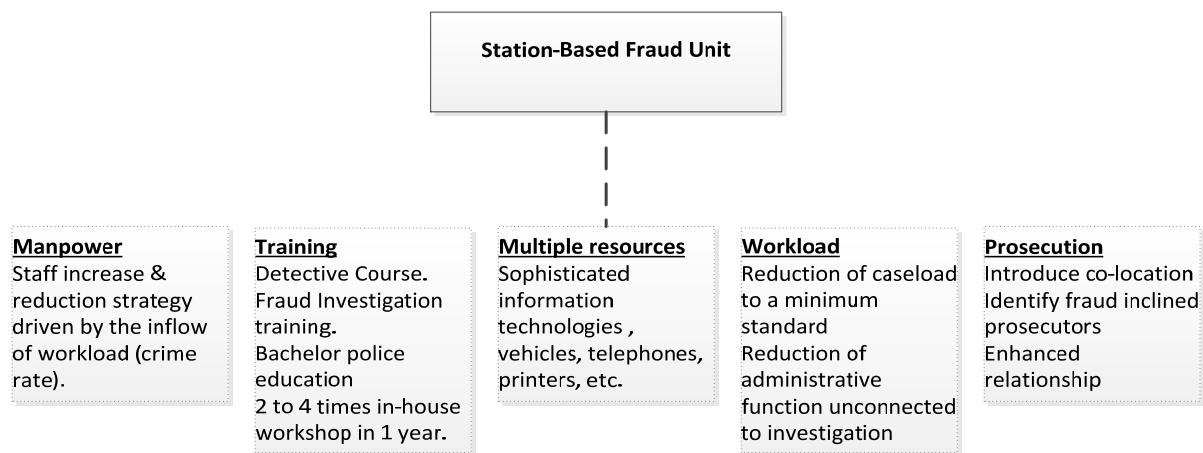
6.3 Ideal investigative capacity

The purpose of this study is to investigate the issue of capacity, to assess whether the level of resources devoted to internal security in South Africa is sufficient to address existing internal security issues, and whether these resources are adequate to deal with any unexpected outbreak (WISPI, 2016:9; Mangan & O'Connor, 2012:4). Based on the literature and primary data, this study postulates that the improvement of general detectives' investigative capacity depends upon the implementation of best practices being implemented at the station level with regard to fraud cases. The literature review and the interviews suggest that the majority of police work involves dealing with ordinary citizens in ambiguous, "low visibility" settings. These ordinary citizens are often the victims of fraud who face challenges in terms of reporting the crime to the police, and who suffer due to investigative incompetence. Therefore, it may be argued that SAPS management should address issues around community engagement in addition to implementing contemporary models of investigative management. Community engagement and best investigative practices may combat the perception of police incompetence.

This perception of incompetence stems from the failed transformation and restructuring of SAPS investigation units since 2002, as these processes contributed to a failure to address adequate service delivery (Burger, 2015a). While the South African detective services underwent a series of reforms designed to combat crime, these reforms did not sufficiently capacitate general detectives. Therefore, it is necessary to explore investigative practices that were effective, in order to implement best practices for quality service delivery by the SAPS. This would include setting up

proper and recognised station-level fraud units to handle new and incoming general fraud cases. The strength of the units can be determined by an examination of the incidence of fraud, according to a computerised comparison of statistics drawn from the Crime Administration System (CAS), incorporating the analytical tool *Compstat* (De Maillard, 2018:1). The concept of setting up station-level fraud units as opposed to stand-alone branches emphasises well-defined components of investigative capacity building, as illustrated in Figure 10 below:

Figure 10: Core investigative components



In the course of setting up and reinforcing the investigative sub-units in the same way as violent crime investigation units, it is necessary to note that training should be provided to all team members prior to handling cases. Training should include case management, investigative procedures, and the effective use of current technology to combat digital fraud. Some of the longstanding themes that coincide with the study emerged from the *Consolidated Report on Inspections of Detective Services* compiled by the Public Service Commission (Public Service Commission, 2011), and are presented below:

1. **personnel training of detective officers:** This theme focuses on the availability of skills required to perform detective duties and the challenges facing detective services in personnel training;

2. **availability of resources to undertake detective activities:** The focus of this theme is the availability of human resources, such as detective officials, and other resources such as computers and vehicles;
3. **operational duties of detective officers:** This theme focuses on the key roles of detective officers at crime scenes, the docket flow system, safe maintenance of dockets, and the preservation of exhibits to avoid contamination of evidence, and the general process of investigating crime by detective officers;
4. **stakeholder liaison of detective services:** The focus of this theme is the coordination of information between various units of the SAPS, such as the Local Criminal Record Centre (LCRC) and the Forensic Science Laboratory (FSL), and the role they play in assisting detective services. The theme also focuses on the liaison with external stakeholders such as prosecution services, government departments, and the members of the community being served by the detective services, either witnesses or complainants.

