

**AN ASSESSMENT OF THE MULTI-DISCIPLINARY APPROACH TO
INVESTIGATE CORRUPTION IN THE SOUTH AFRICAN PUBLIC SERVICE**

by

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DECLARATION

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I, Christoffel Johannes Smit, declare that “An assessment of the multi-disciplinary approach to investigate corruption in the South African public service”, submitted in accordance with the requirements for the degree of Doctor of Literature and Philosophy in the subject Police Science, is my own work and has not previously been submitted to another institution of higher education. All sources used in this thesis have been appropriately cited or quoted, and are indicated and acknowledged in the comprehensive list of references. I understand and adhere to the UNISA Code of Ethics.

SIGNATURE

DATE

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DEDICATION

Praise to our Lord and saviour, Jesus Christ, for all the blessing that You have bestowed upon me. This study is dedicated to my significant other, Lindie Smit; my love and my life. Thank you for your inspiration and adoration throughout the years. You truly inspire me to be a better man. You are my best friend, wife, and partner, whom I admire. Your enduring support throughout our marriage and studies is treasured.

ABSTRACT

The aim of this study is to assess the multi-disciplinary approach in the investigation of corruption in the South African public service. Data was collected by means of in-depth interviews conducted with members of the Directorate for Priority Crime Investigation's Anti-Corruption Task Team to gain a comprehensive understanding of their experiences regarding the effectiveness of the Anti-Corruption Task Team in the investigation of corruption within the public service. In addition, the researcher conducted a comprehensive literature study of local and international legislation to curb corruption, supplemented with various multi-disciplinary approaches employed internationally. Furthermore, various global Anti-Corruption Agencies were studied to comprehend their functions and efficacy.

The findings of the research identified and described various impediments facing the Anti-Corruption Task Team's effectiveness in investigating corruption within the public service. As a result, this study recommends the need to establish a single Anti-Corruption Agency with a comprehensive mandate to prevent, investigate, and educate on corruption, to critically safeguard the independence of the Anti-Corruption Task Team against political interference, as well as the allocation of adequate resources and budget for its effective operation.

The research identified best practices globally to combat corruption, which can be used to amend the current anti-corruption practices to suit the South African public service. Consequently, this study contributes significantly towards effective anti-corruption investigation in the South African public service.

Key terms

Corruption, fraud, Anti-Corruption Task Team, multi-disciplinary approach, procurement fraud, public service.

KAKARETŠO

Maikemišetšo a dinyakišišo tše ke go lekola mokgwa wa go kopanya dikarolo tše mmalwa tša thuto go nyakišiša bomenetša ka ditirelong tša setšhaba tša Afrika Borwa. Data e kgobokeditšwe ka mokgwa wa dipoledišano tše di tletšego tše di dirilwego le maloko a Sehlophatšhomo sa Twantšho ya Bomenetša sa Ofisi ya Molaodimogolo wa Dinyakišišo tša Bosenyi bjo Bogolo go hwetša kwešišo ya maitemogelo a bona a go šoma ga Sehlophatšhomo sa Twantšho ya Bomenetša mo go nyakišišeng bomenetša mo ditirelong tša setšhaba. Go tlaleletše, monyakišiša o dirile dinyakišišo tše di tletšego tša dingwalwa tša peomolao ya gae le ya ditšhabatšhaba tše maikemišetšo a tšona e lego go fokotša bomenetša le mekgwa ya go kopanya dikarolo tše mmalwa tša thuto yeo e dirišwago ditšhabatšhabeng. Go tlaleletša, mekgatlo ya twantšho ya bomenetša bja lefase ya go fapana e nyakišišitšwe go kwešiša mešomo le mehola ya yona.

Monyakišiši o utollotše le go hlaloša mapheko a go fapana go moholo wa dinyakišišo ka Sehlophatšhomo sa Twantšho ya Bomenetša mo bomenetšeng ka ditirelong tša mmušo. Ka lebaka leo, dinyakišišo di digela tlhokego ya go thoma mekgatlo o tee wa go lwantšha bomenetša wa taolela ye kgolo ya go thibela, go nyakišiša le go ruta ka ga bomenetša; go šireletša boikemelo bja sehlophatšhomo sa twantšho ya bomenetša le go thibela go tsenatsena ga dipolotiki; le go aba methopo yeo e lekanego le ditekanetšo gore e šome gabotse.

Dinyakišišo di utollotše tirišo ye botse go feta ka moka lefaseng ka moka go lwantšha bomenetša, yeo e swanetšwego go mpshafatšwa go fihlelela dinyakwa tša ditirelo tša setšhaba tša Afrika Borwa.

Mareo a motheo

Bomenetša, bomenemene, sehlophatšhomo sa go lwantšha bomenetša, bomenemene bja go reka, ditirelo tša setšhaba.

ISIFINYEZO ESISUKETHE UMONGO WOCWANINGO

Inhloso yalolu cwaningo ukuhlola inqubo ebandakanya amadisiplini ehlukeni ukuphenyisisa ngenkohlakalo kwezezimali kumkhakha wabasebenzi bakahulumeni eNingizimu Afrika. Idata iqoqwe ngokwenza ama-interview ajulile enziwe nabethimba elilwisana nezinkohlakalo kwezezimali, i-Anti-Corruption Task team lwabophiko lwabenza uphenyiso lobugebengu obukhulu lwe-Directorate of Priority Crime Investigation ukuthola ukuqondisisa okujulile ngezipiliyoni zabo ngokusebenza ngendlela enomphumela kwethimba le-Anti-Corruption Task Team ekuphenyisiseni ngenkohlakalo kwezezimali kumkhakha wabasebenzi bakahulumeni. Nangaphezu kwalokho, umcwaningi uye wafunda ngokujulile ngemibhalo yocwaningo imibhalo yemithetho yezwe kanye nemithetho yamazwe omhlaba enenhloso yokulwisana nenkohlakalo kwezezimali, kanye nezinqubo ezihlanganisa amadisiplini ehlukeni ezisetshenziswa kumazwe omhlaba. Nangaphezu kwalokho, ama-ejensi omhlaba alwa nezinkohlakalo nawo kwafundwa ngawo ukuqondisisa imisebenzi yawo kanye nemiphumela yemisebenzi yawo.

Umcwaningi waphawula kanye nokuchaza izihibe ezihlukeni maqondana nokusebenza ngendlela enomphumela kophenyisiso olwenziwa ngabethimba le-Anti-Corruption Task Team kwinkohlakalo kwezezimali emkhakheni wabasebenzi bakahulumeni. Ngenxa yalokhu, ucwaningo luncoma isidingo sokuthi kusungulwe i-ejensi eyodwa enamagunya ajulile okuvimbela, ukuphenyisisa kanye nokufundisa ngezindlela zokulwa nenkohlakalo kwezezimali; ukuvikela ukuzimela kwethimba lokulwa nenkohlakalo kanye nokuvimbela ukuthi ithimba lingaphazanyiswa ngabezepolitiki; kanye nokuhlinzeka ngemithombo eyenele kanye namabhajethi ukuze ithimba lisebenze kahle ngendlela enomphumela.

Ucwaningo luphawule izindlela ezingcono kuwo wonke umhlaba zokulwa nenkohlakalo kwezezimali, kanti futhi lezi zinqubo kumele zichitshiyelwe noma zihlelwe kabusha ukuhlangabezana nezidingo zomkhakha wabasebenzi bakahulumeni eNingizimu Afrika. Kanti-ke futhi emuva kwalokho, lolu cwaningo luthela esivivaneni kuphenyisiso olunomphumela lokulwa nenkohlakalo

kwezezimali okwenziwa kumkhakha wabasebenzi bakahulumeni eNingizimu Afrika.

AMATHEMU ABALULEKILE

Inkohlakalo kwezezimali, inkwabaniso, ithimba lokulwa nekonhlakalo kwezezimali, inqubo yamadisiplini ehlukene, inkwabaniso kwezokuthengwa kwamasevisi nezinye izidingo, umkhakha wabasebenzi bakahulumeni.

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ABBREVIATIONS

AAC	-	Agency Against Corruption
ACA	-	Anti-Corruption Agency
ACB	-	Anti-Corruption Bureau
ACC	-	Anti-Corruption Commission
ACFE	-	Association of Certified Fraud Examiners
ACIC	-	Australian Criminal Intelligence Commission
ACIMC	-	Anti-Corruption Inter-Ministerial Committee
ACTT	-	Anti-Corruption Task Team
AFP	-	Australian Federal Police
AFU	-	Asset Forfeiture Unit
Ahti	-	Amsterdam health & technology institute
APEC	-	Asia-Pacific Economic Cooperation
AU	-	African Union
BRICS	-	Brazil, Russia, India, China and South Africa
BVI	-	British Virgin Islands
CBA	-	Central Anti-Corruption Bureau
CCDI	-	Central Commission for Discipline Inspection
CCTV	-	Closed-circuit television
CECA	-	Corruption and Economic Crime Act of 1994
CEO	-	Chief Executive Officer
CFO	-	Chief Financial Officer
CGU	-	Comptroller General
CIPC	-	Companies and Intellectual Property Commission
CMTEDD	-	Chief Minister, Treasury and Economic Development Directorate
COCC	-	Central Office for Combating Corruption
CPA	-	Criminal Procedure Act 51 of 1977
CPC	-	Communist Party of China
CPI	-	Corruption Perception Index
CPIB	-	Corrupt Practices Investigation Bureau
CSO	-	Civil Society Organisation

DCEC	-	Directorate on Corruption and Economic Crime
DCEO	-	Directorate on Corruption and Economic Offence
DG	-	Director-General
DPA	-	Deferred Prosecution Agreement
DPCI	-	Directorate for Priority Crime Investigation
DPP	-	Director of Public Prosecutions
DRC	-	Democratic Republic of the Congo
DSO	-	Directorate of Special Operations
ECTA	-	Electronic Communications and Transactions Act 25 of 2002
EFT	-	Electronic Funds Transfer
FBI	-	Federal Bureau of Investigation
FCPA	-	Foreign Corrupt Practices Act of 1977
FIC	-	Financial Intelligence Centre
FICA	-	Financial Intelligence Centre Act 38 of 2001
FSB	-	Federal Security Service of the Russian Federation
FSL	-	Forensic Science Laboratory
GSK	-	GlaxoSmithKline
ICAC	-	Independent Commission against Corruption
ICD	-	Independent Complaints Directorate
IDASA	-	Institute for Democracy in South Africa
International	-	The International Institute for Democracy and Electoral Assistance
Interpol	-	International Criminal Police Organisation
IOS	-	Internal Oversight Services
IP	-	Internet Protocol
IPID	-	Independent Police Investigative Directorate
JCPS	-	Justice, Crime Prevention and Security Cluster
KACC	-	Kenya Anti-Corruption Commission
MAWG	-	Multi-Agency Working Group
MENA	-	Middle East and North Africa
MFMA	-	Municipal Finance Management Act 56 of 2003

MJIB	-	Ministry of Justice Investigation Bureau
MTSF	-	Medium Term Strategic Framework
NACS	-	National Anti-Corruption Strategy
NACF	-	National Anti-Corruption Forum
NDP	-	National Development Plan
NGO	-	Non-Governmental Organisation
NPA	-	National Prosecuting Authority
NPC	-	National Planning Commission
NSS	-	National Security Strategy
NT	-	National Treasury
OECD	-	Organisation for Economic Co-operation and Development
OMB	-	Office of the Ombudsman
OSISA	-	Open Society Initiative for Southern Africa
PAIA	-	Promotion of Access to Information Act 2 of 2000
PACA	-	Philippines Anti-Corruption Agency
PDA	-	Protected Disclosures Act 26 of 2000
PFMA	-	Public Finance Management Act 1 of 1999
PMG	-	Parliamentary Monitoring Group
POCA	-	Prevention of Organised Crime Act 121 of 1998
PRASA	-	Passenger Railway Agency of South Africa
PRECCA	-	Prevention and Combating of Corrupt Activities Act 12 of 2004
PSA	-	Public Service Act 103 of 1994
PSC	-	Public Service Commission
RICA	-	Regulation of Interception of Communications and Provisions of Communication-Related Information Act 70 of 2002
SADC	-	Southern African Development Community
SAPS Act	-	South African Police Service Act 68 of 1995
SAPS	-	South African Police Service
SARS	-	South African Revenue Service
SCI	-	Serious Corruption Investigation

SFO	-	Serious Fraud Office
SIM	-	Subscriber Identity Module
SIU	-	Special Investigating Unit
SLA	-	Service Level Agreement
UGI	-	Uniform Guidelines for Investigations
UK	-	United Kingdom
UN	-	United Nations
UNACT	-	United Nations Anti-Corruption Toolkit
UNCAC	-	United Nations Convention against Corruption
UNDP	-	United Nations Development Programme
UNIDO	-	United Nations Industrial Development Organisation
UNISA	-	University of South Africa
UNODC	-	United Nations Office on Drugs and Crime
US	-	United States
USA	-	United States of America
USAID	-	United States Agency for International Development
ZACC	-	Zimbabwe Anti-Corruption Commission

CHAPTER 1: GENERAL ORIENTATION

1.1 INTRODUCTION

This research was conducted to assess the multi-disciplinary approach in the investigation of corruption in the South African Public Service. The problem statement, aim of the research, specific purpose of the research, research question, key theoretical concepts, value of the research, research design and approach, target population and sampling, data collection, qualitative data analysis, prevalent methods taken to ensure trustworthiness, and ethical considerations related to the research principles and specific topic are discussed in this chapter.

The need to combat corruption is of the utmost importance, as it impacts on economic improvement in terms of monetary proficiency and development. Corruption in public service influences the fair dissemination of assets to the populace, expanding compensation imbalances, undermining the adequacy of social welfare programmes, and negatively influencing human advancement. In other words, corruption may undermine long-term viable advancement, monetary development, and equality (Chêne 2014). The question arises why South Africans view the government as lacking in this respect. Afrobarometer (2017), for instance, has found that all things considered, a little over half (56%) of all people on the African continent felt that their governments were making a less than impressive display with regards to their endeavours to battle corrupt activities. In any case, South Africa performed strikingly worse than most countries, with two out of three locals (66%) perceiving the government as performing inadequately in fighting corruption (Newham 2015).

Corruption is not just a South African phenomenon, but a worldwide trend that must be addressed.

1.2 BACKGROUND TO THE STUDY

The Parliamentary Monitoring Group (PMG) (2016) states that multi-faceted corruption cases used to be investigated by the Directorate of Special Operations (DSO), previously referred to as the Scorpions. After the dissolution of the DSO by the South African Government, the unit was replaced by the Hawks. The Hawks were placed under the control of the Directorate for Priority Crime Investigation (DPCI) of the South African Police Service (SAPS), whereas the Scorpions operated independently under the National Prosecuting Authority (NPA). The directorate has the specific task to prevent, combat, and investigate national priority crimes, including serious corruption, as well as to investigate multi-faceted corruption in the public service. The Anti-Corruption Task Team (ACTT) is an investigative unit within the DPCI. The ACTT was officially established by former President Jacob Zuma in 2010 (The Presidency 2015). However, the unit has only been fully operational since 2011.

The ACTT is mandated to investigate corrupt public service officials. The DPCI was established in July 2009 as an independent division within the SAPS, according to section 17C of the SAPS Act 65 of 1995 (South Africa 1995) as amended by the South African Police Service Amendment Act 57 of 2008 (South Africa 2008). The DPCI is in charge of combatting, investigating, and preventing national priority crimes, for example, serious organised crime, serious commercial crime (including serious economic crimes, such as fraud, money laundering, and racketeering, committed by highly placed government officials), and serious corruption in terms of section 17B and 17D of the SAPS Act 65 of 1995 (South Africa 1995), as amended by the SAPS Amendment Act 57 of 2008 (South Africa 2008).

The ACTT is a multi-disciplinary team that mainly comprise of governmental and external role players, including the NPA, Asset Forfeiture Unit (AFU), South African Revenue Service (SARS), DPCI, Special Investigating Unit (SIU), Financial Intelligence Centre (FIC), and the National Treasury (NT), that each play a part in the day-to-day operations of the Team. Furthermore, the ACTT has a larger management structure which is commonly referred to as the Principals of the ACTT,

of which the head of the Hawks is the chairman. According to the PMG (2016), the task team comprises of:

- NT
- Development Bank of South Africa
- State Security
- SIU
- SARS
- FIC
- NPA
- DPCI
- SAPS
- Justice Department
- Government Communication and Information System
- National Intelligence Coordinating Committee
- Department of Performance Monitoring and Evaluation
- External forensic chartered accountants
- External cyber forensic experts

This task team was created to fast track investigations of high-priority and high-profile corruption cases (Davies 2013). This multi-disciplinary team thus prioritises serious corruption and fraud investigations involving R5 million or more per government individual involved. The former President of South Africa stated: “We will have the capacity to have any kind of effect in eradicating corrupt activities which are what our populaces expect of us” (The Presidency 2015). In October 2009, the Minister of Finance established a Multi-Agency Working Group (MAWG) to manage procurement matters that correlate with corrupt activities and abnormalities inside the government’s procurement structures. In July 2010, the President of South Africa entrusted the Justice, Crime Prevention and Security Cluster (JCPS) with the establishment of a task team (the MAWG) to speed up investigations and prosecution (The Presidency 2015).

During June 2014, the Anti-Corruption Inter-Ministerial Committee (ACIMC) affirmed and concretised the function of the ACTT as the focal body mandated to offer impact

to the government's anti-corruption activity plan, as collectively informed by the National Development Plan (NDP), Medium Term Strategic Framework (MTSF), National Security Strategy (NSS), and the country's international obligations. The Presidency confirmed that the ACTT has scored noticeable victories and the government admires its hard work in helping to root out corruption (The Presidency 2015). South Africa was one of the signatories at the United Nations Convention against Corruption (UNCAC), which was endorsed in Mexico during 2003 (Schultz 2007). The convention was ratified by South Africa in 2004 (United Nations Office on Drugs and Crime [sa]). This brought about the South African Government establishing the ACTT with the specific mandate to root out corrupt practices, as will be discussed in the next section.

1.3 THE ACTT MANDATE

The National Anti-Corruption Strategy (NACS) document (South Africa 2016) clarifies that the ACTT derived its initial mandate from the 2010 JCPS delivery agreement, which required the ACTT to take steps to eradicate corruption, including bribery by officials within the JCPS cluster, by convicting 170 JCPS officials by 2014 and to ensure that investor perception, trust, and willingness to invest in South Africa is improved by convicting 100 persons who have assets of more than R5 million obtained through illicit means.

In 2012 the agreement was revised and the new output referred to "reduced corruption" and it was decided that instead of convicting 100 persons by 2014 for corruption with assets exceeding R5 million, each conviction should involve R5 million or more. For the 2014-2019 MTSF, the ACTT (2016) is mandated to ensure that:

Corruption in the public and private sectors is reduced by building a resilient anti-corruption system to successfully detect and investigate cases of alleged corruption with a view to prosecution, conviction and incarceration of perpetrators. This will hopefully serve as deterrence and contribute to ensuring a corruption-free society.

This mandate requires ACTT to:

- a) reduce levels of corruption in the public and private sector, thus improving investor perception, trust in, and willingness to invest in South Africa by ensuring that 120 persons are convicted for corruption or related crimes where the amount is R5 million or above, by obtaining R1.38 billion in freezing orders and R180 million in recoveries; and
- b) ensure corruption amongst government officials is reduced to serve as a deterrent by convicting 1000 government officials for corruption or related crimes involving any amount.