The enduring disregard of these factors breeds frustration and impacts heavily on the ability of general detectives to deliver investigation services. One of the issues that remains a priority is the reduction of caseloads. Caseload reduction requires a standardisation of scope and practice within investigative units, baring local and international investigative best practices in mind. It is vital to identify and assign prosecutors who would work closely with detectives handling general fraud cases. Alternatively, general detectives handling fraud should be allowed to place their cases at the commercial crime court with the assistance of commercial crime prosecutors.

It is understood that cases are properly handled when a prosecutor is continuously and closely involved in the investigation alongside the detectives. The re-engineered strategy of establishing station-based units can benefit detectives, allow reinforcement of existing groups, and add additional human resources. This can be done using police performance metrics supported by crime statistics to assess the viability of the establishment. These metrics can also be used for systemic modifications.

The historical data of police statistics on fraud can provide essential feedback to predict models to implement fraud unit operation at the station level and retrain detectives. It is necessary to remain cognisant of the constant evolution of fraud, however, therefore the application of historical data is not sufficient for contemporary

investigative training. Therefore, this study argues that the SAPS should explore new approaches to establish fraud investigation units with objective and competent personnel, to ensure adaptability to police stations' investigative requirements and capacities.

6.3.1 Investigation-focused detectives

This study hypothesises that the reskilling of general detectives should be coordinated two to four times a year using the latest available trends. This means that the evolution of fraud will be combated, as detectives' skills will be upgraded at the same rate as those of the perpetrators (Legalbrief Forensic, 2018a; Stead, 2018). However, for this to occur, it is critical that the implementation of fraud investigation units be monitored at a high level to identify aspects that could be improved.

Establishing in-house guidelines for investigation processes with appropriate investigation tools could generate recommendations to ensure the delivery of high-quality fraud investigations. Geographic crime information can be used to determine the necessity of fraud squads in both rural and urban police stations. In many cases, detectives would deal with international fraud schemes, and this requires sophisticated and continuous training.

It is important to note that the impact of fraud exceeds the cost of establishing fraud units with tools and trained personnel. The effective establishment of these units, therefore, requires clear operational definitions to avoid overlapping functions that may strain resource allocations. This implies the consistent maintenance of the resource allocation process. For example, maintaining oversight over fraud mandates between specialist and general detectives based on a thorough understanding of the scope of general and complex fraud would enforce effective unit practices.

Another important factor is to capacitate police station commanders to ensure that stations have sufficient resources, and empower them to approve the resources set out in the budget to achieve investigative objectives, particularly for fraud units. This may be achieved through:

- reading and understanding mandate policies (National Instructions);
- reporting conflicts concerning the mandates;

- providing a mandate to all members of the police service;
- having the mandate endorsed by senior ranking police officers, and ensuring that the mandate is recirculated periodically;
- acquiring necessary tools;
- staffing detective components.

In this context, if the aforementioned capacities are in place, it may be argued that fraud would not be ignored at any level, which makes it necessary for fraud investigation to be taken seriously by the SAPS managers. Innovative capacitation has been necessary for the detective service since the disbanding and restructuring of specialised fraud units since 2001. Capacitation, therefore, requires the establishment of strong structures that solely focus on handling fraud cases properly, considering community-related concerns. The performance of these units can publicly be reviewed by analysing and disseminating police crime statistics without engaging in old strategies that were politically ostracised. Finally, although official crime statistics present some inaccuracies, a framework to analyse performance can be designed to monitor investigative accountability. This hypothesis can drive a change in fraud investigation management, focusing on the quality of the investigations, rather than the time allocated to a given case. Ensuring the quality of the investigations would require the management of resources.

6.3.2 Managing investigative performance

One of the key issues to enable proper fraud investigative functions within the general detective service is to empower detective commanders (middle managers) with geographical responsibilities and allocate sufficient resources. Managers should periodically evaluate the effectiveness of fraud units' activities and monitor their successes and challenges. A variety of monitoring mechanisms should be put in place to determine the progress of improvements made to fraud investigative systems. Such monitoring systems may utilise measurements and analyses of fraud statistics, resource usage, and court case results. Alternatively, a *Compstat* process can be utilised to measure the outcomes of the station-based unit. *Compstat* is defined as a combined technical and managerial system that seeks to develop a certain kind of focused internal accountability in a police department (Moore, 2003). Information

drawn from *Compstat* can be used to improve the process and identify the population of fraud victims.

The implementation of this strategy should be based on a clear definition of scope regarding general and complex fraud, to determine the investigative processes that require improvement. This allows for the evolution of fraud investigation practices so that general detectives remain capacitated to deal with the evolution of the fraud phenomenon. This capacitation should form part of the planning process of thorough and comprehensive investigations.

One conclusion that could be drawn in this context is that fraud can be committed under many circumstances, depending on the skills of the perpetrator. This highlights the capacity of fraudsters in juxtaposition to the capacity of general detectives, as the fraud perpetrators are often highly qualified, and have access to technological resources, and they have the time to plan and prepare the perpetration (Mackevičius & Giriūnas, 2013:160). When police resources are insufficient and cannot be increased spontaneously without due process, detectives are limited in their ability to handle the expanding complexities of modern crimes such as fraud. This requires increased capacitation efforts within the SAPS detective service.

It may be argued that SAPS management is aware that with diminished resources, it is difficult to detect general detectives' individual incapacities. Yet, limited resources may be used as justification for incapacity in addressing the growing societal concerns around the crime of fraud. The issue of capacitation is also related to management performance, as individual detectives do not possess sufficient capacity to investigate cases without managerial and organisational support. An investigation competence plan can be implemented strategically to ensure that there is enough support available in the organisation prior to evaluating investigative progress.

6.3.3 Setting new standards

Addressing the investigative challenges facing general detectives requires the formulation of standards from a victim-oriented approach. This parallels the customer-oriented approach of service delivery, thus ensuring the optimisation of fraud investigations from the client's perspective (customer-driven service that influences

the focus of an investigation). This necessitates a direct information flow between the detective and complainant.

Information is the most important tool in providing complete, accurate, and up-to-date information about the investigative services detectives provide. This sentiment recognises section 32(1) of the Constitution, which emphasises that "...everyone has the right to access to... any information held by the state, and any information that is held by another person and that is required for the exercise or protection of any right". This openness promotes the positive and inclusive attitude of general detectives by prioritising their investigative tasks. However, at present, detectives behave as though they serve their own interests and not those of the crime victims (setting their own service standards). Setting new standards, therefore, requires departmental codes of conduct, and specific procedures, and practices.

Setting the standards should be viewed from two angles; where detectives are accountable for their fraud cases, and where detectives consult with commanders to mitigate the inherent effects of limited capacity. In the context of limited capacity, it is in the best interest of general detectives (frontline members) that the latter process of consulting detective managers is carried out through set standards for fraud investigation units at police stations. This would enable the efficient management of fraud investigation carried out by general detectives. This would also address the comparison of violent crime investigation and fraud investigation by equalising the expectations of investigative skills and competence. Acknowledging fraud as a serious and harmful crime reinforces the demand for quality in all criminal cases, thus enabling police accountable in terms of compliance with the directives for quality service delivery.

6.4 Conclusion

Following an analysis of the primary and the literature review, it may be posited that the fraud phenomenon is gaining momentum and perpetrators are taking advantage of poor case management, as displayed in the outcome of court cases against fraud perpetrators. This phenomenon can only be addressed and investigated through skilled, trained, and capacitated detectives. This study, therefore, was intended to study the circumstances under which general detectives work, particularly those

handling fraud cases at the station level within the SAPS. The purpose of the study was primarily to describe a phenomenon without trying to quantify it.

The study may be useful to crime investigation practitioners, the public and investigative communities demanding a better police service. Fraud is not a new phenomenon; however, it has taken many forms since the widespread technological evolution and its societal impact. Fraud is a threat to the society and the police, and without accurate statistical representation, it is difficult to measure its extent, despite increased media attention. The police currently rely on traditional methods to investigate fraud because of organisational deficiencies.

The literature review presents evidence that pressure, rationalisation, and opportunity were the main drivers and causal links in terms of the commission of fraud. These elements should be analysed in conjunction with the FT model, in order to contextualise the fraud phenomenon (Mackevičius & Giriūnas, 2013:152). Contextualisation is necessary, as there is no single definition that fits all fraud-related activities. This impacts on the question of investigative capacity, as the fraud phenomenon may not be fully understood by the detectives investigating it. This is compounded by the lack of access to training and resources, as detectives fall behind in terms of technological expertise, whereas fraudsters remain capacitated.

The commission fraud requires a multidimensional analysis, including issues of pressure, opportunity, rationalisation, socio-economics, and political conditions. This requires unique investigative skills, in addition to those that would be applied to the investigation of direct crimes. General detectives need to understand the causation of the fraud phenomenon, including the FT and contextual social factors that may be outside of the control of the SAPS. This study has therefore contended that the SAPS requires increased capacitation efforts to address fraud investigations. This contention creates the analytical foundation to investigate the existing disparity in resource allocation between general and specialist detectives, and the lack of training and capacitation in terms of technology-enabled fraud, poor service delivery, and poor prosecutorial services relating to poor fraud conviction rates.