1.4 PROBLEM STATEMENT

Research problems are selected in view of the problems that are significant in the native setting and endeavours are launched to solidly decipher these problems unswervingly and to calculate the suitability of the results and the analytical understanding arrived at (Greenwood 2007). The research problem identified by the researcher specifically relates to corruption committed by South African Public Service officials and the approach utilised to address corruption within the South African Public Service. Corruption committed by public service officials is a pertinent problem in South Africa that needs to be addressed. A research problem, as Creswell (2013:20) argues:

...originates from a void in the literature, and strife in research results about the literature, themes that have been dismissed in the literature; a need to lift up the voice of the disregarded participants and genuine problems found in the work environment, at home, the public et cetera.

Corruption, with specific relation to corruption among public officials, is one of the major crimes that is prevalent in South Africa and thus a “real-life” problem. Creswell (2009:163) highlights that a research problem may be identified from different potential sources. It may spring from an experience the researcher has had in his/her own life in general or in the work environment, or it might originate from a general deliberation that showed up in the literature.

It has come to the attention of the researcher that a number of corruption cases against public service officials reported to the ACTT in 2010 are still under

investigation, with no specific indication when these cases will be court ready. According to Transparency International (2015), corrupt activities translate into human misery, with poor families being coerced for bribes to see doctors or to gain access to clean drinking water. It hints to a let-down in the delivery of fundamental services like teaching and general healthcare.

The Corruption Perception Index (CPI) echoes the perspectives of observers from around the globe, including specialists living and working in the nations and territories evaluated. The CPI scores nations and territories on a scale from zero (exceptionally corrupt) to 100 (clean, no-corruption). As illustrated by Transparency International (2017) utilising the CPI, South Africa scored a total of 43 on the scale in 2012, 42 in 2013, 44 in 2014, 44 in 2015, 45 in 2016, and 43 in 2017. These scores demonstrate that there are multi-faceted corrupt activities inside the South African public service. A poor score is a likely indication of far-reaching corrupt activities, the absence of discipline for corrupt activities, and public institutions that don't react to the populace's needs. Corruption is threatening economic growth for all in South Africa in 2015.

The tendency of corruption among South African Public Service officials is illustrated by a recent corruption scandal involving the Passenger Railway Agency of South Africa (PRASA), a South African state-claimed enterprise which is in charge of most passenger rail services in the nation. PRASA is a seriously troubled establishment that wants to spend R123 billion on restoring their fleet throughout the next 20 years. The PRASA board expelled Chief Executive Officer (CEO) Lucky Montana in the midst of corrupt activities, allegations, and counter-allegations – all played out in the public domain. The board was replaced in light of the allegations of maladministration against them, which prompted political parties as well as social groups to lay criminal charges against the board in relation to their contract with a train manufacturer in Spain (Msimang 2015). These criminal cases are currently under investigation with no clear indication when the board of PRASA will face their day in court.

Nicolaides (2018) reported that a coal shortage at six of Eskom's power stations is a direct result of their dealings with the Guptas. Eskom is a South African public

electric utility. The NT has also approved a request to obtain additional coal from elsewhere, as three of the affected stations were receiving stock from the Gupta-owned company Tegeta, which has now filed for business rescue. In 2017 leaked emails revealed that Eskom allegedly paid Tegeta over half a billion Rand to buy the Optimum Coal mine in a calculated scheme, which lifted the lid on corruption at the power utility. Now it appears that Tegeta is battling to supply coal and Eskom is experiencing serious shortages, with concerns being raised about the possibility of load shedding. The Deputy Editor at Financial Mail, Sikonathi Mantshantsha (2018), says that corruption is at the centre of the current shortage: "Because of the corruption that allowed Eskom to kick out Glencore in the first place. Tegeta has a contract and that contract is to pick up coal and deliver it to Eskom and it has failed to do that." The extent of corruption within the public sector was once again illustrated through Business Live (Deputy Editor at Financial Mail, Sikonathi Mantshantsha (2018)) arguing that Brian Molefe, who successively headed both Eskom and Transnet; Anoj Singh, who became finance chief of both; Matshela Koko, a former Eskom executive; and current Transnet CEO, Siyabonga Gama, are among those who feature most prominently in the corruption at Transnet and Eskom. Transnet is a South African rail, port, and pipeline company, majority-owned by the South African Government. Some politicians and their families and government officials, who had taken oaths of office swearing to uphold the law and everything that is in the best interests of the country, allegedly intervened on behalf of the corrupt individuals. The names Duduzane Zuma; Lynne Brown, and her personal assistant Kim Davids; and former public enterprises Director-General (DG), Richard Seleke, also feature numerous times in the news on the side of politicians and officials implicated in the corruption. The plot cannot, of course, be complete without the businessmen who, over many years, bought close proximity to influential politicians and officials for their own private benefit.

These corruption allegations had widespread media exposure. For example, the Public Protector's damning report, named "Derailed", suggests axed PRASA boss Lucky Montana milked the parastatal's coffers by taking joyrides on the Blue Train with female companions and signing off on dodgy tenders worth billions (Wa Afrika, Hofstatter & Rampedi 2015). This is yet another example of high-level corruption being kept under the covers. To this day, no one has been brought before the court

to answer for the irregularities in the procurement process at PRASA with the appointment of the Spanish train manufacturer.

The Department of Justice and Constitutional Development (2013) issued a media statement on the trend of corruption committed by public service officials in South Africa. A total of 758 suspects employed in the public service were under scrutiny for corrupt activities during 2013 and freezing orders to the value of R1.07 billion have been gained. Another example is a R14.7 million asset forfeiture order, which was brought against the previous CEO of Land Bank, Mr Philemon Mohlahlane, and Gauteng agent Mr Dan Mofokeng. They allegedly defrauded Land Bank and transferred funds to a range of outside entities for their own gratification.

The official SAPS statistical data on crime specifically related to corruption cannot be obtained in detail, as corruption falls under the category of commercial crimes which contains a whole spectrum of crimes, such as multi-faceted commercial theft, counterfeiting of currency, counterfeiting of goods, intellectual property rights crimes, and banking-related crimes. Crime statistics related to commercial crimes would thus be undependable. This categorisation of corruption by the SAPS upsets efforts to effectively screen and identify trends in certain cases of corrupt activities. Consequently, the researcher made use of statistical data specifically related to corruption as recorded by Corruption Watch and by the office of the Minister of Justice to substantiate the extent of corruption in South Africa.

Corruption Watch is a non-profit association which was established in January 2012 and relies on upon the general public to report corrupt activities to the association. The association investigates reports of corrupt activities, specifically those cases that will have the largest effect on society, for example corrupt activities by government officials. Corruption Watch additionally assembles and examines data to detect patterns and problem areas of corrupt activities, and prepares research reports on these problem areas to uncover and discover solutions to systemic corruption (Corruption Watch [sa]). Bruce (2014:50) is in agreement that there is a lack of detailed statistical data on corruption. Given the scourge of corrupt activities in South Africa, it is important that the SAPS report more detailed statistics on and

insights into the different violations that make up the catch-all "commercial crime" category.

A global campaign was launched in June 2014 by Transparency International, according to the Corruption Watch annual report (Corruption Watch 2014), which encourages participants to unmask corruption. Corruption is vulnerable to exposure when the corrupt act occurs and when those who benefit from corruption attempt to hide their ill-gotten gains (Department of Planning, Monitoring and Evaluation 2015). The South African Government vowed to name and disgrace officials involved in corrupt activities. Minister Radebe revealed that the names of culprits who have been convicted for their corrupt activities will be distributed, as well as the names of each and every one of those individuals whose assets have either been frozen or forfeited to the state (South Africa 2014):

...so people, in general, will know are these spoiled apples of South African culture... Individuals need to guarantee the general population is aware of what has happened on the grounds that, for quite a while when individuals discuss corrupt activities, it's only a number. The government now need to do this in a meaningful way.

The PMG (2016) explained that since 2010, great advancement has been made in the administration of anti-corruption undertakings, which has enabled the state to recoup the returns of corrupt activities. Since ACTT's inception in October 2010, the total number of cases dealt with is 189 and the number of finalised cases is 68. The number of cases under investigation is 77 and serious corruption cases on the court roll number 44 in total. The total number of government officials convicted of corruption involving R5 million or more stands at 128: 63 officials for the years 2010 to 2014, 23 officials for 2014 to 2015, 34 officials for 2015 to 2016, and 8 officials for 2016 to 2017. The cumulative figure for the MTSF 2014-2019 period to date for officials convicted of corruption involving R5 million or more is 65. To meet the MTSF target of 120 persons convicted by 2019, 55 persons still need to be convicted. The total number of government officials convicted of corruption involving any amount since 2014 to date is 399. To meet the conviction target of 1000 by 2019, 601 government officials would still need to be convicted. A total number of 931 government officials have been convicted since the inception of ACTT in 2010.

According to Atkinson (2007:68), the problems of corruption are often revealed in public petitions and there is a growing popular concern in South Africa about what is actually perceived as government corruption. A survey conducted in 2005 by the Institute for Democracy in South Africa (IDASA) revealed that 24% of participants were under the impression that local governments and local chambers are involved in corrupt activities (Buhlungu, Daniel & Southall 2007:68). During the proceedings of the PMG, relating to the ACTT's progress with regard to disciplinary cases being investigated against public officials in the Limpopo Province, various role players in the fight against corrupt public service officials provided some perspectives on inhibiting aspects relating to the effective investigation of such cases. Mr Motlashuping (ANC, North West) cautioned the ACTT not to dwell too much on the cases that were still pending, as this was likely to weaken the cases (ACTT 2016). Mr Dramat (the former National Head of the DPCI) added that the ACTT and the Department of Public Service and Administration (2015) revealed that they had identified the problem of officials in public service evading corruption charges, and others resigning from one department and then emerging at a municipal level. Mr Du Plooy (Group Leader, ACTT) responded that it was impossible to force a witness under oath to testify in court, and this was causing major delays in the investigation of some cases (PMG 2014). Mr Dramat also confirmed that even if the officials resigned, the criminal charges continued as long as they reside in the country (PMG 2014). The ACTT performs its functions from its office in Pretoria and is responsible for investigating multi-faceted corruption cases in the public service nationally, as and when the cases are reported, and if a corruption case that involves public service officials meets the criteria of the unit. These criteria relate to the delivery agreement for the JCPS Cluster, with specific reference to the target for Output 5, to "successfully convict 100 people by 2014 that have assets of more than R5 million obtained through illicit means" (State Security Agency 2014). Turner (2014:137) states that for researchers, a vital step is to conduct controlled studies on the impact and effectiveness of strategies. Until a fair amount of such studies have been done, researchers must acknowledge that our guidelines for practices are somewhat tentative. It is important to understand and be able to investigate corruption cases in the public service effectively. This study will assess the effectiveness of the ACTT's multi-disciplinary approach in investigating corruption cases involving public service officials.

All role players in the ACTT should have clearly defined roles in order to carry out their responsibilities effectively. An inter-agency protocol assists in establishing written guidelines for those who investigate cases of corruption in the public sector. A properly drafted agreement also provides a blueprint for each of the principal agencies involved at the ACTT. The team members should also invest their time in developing a long-term strategic plan that will ensure that the team is always able to respond to national priority cases or threats in the South African public sector. The goal should be the efficient coordination of services, with the chief objective being to address corrupt activities quickly and effectively to instil confidence in the team's effectiveness. The multi-disciplinary approach allows for diverse types of expertise to be combined in a team to enhance the team's efficiency and effectiveness. Role players sometime overextend themselves when team members do not have similar levels of expertise as the rest of the team. This inadvertently delays the investigation process, since the investigation duties are intertwined. In addition, another challenge experienced is that some members were appointed to the ACTT without having the necessary knowledge and experience of corruption investigations.

The multi-disciplinary approach, in the form of the ACTT, to deal with corrupt government officials is a virtuous one, but one is dealing with human beings in this approach and this presents its own challenges. The idea of placing individuals from various government departments as well as non-governmental role players with specific expertise together in a specific team formulated to address a specific target is noble. The challenge is that someone needs to lead the multi-disciplinary team and in this scenario, it is the head of the Hawks. The problem arises when the team leader sets targets with specific deadlines. Some of the role players may feel inferior due to their position or role within the set team. On the other hand, some of the role players are of the view that due to their seniority within their departments or external organisations and higher salary brackets, they are superior and that they should lead the investigation. As a result, cooperation between team members and the execution of duties are neglected, which gives rise to internal conflict among team members that in turn leads to inefficient investigations. This internal conflict needs to be resolved at the beginning with a clear set of guidelines and a communication

channel to address any concerns before members manifest a negative attitude towards the investigation objectives. Thus, it is important to have a comprehensive investigation plan in place which clearly stipulates each role player's responsibility and deadlines within the specific investigative team.

1.5 AIM OF THE RESEARCH

The work of Denscombe (2014:121) indicates that the research aim is to reach a decision about the state of knowledge on a subject in view of a thorough and fair review of the research that has been carried out. Holtzhausen and Auriacombe (2014:15) maintain that the purpose of a research aim is to give lucidity to the researcher's own convictions of how social reality ought to be seen to gain the most honest outcomes. This will empower the researcher to have a reasonable comprehension of which research aim would be appropriate when designing his/her research in order to develop his/her own research aim. In addition, as Trochim, Donnelly and Arora (2015:125) point out, the aim of the research is to develop new knowledge and good practice in the field. As reflected by Joyner, Rouse and Glatthorn (2018:68), the following should be addressed in the research aim:

- An intention or yearning; what you plan to accomplish.
- Aims are statements of expectation, written in broad terms.
- Aims set out what you hope to accomplish toward the end of the project.

The aim of this study is to assess the multi-disciplinary approach in the investigation of corruption in the South African Public Service.

1.6 PURPOSE OF THE RESEARCH

Holtzhausen and Auriacombe (2014:22) state that the purpose of research is to provide clarity to the researcher's own convictions of how social reality ought to be seen to gain the most honest outcomes and in this way to build up his/her own philosophy. The work of Zikmund, Babin, Carr and Griffin (2012:118) indicates that research purposes are the deliverables of the researcher's project. The researcher needs to achieve a consensus regarding the overall decision statement(s) and research objectives to show that the purpose of the research is pure. Jung (2007:54)

highlights that researchers frequently use the SMART acronym to guide the development of quality goals and purposes. The SMART acronym stands for:

- Specific.
- Measurable.
- Attainable.
- Relevant.
- Timely.

The purpose of this study is to determine whether the multi-disciplinary approach in the investigation of corruption in the South African Public Service is achieving its proposed aims and objectives, as mentioned in Section 1.2 above.

1.7 RESEARCH QUESTION

Bryman and Bell (2015:10) indicate that a research question addresses an unequivocal announcement of what the researcher needs to know. The question compels the researcher to be unequivocal about what is to be investigated. Denscombe (2010:69) provides a list of the possible types of research questions:

- Predicting a result (does 'y' occur under conditions 'a' or 'b'?).
- Explaining the causes and consequences of a phenomenon (is 'y' influenced by 'x' generally, or is 'y' a consequence of 'x'?).
- Evaluating a phenomenon (does 'y' show the benefits that it ought to have?).
- Describing a phenomenon (what is 'y' like or what forms does 'y' assume?).
- Developing good practice (in what capacity can researchers enhance 'y'?).
- Empowerment (in what capacity can researchers improve the lives of those individuals by researching 'y'?).

Gilbert (2008:44) emphasises that the research question is integral to the design of a research project overall and a critical stride during the time spent completing a research project. It is, in this manner, fundamental in any social research that a research question should above all else be researchable. A research question should be:

- interesting;

- relevant;
- feasible;
- ethical;
- concise; and
- answerable

Based on the guidelines provided by the above-mentioned authors, the researcher will seek answers to the following identified research questions:

- Is the current multi-disciplinary approach to investigate corruption in the South African Public Service effective?
- Are there any factors experienced by DPCI investigators or external service providers/consultants who are attached to the ACTT that inhibit them from effectively investigating corruption within the public service?

1.8 DELIMITATION OF THE STUDY

This study will be limited to DPCI investigators attached to the ACTT who investigate serious corruption cases perpetrated by public service officials, as well as a group of external/private service providers/consultants who are mandated to assist the ACTT with investigating corruption among public service employees. These ACTT members investigate corruption cases nationally from a central office in Pretoria. This study will exclude ACTT role players from the NPA, AFU, SARS, SIU, FIC and the NT as a result of these role players' refusal to respond to the researcher's request to conduct research within these departments.

1.9 KEY THEORETICAL CONCEPTS

Every profession or discipline has its own specialised language and key concepts. For instance, most people in the legal fraternity use Latin terms, such as "*nullum crimen sine lege*" which means that there is no crime without a legal provision, whilst in the police environment, terms such as "*modus operandi*", meaning a way of behaving or doing something that is typical of a person or group, are common. This implies that in order to participate or work effectively in a particular environment, one

needs to familiarise himself/herself with the language used in that environment (Maree 2007:15).

Bryman and Bell (2015:9) state that concepts are the way that people make sense of the social world. They are important to how individuals organise and signal their research interests. Concepts may be something researchers start out with that speak to key areas around which data are gathered in an investigation. As indicated by Welman and Kruger (2001:23), concept formulation involves the control of the study focus, which directs the content before the data are gathered.

It is important to state the meaning of the words or phrases that are going to be used often in the research study, in order to enable the reader to better understand the report. Conceptualisation is the process of specifying what societies mean by a term (Bachmann, Russel & Schutt 2003:64). The key concepts identified by the researcher as relevant to this study are discussed below.

1.9.1 Fraud

As defined by Cascarino (2013:2) and Snyman (2008:531), fraud is the unlawful and intentional misrepresentation of facts which causes actual or potential prejudice toward another. Doig (2012:7) mentions that it is a method for profiting illicitly through deception, regardless of whether that deception occurs person-to-person in actual space or in virtual space.

Stansbury and Stansbury (2008) explain that “fraud” is any behaviour designed to trick or fool another person or entity for one’s own or a third party’s benefit. For example, in order to collect benefits from the government, a healthy man who is capable of working tells the government that he has an injury and cannot work. The public health department doctor writes a false medical report to support the man’s claim, in exchange for money. His patient can now collect benefits from the government for a disability he does not have.

Stansbury and Stansbury (2008) clarify that “Fraudulent practice” implies any activity or omission, including misrepresentation, that purposely or recklessly

misleads, or attempts to mislead, a party to get a financial benefit or to avoid an obligation.

1.9.2 Procurement

Doig (2012:189) defines the term procurement as the process of acquiring products, work, and services, covering both the acquisition from outsiders and from in-house suppliers. Armstrong, Adam, Denize and Kotler (2014:238) state that procurement is the act of obtaining or purchasing products or services. The procedure incorporates the arrangement and processing of a demand, including the end receipt and endorsement.

1.9.3 Procurement Fraud

The work of Vona (2011:179) shows that procurement fraud refers to the corrupting of the purchase decision-making process to ensure a specific vendor is awarded the contract. Coenen (2008:86) reveals that procurement fraud is a subject of bribery and corruption. Coenen (2008:86) adds that it is essentially the manipulation of the process of obtaining a contract for goods or services.

1.9.4 Public Service

In a study by Barkin and Cronin (1994:119), the authors describe a public service as a group that exercises sovereign authority over a country, state, society, or a group of individuals. Public services are for the most part in charge of making and enforcing laws, managing currency, and protecting the masses from external threats, and may have advanced obligations. Governments additionally commonly set assessment rates and may control investment practices.

Bishop and Pagiola (2012:58) define public service as a service provided or sustained by a government or its departments. Ling (2006:631) makes it clear that public service is an office required in giving public service to or in the interest of a government. As Guy, Newman and Mastracci (2014:12) perceptively state, it is inherent to public service, it is the invisible but vital component in face-to-face, individual transactions. People's impression of the nature of the public service they receive rest on this dynamic between citizen and state. According to Morgan, Green,

Shinn and Robinson (2013:159), the public service's executive base is preoccupied with delivering services efficiently to masses of people.