The study's participants suggested that police managers and some of those on the ground level do not have an interest in fighting "general fraud" as a crime. This is

evident in the substandard consequences of criminal cases presented in court and the manner in which crime statistics are presented, particularly with regard to reporting the extent of general fraud. Most SAPS resources are dedicated to the investigation and prosecution of violent criminal cases. However, detectives are struggling to address violent crime, which raises the question of whether non-violent crime such as fraud can be contained, as it is last on their priority list.

Furthermore, the participants indicated that systemic dysfunction inevitably permits general detectives' disability to properly investigate fraud cases. The lack of structural support that is relative to systemic dysfunction incapacitates general detectives at local police stations. It is clear that there is a serious need for a detective. However, other insignificant issues supersede training of detectives in a basic fraud investigation. Training should be preceded by a fundamental change of attitude in relation to part of investigative functions. This relates to the attitude toward resource allocation, and specifically to the disparity in resource allocation between police stations and specialised investigation units. In this regard, there is an impression that specialised crime investigation groups are given priority in terms of resources and training.

The participants also raised concerns about the shortage of detectives on the ground level. According to the PSC (2011:7), human capital is the most valuable resource in any organisation. However, it is a norm that police constables are roped into detective service prior to receiving training because of a shortage of competent personnel. In the findings, general detectives stated that they required continuous training in fraud to enhance their detective skills. However, it becomes difficult for newly appointed detective constables to be sent for training when a high number of case dockets challenges them. An additional exacerbating factor to the general problem of detective training is that training courses are not accessible (Mangan & O'Connor, 2012:4). This impact negatively on their day-to-day fraud investigative work. Lastly, the lack of understanding and prosecutorial skills in relation to fraud cases impairs the successful conviction of fraud perpetrators. The literature review revealed that fraudsters are often given a light or suspended sentences for committing fraud. This exhibits the organisational perception of fraud as less serious than violent crimes, which perpetuates the use of inadequately trained detectives in fraud investigations,

ultimately contributing to a low detection rate and compromising the successful prosecution of suspects (Public Service Commission, 2011:7).

This research contributes to a better understanding of the challenges to effective fraud investigations conducted by the general detectives in the SAPS. Furthermore, this study makes an important practical contribution to the literature on fraud investigations conducted at the local police station level. The investigative problems identified in this study provide further evidence that supports the case for a national fraud investigative service.

Specialised crime investigation has an excellent reputation and a good record in investigating serious fraud. If this best practice could be extended to the rest of the country in a more coherent centralised structure, there would be numerous organisational and societal benefits. However, the current structural limits the functions of general detectives. The lack of developmental programmes to realise the potentials of local detectives hampers their professional growth. Yet, this could be challenged by treating fraud as a serious crime that has a major impact on society and SAPS investigative objectives.

The lack of investigative capacitation should be explored systemically, as blaming poor investigative practices on general detectives is unreasonable. The systemic issues comprise the lack of resources, lack of training programmes, and staff shortages within the detective service. The participants noted that general detectives at the station level are victims of institutional inequality in terms of the distribution of resources. Increasing police resources is often perceived as a primary crime-fighting tool (Machin & Marie, 2005/06: 14-16). In this context, the most important aspect of effective fraud investigation at the police station is to provide sufficient resources.

6.4.1 Recommendations for future research

The data confirmed that the policing of low-level or general fraud is not prioritised. Given the small sample and geographical size covering an urban policing area, the research proposes further analysis to determine the organisational capacity of SAPS to handle fraud cases with a larger sample and for a longer period, including detectives stationed in rural areas. Further research could comprise quantitative and qualitative

applications to comparative studies to ascertain the magnitude of the fraud phenomena between countries. Future research could include the views of fraud victims who with the first-hand experience of reporting fraud as a crime. Case docket analyses may be included to survey the quality of fraud investigation outcomes.

Further research may be necessary to address the following issues:

1. an accurate picture of the mandate problem between general and specialist detectives;
2. the need for police forces to devote more resources to fraud investigation;
3. the possibility of centralising general fraud investigations under the specialised investigation unit with a clear focus and priority on fraud to prevent low prioritisation in comparison to other crimes;
4. issuing an explicit mandate/directive of general fraud cases in police stations, and ensuring its accessibility to all SAPS members;
5. accredited training which offers professional qualifications for the fraud detectives conducting investigations.

6.4.2 Key recommendation(s)

This study suggests that the effective mechanism to address investigative incapacity is based on the introduction of a series of systemic reforms over police station crime investigation, focusing on fraud units. This will require long-term planning in order to contextualise contemporary investigative procedures, technology, laws of evidence, and the fraud phenomenon as a social threat. The systemic reform requires an inclusive, top-down approach wherein every role-player in the criminal investigation phenomenon in the SAPS is actively involved in every level of planning and implementation. The success of interventions will depend on the ideal investigation reforms as articulated in this thesis, with key indicators fundamentally driving the move toward reorganisation. It is important to note that, what underpins systemic change is the perception of the complexity of the fraud phenomenon and its effect on victims, and this perception influences investigative practices. Criminal investigation procedures are the final act in policing to address crime prevention shortcomings and play a direct role in the function of the criminal justice system.