1.9.5 Corruption

Altbach (2005:9) makes it clear that corruption is the impedes integrity, prudence, and general moral guidelines. It is the inducement to do wrong by improper or unlawful means (as bribery) and, in addition, Quah (2011:590) defines corruption as the abuse of public office with a corrupt intention, and may incorporate any crime. Moreover, corruption is a social phenomenon with a negative effect on any community. According to Jain (2012:22), corruption arises from the misuse of legislative powers by the government in power. Rose-Ackerman (2013:7) correctly argues that corruption is essentially equated with bribery, which includes nepotism and unlawful appropriation of public assets for private use, as a conduct which goes amiss from the ordinary obligations of a public role for financial or status gain.

Quah (2011:602) defines corruption as an obliteration or ruining of everything, particularly by deterioration or corrosion along with its indecency. Rajivan and Gampat (2009:1) theorise that corrupt activities produce a feeling of unfairness and debilitation, raising an extra hindrance that intensifies the disproportion between the privileged and disadvantaged. Cavill and Sohail (2007:1) explain that corruption incorporates a few behavioural activities, for instance, fraud (theft by misrepresentation), money laundering of corporate or private assets, and bribery (payments to profit, by an activity or the aversion of private prejudice, from a given transaction).

In addition, Makumbe (1999:1) elaborates that corruption is the abuse of power. Evans (1999:5) supports this standpoint and states that corruption occurs in both the democratic, deregulated and the regulated, dictatorial social orders. The UN (2004:24) defines corruption as the abuse of public office (public power, public intrigue, public authority) for private gratification (private advantage, individual gain, family or group benefit). This definition is utilised interchangeably with those of both Quah (2011:605), who accentuates the aspect of moral depravity accompanying and reflecting corrupt behaviour, and Rajivan and Gampat (2009:361-370), who

argue that the question of corruption is a conceivably part of human instinct, “rendering its destruction to his mind is near incomprehensible”.

Virta (2007) makes references to the UN’s (2004) perspective on corruption as the abuse of power, attracting attention to the related forms of conduct, including bribery (a specific improper conduct to gain some gratification), blackmail (Public officials utilise their power to control the public to pay for a service they would not, for the most part, need to pay for) and misappropriation or theft, which is the unlawful self-enrichment by an public official. Khan (1996:12) maintains that corruption in developing countries is the behaviour which deviates from the formal rules of governing; the activities of somebody in a position of public authority as a result of intentions for private gain, for example, riches, power or status. Everett (2012:226) asserts that corruption has numerous definitions and yet an even greater number of acts are dominated by it. The definitions are mostly similar in the policy arena, which relates to the misuses of public office for private gain or any gratification. Corruption also has “many faces”, which is to say the range of acts incorporated by the term is broad. For instance, the term includes fraud, smuggling, treason, conflict of interest, bribery, embezzlement, maladministration, and many other acts. Caiden, Dwivedi and Jabbra (2001:19) point out that in fact there are no less than 60 different recognised forms of corruption.

For the purpose of this study, corruption refers to gratification obtained through illicit activities by South African public Service Officials to the value of R5 million or more recoverable per individual with specific reference to government funds. The most prevalent legislation currently in the fight against corruption is stipulated in the Prevention and Combating of Corrupt Activities Act (PRECCA) 12 of 2004 (South Africa 2004). In chapter 2 (South Africa 2004) corruption is defined as: “any person who gives or accepts or offers to give or accept any gratification amounting to an unauthorised or improper inducement to act or not to act in a particular manner is guilty of a crime.” Corruption is mainly defined in terms of section 3 of the PRECCA (South Africa 2004) as follows:

Any person who, directly or indirectly (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or (b) gives or agrees or offers to give to any other person any gratification, whether for

the benefit of that other person or for the benefit of another person, in order to act, personally or by influencing another person so to act, in a manner (i) that amounts to the (aa) illegal, dishonest, unauthorised, incomplete, or biased; or (bb) misuse or selling of information or material acquired in the course of the exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal duty; (ii) that amounts to (aa) the abuse of a position of authority; (bb) a breach of trust; or (cc) the violation of a legal duty or a set of rules, (iii) designed to achieve an unjustified result; or (iv) that amounts to any other unauthorised or improper inducement to do or not to do anything, is guilty of the crime of corruption.

1.9.6 Serious Corruption

The term “serious corruption” is not defined by the PRECCA (South Africa 2004). The Act only defines the term corruption and no differentiation is made between serious or petty corruption. Lebeya (2012:366) clarifies that the term “serious corruption” ought to be revoked. A definition has started to appear now in the SAPS when an officer of the DPCI describes serious corruption cases as those cases in which a considerable amount of money or highly regarded products are involved, or where a couple of SAPS representatives or employees from more than one station, region, division, or national office are involved. Newham and Faull (2011b) support that the term “serious corruption” is used by members of the DPCI to differentiate between corruption cases that will be investigated by units at the provincial or national level.

The researcher’s view is that reference to “serious corruption” should be avoided and it should only be referred to as “corruption”. The rationale, therefore, is that there is no crime such as “petty corruption” or “serious corruption”, and thus only the term “corruption” is defined in PRECCA. The significance of the crime of corruption is in itself serious, not only when taking into account the monetary value or the complexity of the crime. It stands to reason that a multi-faceted corruption investigation is relevant for cases involving the United States Foreign Corrupt Practices Act of 1977, hereinafter referred to as the FCPA, and individuals in a position of power – the so-called “elite”.

1.9.7 Multi-Disciplinary Approach

Reference to Berkman, Kawachi and Glymour (2014:530) reveals that a multi-disciplinary approach to problem-solving includes drawing appropriately from different disciplines to reclassify problems outside of ordinary limits and achieve solutions in view of another comprehension of complex circumstances. Graham (2014:14) asserts that the multi-disciplinary approach does two things for the Judge. It instructs them on corrupt activities and displays the possibility of using a multi-disciplinary approach to deal with the case. It shows that the case was investigated by professionals from various disciplines, every one of whom arrived at the same conclusion. For the purpose of this study, a multi-disciplinary approach refers to the DPCI as well as external service providers/consultants who form part of the ACTT.

1.9.8 Criminal Investigation

A study by Van Rooyen (2008:13) shows that criminal investigation is a systematic, organised search for truth. It includes observation and enquiry with the end goal of gathering objective and subjective evidence around a specific crime or incident.

As indicated by Palmiotto (2012:11), a realistic concept of a criminal investigation is that criminal investigators dig up evidence all by themselves, spending hours identifying criminals and tracking them down.

Hess, Orthmann and Cho (2016:35) define a criminal investigation as the way toward finding, preparing, identifying, and presenting evidence to determine what had occurred and who is responsible. Bergsmo and Wiley (2008:3) clarify that personnel members assigned to a criminal investigation have to collect sufficient incriminating and exonerating evidence to determine whether there are grounds for a criminal prosecution. Criminal investigators collect information on criminal incidents that are later used to prosecute a suspect in court. The investigation process is subjected to broad legal scrutiny by the defence. Fruitful prosecutions must prove beyond a reasonable doubt that the suspect committed the crime. In corroborating the above, according to Lyman (2013:10), when people choose to violate laws the perpetrators must be identified and brought before a court of law. Criminal investigations involve the task of identifying such suspects by responding to a criminal occurrence, gathering evidence, detecting and interviewing witnesses,

and recognising and arresting an assumed suspect. This manner not only involves the basic understanding of techniques relating to the collection and preservation of evidence, but also that of criminalistics and forensic science.

1.10 CHALLENGES ENCOUNTERED IN THE STUDY

As Mungiu-Pippidi (2015:177) explains, a major objective of the corruption prevention policy is involving civil society in the actions of corruption prevention and informing the public on the costs, causes, and consequences of corruption. Development of inter-institutional cooperation and relations between civil society and government structures will be focused on:

- facilitating the cooperation between the institutions vested with duties in the field of corruption prevention, as well as between these and the civil society;
- coordinating the efforts of these institutions through facilitating the exchange of information, encouraging the joint execution of some actions, obtaining human or technical resources necessary to substantial actions, identifying and solving the main obstructions which appear; and
- offering a complete and coherent image of the efforts of authorities in this field.

The challenges that were beyond the researcher's control and were encountered during this study will now be discussed.

Given the sensitive nature of corruption within government, participants were initially sceptical about the decision to record the interview. However, the researcher reassured the confidentiality and anonymity of the participants and explained that the recordings were only for transcription purposes to assist with data analysis. The majority of the in-depth interviews were conducted after hours, as a result of the demanding schedules of the participants.

Obtaining approval from the various role players in the ACTT environment was challenging. Various government departments did not respond to the researcher's request for approval to participate in this study, while others openly refused. The researcher approached the various gatekeepers of each of the government departments who form part of the ACTT to seek approval for this study. The NPA,

AFU, SARS, SIU, FIC and the NT did not react to the researcher's request, and after many months of waiting in vain for a response, the researcher excluded them from this study. Only the DPCI reacted to the researcher's request, though only after the researcher constantly followed up for almost a year after the initial request. The DPCI initially did not approve the researcher's request to conduct research within the Directorate, without providing any reasons for this refusal. However, after consultation with the Directorate, the application was approved. The lack of communication from the relevant government departments' gatekeepers regarding the researcher's request for approval led to valuable time being lost.

In order to alleviate this challenge, the researcher relied on the extensive knowledge and expertise of external service providers/consultants who form part of the ACTT in addition to participants from the DPCI. These service providers have been appointed to assist the ACTT with its investigations into corruption by public service officials, since the Hawks officials allocated to the ACTT do not have their specific knowledge, expertise or capacity, such as forensic accounting and cyber forensics. In addition, these external service providers/consultants were previously employed at the AFU, SIU and NPA and thus have extensive experience and knowledge in the investigation of corruption.

1.11 VALUE OF THE RESEARCH

Bless, Higson-Smith and Sithole (2013:16) reveal that scientific research has the ability to generate accurate information, which is an important resource. Consequently, social research is a wellspring of power, which can be utilised for the social benefit or abused for individual gain. According to Bless et al (2013:16), the following problems are of relevance to the value of research:

- *Highest quality practice*: It is important that social researchers are properly trained, supported, and supervised while they are still inexperienced.
- *Building capacity of all sectors of the community*: It is important that a wider range of people learn how to conduct useful research so that they can benefit directly from it.

- *Relevance*: Since resources needed to support social research are somewhat scarce, it is safe to say that researchers should aim to make a useful contribution to society.
- *Promulgation of results*: It is part of the researcher's responsibility to make the results available in a form that is usable by the people who can benefit from them.

Bouma and Ling (2006:3) reveal that the value of scientific research is to discover methods for comprehending, portraying, making more predictable, and generally controlling some aspects of the universe. The research might be utilised to create solutions for problems, techniques for projects, and plans for action. Based on the suggested value of the results from research studies, as identified by Bouma and Ling (2006), this study and its results may be used to:

- develop appropriate remedies related to challenges experienced in the multi-disciplinary approach to the investigation of corruption in the public service; and
- identify and develop strategies for the multi-disciplinary team to enhance the investigative capabilities of this team.

Rossmann and Rallis (2011:19) argue that one finds that accumulated knowledge likewise serves to enhance practice by improving one's comprehension of that practice. Accumulated knowledge can incorporate practitioners' understanding with the principles behind the procedures. The results of this study will benefit the following sectors:

- **Academic community**

This study could benefit the academic community, since the results could be used in academic material and could be accessed by local and international scholars as a source.

- **South African society**

The results of this study could facilitate an enhancement of the investigative capabilities of the multi-disciplinary team that in turn could lead to an increase in arrests and convictions of corrupt public service officials.

- **Investigative Industry**

This study will identify challenges experienced by the multi-disciplinary approach in the investigation of corruption in the public service. Strategies to enhance the investigative capabilities of this team will be developed that could lead to a more effective multi-disciplinary approach.

Marshall and Rossman (2011:70) state that persuading the reader that the review is probably going to be critical and ought to be conducted involves building an argument that influences the research to involve imperative theoretical perspectives, policy problems, concerns, or social problems that influence people's regular, day-to-day existences. The researcher is currently a lead investigator at the ACTT – a unit within the DPCI which investigates cases relating to multi-faceted corruption, money laundering, fraud, and racketeering committed by highly placed government employees. The research could improve the way in which multi-faceted corruption is investigated to enable the ACTT to have an enhanced impact on multi-faceted corruption in the public sector.

1.12 RESEARCH APPROACH AND DESIGN

Bouma and Ling (2006:40) demonstrate that the first choice in selecting a research design is to choose between the qualitative and quantitative research approaches. Bless et al (2013:184) indicate that qualitative research is research conducted by utilising a scope of techniques, which use qualifying words and a wide scope of records to investigate parts of a social reality. Ragin and Schneider (2011:153) argue that by following a qualitative approach, researchers trust that in order to represent subjects appropriately, they should be examined inside and out to reveal subtleties and nuances.

The researcher followed a qualitative research approach, since the phenomenon under investigation, namely assessing the multi-disciplinary approach in the investigation of corruption within the public service, was explored by means of obtaining a human perspective of this phenomenon. Rich descriptions were used to record how participants experience this phenomenon.

Hagan (2000:33) describes the research design as the plan or blueprint for a study that includes the who, what, where, when, why and how of an investigation. It should flow from the identified research problem and the critical problems that were identified. Bless et al (2013:185) support this definition and state that a research design is an arrangement of methods that guides the researcher during the time spent confirming a specific clarification and barring all further conceivable clarifications. Bryman and Bell (2015:48) observe that the research design is a structure for the generation of evidence that is suited both to a specific order of criteria and the research question in which the researcher is interested.

The researcher followed a qualitative case study design. Mills and Birks (2014:145) are of the opinion that most qualitative studies are case studies, since qualitative research is usually used in cases where an in-depth study of a phenomenon is required. Gray (2014:163) illustrates that the following aspects need to be addressed during the design stage of case studies:

- What is the 'unit of analysis' for the case, e.g. people, associations, local communities, groups, etc.?
- What criteria are to be utilised as a part of choosing cases for the study?
- Who are the key participants?
- What is the quantifier of cases and the number of participants within each case?

The participants for this study included DPCI investigators, as well as a group of external consultants who form part of the ACTT in the investigation of corruption among public service employees. These external consultants provide investigative expertise, legal opinions, forensic auditing, cyber forensic analysis, and advisory competency. This study aimed to assess the effectiveness of the multi-disciplinary approach of the ACTT in the investigation of corrupt activities in the South African Public Service. As a result, the criteria used for selecting this case are based on the exclusive mandate of the ACTT to investigate corruption among public service officials.

This study was limited to a single instrumental case study involving the ACTT. The team investigates corruption cases nationally from a central office in Pretoria.

Currently, there are temporary offices in KwaZulu-Natal, the Northern Cape, the Western Cape, and Limpopo, and this may change as the need arises. In a single instrumental case study, the researcher concentrates on a problem or a concern and after that chooses one confined case to demonstrate these problems (Creswell 2013:99). Stake (in Creswell 2013:97) states a case study is a choice of what is to be studied (i.e. a case within a bounded system, bounded by time and place). The identified case (involving the ACTT) investigated in this study was bounded to the following time and place parameters:

- In terms of time, this parameter for the case study starts at the establishment of the ACTT in 2010 and continues up to its activities in 2018.
- In terms of place, this case study will be bounded to the ACTT in Pretoria.

1.13 POPULATION AND SAMPLING

Rossmann and Rallis (2011:137) clarify that the first global decision – choosing the setting, population, and a phenomenon of interest – is fundamental to the entire study. The population in this study included the ACTT, consisting of the various government departments and non-governmental role players as illustrated in Section 1.2 of this thesis.

Bless et al (2013:98) argue that since it is not possible to study the whole population, the researcher may need to sample the population. In qualitative research, the fundamental aim is to comprehend the phenomenon under investigation and accordingly, illustrative specimens are not a prerequisite as in quantitative studies. The researcher thus needs to find a sample of participants that carries most of the characteristics associated with the phenomenon under investigation. The researcher made use of non-probability sampling in the form of purposive sampling. Creswell (2013:100) asserts that when choosing which case to study, a vast array of possibilities is available for purposive sampling. Braun and Clarke (2013:56) describe that purposive sampling involves selecting participants on the basis that they will be able to provide information-rich data to analyse. Based on the views of Braun and Clarke (2013), the researcher included the following participants of the ACTT as a sample for this study, since they have the necessary knowledge and experience to provide information-rich data:

- Eight DPCI investigators attached to the ACTT who investigate corruption cases allocated to the unit.
- Two advocates who provide legal guidance at the commencement of investigations, as well as legal opinions on legislation.
- Three forensic investigators with Association of Certified Fraud Examiners (ACFE) accreditation who assist during witness consultation, drafting of affidavits, and the identifying of witnesses and evidence.
- Two external forensic chartered accountants who analyse specific banking records of suspects and/or their respective companies, to assist in identifying possible money laundering, corruption, and racketeering through these records.
- Two external cyber forensic experts that specialise in utilising electronic data to confirm the authenticity of electronic documents and the verification of hash values MD5 and the SHA-1 value system in an algorithm. They assist in identifying the author and/or version of a specific document under investigation, as well as identifying Internet Protocol (IP) addresses linked to specific emails.

1.14 DATA COLLECTION

Bouma and Ling (2006:241) indicate that the evidence collected in the research process is called data; facts produced by research. Data are usually collected using participant observation; in-depth interviews; a general scrutiny of factual data which might occur prior the official research process, having been gathered for supplementary purposes; or personal records, such as letters, journals, and opening documents with financial intuitions for an account or loan (Curtis & Curtis 2011:82). Kumar (2011:127) emphasises that the utilisation of numerous strategies to collect data is a critical part of a case study and can incorporate in-depth interviewing and attaining information from secondary records, observation, and focus groups. The data collection methods utilised by the researcher to obtain data during the research project are discussed below.

1.14.1 In-Depth Interviews

Lewis and Stenning (2014:14) state that in-depth interviews are conducted to comprehend complex procedures and problems, e.g. decisions, impacts and results, and furthermore to explore subjects, including delicate problems. The purpose of the data generated from conducting in-depth interviews is:

- to generate in-depth personal accounts;
- to comprehend the individual's perspective of the setting; and
- to explore problems in detail.

In addition, McNabb (2004:99) states that the in-depth interview is a conversation between two or more individuals. It usually lasts about two hours, but may take longer. The interviewer begins the interview with some introductory comments about the research and asks permission to record the session. The session should start with some straightforward, interesting, and non-threatening questions. The researcher should always try to end the session on a positive note.

In-depth interviews were conducted with DPCI investigators, as well as external experts. All these role players form part of the ACTT, as indicated in Section 1.2. Data were collected by performing in-depth interviews with these participants. The in-depth interviews were semi-structured and open-ended questions were asked to attain a deep understanding of the participants' experiences. A digital audio recorder was used to strengthen the data collection process and to record the exact words spoken by the participants.

A pilot test was done prior to commencing with the interviews and consisted of carrying out all aspects of the interviews on a smaller scale. After conducting the pilot study, the chosen research method was confirmed and determined as the most suitable method. The performance of the researcher was evaluated by the promoter and additional training was done at a meeting session immediately after the interview. After completion of the pilot study, the researcher and the promoter were satisfied with the skills and techniques used by the researcher during interviewing.