During the past decade, the SAPS has implemented the renewable project (to reshape) crime investigation units to address violent crime. A similar approach may be implemented for fraud investigation. This practice results in the coordination of many criminal investigations. It should be noted, however, that often this organisation has been brief, as these structures may be disbanded upon the resolution of investigations. This study indicates that the SAPS needs to continuously address lower-level fraud cases at a lower level, to adequately understand the complex nature of fraud in general. This would strengthen the local police detectives in terms of stability in their capacity to address fraud investigations.

This study suggests that long-term planning, implementation, and monitoring of key factors to establish fraud units can be achieved. The success of locally based fraud units will depend on the capacity and resources provided for general detectives, in addition to upholding their public image in terms of competence and capacity. This depends on organisational facilitation. General detectives are highly dependent on the managerial and procedural structures within the SAPS organisation. In respect of this, the study deduces that reinforcement and establishment of fraud investigation groups/units at local police stations can be a gradual, incremental process. There is no doubt one aspect that is vitally important in capacity building is to empower detectives to enable them to undertake fraud investigations. This process must be driven by the growing trend to offer victims of fraud a professional investigation handled by the leading professional detectives in the fraud investigative field.

As it stands, lower-level fraud investigations are in crisis. To foster investigative capacity in general detectives with different skills and resources to allow them to give their assigned fraud cases adequate attention.

6.5 Summary

This study focused on the investigative capacity of general detectives in terms of the fraud phenomenon. This concept is examined in relation to evolving trends (methods and techniques) of fraud commission that compel the modification of criminal investigation approaches and capacity building of general detectives conducting investigations. The phenomenon of fraud is difficult to categorise as either simple or complex, as the concept is complex in itself, and is challenging to general detectives.

The categorisation of fraud is problematic, as all fraud is complex. Yet, within the SAPS, the categorisation of simple, low-level, or general fraud perpetuates its low investigative priority, because general fraud is perceived to be akin to “stealing a little”. However, it may lead to the perpetration of more serious and organised fraud. There are significant influencing factors that perpetuate the differentiation between general fraud and organised, serious fraud (commercial, economic, or white-collar crime). The prevailing perception is that serious fraud investigation requires highly skilled detectives (with special abilities). The difficulty to conduct criminal investigations of this nature is compounded by a lack of essential resources to achieve the expected investigative results. Without training and resources, current and emerging fraud trends remain societal threats. Resources, training, and adequate staffing are necessary for successful investigations. However, the data suggest that the degree of harm caused by fraudulent activities supersedes the need to establish station fraud units. Currently, there is an impression that police have little interest in fraud. This impression should be addressed systemically, in terms of addressing poor police leadership, as leadership influences the quality of station-level investigations.

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Appendices

Appendix A: Ethical clearance, University of South Africa



COLLEGE OF LAW RESEARCH ETHICS REVIEW COMMITTEE

Date: 2016-06-18

Reference:
30562279/43/2016

Applicant: L Motsepa

Dear L Motsepa

DECISION: ETHICS APPROVAL

Name	L Motsepa
Proposal	An analysis of investigative capacity of general detectives in handling fraud cases
Qualification	Dlitt et Phil

Thank you for the application for research ethics clearance by the College of Law Research Ethics Review Committee for the above mentioned research. **Final approval is granted.**

The application was reviewed in compliance with the Unisa Policy on Research Ethics.

The proposed research may now commence with the proviso that:

1. The researcher will ensure that the research project adheres to the values and principles expressed in the Unisa Policy on Research Ethics which can be found at the following website:

http://www.unisa.ac.za/cmsys/staff/contents/departments/res_policies/docs/Policy_Research%20Ethics_rev%20app%20Council_22.06.2012.pdf

Open Rubric

Open Rubric

2. Any adverse circumstances arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the College of Law Ethical Review Committee.

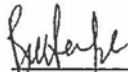
An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants

3. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.

Note:

The reference number (top right corner of this communique) should be clearly indicated on all forms of communication (e.g. Webmail, E-mail messages, letters) with the intended research participants, as well as with the URERC.