1.15 DATA ANALYSIS

Creswell (2013:185) asserts that qualitative researchers typically collect data themselves through scrutinising documents, observing behaviour, and interviewing participants. Data collected from the in-depth interviews were transcribed and thereafter analysed by means of the qualitative data analysis method. Themes and sub-themes were identified according to the spiral method of data analysis as described by Leedy and Ormrod (2001:161). McNabb (2004:36) states that the first activity in data analysis is to tabulate the participants' responses to all items in the study. This could mean counting all the answers to each question or scheduled item. The in-depth interviews with the participants were recorded with a digital audio recorder. The recorded data of the in-depth interviews were consequently transcribed. The recordings were transcribed verbatim and a report of authenticity issued by the transcriber. The data were categorised into relevant themes and sub-themes. A choice of the essence of five themes was generated and organised into categories. The final themes were presented to some participants a second time to validate the findings. No new data emerged from this interaction. The researcher gave the raw data in the form of transcriptions to an experienced, independent co-coder for data analysis and verification. After a consensus discussion between the researcher and the co-coder, the analysed data were validated to ensure trustworthiness.

1.16 TRUSTWORTHINESS OF THE STUDY

O'Reilly and Kiyimba (2015:33) explain Lincoln and Guba's argument that there was a need to convince the dominant scientific community that there are merits to qualitative research. One fundamental way of achieving this for a naturalistic inquiry was to translate the quantitative quality markers into appropriately applicable qualitative criteria. Consequently, Lincoln and Guba (1985:290) translated internal validity into *credibility*, external validity into *transferability* (applicability), reliability into *dependability*, and objectivity into *confirmability*. In support of Guba and Lincoln's argument, Gray (2014:186) explains that a few researchers, especially those from the naturalistic tradition, argue that trustworthiness is more imperative than reservations over the validity or reliability of a study. Gray thus supports that rigour in qualitative studies includes building trustworthiness, credibility, transferability, dependability, and confirmability. In order to ensure trustworthiness

in this study, the researcher conformed to the following criteria, as will be discussed below: credibility, transferability, dependability, and confirmability.

1.16.1 Credibility

Credibility is achieved through member checks (where the accuracy of data gathered and the interpretation thereof are tested with research participants) (Gray 2014:185). According to Liamputtong (2013:25), credibility is linked to authenticity and is used to establish whether the research is unpretentious, reliable, and authoritative. The researcher tested the accuracy of the interpreted data by means of providing the participants with an opportunity to certify the accuracy thereof (member checking).

The principles of credibility were confirmed by conducting the research in such a way that the reasons for the effectiveness of the ACTT and the multi-disciplinary approach in investigating corruption were accurately described. Credibility refers to confidence in the truth of the data and its interpretation. This guideline was steadfastly adhered to and the researcher reported the interviews verbatim by means of a digital audio recorder. The other credibility strategies used in the study to strengthen the findings involved achieving a prolonged engagement in the field of research, persistent observation, triangulation of data by at least three sources, and verbatim quotes taken directly from the participants' interviews.

1.16.2 Transferability

Carpenter and Suto (2008:149) clarified that transferability is applicable when the following question is addressed: To what exact degree can the study findings be generalised or applied to more people, groups, settings, or contexts? Chilisa (2012:98) argues that transferability can be highlighted through sampling strategies and a thick description of the research setting.

In order to achieve transferability in this study, the researcher purposively selected the sample of participants and provided detailed narratives to communicate the research findings. Participants' replies to the questions posed during the interviews were illustrated by verbatim quotations (thick description). These rich descriptions shifted readers to the situation as experienced by the researcher during interviews,

thus allowing readers to gain a sense of shared experiences. As a result, readers will be in a position to judge the transferability of the findings.

1.16.3 Dependability

Dependability is achieved through the use of audit trails through the data (Gray 2014:185). In agreement with this, Gray (2014), Tobin and Begley (2004:392) assert that dependability is increased through an auditing procedure. Researchers have the obligation of guaranteeing that the procedure of research is coherent, traceable, and clearly documented.

The researcher kept detailed transcripts of the interview guide that was used during interviews, the methodology that was followed, details of the sample that was included in the study, as well as records of the transcripts of the interviews conducted.

1.16.4 Confirmability

Confirmability endeavours to demonstrate that findings and the elucidations of those findings do not derive from the creative ability of the researcher, but rather that they are plainly connected to the data (Chilisa 2012:98). Lincoln and Guba (1985:290) clarify confirmability as the degree to which findings are determined by the participants and the state of the inquiry, and not by the inclinations, inspirations, interests, or perspectives of the inquirer.

The researcher kept a detailed record of the interview guide and subsequent transcripts of the interviews conducted. As a result, the findings and interpretation of those findings can be readily connected to the data provided by the participants. Any biases, motivations, interests, or perspectives of the researcher were thus eliminated and confirmability was ensured.

1.17 ETHICAL CONSIDERATIONS

The understanding and experience of the researcher supported the research questions and objectives related to the assessment of the multi-disciplinary approach in investigating corrupt activities in the South African Public Service. May

(2011:63) highlights that research planning needs to be comprehensive to ensure that the research can be securely conducted. Ethics is concerned with attempts to define codes and principles of good moral conduct. May (2011:63) additionally characterises ethical decisions in research as those which emerge when researchers attempt to decide between one course of action and another; the final decision should not be made because of convenience or for the sake of expediency, but by reference to standards of what is ethically right or wrong. Bryman and Bell (2015:XXXVI) state that it is imperative to bear in mind that researchers bear responsibilities to the people and organisations that are the subjects of their research activities.

Ragin and Schneider (2011:443) state that attention is drawn to the fact that within the realm of social science research, ethical failures would include the following: deliberately publishing made-up data, plagiarising the work or ideas of others, taking credit for another's work, giving undue credit to someone who did not contribute to the work, mistreating collaborators and research participants, and/or concealing known concerns about the research process and results. Rossman and Rallis (2011:145) explain the aim of researchers must be to get into the research sites and connect with the individuals they will interview. The objective of the research is to ensure freedom of integrity for both the researchers and the participants in their studies. The researcher has studied the Policy on Research Ethics of the University of South Africa (UNISA) (2016:7). Based on the ethical principles of this policy, as well as on the above-mentioned authors' ethical guidelines, the researcher applied and adhered to the ethical considerations discussed below.

1.17.1 Voluntary informed consent

The work of Curtis and Curtis (2011:187) indicates that the most critical part of ethically appropriate research is voluntary informed consent. It is generally considered to be an essential requirement of ethical research in the context of minimising the risk of harm to participants (or as a sceptic may state, the risk of lawsuits). Participants were empowered with the necessary details of the research and their expected role in the study, which enabled them to make decisions and choices that promoted their self-interest. Participants were likewise given the chance to withdraw from the study at any time without having to explain their

reasons. As a result, participants were able to behave freely and autonomously. Participants were also informed that partaking in this study is voluntary and did not entitle them to any form of compensation, reimbursement, or gifts.

1.17.2 Anonymity and confidentiality

Tilley and Woodthorpe (2011:197) explain that reference to confidentiality is the administration of private data, while obscurity alludes to the removal of identifying information about the participants. The researcher informed participants that the results of the study, including verbatim quotations, will be represented and published in such a way that verbatim quotations of participants will not result in the possibility of linking a particular participant to any specific quotation. In addition, participants' anonymity was ensured by conducting interviews in a nameless fashion, thus making these participants unrecognisable.

1.17.3 Avoiding harm to participants

When one is collecting information from participants, the researcher needs to investigate carefully whether their involvement is likely to harm them in any way (Kumar 2011:245). The researcher has, as far as possible, avoided exposing participants to factors that may cause any harm, such as discomfort, anxiety, harassment, invasion of privacy, or demeaning/dehumanising procedures.

1.18 CHAPTER SUMMARY

Research methodology is a vital part of the research project. It serves as a guiding document which indicates the research approach. This qualitative study was conducted by means of the systematic process of a literature review. This process was used to gather information globally on the multi-disciplinary approach to investigate corruption in the public service. Following the discussed research methodology, the next chapter will provide a perspective on the term 'corruption', with some prevalent legislation as well as theories on corrupt activities.

CHAPTER 2: A CONTEXTUAL OVERVIEW OF CORRUPTION

2.1 INTRODUCTION

The more we know about the causes of corruption, the better equipped we will be to decide which policy, instruments, and legislation to use to combat corruption. In this chapter, the applicable legislation governing corruption in South Africa is presented and specific sections of these acts are briefly explained. The review of the legislation will depict the background to the functions of the SAPS, as well as the authority and powers vested in police officials to carry out their duties.

An explanation of the correlation between corruption and fraud is additionally discussed in this chapter, followed by a brief discussion of some theories on the occurrence of corruption. This is complemented by a discussion on corruption in developing countries, as well as the initiatives by countries in the Southern African Development Community (SADC) to curb corrupt activities.

2.2 LEGISLATION GOVERNING CORRUPTION IN SOUTH AFRICA

The introduction of legislation brought about that all citizens of a country are accountable to the same set of laws. This is imperative to protect the fundamental rights of everyone. Legislation assists in the governing of a nation in that it prohibits certain conduct by or activities of the citizens. Recognition of the rule of law and the accountability and transparency of government are the founding principles of the Constitution of the Republic of South Africa (South Africa 1996b), hereafter referred to as “the Constitution”, which also provides for the establishment of oversight bodies that play a role in supporting the accountability and transparency of the public and private sectors. Various pieces of legislation have been developed to give greater legal effect to the principles of accountability and transparency contained in the Constitution. Corruption is not a problem unique to South Africa, but it is one of the country’s major challenges.

2.2.1 The Criminal Procedure Act

The Criminal Procedure Act 51 of 1977 (South Africa 1977), hereinafter referred to as the CPA, was signed into law on 21 April 1977. It was introduced to “make provision for procedures and related matters in criminal proceedings”. The CPA is essential to enable SAPS officials to execute their functions. The CPA represents the conduct of police officials in dealing with criminal cases and procedures in courtrooms. Section 205 of the CPA (South Africa 1977) permits a judge or a magistrate to summons a person who is probably going to provide substantial or significant information regarding an alleged crime. This is usually used to obtain information from financial institutions, government departments, private enterprises, unwilling witnesses, and so on.

The legislation which gives police the power to search a person or premises and/or seize articles is provided for in sections 19 to 36 of the CPA (South Africa 1977), which states that a search warrant issued under subsection (1) shall require a police officer to seize the article in question and shall, to that end, authorise such a police officer to search any person identified in the warrant and to search any person found on or at such premises. These are all essential actions that need to be taken during the investigation of corruption. The following sections of the CPA (South Africa 1977) are important when investigating financial crimes and are available to investigators to present evidence in court:

- **Section 205** – Application for evidence (e.g. client information at a bank, corporate entity, trust, etc.)

The SAPS may question a suspect without his/her consent, but the person still has the right to silence and may even refuse to answer. The only other option for the police in such circumstances is to use section 205 of the Act, where a magistrate, on request of the Director of Public Prosecutions (DPP), may summon such person to appear before him/her for questioning by a prosecutor. This usually is issued to a person who is likely to give material or relevant information to an alleged crime.

- **Section 212** – Proof of certain facts by affidavits or certificates;
 - (1) Did not happen (e.g. Department of Education).
 - (2) Information was not supplied (SARS).

(3) The matter has been registered (Deeds Office).

(4) Skills (Local Criminal Record Centre).

- **Section 213** – Proof of a written statement by consent: An affidavit made by a teller in respect of the receipt of a deposit or the identity of a person who presented a cheque for payment. In respect of any fact(s), this statement may be handed up in court as evidence, instead of oral evidence being required in respect of the fact(s).
- **Section 236** – Proof of entries in bankers' books: An affidavit made by an official of a bank, who has examined the accounting records and original document(s) kept by that bank. Entries in the accounting records of that bank or documents kept by that bank, and to which copies of the relevant entries or documents are appended, may be handed up in court as evidence, instead of requiring oral evidence in this regard.
- **Section 252A** – The authority to make use of traps and undercover operations, and the admissibility of evidence so obtained.
- **Section 204** – Incrimination evidence by a witness for the state. During the investigation process, an affidavit could be obtained from a witness who incriminates himself/herself in the commissioning of a crime. The appointed prosecutor will be involved during this process.

2.2.2 The Public Service Act

The Public Service Act 103 of 1994 (South Africa 1994b), hereinafter referred to as the PSA, was signed into law on 3 June 1994. The PSA was introduced to enable the government of the public service of South Africa and to regulate conditions of employment. This is predominantly used to obtain more information on public officials who are the object of an investigation. Documents which may be relevant to such an investigation include the official's application for deployment, dependents, financial declarations, his delegated authority, job description, and official travel arrangements.

2.2.3 The South African Police Service Act

The new South African Police Service Act 68 of 1995 (South Africa 1995), hereinafter referred to as the SAPS Act, was signed into law on 28 September 1995. It provided the legal basis for the establishment of the SAPS. The SAPS was thereby

established and it outlined the functions of the Service. The SAPS Act (South Africa 1995) further stipulates: “To provide for the establishment, organisation, regulation and control of the SAPS and to provide for matters in connection therewith.” The SAPS Act (South Africa 1995) provides clear rules for all parts of the successful operation of the police service, from the government through to the conduct of conventional police officials.

The South African Police Service Amendment Act 57 of 2008 (South Africa 2008), hereafter referred to as the SAPS Amendment Act, was passed and amended Act 68 of 1995. The SAPS Amendment Act enhances the capacity of the SAPS to prevent, combat, and investigate national priority crimes by establishing the DPCI. The SAPS Amendment Act also made provisions for the DPCI to investigate national priority crimes through cooperation with other government departments. The DPCI is a statutory body responsible for preventing, combatting, and investigating national priority crimes, for instance serious organised crime, serious commercial crime, and serious corruption cases as stated in section 17 B(a) of the SAPS Amendment Act (South Africa 2008). It appears from this section that the DPCI will investigate only serious corruption, leaving a gap for which unit will choose to investigate police corruption.

2.2.4 The Constitution of the Republic of South Africa

The Constitution (South Africa 1996b) was signed into law on 10 December 1996 and is considered to be the supreme law of South Africa. The Constitution was formulated by an integration of ideas from ordinary citizens, civil society, and political parties and therefore represents the collective wisdom of the people of South Africa. In the discussion on the relevant legislation in the fight against corruption, it should be noted that for the purposes of this study the following legislative regulations are relevant, but the investigation of corrupt activities is not merely restricted to the legislation that will be discussed below.

Currie and De Waal (2016) state that the constitutional supremacy decrees that the rules and the principles of the Constitution have priority over all departments of the state and other rules made by the government, the legislation, and the courts. As the highest law of the land, the Constitution provides the police and all other public

sector institutions with the necessary powers and authority to conduct their duties. In terms of section 205 of the Constitution (South Africa 1996b), the objectives of the SAPS are to prevent, combat, and investigate crime. Furthermore, the police have to maintain public order, and protect and secure the inhabitants of South Africa and their property.

2.2.5 The Witness Protection Act

The Witness Protection Act 112 of 1998 (South Africa 1998d) was signed into law 19 November 1998 to provide for the establishment of an office for the protection of witnesses and make provisions to regulate their powers, functions, and duties. The Witness Protection Act 112 of 1998 (South Africa 1998d) furthermore provides for temporary protection and placement of witnesses under witness protection. Commonly used for the protection of whistle-blowers (employees) in the workplace, this is decisive in the fight against corrupt activities to protect witnesses and enable them to testify in court.

2.2.6 The Prevention of Organised Crime Act

The Prevention of Organised Crime Act 121 of 1998 (South Africa 1998b), hereafter referred to as the POCA, was signed into law on 24 November 1998. It presents legislation that works against organised crime and gang activities, with a special focus on money laundering and racketeering or unlawful corporate practices. The criminal activities identified with gangs, money laundering, or racketeering can be prosecuted in terms of the provisions as set out in the POCA, regardless of the possibility that the crime was committed before the POCA was signed into law, or on the off chance that a South African in another nation committed the crime. The POCA is typically utilised alongside the PRECCA, because multi-faceted corrupt activities are intermittently carried out as a once-off and these crimes embroil persons in positions of authority, who receive direct or indirect gratification from private entities that provide services to the state in an organised fashion.

The three basic elements of organised crime comprise a pattern of racketeering activities, an enterprise, and an accused. These basic elements of organised crime can be briefly explained as follows:

- There must be at least two crimes which are classifiable as a pattern of racketeering activities.
- The criminal group must be linked in some way to an enterprise which is an organising principle.
- Because organised crime has to be committed by an organised criminal group, there must always be more than one accused.

2.2.7 The Public Finance Management Act

The Public Finance Management Act 1 of 1999 (South Africa 1999), hereafter referred to as the PFMA, was signed into law on 2 March 1999. The PFMA requires public institutions to ensure and maintain proper financial management and effective internal control measures, which must be established by the management of those public institutions. De Waal and Serfontein (2015) clarify that the aim of the PFMA is to promote accountability, transparency, and sound financial management at institutions. The PFMA criminalises financial-related activities in government which are not administered efficiently and effectively by accounting officers. In the tender procedures routinely utilised by the government, multi-million Rand tenders are unjustifiably awarded or extended to service providers of the state.

2.2.8 The Promotion of Access to Information Act

The Promotion of Access to Information Act 2 of 2000 (South Africa 2000b), hereinafter referred to as the PAIA, was signed into law on 2 February 2000. It was introduced to “give effect to, the Constitutional right of access to any information held by the State” (South Africa 2000b). The PAIA (South Africa 2000b) permits legitimate and appropriate access for the exercise of any rights. The PAIA (South Africa 2000b) provides the means of promoting good governance within the public sector. However, while the notions of transparency and accountability were catered for, the PAIA was deemed to be less effective than ideally preferred. It provides an indirect means for all citizens to take part in combatting corruption and maladministration within the public sector by granting the people means with which to hold the state to account.

2.2.9 The Protected Disclosures Act

The Protected Disclosures Act 26 of 2000 (South Africa 2000c), hereafter referred to as the PDA, was signed into law on 1 August 2000. The PDA originates from the Bill of Rights in the Constitution. It makes provision for procedures in terms of which employees in both the public and private sectors who disclose information of unlawful and corrupt conduct by their employers or fellow employees are protected from victimisation by corrupt police officials. Commonly used for the protection of whistle-blowers (employees) in the workplace, this is decisive in the fight against corrupt activities. The employees' rights are legally protected when reporting corrupt activities, to protect the employee from persecution.

2.2.10 The Financial Intelligence Centre Act

The Financial Intelligence Centre Act 38 of 2001 (South Africa 2001), hereafter referred to as the FICA, was signed into law on 28 November 2001. It was accented to combat financial crime, for example money laundering, tax avoidance, and terrorist financing activities. The FICA aligns South Africa with the comparable enactment in other countries intended to uncover the movement of money that forms part of the proceeds from unlawful activities and, in this way, curb money laundering and other criminal practices. The FICA is predominantly used to obtain intelligence on individuals and entities within the country and abroad. The information provided contains a financial transaction involving specific individuals and entities as stipulated in the request to the FIC in terms of section 27 of the FICA. The intelligence received is followed up accordingly with a section 205 application in terms of the CPA (South Africa 1977) to enable the investigator to submit the evidence in a court of law.

2.2.11 The Electronic Communications and Transactions Act

The Electronic Communications and Transactions Act 25 of 2002 (South Africa 2002a) hereafter referred to as the ECTA, was signed into law on 31 July 2002. It regulates the admissibility of documents from an electronic source, whether email, fax, text message or, more recently, social media post. When documents or other evidence in an electronic format are used as evidence in court proceedings, it is crucial to ascertain whether the document is authentic, i.e. an unaltered original version of the electronic document or data message. The aforesaid is in place to

address one important consideration – whether or not the evidence is admissible. If inadmissible, the court will not consider the evidence, which can have dire consequences for the party relying on it.

2.2.12 The Regulation of Interception of Communications and Provisions of Communication-Related Information Act

The Regulation of Interception of Communications and Provisions of Communication-Related Information Act 70 of 2002 (South Africa 2002b), hereafter referred to as the RICA, commenced on 30 September 2005. This is one of the government's fundamental crime prevention initiatives towards improving South Africa. All Subscriber Identity Module (SIM) cards, including data, contract and prepaid, must be registered as per RICA legislation. All subscribers (MTN, Telkom and so forth) who do not comply with the Act will be placed in a RICA lock status. Although the network operators are able to operate as a service provider, their clients are unable to use social media, cell phones, the Internet, etc. This will result in their inability to conduct business, which will ultimately lead to the closure of the business. The compliance with the RICA is imperative for business and individuals who need to utilise the services of network operators. The RICA was accented to:

- regulate interception of communication;
- monitor certain signal frequencies;
- regulate the application for interception;
- assist postal and Telkom service providers, including the decryption key holders;
- prohibit the possession, assembly, purchase, manufacture, advertising, and selling of certain equipment; and
- define crimes and penalties.

Consequently, the investigator could make a reference from what the RICA governs and the information that he/she is able to obtain by making use of the Act during an investigation. This might be valuable as a tool to acquire covert intelligence on a subject. The term “serious crimes” is defined by the RICA (South Africa 2002b) as follows:

- crime mentioned in the schedule to the Act;

- the crime allegedly has been, is being, or will be committed by an individual, group of individuals, or syndicate;
- who act in an organised fashion, contributing to or engaging in no less than two activities of criminal or unlawful conduct;
- in the execution or advancement of a common purpose or conspiracy;
- which could achieve considerable monetary profit for the individual, group of individuals, or syndicate committing the crime; and
- including any conspiracy, instigating or attempting to commit any of the already said crimes.

2.2.13 The Municipal Finance Management Act

The Municipal Finance Management Act 56 of 2003 (South Africa 2003), hereafter referred to as the MFMA, was ratified on 1 July 2004 and applies to all municipalities and municipal entities. It was introduced to “secure sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government” (South Africa 2003). The MFMA is predominately used in cases of maladministration in municipalities when complaints of service delivery are endemic.

2.2.14 The Prevention and Combating of Corrupt Activities Act

The PRECCA (South Africa 2004) was signed into law on 27 April 2004. This Act served to reflect and coordinate relevant previous legislation and international conventions and forms the central point of the overall legal framework in South Africa.

The PRECCA was introduced to “provide for the strengthening of measures to prevent and combat corruption and corrupt activities” (South Africa 2004). It is indispensable in the battle against corruption and the different structures thereof; it is utilised as a part of all corruption-related investigations, including important supplementary legislation. It criminalises distinctive acts in a corrupt relationship and unmistakably portrays their parts and, in addition, criminalises any type of gratification as a result thereof. The PRECCA was legislated to bring South Africa’s legislative framework in line with the UN and African Union (AU) conventions against corruption. It encompasses the general crime of corrupt activities, including particular crimes, and moreover accommodates investigative measures, alongside preventative measures in the battle against corrupt activities. It has a powerful

pedigree and is well placed to play a pivotal role in future anti-corruption efforts in the country, should the will exist. Corruption is illegal in relation to the PRECCA (South Africa 2004). The PRECCA has repealed the Corruption Act 94 of 1992 (South Africa 1992), which is the first statutory law that repealed the common law crime of bribery. In addition to the general crime of corruption, sections 4 to 21 of the PRECCA made provisions that specific persons can be charged for their specific conduct during the commission of the crime of corruption. An overview of the PRECCA (South Africa 2004) follows for discussion in order to illustrate how this Act defines and regulates corrupt activities. This Act also clarifies that preventing and combatting corruption and related corrupt activities requires mutual cooperation, with the support and involvement of individuals and groups outside the public sector, such as organs of civil society and non-governmental and community-based organisations.

The PRECCA provides a detailed definition of corruption and consists of a number of clauses and sub-clauses, making the understanding of corrupt acts and corruption easier (Newham & Faull 2011a). Basdeo (2010:390) indicates that strict penalties, such as life imprisonment, should be meted out by the courts for individuals found guilty of corrupt crimes.

2.3 CRIMES IN RELATION TO CORRUPTION

By assenting to the PRECCA (South Africa 2004), the legislature prohibits certain conduct by citizens. This was done to serve as a deterrent, as well as to explain precisely which conduct is prohibited. In Table 2.1 below a summary was compiled to serve as a quick reference to enable the investigating teams to identify certain section(s) which might be relevant to a corruption investigation as set out in the PRECCA (South Africa 2004). These sections may also be chosen when compiling an investigation plan or to formulate criminal crimes that may also include the targets of the PRECCA (South Africa 2004).

Table 2.1: Summary of criminal offences of the Act

Section number	Sections of the PRECCA (South Africa 2004)
3	A general overview of corruption.
4	Public officials' involvement in corrupt activities.
5	Foreign public officials' involvement in corrupt activities.
6	Agents' involvement in corrupt activities.
7	Members of legislative authority's involvement in corrupt activities.
8	Judicial officers' involvement in relation to corrupt activities.
9	Members of the prosecuting authority's involvement in relation to corrupt activities.
10	Employment relationship receiving or offering unauthorised gratification.
11	Witnesses and evidential material in relation to corrupt activities.
12	Contracts in relation to corrupt activities.
13	The procurement and withdrawal of tenders in relation to corrupt activities.
14	Auctions in relation to corrupt activities.
15	Sporting events in relation to corrupt activities.
16	Gambling games or games of chance in relation to corrupt activities.
17	Agreement or investment of public bodies in relation to corrupt activities.
18	Unacceptable conduct of witnesses in relation to corrupt activities.
19	Intentional interference with, hindrance, or obstruction of the investigation of corrupt activities.
20	Accessory to or after a crime.
21	The attempt to commit, conspiracy to commit, and inducing another person to commit a crime.

The PRECCA (South Africa 2004) has an all-encompassing definition on the 'gratification' aspect, which is an essential part of the general conduct of parties in a corrupt relationship. An essential element in corrupt activities is gratification. The definition of gratification includes any service, favour, or advantage of any description. Gratification defined in terms of the PRECCA (South Africa 2004) includes the following:

- (a) money, whether in cash or otherwise;
- (b) any donation, gift, loan, fee, reward, valuable security, property or interest in property of any description, whether movable or immovable, or any other similar advantage;
- (c) the avoidance of a loss, liability, penalty, forfeiture, punishment or other disadvantage;
- (d) any office, status, honour, employment, contract of employment or services, any agreement to give employment or render services in any capacity and residential or holiday accommodation;
- (e) any payment, release, discharge or liquidation of any loan, duty or other liability, whether in whole or in part;
- (f) any forbearance

to demand any money or money's worth or valuable thing; (g) any other service or favour or advantage of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and includes the exercise or the forbearance from the exercise of any right or any official power or duty; (h) any right or privilege; (i) any real or pretended aid, vote, consent, power or abstention from voting; or (j) any valuable consideration or benefit of any kind, including any discount, commission, rebate, bonus, deduction or percentage.

Lebeya (2012:366) cautions that corruption may not just be slippery and brutal, but also cancerous and destructive. Thus, it necessitates an immediate response after being identified. It should be handled head-on wherever it rises with its revolting tentacles; generally, it institutionalises itself until nobody does anything, which brings about injustice if it is not dealt with swiftly and decisively.

2.4 CORRELATION BETWEEN FRAUD AND CORRUPTION

The terms of fraud and corruption are misunderstood by some investigators. Hence the imperative that all investigators dealing with fraud and corruption on a regular basis are able to distinguish between these terms. Fraud and corruption are hidden and are usually orchestrated in secrecy. When detection is lacking, an entity could fall victim to fraud or corruption and be looted of its essential capital resources, reputation, competitiveness, and employee morale. Fraud and corruption are two words that we hear repeatedly. Both are on the increase around the world, and their strategies are advancing to adjust to the improvement of technology. The World Bank (2017) defines a fraudulent practice as any act or omission, including a misrepresentation, that intentionally or carelessly misdirects or endeavours to misdirect a party to get a monetary or another benefit, or in order to stay away from a commitment. For instance, in the event that you utilise a fake ID, you are committing fraud by misrepresenting yourself as another person.

The World Bank (2017) defines corruption as a corrupt practice offering, giving, receiving, or requesting, directly or indirectly, anything of worth to improperly induce the activities of another party. Corruption is a comprehensive term that can be connected to fraud and other deceitful acts, for example bribery, extortion, or misappropriation. The two terms can be utilised as a part of a wide cluster of

examples, yet apply mostly to business. Corporate pioneers, as well as political leaders, are regularly prosecuted for different fraudulent and corrupt acts. Fraud and corruption cannot be overlooked. The loss from even one incident of fraud or corruption can have disastrous consequences for any government or agency. Not only is financial loss brought on by the incident, but also indirect damages, for example damage to a company's reputation and loss of public and shareholder confidence.

Murray and Dainty (2013:165) explain that corrupt activities regularly include a level of fraud. The money paid to win a contract will typically be concealed by some fraudulent act with the aim that the contract seems to have been won in a forthright manner on a free and open public market basis. Fraud does not necessarily involve corrupt activities. Nevertheless, many acts of fraud may require an act of corruption to complete the fraud. For instance, a worker may present a false invoice to a superior (which is fraud) and may then induce the supervisor to approve the invoice (which is a corrupt activity). On the other hand, a supervisor may wish to fraudulently withhold payment from a service provider and may entice the service provider to certify falsely that liquidated damages or expenses for the correction of defects are payable by the service provider.

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) shows that in most corruption and fraud cases, a mix of direct and circumstantial evidence is generally the most persuasive. For instance, for a case in which a witness concedes paying a bribe to a public official, for which there is no other direct evidence, the means of verification may incorporate circumstantial evidence to act as direct evidence. For instance, the investigator could:

- record in detail (when, where, how, why, and so forth) the statement of the witness that he/she paid the public official in cash (this is the direct evidence);
- prove that the public official spent or saved a significant amount of money not long after he supposedly received the cash bribe;
- eliminate all other potential sources of income for the official's expenses or deposits, to a conceivable degree; and

- interview the suspect formally, and make it evident that the public official is not able to justify the source of the expenses or deposits, or lied about it (the last three focuses are the circumstantial evidence).

Such evidence, if accepted by the court, would be lawfully adequate to convict an accused in most courts.

2.4.1 Parties Involved in a Corrupt Relationship

According to the PRECCA (South Africa 2004), there are at least two parties in any corrupt relationship:

- The corrupter: any person who gives, agrees to give, or offers to give any gratification to any other person.
- The corruptee: any person who accepts, agrees to accept, or offers to accept any gratification.

These concepts are supported by Kaur (2014:53), who states that corruption is always a transaction process between two persons: the corrupter, having economic resources at his/her disposal, and the corruptee, having power resources at his/her disposal. Kaur (2014:53) clarified that the cycle of corrupt activities involves the corrupter (the individual offering the reward) needing an unusual situation (an order, licence, or position) which the corruptee (the individual to be bribed) can relegate. The latter gets a further inducement (cash or payment in kind) for the service above the normal price. The corruptee accordingly abuses generally accepted moral standards and harms the interests of a third party or contender, as well as the public interest. Along these lines, corrupt activities are covered up and concealed. Queiroz (2015:6) shares the point of view that corruption always involves two parties/groups; the corruptor(s) and the corruptee(s). Corruptors are modern-day money raiders; individuals who are out to make/maximise their gains through any means, including bribery. Corruptees are usually characterised by incompetence and lack of talent and are as such insecure. The question always arises: who is worse, the corrupter the corruptee? Budiono, Berdimuratova and Azahari (2013:12) agree that numerous prospects exist for corruptors which form part of the corrupt existence of extravagance, while many destitute individuals endure on the grounds that they do not enjoy economic development physically.

Abraham and Berline (2015:135) emphasise that corrupt activities are a phenomenon rooted in the social, political, and financial conditions of those involved. Budiono et al (2013:11) assert that corrupt activities are rampant; numerous corrupt activities occur in a Capitalist State as individuals compete to be wealthier and more prosperous than others, even by unlawful means. In the study by Gottschalk (2013:21), research shows that corrupt activities can be characterised as the giving, requesting, receiving, or accepting of an uncalled-for gratification which is identified with a position, office, or duty. Finanstilsynet (2008) maintains that the unwarranted favourable position does not need to be associated with a particular activity or with not doing this activity. It will be adequate if the favourable position can be connected to a man's position, office, or duty.

Ksenia (2008:225) insists that a person or group is liable for corrupt activities in the event that he, she, or they accept cash or anything of monetary worth for achieving something that he, she, or they are under an obligation to do or not do. He points out that those corrupt activities destroy or distort the integrity or devotion of an individual in the execution of his/her duty, and induce him/her to act unduly or unfaithfully to make him/her susceptible to offering or receiving bribes.

Gottschalk (2013:20) maintains that financial crime consists of fraud, theft, manipulation, and corruption. It is essential to discuss the relationship between fraud and corruption; these two crimes frequently go hand-in-hand in the investigation of corruption cases. Henning (2009:295) reveals that fraud can be characterised as the intention to misrepresent facts with the resolve of inciting another in dependence upon these facts to part with some significant thing belonging to him/her or to surrender a legitimate right. The work of Yip, Wong and Ernst (2008:13) clarifies that the term nexus comes from the Latin word "*nectere*", which means to bind or refers to a connection point or bond; a point at which two things are interlinked. The Nexus needs to be proven between the parties. It is of the utmost importance to determine what links them together. The relation between a corrupt act and the receiving of a gratification must be proven in a corrupt relationship.

2.4.2 Establishing Corrupt Relationships between the Corruptee and Corruptor

It is important to establish the relationship between the corruptee and the corruptor. The following information should be included in the relevant affidavit:

- What happened between the corruptor and the corruptee?
- What is the relationship between the corruptor and the corruptee?
- Particulars of the gratification (full description).
- The implications and consequences of the crime.
- The corruptee must be in a position to give evidence:
 - regarding the corruptor;
 - the corruptor's employer; and
 - the beneficiary (third party).

Della Porta and Vannucci (1999:21) explain the relationship between the corruptee and the corrupter may sometimes be made easier by the intervention of a middleman. The repetitive use of a middleman helps the development of trust between the parties over time. In cases where corruption is prevalent, it often involves groups of administrators and businessmen, who among themselves negotiate the size of the bribe.

2.4.3 Equating Corruption

In distinguishing between highly corrupted activities and to a great extent corruption-free social order, Huther and Shah (2000) consider the conditions that urge public officials to search out or acknowledge corruption:

- The expected gains exceed the expected expenses of undertaking the corrupt behaviour.
- Little consideration is given to what the corrupt act will cost someone else.

The main perspective will be in light of unadulterated self-interest: corruption will happen when officials anticipate deriving net positive from those gains. Huther and Shah (2000) reveal that effective anti-corruption projects will bring down those anticipated gains and raise the expected punishments of the corrupt. That is, anti-

corruption ventures must change those cost-benefit estimations of public officials who have the certainty that the net gains of corrupt activities are empowering.

A self-interested individual will pursue or accept being part of a corrupt activity if the expected gains exceed the expenses, i.e. at the point when a self-interested person will pursue or accept corruption if the expected proceeds or gains outweigh the costs (Huther & Shah 2000):

$$E[B] = nxE[G] - \text{prob} [P] \times [P] > 0$$

where **E** is the expectations of the operator
n is the number of corrupt transactions
G is the gain from the corrupt transaction
prob [P] is the probability of paying a penalty
P is the penalty for the corrupt activity

In their constructed formula on cost-benefit deliberations, Huther and Shah (2000) further explain that anti-corruption programmes can discourage individuals from taking part in corrupt activities through four arrangements – reducing the recurrence of transactions with public officials, lessening the opportunity for gratification from every last transaction, escalating the possibility of paying a penalty, or escalating the penalty for corrupt activities.

Kaur (2014:52) clarifies that the term “corruption” comes from the Latin word “*corruptio*” which means “moral decay, wicked behaviour, or rottenness”. Vast amounts of literature dedicated to corruption define it differently. Klitgaard, Abaroa and Parris (2000:51) refer to a corruption equation namely:

$$\text{Corruption} = \text{Monopoly Power} + \text{Discretion} - \text{Accountability}$$

Corruption is contrary to good governance. The term ‘governance’ refers to the way government carries out its work through decision making and implementation. Good governance is governance without abuse and corruption. When there is no accountability, responsiveness, transparency and efficiency, policies are not effectively implemented, and public services are ineffective or unavailable, there is corruption. Thus, corruption is linked to ‘bad’ governance (Kaur 2014:52).

2.4.4 Payment of Gratification to Corruptors

Stansbury and Stansbury (2008) clarify that the payment of gratification may be made directly by the company who was awarded the bid to the public official who is to complete the corrupt activity. Nevertheless, it is rudimentary for the gratification to be paid through intermediaries. This is done to make it harder to identify the gratification which has been provided. Below are some methods used to disguise a bribe through the utilisation of intermediaries:

- An agent is an individual who acts for the benefit of someone else or a group. The individual has no obvious direct association to the company to whom the contract is awarded. The person is utilised to receive payments from the company who was awarded the winning bid and facilitates the payments to specific officials who played a role in the awarding of the contract to a specific company. Thus, payment to the identified officials hides the company's involvement.
- Joint ventures are business endeavours embraced by at least two groups, which generally hold their distinct identities. In general, a joint venture consists of several companies which tender as a group for a specific tender. A resolution is usually agreed upon before the tender is awarded, making specific references to the conditions that would apply after the tender is awarded to the joint venture. This agreement usually conceals the corrupt arrangements for gratifications to be transferred to certain trust accounts, closed corporations, investments, etc.
- Subsidiaries or other groups of companies are indicative of the level of proprietorship that a parent company holds in another company. A subsidiary, on the other hand, is a company whose parent company is the overriding shareholder. Therefore, in an entirely co-owned subsidiary, the parent company retains 100% of the subsidiary company. A company which is part of a group of companies with a similar board of directors as the main company in that group, which also includes shares in the company, is a subsidiary of that company. Arrangements might be made by the group of companies for a corrupt agency agreement to be entered into, or for a corrupt payment (gratification) to be made, by a subsidiary or other group company where the corrupt activities are less likely to be detected or penalised. The subsidiary or

other group company will then be refunded by the company to whom the tender was awarded through inter-company charges for false invoices, services of inflated value, or loan agreements.

- A sub-contractor is a company or individual that does work for a company as part of a larger project. The company who was awarded the tender may channel the gratification through a corrupt sub-contract arrangement. For instance, a sub-contractor may fraudulently state that specific services are to be provided to the contractor in return for specific payments. In the real world, the sub-contractor does not actually provide the perceived services or will provide perceived services of a considerable lesser value than the price agreed upon. The balance of the inflated payment will then be passed on by the sub-contractor to the relevant public officials or company as gratification.

2.5 THEORIES OF CORRUPTION WITHIN THE PUBLIC SERVICE

According to Charnoz, Pedregal and Kolata (2015:68), in many ways corrupt activities are continuous with older traditions of tipping, gifting, worshipping, and related modes of dealing with kings, gods, and other kinds of superiors. Velez (2006:67) indicates that the presence of corrupt activities in the police is a multi-faceted condition that is not effectively clarified. While exploring the literature on corrupt activities, there are two fundamental reoccurring theories explaining why police corruption occurs:

- the individual is a corrupt example of the rotten apple theory; or
- the organisation is a corrupt example of the rotten barrel theory.