Kind regards



DR B HAEFELE
CHAIR PERSON: RESEARCH ETHICS
REVIEW COMMITTEE
COLLEGE OF LAW



PROF R SONGCA
EXECUTIVE DEAN:
COLLEGE OF LAW



University of South Africa
Pretorius Street, Muckleneck Ridge, City of Edmore
PO Box 592 UNISA 0003 South Africa
Telephone: +27 12 429 3111 Facsimile: +27 12 429 4150
www.unisa.ac.za

Appendix B: SAPS approval letter

G.P.S 002-0222

SAPS 21

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Private Bag / Privaatsak X 57, BRAAMFONTEIN, 2017

Reference Verwysing	3/34/2(2016000029)
Enquiries	Lt. Col. Peters
Navrae	SAC Linda Ladzani
Telephone Telefoon	(011) 274- 7529
Fax number Faksnommer	(011) 547- 9189

OFFICE OF THE
PROVINCIAL COMMISSIONER
SOUTH AFRICAN POLICE SERVICE
GAUTENG

2016-08-02

- A. The Provincial Head: Legal Service
S A Police Service
GAUTENG
- B. The Deputy Provincial Commissioner: Crime Detection
S A Police Service
GAUTENG

APPLICATION TO CONDUCT RESEARCH: AN ANALYSIS OF INVESTIGATIVE CAPACITY OF GENERAL DETECTIVES IN HANDLING OF FRAUD CASES: MR L MOTSEPE

A+B: For your recommendation

1. Attached herewith is an application of Mr L Motsepe to conduct research on the above mentioned topic, within the South African Police Service: Gauteng.
2. The application has been evaluated by the Provincial Research Office (Strategic Management) as per attached Annexure and found to be in compliance with National Instruction 1 of 2006: Research.
3. In the opinion of the Research Office, the study will benefit the South African Police Service as it may serve in creating effective methods that will enable certain functional duties to be performed in a professional and improved manner.

**APPLICATION TO CONDUCT RESEARCH: AN ANALYSIS OF INVESTIGATIVE CAPACITY OF
GENERAL DETECTIVES IN HANDLING OF FRAUD CASES: MR L MOTSEPE**

4. The researcher will conduct the study without disrupting the duties of members of the Service; prior arrangements must be made with the commander of such a member.
5. The research will be conducted at the researcher's exclusive cost.
6. In line with National Instruction 1 of 2006, you are afforded the opportunity to comment on the relevance and feasibility of the proposed research within your area of responsibility. Any objections against the research will be noted and you will be requested to clarify and motivate those with the Provincial Head: Organisational Development & Strategic Management.
7. In order to ensure the effective and efficient finalisation of this application you are requested to submit your comments to Strategic Management office within the allocated timeframe.
8. Your cooperation and assistance is appreciated.




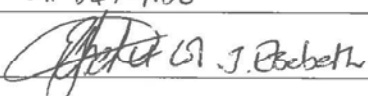
PROVINCIAL HEAD: ORGANISATIONAL DEVELOPMENT & STRATEGIC MANAGEMENT: GAUTENG
SJ PHETO
Date: 2016/08/02

BRIGADIER

ANNEXURE A

APPLICATION TO CONDUCT RESEARCH: AN ANALYSIS OF INVESTIGATIVE CAPACITY OF GENERAL DETECTIVES IN HANDLING OF FRAUD CASES: MR L MOTSEPE

COMMENTS & RECOMMENDATION: PROVINCIAL RESEARCH CENTRE

i	OFFICIAL FILE NO:	3/34/2(201600029)		
	FILE COMPUTER REFERENCE NO:	7475465		
ii	MOTIVATION FOR RESEARCH:	To determine the capacity of general detectives based at the station level in handling fraud cases.		
	APPLICATION FOUND TO BE COMPLETE:	YES	<input checked="" type="checkbox"/>	NO
	INDEMNITY / UNDERTAKING SIGNED	YES	<input checked="" type="checkbox"/>	NO
iii	APPLICATION PERUSED BY:	SAC ML Ladzani		
	CONTACT NO:	011 274 7529		
	SIGNATURE:	 ML Ladzani 7003079-1 ML Ladzani		
	DATE:			
iv	APPLICATION VERIFIED BY:			
	APPLICATION RECOMMENDED:	YES	<input checked="" type="checkbox"/>	NO
	CONTACT NO:	011 547 9132		
	SIGNATURE:	 J. E. Roberts		
	DATE:	2016.08.02		

APPLICATION TO CONDUCT RESEARCH: AN ANALYSIS OF INVESTIGATIVE CAPACITY OF GENERAL DETECTIVES IN HANDLING OF FRAUD CASES: MR L MOTSEPE

A. RECOMMENDATION BY PROVINCIAL HEAD: LEGAL SERVICE
TIME ALLOCATED: 3 days

COMMENTS WITH REGARDS TO ANY LEGAL OBJECTIONS AGAINST THE RESEARCH WITH ANY ADDITIONAL LIMITATIONS TO RESEARCHER:			
APPLICATION RECOMMENDED:	YES	<input checked="" type="checkbox"/>	NO
SIGNATURE: <i>[Signature]</i>	DATE: <i>2016/08/08</i>		

B. RECOMMENDATION BY DEPUTY PROVINCIAL COMMISSIONER: CRIME DETECTION
TIME ALLOCATED: 3 days

COMMENTS WITH REGARDS TO THE RELEVANCE AND FEASIBILITY OF THE RESEARCH WITHIN YOUR ENVIRONMENT			
<i>The outcome of the research to be sent to DPC: Crime Detection</i>			
APPLICATION RECOMMENDED:	YES	<input checked="" type="checkbox"/>	NO
SIGNATURE: <i>[Signature]</i>	DATE: <i>2016-05-24</i>		



PERMISSION TO CONDUCT RESEARCH IN THE SAPS

RESEARCH TOPIC: AN ANALYSIS OF INVESTIGATIVE CAPACITY OF GENERAL DETECTIVES IN HANDLING OF FRAUD CASES

RESEARCHER: MR L MOTSEPE

Permission is hereby granted to the researcher above to conduct research in the SAPS based on the conditions of National Instruction 1 of 2006 (as handed to the researcher) and within the limitations as set out below and in the approved research proposal.

This permission must be accompanied with the signed Indemnity, Undertaking & Declaration and presented to the commander present when the researcher is conducting research.

This permission is valid for a period of Twelve (12) months after signing.

Any enquiries with regard to this permission must be directed to Lt. Col. Peters or SAC Linda Ladzani at PetersNS@saps.gov.za / Ladzanim@saps.org.za.

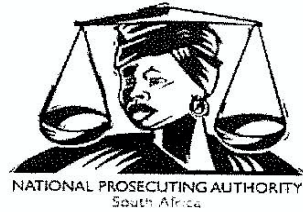
RESEARCH LIMITATIONS / BOUNDARIES:

Research Instruments:	Interviews (Structured) Interviews (Unstructured)
Target audience / subjects:	Detectives Specialised Commercial Crime Unit members
Geographical target:	Johannesburg Central Cluster Ivory Park SAPS
Access to official documents:	No


LT. GENERAL
PROVINCIAL COMMISSIONER: GAUTENG
DS DE LANGE
Date: 2016-08-24

Appendix C: National Prosecuting Authority of South Africa approval letter

Administration



EXTERNAL MEMORANDUM

Tel: +27 12 845 6000

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Pretoria

P/Bag X752
Pretoria
0001

TO : MR. LESIBA MOTSEPA

FROM : DR. SILAS RAMAITE SC
DEPUTY NATIONAL DIRECTOR OF PUBLIC
PROSECUTIONS: ADMINISTRATION AND OWP

DATE : 27 SEPTEMBER 2016

SUBJECT : RE: APPROVAL OF A REQUEST TO CONDUCT
RESEARCH IN THE NPA (SCCU).

Dear Mr. Motsepa,

The purpose of this memorandum is to inform you that your request to conduct research within the National Prosecuting Authority (NPA) has been approved. Thank you for showing interest in the NPA.

The NPA appreciates that the topic has been approved by the UNISA College of Law, Research Ethics Review Committee.

Please consider and/or adhere to (whichever is applicable) to the below-mentioned in support of your research:

1. The request is supported by the Specialised Commercial Crimes Unit (SCCU) and it should be noted and understood that information about the research can only be utilized with the NPA's explicit written approval and permission.
2. The research request focuses on "an analysis of investigative capacity of general detective in handling fraud cases" and therefore should be in line with the Public Service Anti-Corruption Strategy and should also

Corporate Service Centres:

- Finance & Procurement
- Human Resources
- Development & Management
- Information Management
- Research & Policy Information
- Risk & Security

comply with the Prevention and Combating of Corrupt Activities Act, 2004.

3. Permission to conduct research is only limited to the stated number of interviews indicated in the research proposal, i.e. three interviews with public prosecutors from the Specialised Commercial Crime Court to gather their views on the capacity of general detectives in handling fraud cases.
4. Upon completion of the research project, it is suggested that a copy of the report be sent to the NPA for perusal and approval. This is specifically to prevent the inappropriate interpretation and publication of the latter mentioned information.
5. It is also suggested that in the event of the author publishing an article on the research which contains NPA information, be approved.

In your case there will be no need to complete of FORM A, which is the request for access to records of a Public Body, Section 18(1) of the Promotion of Access to Information Act, 2000, since your research study involves interviews with participants.