2.5.1 The Rotten Apple

According to Alston (2010), the rotten apple theory was described decades ago by August Vollmer. Reese (2003:88), and Bannish and Ruiz (2003:5) elaborate that this theory claims that the reason for police taking part corrupt activities is basically because of a single rogue officer, and after the identified officer is removed the situation of corruption is resolved.

Cohen (2016:10) states that the “bad apples were morally corrupt individuals, rotten on the inside and hiding under their skin of respectability, and who were only out for

themselves.” Police Crimes (2005) points out that the rotten apple theory is that one bad cop destroys the whole division. A single officer is not able to cause management to initiate investigations over the whole division or unit, however, that one corrupt officer can bring the division or unit to the edge of total catastrophe as far as public relations are concerned. Society takes a gander at that one bad cop and assumes, sometimes accurately (particularly in a situation where several officers were detected committing a similar crime), that the entire division is involved in corrupt activities or even more regrettable acts.

Ivković (2009:777) clarifies that even though a social researcher occasionally utilises the rotten apple hypothesis as a reason for an individual’s involvement in corrupt activities, police management routinely offers the explanation to account for the existence of corrupt activities within law enforcement. Such an explanation is reasonable, as it is far less demanding for the law enforcement head to accuse one bad officer of his/her involvement in corrupt activities than to concede that a systemic problem exists within the division.

2.5.2 The Rotten Barrel

Gottschalk (2012:170) expresses that the rotten barrel theory takes into consideration the person while also emphasising the social setting where the corrupt activities exist. Velez (2006:70) maintains that this hypothesis asserts that police involvement in corrupt activities is a systemic disease passed on to generations of cops through actions of in-group socialisation. The corrupt activity is not created by a single corrupt officer; it is brought on by the system itself. Corruption flourishes, since corrupt activities develop to be institutionalised into law enforcement conduct and corrupt officers are sustained by the law enforcement culture, group loyalty, and the code of silence.

2.5.3 Additional Theories on Police Corruption

Velez (2006:70) states that several scholars have combined parts of the individual and group approaches to generate their own hypothesis of what brought about the police involvement in the corrupt actions. Notwithstanding the rotten apple and the rotten barrel theories, Delattre (2002) estimated that police involvement in corrupt activities was partly brought on by the impact of society through the practice of small

bribes. For example, in the public eye, it has become distinctly typical to offer an officer a small bribe to ignore a few minor violations. Moreover, many people receive gratuities and gifts, for example, porters, escorts, and cab drivers. In any case, small gratuities soon have to be distinctly bigger and transform into large gifts in return for large favours.

A few of the most common theories will briefly be discussed below.

2.5.4 Slippery Slope

Velez (2006:71) elaborates that as small bribes become bigger, officers find themselves travelling down a slippery slope of corruption. Delattre (2002:72) states that the slippery slope of corruption “begins with apparently harmless and well-intentioned practices and leads over time either in individual or in departments as a whole to all manner of crimes-for-profit.” Prenzler and Mackay (1995) clarify that gratuities are especially dangerous and slippery for officers.

2.5.5 Human Weakness

Velez (2006:71) mentions the James Madison theory on human weakness, which explains police corruption in terms of human weaknesses. Police officers are only human and are susceptible to temptation. When police officers lack integrity, they are more likely to act in an inappropriate manner. Those officers who have a low value of public interest and a high desire to accept favours for personal gain are especially susceptible.

2.5.6 Extraordinary Temptation

Velez (2006:72) describes the Lincoln Steffens theory of extraordinary temptation. In this theory, police officers are ordinary people facing extraordinary temptations. Police officers, whether it is the first-year rookie officer or the veteran narcotics officer, are often confronted with large sums of money, large quantities of drugs, sexual temptations, and physical property for simply looking the other way. When the payoff gets high enough, the officer engages in corruption.

2.5.7 Administrative Hygiene

Velez (2006:73) expounds on the Herzberg Theory on administrative hygiene. This theory assumes that workers are in general motivated by hygiene factors and motivating factors. Hygiene factors maintain the officer's status while the motivating factors motivate the officer to work harder. If the work environment is such that the officers are treated like children and not respected, it causes them to become weak and dependent on gratification and, in the end, more susceptible to unethical behaviour.

2.5.8 The Convenience of Flirtation

Velez (2006:73) clarifies the theory of Zorba on the convenience of flirtation. This theory relates to the effect the presence of corruption has on the frustration and cynicism of many officers. It is not uncommon for officers to receive little thanks, little gratitude, and little praise. In the long term, this creates a lack of identification with other officers and when the opportunity arises, officers are more likely to participate in corrupt activities in order to develop a new sense of identity.

2.6 NATIONAL DEVELOPMENT PLAN 2030

According to Brand South Africa (2012), the National Planning Commission (NPC) created the NDP which was presented to the public during November of 2011. The core of this design is to concentrate on capabilities; the capabilities of individuals, of our nation, and of generating opportunities for both. In Chapter 14 of the NDP, reference is made to promoting accountability and fighting corruption (Brand South Africa 2012). The vision for 2030 according to the NDP is as follows:

- In 2030, South Africa will have no leniency for corrupt activities.
- The leaders will hold themselves to high ethical principles and act with righteousness.
- South Africa will have a robust anti-corruption structure in which the agencies fighting against corrupt activities have the resources, trustworthiness, and power to investigate corrupt activities, as well as to prosecute.

The United Nations Development Programme (UNDP) (2005) states that the sophistication of corruption implies that conventional law enforcement agencies do

not always have the technical expertise or capacity to detect, investigate, and prosecute complex corruption cases. One of the major arguments supporting the creation of specialised anti-corruption bodies is that the growing complexity of corruption cases and related financial transactions require a high level of expertise and a specialisation of knowledge that can be best achieved through recruitment, training, and centralisation of expertise in a single-issue agency. The NACS (South Africa 2016) pronounces that policy proposals for reducing corruption and improving the accountability and transparency of the public and private sectors are articulated in the NDP. The plan contains proposals for building a resilient anti-corruption system through strengthening the protection of whistle-blowers; developing greater central oversight over the awarding of large tenders or tenders with long duration; and empowering the tender compliance monitoring office (now the Chief Procurement Officer) to investigate corruption and the monetary value of tenders. It also outlines proposals for strengthening the accountability and responsibility of public servants, as well as judicial governance and the rule of law.

2.7 CORRUPTION IN DEVELOPING COUNTRIES

Everett (2012:225) explains the role of accounting in relation to corruption in developing countries as firstly the dominant “private use” or “orthodox” view of corruption; a view that offers both a diagnosis of the problem and a set of universally applicable, “one-size-fits-all” solutions. According to this view, corruption is seen as a function of self-interest of the public official. Armed with the belief that the invisible hand of the market harnesses the social actor’s natural greed, market or “exit” solutions are proposed for dealing with the problem. In this view, and in keeping with the positivist methodology of its adherents, there is also a focus on the most obvious manifestations of corruption. A study by Johnson (2015:216) shows that the type of corruption often found in the developing world is similar to a scientist in a laboratory; those proposing the solutions see themselves as detached, objective observers of the problem. It can be argued that the government is aware of the causes of corruption, but seems not to be interested in addressing the problem.

Bukovansky (2006:182) states that the important consequences of this are that corruption is seen primarily as a problem found in the developing world. Everett

(2012:224) has expressed a similar view, in that the rest of the world is viewed as at best separated and detached from, and at worst hopelessly reliant upon, those in the affluent West.

Everett's (2012:225) second consideration is given to an alternative way of thinking about corruption. This has us focus on the role of the individual's self-interest, but instead, power is being suggested as a market solution to corruption. The human actor's natural proclivity to greed must be harnessed, the benignity of the neoclassical economist's free market must be challenged, and the accountability of private actors viewed with scepticism. The (liberal humanist) view that the individual social actor is a locus of consciousness, freedom, and subjective preferences is also challenged and the possibility raised that the individual actors are shaped by and are part of a much larger set of social relations and moral duties. These duties concern justice, equity, and fairness; virtues to be afforded "equal" status (not inferior status) alongside liberty, choice, and the respect of the individual (including property and privacy). In addition, this alternative view of corruption is not beholden to commitments of the traditional scientific method and logical positivism, but is instead born of the insights into different ways of knowing and understanding, such as a critical theory.

2.8 SOUTHERN AFRICAN DEVELOPMENT COMMUNITY COUNTRIES AND ANTI-CORRUPTION STRATEGIES

The Open Society Initiative for Southern Africa (OSISA) (2017) states that the SADC region consists of the Republic of Botswana, the Democratic Republic of the Congo (DRC), Lesotho, Malawi, the Republic of Mozambique, South Africa, Swaziland, Zambia, and Zimbabwe. At the South African level, the SADC adopted its own anti-corruption instrument, namely the Southern African Development Community Anti-Corruption Protocol. The purpose of the protocol, as provided under article 2, is to (Carr 2009:149):

- a) promote and strengthen the development, by each of the state parties, of mechanisms needed to prevent, detect, punish, and eradicate corruption in the public and private sector;
- b) promote, facilitate and regulate cooperation among the state parties to ensure the effectiveness of measures and actions to prevent,

- detect, punish and eradicate corruption in the public and private sectors; and
- c) foster the development and coordination of policies and domestic legislation of the state parties relating to the prevention, detection, punishment and eradication of corruption in the public and private sectors.

In order to ensure a level of transparency and accountability, most countries create a number of independent commissions supporting democracy, such as the Public Service Commission (PSC) (2011), a public prosecutor, an ombudsman/public protector, an electoral commission, a human rights commission, a media commission, and a cohesion commission. In addition to their respective specific mandates, one of the general objectives of these commissions is to promote transparency and accountability in public institutions. The principal agents against corruption under most constitutions are however the anti-corruption agencies (ACAs).

2.8.1 Republic of Botswana

According to the OSISA (2017), the Directorate on Corruption and Economic Crime (DCEC) was founded in 1994 with the promulgation of the Corruption and Economic Crime Act of 1994 (CECA) (Republic of Botswana 1994). Modelled on the Independent Commission Against Corruption (ICAC) of Hong Kong, the DCEC also adopted the three-pronged strategy used by the ICAC and is internationally accepted as best practice on the prevention and investigation of corruption and public education.

2.8.2 Democratic Republic of the Congo

The OSISA (2017) states that several efforts have been undertaken to combat corruption in the DRC and started during the transition period (2003 to 2006). An anti-corruption legal framework and institutional and non-institutional arrangements do exist and could help to combat corruption. The specialised Congolese anti-corruption body joined hands with other stakeholders in the fight against corruption, which includes the media, civil society organisations (CSOs), human rights activists, and all DRC citizens. However, whistle-blowers are not protected and many journalists, reporters, and human rights activists have been silenced, intimidated, or prosecuted for defamation.

2.8.3 Lesotho

The OSISA (2017) clarifies that since its establishment in 2003, the growth of the staff complement of the Directorate on Corruption and Economic Offence (DCEO) has been extremely sluggish, from five to 62, thereby leading to serious overload of work, a backlog of cases, and low conviction rates. The staff of the DCEO undergo regular specialised training under the auspices of the Commonwealth Secretariat Unit in the Republic of Botswana. This unit serves all Commonwealth countries in Africa. The directorate has on occasion made very brave and unprecedented moves in recent years by investigating cases involving very high-profile individuals, some of whom while still in public office.

2.8.4 Malawi

The OSISA (2017) expounded that the Anti-Corruption Bureau (ACB) was not directly established by their Constitution, but rather by an Act of parliament, the Corrupt Practices Act Cap.7:04, enacted into law in 1995. Recent reforms, including ongoing changes to the state's public financial management system, indicate that some progress is being made to improve transparency. However, many observers contend that the government has been slow to push through the necessary reforms.

2.8.5 Republic of Mozambique

The OSISA (2017) illuminates that Chapter II, article 8 of Decree 22/2005 provides that the Central Office for Combating Corruption (COCC) is an Organic Unit of the Attorney-General of the Republic of Mozambique, responsible for investigating crimes of corruption and illicit economic participation, and acting on the instruction of the respective processes.

2.8.6 South Africa

The OSISA (2017) states that South Africa is experiencing a significant rise in corruption, particularly in the public sector. In 2014, the Transparency International CPI ranked South Africa 67 out of 175 countries when it comes to corruption. It has been stated that in the last 20 years, South Africa has lost R700 billion to corruption. That is equivalent to more than half of the annual budget of the country. South Africa's institutions have evolved into a complex, effective anti-corruption machine

in a decentralised manner. The evolution of these institutions is because of the notion of separation of powers and the general mechanism of constitutional democracy. However, these institutions would not be effective in their attempts to address corruption had South Africa not acceded to international and regional anti-corruption instruments. According to the OSISA (2017), the DPCI, NPA and the SAPS have consistently been influenced by politicians for ascending to or retaining power, or to avoid or limit accountability. This has at times entailed the appointment or removal of key figures in the institutions, thereby compromising their efficacy. The ACTT was introduced in 2010 after the DSO was dissolved to combat serious corruption in the public and private sectors. According to the OSISA (2017:223) the previous public protector, Advocate Thuli Madonsela, stated that corruption in South Africa is becoming “aggressive”.

2.8.7 Swaziland

The OSISA (2017) explains that since the Anti-Corruption Commission (ACC) is not a constitutional body, it has been very unstable. In 2002 the High Court declared the 1993 Act that established the ACC unconstitutional and accordingly set it aside. The operations of the ACC came to a halt as a result of the invalidation of the law that created it. In 2005, the Supreme Court set aside the High Court order and accordingly reactivated the ACC and its operations. In 2006, parliament passed the Prevention of Corruption Act and established an ACC dedicated to fighting corruption through the prevention and investigation of corruption, as well as educating the public and raising awareness about the need to fight corruption. The Prevention of Corruption Act re-established the ACC as an independent body and provided for matters incidental to the prevention of corruption. The Constitution of Swaziland was passed in 2005, before the Prevention of Corruption Act in 2006. Consequently, the ACC is not a constitutional body.

2.8.8 Zambia

The OSISA (2017) elucidates that the ACC in Zambia is not a constitutional institution, and thus its stability is not guaranteed. The reports also confirmed that the ACC lacked a presence at district level due to resource constraints.

2.8.9 Zimbabwe

The OSISA (2017) explains that the Zimbabwe Anti-Corruption Commission (ZACC) was introduced in 2009 under Constitutional Amendment No. 19 and is, therefore, a constitutional body. However, the agency's stability is often affected by political interference. Section 254 of their Constitution specifies that the ZACC should comprise a chairperson and eight other members. The members of the commission are to hold office for a five-year term, which is renewable only once. The commission's employees do not form part of the civil service and are employed as provided for in section 234 of their Constitution. Effectively, their terms and conditions are determined by the commission subject to the country's protective labour laws.

2.9 INTERNATIONAL LEGISLATION, CONVENTIONS AND TREATIES

The ACFE (2016) states that parties to the UN Convention agree to cooperate with one another in the fight against corruption, including the prevention, investigation, and prosecution of any offence. Their cooperation is mandatory in criminal matters. Countries must assist one another in gathering and sharing evidence, as well as by returning the proceeds of illicit activities and extraditing offenders for effective prosecution. Olaniyan (2014:121) states that, similar to other countries in the world, countries in Africa have developed constitutions which, in one form or another, prohibit corruption and set ethical standards for public officials. Pop and Herlea (2015:1) emphasise the importance of having a way to discover resources or assets abroad and having the legitimate steps established to obtain the cooperation of foreign law enforcement, courts, and governments in a programme of mutual assistance. The enactment is vital and agreements might be required for international support with criminal incidents, namely:

- obtaining evidence;
- searches and seizures;
- production of material;
- property freezing and enforcement of confiscation orders; and
- service of documents.

It ought to be noted that all across the globe, there are shell corporations, secrecy laws, offshore jurisdictions, haven jurisdictions, trusts, and so forth. This may bring about legitimate boundaries to the attainment of pertinent information which is being sought to conduct an effective investigation. Radu and Paul (2016:242) highlight that organised crime organisations would rather utilise private foundations in Austria or in the United States of America (USA) than companies in the British Virgin Islands (BVI), the Isle of Man, Aruba, or Liberia. The second group of places has been connected with money laundering and dodgy transactions as perpetrated by the media and law enforcement for so long that even the mention of a company in the BVI places a “red flag” on the business deal, which is then subsequently scrutinised by international law enforcement. Corruption has a damaging effect on any country’s image and the devious acts of corruptors can affect economic, political, and social growth and development. Corruption is not restricted within the borders of South Africa; it is an international problem. Anti-corruption plans have been developed in all international cooperative bodies, such as Brazil, Russia, India, China and South Africa (BRICS), the UN, the AU, and the International Criminal Police Organisation (Interpol). This section will describe the strategies and steps taken by the UN, the AU, Interpol, and the BRICS convention on ways to deal with corruption. South Africa, as a member state of the UN, has to abide by the intervention measures that exist to curb corruption and full cooperation has to be given to those countries that are aligned to the UN.

2.9.1 The International Anti-Bribery and Fair Competition Act of 1998

The OSISA (2017) clarifies that the International Anti-Bribery and Fair Competition Act of 1998 is a United States (US) federal law that amends the US FCPA by implementing the provisions of the Organisation for Economic Cooperation and Development's (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

2.9.2 United Nations Convention against Corruption of 2003

The OSISA (2017) explains that the UNCAC of 2003 addresses corruption locally and abroad with specific references to the private sector. It calls for all countries to create agencies to prevent corruption and to pass anti-corruption legislation. In addition, the UNCAC of 2003 makes certain recommendations and suggestions in

formalising anti-corruption legislation. The UNCAC of 2003 does not merely suggest utilising an anti-corruption approach; it requires public and private sector involvement for the fight against corrupt activities.

2.9.3 United Kingdom Bribery Act of 2010

Schuchter (2012) reveals that the Serious Fraud Office (SFO) in the United Kingdom (UK) (2012) has enacted significant anti-corruption legislation in the UK, such as the Bribery Act of 2010 and the introduction of the Deferred Prosecution Agreement (DPA) by the Crime and Court Act 2013. In addition, the OSISA (2017) agrees that the UK Bribery Act of 2010 makes provision for additional crimes, which can be committed by corporate associations that neglect to prevent people connected to them from committing bribery for their sake.

2.9.4 The United States Foreign Corrupt Practices Act of 1977

The OSISA (2017) elucidates that the US FCPA is the main tool in the fight against corruption. The FCPA has been in existence for 40 years. It is a well-established US law which impacts every US company that works with businesses outside the USA. The Obama Government set an objective to multiply US export from 2017, and therefore FCPA compliance will be imperative to numerous small- and medium-sized US companies.

2.9.5 United Nations Convention against Corruption

The UN (2004) points out that an international anti-corruption programme will be embarked upon by member countries to adopt effective measures in the fight against corruption. Some of the initiatives to prevent corruption include: founding ACAs to prevent corruption in the public and private sectors; providing guiding principles for law enforcement to curb corrupt practices; and encouraging member countries to endorse ethical principles and accountability between public officials in relation to their legislative principles. The UN (2004) reports that the convention furthermore accentuates the call for stringent methods ensure international cooperation. It is imperative that member countries cooperate, share information and assist with the extradition of the offenders, and also provide mutual and legal assistance when required. An Assets Recovery Plan was created to streamline the return of assets from the country where the embezzlement took place as a

“fundamental principle”. Singh (2016:74) confirms that South Africa is a member country of the UN. Thus, South African courts deliberate on international legislation with the enactment of anti-corruption legislation. South Africa is obligated to cooperate with the investigation, detention, and extradition of criminals involved in corrupt practices. In their study, Luiz and Stewart (2014) found that corruption in rural communities will escalate when the on-going cycle of corruption is left unmonitored. Corruption is often justified by previously disadvantages individuals who have lost faith in a country’s ability to improve their way of life.

2.9.6 African Union Convention on Preventing and Combating Corruption

Muna (2004) states that the AU created an ideal platform for African countries to unite in the fight against corrupt practices. These countries intended to prevent and punish corruption, cooperate and educate member states, and enhance or enact anti-corruption legislation as required in an African context. Mutual assistance and cooperation between countries are imperative to rid African countries of corrupt practices. Often, ordinary citizens endure the burden as a consequence of corruption. In addition, Olaniyan (2014:125) notes that defenceless communities often pay the price for corruption.

Udombana (2003) reports that the AU Convention on Preventing and Combating Corruption necessitates cooperation amongst member countries. These countries are continuously reminded of the evils of corruption. They are furthermore required to implement the endorsements given by AU member countries.

2.10 CHAPTER SUMMARY

Once a strong understanding of the term corruption is found, it is possible to understand the implication thereof. It became clear that corruption is a global phenomenon and is not just related to South Africa or developing countries. The following chapter provides an overview of the investigation of this phenomenon in the public service sector. This serves as one of the techniques available to stem the growth of corruption.

CHAPTER 3: THE INVESTIGATION OF CORRUPTION IN THE PUBLIC SERVICE SECTOR

3.1 INTRODUCTION

This chapter provides the basic principles of investigation and evidence with which corruption investigators should be familiar. An attempt is made to provide a description of the investigation process in corruption cases with some practical examples. The corruption process is discussed with specific reference to the relevant evidence which needs to be obtained for the successful prosecution of such cases.

This chapter further discusses the various steps during the investigation process, along with the nature of the evidence to be obtained, supplemented by the handling procedures of such exhibits and the importance thereof. This is complemented by a discussion on the presentation of evidence in corruption cases. Special investigative techniques of corruption are also discussed.

3.2 THE IMPORTANCE OF INVESTIGATING PUBLIC SERVICE CORRUPTION

The ICAC ([sa]) confirms that when corrupt activities are hidden and unrestricted in the public sector, it may be the basis for serious destruction, as well as undermining the community's trust in government; deteriorating public resources and money; triggering injustice through advantaging some at the expense of others; causing operations to be ineffective; and causing reputational damage, which makes it difficult to recruit and retain quality employees or obtain value for money in tender procedures. Olaniyan (2014:252) observes that corrupt activities excessively affect the most vulnerable individuals in the public sector. Prevalent corrupt activities deter investment and deteriorate budgetary development, which undermines the rule of law in a country. When the investigation process in corruption-related situations are expedited, it sends a clear message to the public servants and SAPS officials that

corruption will not be tolerated. The effect actually diminishes when the investigation process is unduly prolonged.

Boucher, Durch, Midyette, Rose and Terry (2007) observe that a corrupt justice sector promotes discretion in the enforcement of the law and has a corrosive impact on state legitimacy. Combatting this may involve strengthening the legal anti-corruption framework and building an effective criminal system, including an independent judiciary and effective law institutions. Bolongoita (2005) reports that the focus should be on making corruption a high-risk, low-reward activity through measures aimed at increasing the risks of effective detection, investigation, and prosecution. Boucher et al (2007) agree that the criminalisation of corruption can be an effective approach for countries where enforcement is a feasible and realistic option. When this is not the case, some authors argue that in developing countries, such an approach can be counter-productive and result in inflating the returns of criminal acts, which could create financial incentives for corruption. For example, a ban imposed on poppy cultivation in the post-Taliban Afghanistan was not initially enforced and had the unintended effect of raising poppy prices and increasing financial incentives for its cultivation.

The Chief Minister, Treasury and Economic Development Directorate (CMTEDD) (2004), observes that the activities are multi-faceted in an investigation with serious fraud or serious corruption, and those investigations must either be conducted by an officer of the Australian Federal Police (AFP) or an investigator who possesses a Certificate IV in Government (Fraud Control Investigations). The use of external service providers is permitted under specific conditions. The responsibilities of each role player in the investigative team should be detailed with benchmarks. The United Nations Industrial Development Organisation (UNIDO) (2012) suggests that the rules which should be taken into account are as follows: best practices of other organisations and specialised agencies in the UN System, as well as the generally accepted investigation standards in the “Uniform Guidelines for Investigations” (UGI). The Internal Oversight Services (IOS) has, as a result, formally adopted these guidelines for its work as of January 2012. Schuchter (2012) concludes that anti-corruption measures take a three-pronged approach: prevention, enforcement, and education. The three measures are all important, however, enforcement (to detect,

prosecute, and punish corruption) is the most powerful measure to combat corruption. Furthermore, enforcement has great preventive and educational impacts. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-b) analyses the available data to create a hypothesis, which is then tested against the available facts presented in the complaint.

3.3 UNDERSTANDING THE PROCESS OF CORRUPTION

Dussich (2006:142) highlights that it will be useful for the investigators to comprehend the typical practice of corrupt activities, as it will enable them to know where to obtain evidence of corrupt activities.

3.3.1 Softening Up Process

Dussich (2006:142) insists that it is very unlikely that a public official would be involved in a corrupt activity from the day he/she begins working. Therefore, it is likewise improbable that any potential corruptor would approach any public official to offer an opportunity for corrupt conduct without making an effort to have a good association with him/her first. Hence, there is a “softening up process” in which the corruptor builds up a social association with the public official, for instance, extending an invitation to a sporting event or lunch, etc. Therefore, the investigator ought to endeavour to discover evidence that indicates the public official had accepted such invitations from the corruptor. This could indicate the intention of the corruptor before the commencement of the actual corrupt activities.

3.3.2 Requesting/Offering of Corruption

Dussich (2006:142) suggests that sometime in the future, after the softening up process, the corruptor will put forward the need for some assistance from the public official and subsequently offer a payment for the corrupt activity to the official. The investigating officer ought to endeavour to show when and where the first corrupt activity occurred.

3.3.3 Source of Corruption

Dussich (2006:142) suggests that when there is an arrangement for the corruption, the corruptor needs to withdraw funds from a financial institution to compensate the

corruptee. The investigating officer has a duty to discover the origin of the funds and whether there was any outsider who encouraged or facilitated the funds for the corrupt activity.

3.3.4 Payment of Corruption

Dussich (2006:142) agrees that payment for the corrupt activity would subsequently be made. The investigating officer should attempt to ascertain where, when, and how the compensation for the corrupt activity transpired.

3.3.5 Transfer of Corruption

Dussich (2006:142) clarifies that upon receiving payment for the corrupt activity, the collector would need to dispose of the funds in an attempt to avoid detection. The investigating officer ought to be determined in ascertaining how the payment was discarded, either by being spent or kept in a financial institution.

3.3.6 Abuse of Power

Dussich (2006:142) states that to prove a case of corruption the investigating officer must demonstrate a corrupt activity or the abuse of a position of power as a derivative of the corruption. The investigating officer has a duty to detect the documentation or various resources used by the public official to ensure that the transaction has occurred and displays his abuse of power in such an event.

3.4 EVIDENCE IN THE INVESTIGATION OF CORRUPTION

The ACFE (2016) shares that, in general, the evidence in the investigation of corruption consists of anything that can be used to prove something. In a legal sense, evidence means an assertion of fact, opinion, belief, or knowledge, whether material or not, and whether admissible or not. In order to be a successful investigator, it is essential to know the crime under investigation. This is achieved by having a clear understanding of the elements of the crime and how to analyse the elements and obtain evidence during the investigation process. Thus, it is necessary for an investigator to know not only the crime, but also what evidence is necessary to prove the commission of the crime. This is prescribed in the CPA (South Africa 1977). Supplementary to this, the investigator needs to comply with

the provisions of section 35(5) of the Constitution (South Africa 1996b). Section 35(5) provides that evidence which was obtained in a manner that violates any right in the Bill of Rights must be excluded if the admission of that evidence would render the trial unfair or otherwise be detrimental to the administration of justice. When an investigator's conduct is in conflict with these provisions, it will be regarded as a violation of an individual's right to privacy and the official would be risking the admissibility of the evidence so obtained. The courts will not tolerate the abuse of powers of entering, seizure, and forfeiture, neither will the courts overlook the unlawful infringement of an individual's rights. The investigator needs to understand the elements of proof for each of the suspected offences, based on his/her theory of the case, and use them to organise the investigation and test the sufficiency of the evidence. An investigator should know at every stage of the case what evidence he/she needs to obtain to prove an offence. Some investigators neglect this fundamental rule, with the result that too little (or too much irrelevant) evidence is collected.

3.4.1 Collection and Organisation of Evidence

The ACFE (2016) states that it is important to "maintain a chronology of events" from commencing with the investigation process. The purpose of maintaining a chronology is to establish the chain of events leading to the corrupt activity. The chronology can be used for analysis of the case under investigation and placed in a working file. The chronology should be kept brief and only include information relevant to proving the case. When the chronology is too comprehensive, the investigator defeats its purpose. The chronology should be viewed as a working document which should be revised if necessary. Amendments should be made to the chronology by supplementing new information and removing irrelevant information. It is essential that the evidence is carefully collected and organised in a logical manner to maintain the chain of evidence. The investigator should make sure that all evidence is properly logged in, secured, and accounted for, including electronic evidence, and that the source of the evidence is recorded accordingly. By making use of Excel spreadsheets and flow diagrams, complex data can be organised and analysed effectively when the data are captured correctly. Thus, professional support is important. An investigator should be cautious not to overcook this exercise, and should not allocate insufficient time to pursue investigative leads.

The evidence should be recorded chronologically by following a systematic approach to the sequence of activities during the investigation process, which is always helpful, particularly in proving knowledge and intent and to see how a case unfolds. The date, event, or document should be concisely recorded, along with the source of the information, in separate columns. Important meetings, telephone calls, email communications, travel records, key documents, and other potentially important events should be included. The chronology must be kept simple and focused on potentially relevant evidence, as too much extraneous information will reduce its effectiveness. It must also be reviewed and updated regularly. New information should be added as the investigation proceeds and information that proves to be irrelevant should be removed. A timeline of the actual sequence of events can be constructed out of such a spreadsheet. This will assist in explaining what occurred during specific periods and the importance thereof. Prosecutors often prefer to present complex cases in court by following the sequence of events, which is seldom the same as the collection of evidence. The ACFE (2016) proposes that evidence be “organised”. Keeping track of the amount of paper generated is one of the biggest problems during the investigation of multi-faceted corruption cases. Therefore, it is paramount that any documents obtained are organised from the onset. The investigator needs to keep in mind that it is difficult to determine the relevance of evidence from the onset. Therefore it is necessary to organise all documents and exhibits systematically, for ease of reference at a later stage.

3.4.2 Impediments to Investigating Corruption

Newham (2015) observes that the investigation into corruption is somewhat perplexing. The investigators commonly do not have the benefit of a crime scene, fingerprints, or eyewitnesses to generate investigative leads. The reason for this is that corruption is by nature a very secret crime and is usually orchestrated by two parties, although one of the parties might be part of a criminal enterprise that sent them to facilitate the corruption process. There is clearly no enticement to divulge the truth when witnesses present themselves, as they are part of the corruption process, and therefore their credibility is in question.

These suspects are sophisticated and know how to conceal the facts, but investigators are equally sophisticated and know how to uncover and present these facts. They are aware of the evidence needed to uncover their dealings and are often ahead of the criminal investigation process, removing, manipulating, or destroying evidence. These suspects are often operating from a position of power or have access to an individual in such a position. This makes them very powerful and ruthless in enforcing a code of silence amongst related individuals by making use of intimidation and/or violence to terminate an investigation. Recently these sophisticated corrupt offenders have started to exploit loopholes in cross-jurisdictions and make use of expert professionals, such as lawyers, auditors, and cyber forensic experts to conceal their activities and assist them with their money laundering of illegally gained proceeds.

3.5 BASIC PRINCIPLES OF EVIDENCE FOR CORRUPTION INVESTIGATORS

According to the ACFE (2016), evidence is anything that is perceptible by our five senses, which is invoked during the presentation of the criminal case. Some examples of potential evidence are: documents, spoken recollection, data of various kinds, and physical objects. In other words, the evidence is simply anything that corroborates or refutes a fact during criminal proceedings. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) sets out the basis of evidence for fraud and corruption investigators during a criminal investigation. Four important principles of evidence for the investigating officers are discussed below.

3.5.1 Relevance of Evidence

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) insists that relevance is almost certainly the utmost fundamental rule of evidence and expresses that, with a couple of exceptions, evidence which is relevant is admissible and evidence which is irrelevant is not admissible. The evidence is believed to be relevant in the event that it “tends to prove, or disprove, a fact in issue.” In instances of fraud or corruption investigations, this implies that a piece of evidence is possibly relevant (and ideally, convincing and persuading) when the evidence is likely to prove or disprove an element of evidence of a crime, as well as

evidence of knowledge and intent. The ACFE (2016) states that the admissibility of evidence depends, to a large extent, upon the discretion of the presiding magistrate or judge. A basic requirement of admissibility is that evidence must be relevant to the case presented in court. The evidence is relevant when it makes an event more or less likely than it would have been without the evidence. It contributes towards the criminal case being presented in court. This differs from case to case and, in general, it is evidence that tends to prove an essential element of the crime and related matters, for instance: motive, opportunity, the identity of a guilty party, or credibility. Relevant evidence can either be inculpatory or exculpatory. The inculpatory evidence is evidence that contributes to determining the guilt of an individual, whereas exculpatory evidence contributes to determining the innocence of an individual. Therefore, evidence that is neither inculpatory nor exculpatory is probably irrelevant. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) proposes that fraud and corruption investigators need to understand the following:

- The crime/charge and the elements that need to be proven.
- The sort of evidence, for instance direct, indirect or circumstantial, that would be relevant, as well as when to use that knowledge with every phase of the investigation, comprising:
 - a) case planning, to ensure that all potentially relevant evidence is identified, collected, and preserved;
 - b) conducting the investigation, to make sure that the necessary questions are asked, and that all of the relevant documents and data are gathered, to the fullest extent conceivable; and
 - c) report writing, to guarantee that all the relevant evidence is incorporated and that the irrelevant evidence is excluded, as indicated by the elements in the crime/charge.

3.5.2 Weight of Evidence

The ACFE (2016) explains that when possible, evidence should be presented in the courtroom to enable the magistrate or judge to determine the weight of each piece of evidence being presented. Holes in the chain of custody or the outright mishandling of evidence can dishevel a case, but not wreck it outright. For example, courts have ruled in some cases that even though there were mistakes with the

chain of custody of the evidence, the mistakes affect the “weight” and not the admissibility of the evidence. The evidence will still be placed on record, but with descriptions of the mistakes that occurred in the chain of custody. The magistrate or judge will have to consider the type of mistakes in his/her deliberation, “weighing” the facts when passing a verdict. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) insists that “weight” has numerous aspects of the burden of the evidence, including the dependability and the persuading power of the evidence. The aspects that influence the “weight” include:

- The source or origin of the evidence (does a witness grasp what he/she is giving evidence about?).
- Whether the evidence is direct or circumstantial.
- The credibility of the witness presenting the evidence.

It is fundamental that the criminal investigator of multi-faceted corrupt activities comprehends the manner in which evidence is presented in a court of law. Evidence ought to be prohibited if the prejudicial value exceeds the probative value. Evidence must be relevant to be admissible. The relevance of evidence is determined by having any tendency to make the existence of any event more or less probable. The evidence needs to have some probative value to be admissible. The weight of evidence is the measure of the trustworthiness of the evidence on the one side of an argument as weighed against presented evidence on the other. The actual facts presented in court have significant weight and assist in convincing the magistrate/judge that a certain event occurred.

3.5.3 Authenticity of Evidence

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) explains that during the investigation process, the persistent search for evidence that corroborates the statements of witnesses is imperative. This is essential in instances where the credibility of a witness is in question. The ACFE (2016) states that the purpose of authentication is to ensure that evidence is what it purports to be and is genuine, not a forgery. For example, if a witness admits that he/she paid a bribe, the investigator should ask for copies of the withdrawal slips, the wire transfer receipts, or any other records of the payment. If the witness claims he/she met with the official to discuss the bribe, the investigator should find out when and

where they met, determine the identity of anyone else who was present, and request copies of all documents, such as travel records or credit card receipts, that would confirm the meeting. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) clarifies that there are various methods to authenticate a document. One such method involves a witness who is able to state, based on their direct, personal knowledge, that the document is in fact what it purports to be, i.e. that it is an accurate original or copy, not a forgery or an altered version, etc. This might be stated by the author of the document, the typist, the custodian of records, the recipient, or someone else, depending on the circumstances and who handled the document.

The ACFE (2016) also explains that the authenticity of evidence is an argumentative process; evidence will not be admissible in court unless the authenticity is established. Therefore, when an investigator is not able to authenticate a piece of evidence, it will not be admitted even if it is relevant. The admissibility of exhibits is determined by the magistrate or judge during the criminal proceedings. It is important to take note that evidence other than testimonial evidence must be properly authenticated. During the criminal proceedings, the party that offers the item must produce some evidence (e.g. testimony from a person with first-hand knowledge) to prove the authenticity of the aforementioned item by showing that it is in the same condition as when it was seized. When an item or exhibit cannot be authenticated, it will not be admitted even if it is plainly relevant. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) elucidates that although testimonial evidence does not have to be authenticated to be admissible, the courts have a credibility test for witnesses. The witness must be able to demonstrate that the knowledge he/she is communicating is believable and was gained by his/her personal experience. Circumstantial evidence can be used effectively to corroborate direct evidence and vice versa.

3.5.4 Rebuttal of Potential Defences

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) states that in the majority of most corruption cases circumstantial evidence should be included to prove that a certain event occurred. For example, as a typical defence to corruption, the receiver of the corruption often creates a “legitimate source” for

the money in his/her account or for his/her disproportionate expenses. Investigators must be in a position to confirm or refute these defences. The ACFE (2016) states that a rebuttal of potential defences is a contention normally made by an accused person during the criminal proceedings in which they seek to explain away their guilt. An accused formulates a defence relevant to a specific crime and the relevant jurisdiction. Some common defences used by an accused is as follows:

- Alibi
- Consent
- Duress
- Entrapment
- Ignorance of facts
- Mistake
- Necessity of the act
- Protection of others
- Court's lack of jurisdiction

Furthermore, the Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) explains that confirming or refuting these defences often requires the investigator to conduct in-depth interviews with the suspect. During this process, the suspect will be afforded the opportunity to comprehensively describe what actually occurred. The investigator must be in a position to either confirm or refute these claims by the suspect before a decision is made to prosecute the suspect.

3.6 TYPES OF EVIDENCE IN CORRUPTION CASES

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) illustrates the essential types of evidence in corruption and fraud cases, which are: witness statements, documentary evidence, “real” evidence, use of duplicates/copies as evidence, chain of custody in documents, presentation of evidence, and electronic evidence. The following types of evidence will be briefly illustrated and discussed below:

- Testimonial evidence
- Documentary evidence

- “Real” evidence
- Demonstrative evidence
- Use of duplicates/copies as evidence
- Chain of custody in documents
- Presentation of evidence
- Handling of documents
- Electronic evidence
- Establishment of a Database
- Circumstantial evidence
- The absence of entries in business or official records
- Key document file
- Keep a checklist

3.6.1 Testimonial Evidence

The ACFE (2016) states that testimonial evidence refers to an oral statement which is made by a witness under oath (i.e. a witness statement). The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) further explains that a witness may normally only give evidence to facts based on his/her direct, personal knowledge, and not on his/her theory or presumption, or information received from a third party generally referred to as “hearsay”. This evidence is conveyed by a witness in a criminal case, the witness should testify directly to his/her personal knowledge of a crime, such as an eyewitness. Circumstantial evidence is the proof of a series of facts which tends to show whether the suspect is guilty or not guilty. An exception is an expert witness, who may testify as to his/her opinion on certain issues. An oral statement is made by a witness under oath. The ACFE (2016) states that testimonial evidence is generally divided into two categories, namely a “lay witness” and an “expert witness”. A lay witness is a person who testifies from facts surrounding his/her personal knowledge of a particular matter. On the other hand, an expert witness is a person who testifies by reason of education, training, skill, or experience. This witness is qualified to give an expert opinion or testify in areas to the resolution of a legal dispute.