Kindly keep the NPA informed about further developments on this research and please send your response to the Director of Research Management on the following details:

Name: Ms Marthi Du Plessis
Telephone number: 012 845 6275
E-mail address: MDuPlessis@npa.gov.za



Dr. Silas Ramaite SC

Deputy National Director of Public Prosecutions: Administration and

OWP

Date:

28/09/2016

RE: APPROVAL OF A REQUEST TO CONDUCT RESEARCH STUDY:
MR L. MOTSEPA (26/09/2016)

Page 2 of 3

Appendix D: Consent form

Informed consent form

Researcher	: Mr. LL Motsepe
Affiliation	: University of South Africa, College of Law, School of Criminal Justice
Title of the study	: A critical analysis of the investigative capacity of general detectives in handling fraud cases

The research aim and objective

The aim of this intended research is to determine the capacity of general detectives based at the station level in handling fraud cases.

In addressing these aims, the study attempt to set and highlight fraud investigation activities in context, to add and fill the gap in the existing literature about the development and empowerment of general detectives, particularly those involved in fraud related investigations.

Procedures

Semi-structured interviews will be conducted with the participants in this study. The researcher will use an interview schedule as the guiding tool with a set of questions. The interviews will be recorded coupled with notes. Interview duration will be between 30 to 45 minutes per participant; this will depend on the response of interviewees.

Risks and discomforts

There are no known risks associated with this study. In situations where participants do not feel comfortable any with their participation or interview, the researcher will suggest a break or the interview to be postponed for another day and time depending on the situation and the participant.

Benefits to participants

There are no known benefits for participants for their participation in this study, except that their contribution is invaluable and will highlight the existing capacity problems in the South African Police detective service. Participants may benefit for knowing that members of the society pay attention to issues relating to their work.

Benefits

Findings of this study may assist policy and decision makers in the SAPS relating to capacity and investing in human development, resources, etc. Unisa and other institutions are likely to benefit out of this study as it will add towards the existing knowledge in issues relating to fraud cases handled by general and specialised detectives in S.A. The study will of course enlighten the society as to which criminal

cases of fraud are handled by their local police station detectives and the specialised units. Other benefits will emerge as the study progress.

Participants' rights

Participants' participation is voluntary and they may choose to withdraw their consent to participate any time. Information obtained from interviews will solely be used for this study and no names will be shared without participants' consenting.

Privacy and confidentiality

The researcher will do everything to protect participants' privacy. The identity of those participating will not be revealed in any publication resulting from this study. Participants' views, raw data, on the subject matter will form part of the larger body of information to shape this study and will be treated accordingly. All the information will be treated as confidential and anonymity.

Right of access to researcher

The researcher and promoter will provide contact details for any concerns about this study.

Mr. Motsepe, LL : 012 433 9470

Dr. Mabudusha, SA : 012 433 9451

Thank you for your participation in this study

I, the undersigned, agree to participate in this study voluntarily without duress.

Signed aton this.....day of20.....

Signature:Initial(s) and Surname.....

Appendix E: Detective interview guide

Interview questions – Semi-structured

Broad research question

What is the level of investigative capacity does the general detectives have to handle fraud cases?

Sub-questions

1. What are the differences between investigations of fraud cases versus the other crimes?
2. What type of fraud are the station-based detectives handling?
3. When does a fraud case deem complex to be investigated by general detectives?
4. Do you perceive fraud as a serious crime?
5. What is the difference between fraud cases investigated by police station-based detectives and those investigated by the specialist detectives in Commercial Crime Units?
6. What are differences between the investigators in the specialised units and the general detectives in handling fraud cases hindrances?
7. What type of assistance should local detectives get to perform fraud investigations?
8. In your opinion, does SAPS detective division dedicate enough resources to detectives in order to handle and investigate fraud cases?
9. What is the relationship between detectives at the station and specialised units, especially regarding fraud investigation?

Appendix F: Prosecutorial interview guide

Interview Plan with Prosecutor(s) - Semi-structured

Background

The police investigation process and practices directly influence the prosecutorial service of the NPA and the quality of a verdict and convictions. The investigations, particularly of fraud cases, also affect how prosecutors dispose of those case dockets upon the evidence presented. Against this backdrop, the interview with the prosecutor(s) will be centered on broad open-ended research questions, which are semi-structurally designed to probe the views, and opinions where it is desirable to expand on their answers. The interviews will also be guided by the response from the participants as the interview progresses.

The following are some of the open-ended questions that can be expanded during the interview (open conversation):

Research questions

1. What is fraud?
2. Does fraud affect ordinary citizens?
3. Are fraud cases increasing?
4. Is fraud considered a serious problem?
5. Based on your experience do you think the police have sufficient capacity to handle fraud cases, if no why?
6. What is your view on the quality of fraud cases handled by the detectives at the police stations?
7. Are SAPS local detectives capable of handling fraud cases?
8. What impact do poor investigations of cases have on your prosecutorial duties?
9. What advice can you give to ensure that fraud cases prepared by ordinary detectives are court ready when presented at court for a successful prosecution?
10. Is it important for fraud investigators to have higher education training?