3.6.2 Documentary Evidence

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) explains that documentary evidence refers to physical objects that played a part in the investigation. This evidence is more dependable and has more weight than witness statements and, as with direct and circumstantial evidence, a mix of the two, with one supporting the other, is, for the most part, the best and usually the most effective. A document can be authenticated by any witness who is able to state, taking into account his/her direct, personal knowledge, that the document is what it purports to be and is an original or exact duplicate, not an imitation or a modified variant, and so on. This may be the author of the document, the typist, the custodian of records, the recipient or another person, contingent upon the conditions.

To be persuasive (and admissible in court), documentary evidence must:

- be *relevant*;
- contain *admissible, direct or circumstantial evidence* of the facts in issue (as opposed to written hearsay, that is, information recorded in the document that came from other parties) and;
- be *authenticated*.

The following serve as examples of documentary evidence:

- Private documents, such as letters, a will, and contracts.
- Official documents, such as birth certificates, identity documents (IDs), and passports.
- Public documents, such as deeds registrations and company registration documents.

Some business records, such as computer printouts, might be difficult for any witness to authenticate. In such circumstances, a person familiar with the business record system must state that the relevant records were kept in the regular course of business or are accurate copies of such records to authenticate them. The ACFE (2016) states that documentary evidence, including digital evidence, will not be admitted during criminal proceedings, or it will not be given much weight unless it is established as authentic. The evidence should be corroborated from various

sources to prove its authenticity. For example, investigators conducting criminal investigations into multi-faceted corruption cases will usually obtain volumes of documentary evidence. Thus, it is essential for the investigators to understand the relevance of the evidence and how it should be preserved and presented during criminal proceedings. Investigators should be mindful that documents can either help or hurt a case. This depends on which documents are presented, as well as the manner in which they are presented. All irrelevant documents should be eliminated, even though documents are important in giving the witnesses and the case credibility. Witnesses who spend too much time focussing on the details in the documents will often confuse or bore the magistrate or judge. Proof must be provided that the evidence is relevant, material, and authentic. The relevance of certain documentary evidence cannot be easily determined from the onset of a case. Therefore, all the possible relevant documents should be obtained. When it is determined that they are not needed, they can be returned. Below are a few general rules regarding the collection of documentary evidence:

- Always obtain original documents where feasible. Make working copies for the review of the documents and keep the originals segregated.
- Do not touch the originals any more than necessary, as they might later have to undergo forensic analysis.
- Maintain a dependable filing system for the documents. This is especially critical when volumes of documents are obtained. Losing a key document is very problematic and can damage the case. Documents can be stamped sequentially for ease of reference.

Other documents, such as public records under seal, are said to be “self-authenticating”, that is, they do not need to be authenticated by a witness with personal knowledge of the document. When in doubt, a statement should be obtained from the custodian of records from whom the document was obtained that it is an accurate copy of an official government record in terms of section 212 of the CPA (South Africa 1977). The ACFE (2016) advises that documents are “segregated” in the following manner:

- In general, documents should be segregated according to the witness or specific transactions.

- When segregating documents relevant to the witness, the investigator may use the list of names, whether employee, associate, or witness, and start assembling the collected documents relevant to a particular witness.
- The investigator might find it easier to organise the information by grouping evidence of the same or similar transactions together. However, it is not recommended that the documents be organised chronologically during the evidence gathering stage of the investigation, as this will make it more difficult to search for relevant information. It is generally better to organise documents relevant to specific transactions or relevant to certain witnesses.
- The investigation plan compiled by the investigator often follows a chronological timeline to give a narrative of the pattern of the corrupt activities, in which displaying key documents chronologically often makes sense. However, in the organisation phase, there is usually too much clutter for the chronological organisation of the collected documents to be effective.

3.6.3 Real Evidence

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) explains that “real” evidence is material, tangible evidence, for example, an object, a tape recording, a computer printout, or a photo. For instance, a weapon used in the commission of a crime would be classified as real evidence upon being presented to the court. The ACFE (2016) further states that real evidence refers to physical objects which are used during criminal proceedings. The term includes documentary evidence, e.g. invoices, ledgers, and letters, as well as other types of physical evidence. For example, if a forged SARS Tax Clearance Certificate was used in the submission of tender documents, the printer with which the forged certificate was printed is clearly real evidence, as are audio recordings of a tender committee with the awarding of a bid to a specific service provider. This will enable the court to experience the discussions first-hand.

3.6.4 Demonstrative Evidence

The ACFE (2016) clarifies that demonstrative evidence is a tangible item that illustrates some material proposition (e.g. a map, a chart, a flow diagram, a summary, etc.). It differs from real evidence in the sense that it was not part of the underlying event; it is evidence that was specifically created for the criminal

proceedings. Therefore the purpose is to provide a visual aid for the magistrate or judge to illustrate complex cases. This evidence may be considered by the court in reaching a verdict.

3.6.5 Use of duplicates/copies as evidence

The ACFE (2016) explains that a photocopy is a copy of a document or other visual image. Photocopies are increasingly being retained as “original” records of documents (particularly in outgoing correspondence files) and photocopies might be the only evidence of a document if the original cannot be located or in some cases cannot be released. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) explains that original documents ought to be acquired if accessible, especially if the substance of the document is in dispute (for instance, if the document is claimed to be a fabrication). However, precise duplicates are normally adequate. When duplicates are utilised, the investigator should be able to explain the loss of the original documents.

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) further states that when the authenticity of a document or signature needs to be established, for example, if a party claims that a signature or other writing on the document is a forgery, then the original should be obtained if at all possible to address the party’s claims. The ACFE (2016) clarifies that when documents are voluntarily provided, the investigator should leave the original in place and work with the copies. If the original document is later lost, stolen, or misplaced, the copies can normally be presented in court under the “best evidence” rule, which states that in order to prove the authenticity of a document, a fair copy of the original must at the very least be available for inspection.

3.6.6 Electronic Evidence

The ACFE (2016) clarifies that digital evidence is presented in various forms, for example: emails, texts, instant messages, website data, and digital photographs. The various forms of electronic evidence may require different authentication approaches. Below are some of the ways in which electronic evidence may be authenticated:

- Witness with personal knowledge (i.e. a witness testifies that he/she recognises the copy of the document/message/photograph that he/she received, sent, drafted, or compiled).
- Comparison with authenticated examples (i.e. when an electronic document was authenticated a second electronic document could be authenticated by comparing it to the first document).
- Circumstantial evidence of distinctive characteristics (i.e. the presence of an individual's name and email address, the subject matter of the document, or the presence of corroborating metadata).
- Trade inscriptions that were affixed during the course of regular business and indicating ownership, control, or origin (i.e. an automatic business signature at the end of the document).
- Certified copies of business records (i.e. a document is accompanied by a written certification by its custodian).

Social networking sites such as LinkedIn, Facebook, Instagram, Twitter, YouTube, WeChat, etc. may contain evidence that might be used in a criminal case. Users seldom give thought to what they post online and they do not realise that when information gets posted online, the information becomes a permanent record somewhere on social networking sites. This has become a handy tool for investigators, attorneys, and employers, who mine these sites for information, photos, and videos that can become evidence in civil or criminal processes. The authenticity of social networking sites is similar to other types of electronic evidence. There must, therefore, be sufficient evidence to support the finding that the evidence is what the proponent claims.

3.6.7 Establishment of a Database

The ACFE (2016) endorses the “establishment of a database” to be utilised from the commencement of the investigation process. It is recommended that the investigating officer code all documents when there is a large number of documents to be processed. The database can be manual or computerised and accessed by keywords or Bates Numbering. The coding system should provide meaningful and

comparable data, therefore the database should, at a minimum, include following fields of information:

- the date the document was created;
- the individual from whom the document was obtained;
- the date obtained;
- a brief description of its contents; and
- the subject or theme of the document.

3.6.8 Chain of custody in documents

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) elucidates that all documents acquired must be safeguarded and a proper chain of custody must be ensured (by initialling and methodically filing the documents), with the objective that they can be traced back to their origin and effectively authenticated. The ACFE (2016) advises that a chain of custody should be followed for all documents and exhibits collected during the investigation process. From the moment that evidence is obtained, its chain of custody must be maintained for it to be accepted by the court. The chain of custody is both a process and a document that memorialises who has had possession of an object and what they have done with it. Essentially, the chain of custody is a record-keeping procedure similar to physical inventory procedures. Establishing the chain of custody for a document establishes authenticity (i.e. the document is in fact what the party offering the document says it is). However, it also ensures that evidence has not been altered or changed from the time it was collected until it is presented in court. In general, to establish the chain of custody, the investigator must make a record when he/she receives an item or when it leaves his/her care, custody, or control. This is best handled by a memorandum from the custodian of the records when the evidence is received. The memorandum should state the following:

- what items were received;
- when they were received;
- from whom they were received; and
- where they are being kept.

If the item is later turned over to someone else, a record of this should be made, preferably in memorandum form. All evidence received should be uniquely marked so that it can be identified later. The preferable way is to initial and date the item, however, this can pose a problem in the case of original business records provided voluntarily. For such records, a small tick mark or another nondescript identifier can be used. If it is not practical to mark the original document, it should be placed in an acid-free, sealed envelope, which should then be initialled and dated. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) states that all documents obtained must be carefully preserved and a chain of custody must be established (by initialling and systematically filing the documents), so that documents can be traced to their source and easily authenticated. Supplementary to the initialling of the affidavit and annexures thereto, all evidence obtained should be scanned and paginated to ensure authenticity as well as the chain of custody.

3.6.9 Presentation of evidence

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) explains that all evidence gathered (when conceivable) ought to be presented during the court proceedings by making use of for example photos, charts, graphs, and so forth. This is especially advantageous when presenting the real, demonstrative, or physical evidence (e.g. a spent cartridge, forensic science laboratory link, the exhibit to a specific firearm, and so on) in a criminal case.

3.6.10 Handling of Documents

The ACFE (2016) instructs that documents should be treated as any other physical evidence would. A document can be a piece of physical evidence and not just a source of information. As a piece of evidence, it should be handled and stored properly in a sealed, initialled, and dated paper folder or envelope to avoid damage or contamination. When necessary, a working copy should be made and the original document preserved for analysis or court proceedings. Forensic science laboratories conducting analysis on documents will require the original document, not a copy of the document, because most photocopies do not reproduce original writing, typescript, or other features with sufficient clarity or detail to allow for adequate analysis. All evidence obtained should be marked so that it can later be identified. The most common way to mark evidence is with the date and initials of

the person that obtained it. If it is not practical to mark the document, or if marking it would damage the document, then it should be placed in an acid-free envelope that has been marked and sealed. To avoid creating indentations on the original document, no marks or writing should be made on the envelope after the document has been placed inside of it. Initialling the document for future identification can be done on a non-critical area and a writing implement that is different from the one used on the document, a different colour, for example, may be used to make the initials. Other than making unobtrusive initials for identification, the original documents should not be marked or written on. No staples or paper clips should be used on the document, and it should not be crumpled, folded, or manipulated in any other way that would change its original condition. Photocopies and laser-printed documents should be stored in paper folders or envelopes, not transparent plastic envelopes. The reason for this is that such envelopes can cause the copies to stick to the plastic and in the process destroy some document features.

3.6.11 Circumstantial Evidence

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) points out that evidence that proves knowledge and/or intent needs to show that the suspect was aware that a document was fake and submitted it with the intent to defraud another party. This is an essential element in all fraud and corruption cases. There are no unintended bribes or accidental frauds. Circumstantial evidence of knowledge and intent during the investigation process might include proving that the subject, or someone acting on his/her behalf, acted intentionally in doing the following:

- presenting an altered or forged relevant document, for example supporting documents submitted with a bid or invoice;
- purposefully destroying a pertinent document, or improperly withholding it from the investigators;
- giving false information to investigators or to another party concerning the source to hide their own guilt, for instance, if the subject in a bribery case lies about the source of mysterious new wealth (such lies are known in court as a “false exculpatory”);

- obstructing the investigation process, for instance by instructing or intimidating a potential witness not to meet with or cooperate with the investigators of a particular case; and/or
- recording prior related acts, which show that the acts currently under investigation were done knowingly and deliberately, and not unintentionally or innocently (otherwise called “pattern evidence”).

The basis for the above methods of proof is often referred to as the “badges of fraud”. These acts betray certain wilfulness by the subject and are inconsistent with a defence of accident or mistake.

3.6.12 The Absence of Entries in Business or Official Records

The ACFE (2016) explains that evidence in a matter which is not recorded in the regular course of business may be admissible to prove that a certain event did not occur. However, this does not hold true if the source of information or the circumstances indicates a lack of trustworthiness. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) states that the absence of entries into regularly kept business or official records, or the absence of a document in regularly kept business or official files, can often be used as evidence that an event did not occur, or that the document does not exist or was not received. The investigator needs to determine whether this was a habit or practice of the entity during their processes of recordkeeping. While the investigator conducts interviews with witnesses or suspects, he/she must always seek corroborating evidence to a statement (e.g. notes, emails, memorandums) including all documents in relation to specific transactions.

3.6.13 Key Document File

The ACFE (2016) recommends that investigators make a “key document file” to utilise during the investigation process. This is a separate file that contains copies of certain key documents and information for fast and easy access. It should be reviewed periodically, and less important documents should be replaced with the most relevant documents in the main file.

3.6.14 Keep a Checklist

The ACFE (2016) recommends that a checklist of the activities and evidence obtained be kept, as well as what still needs to be obtained or established. This is yet another indispensable aid to be utilised during the investigation process. The checklist should be updated regularly and kept in a permanent file to allow cumulative records of activities. During multi-faceted corruption cases, the list can be broken into short- and long-term objectives which still need to be accomplished to prove the elements of particular charges. In addition, a checklist of imperative tasks which must be completed without delay is needed to prioritise the activities on such checklists (e.g. conduct an interview or draft a subpoena). However organised, some sort of list must be kept, otherwise essential points will be overlooked during the investigation of a multi-faceted case.

3.7 METHODS OF INVESTIGATING CORRUPTION IN THE PUBLIC SECTOR

Turner (2015:9) shows that in most corruption investigations, the processes used by the investigators to discover official records, photographs, fingerprints, and so on, are outdated techniques, as opposed to every day, head-on interactions with the public. An investigation officer is usually a mature person who has substantial knowledge of criminal investigations.

Turner (2015:17) elucidates that for the majority of investigations, the preliminary investigation process is the basis of the investigation process. During this stage, the visible policing officials arrive at the scene, before the investigator is called to the scene, and conclude some significant tasks. These tasks include securing the crime scene, affecting arrests on any suspects, and identifying and splitting up the eyewitnesses. Normally, the official executing the preliminary investigation will take some notes and turn over all of the collected information to the criminal investigators upon their arrival at the scene. Turner (2015:12) clarifies that the success of a criminal investigation is illustrated in the clues collected which will probably assist in determining a successful outcome for the investigation. Some examples of clues are the availability of witnesses, information concerning the suspect, physical evidence recovered, as well as determining whether there is enough information to continue with an investigation.

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-c) suggests that the use of special investigative techniques is mostly required during the investigation of multi-faceted corruption and complex fraud cases (such as corruption within the public service sector). Some of the most common special investigative techniques are highlighted below:

- Surveillance and technical recording of broadcasts or telecommunications.
- Access to computer frameworks and computerised data processing.
- Surveillance and technical recording of premises.
- Covert following and technical recording of persons and objects.
- Use of covert investigators and informants.
- Replicated purchases of specific objects (e.g. drugs, firearms, and so forth) and replicated bribery.
- Controlled transport and delivery of objects of criminal investigation.

The mentioned specialised investigative engagements vary from country to country, as each country has its own set of legislation, treaties, and guidelines within which they are allowed to execute their respective mandates. It is important that investigators be resourceful within the ambit of the law when conducting corruption investigations, as it is not a constant, but a variable that evolves with new developments around the globe.

3.7.1 Investigating Past Crimes

Dussich (2006:143) elucidates that the criminal investigation process usually commences with a report or statement under oath that a crime or alleged crime was committed or will be committed followed by the traditional investigation process. During this phase, witnesses with corroborating evidence for or against the crime bear weight. During the investigation process, direct, corroborative, and circumstantial evidence directly related to the case under investigation should be obtained. The value of an effective investigation mostly hinges on meticulous evidence collection by the investigator who is investigating the crime to ensure that no stone is left unturned during the process. Parts of the investigative process could comprise the meticulous examination of all the relevant bank accounts and company

ledgers. During such a process, information from numerous witnesses and various supplementary sources is used to corroborate the allegation of the corrupt transactions.

With the initiation of the criminal investigation, the investigation should be kept confidential. The normal progression of the investigation should continue if evidence has not yet been discovered, but the suspect interview should be postponed until evidence is uncovered of his/her involvement. This might protect the suspects, which might be public service officials, from unjustifiable persecution. In cases where reasonable doubt is exhibited or uncovered during the clandestine phase, the investigative procedures followed should indicate the initiation of the normal investigation phase. Interviewing the suspect can now be considered to pursue their clarification and, when fitting, the suspect's residence and workplace can be searched for supplementary evidence. It is common to conduct a follow-up investigation, including the essential check to verify the suspect's clarifications and determine the flow of funds which will consequently be derived from exhibits discovered at searches. This type of exploration is ordinarily laborious (Dussich 2006:143).

3.7.2 Exploring Present Corruption Crimes

Dussich (2006:143) explains that current corruption cases will necessitate a higher level of creativity during the investigation. Besides the conventional methods of investigation, a proactive approach should at all times be preferred, with the aim to apprehend the suspect in the act. The interception of communication and surveillance of the suspect should only be used with approval from the proper authorities. Information could be obtained about who attended what meeting and the discussion that occurred during such meetings.

An accommodating individual can be positioned near the suspect to arrange a meeting with the agenda to entrap the suspect. This type of covert investigation may perhaps be deliberated on to penetrate the corrupt group. Some ground rules for the pre-emptive investigation procedures remain proficient education and sufficient operational support, including all-inclusive regulatory structures which safeguard the effectiveness of the established laws. Corruption is at all times interconnected and

is usually conducted by a syndicate. The investigative team should always determine whether a suspect is an instigator or a co-conspirator during the investigation. Hong Kong (2018), for example, uses a jurisdictional instruction which stipulates that only a third of the sentence is served by co-conspirators in corruption crimes who are willing to make a full disclosure of a particular crime to ICAC and who are willing to give evidence in court against the co-conspirators. These individuals are detained in special facilities which serve a dual purpose for the ICAC; to enable investigators to interview these co-conspirators and to ensure their safety. This local informer arrangement has proven to have the intended result in addressing syndicate or multi-faceted corrupt activities.

3.8 COVERT INVESTIGATIONS AS A METHOD TO INVESTIGATE CORRUPTION

The heading of section 252 A of the CPA (South Africa 1977) reads as follows: "Authority to make use of traps and undercover operations and admissibility of evidence so obtained." The following must be taken into consideration before the commencement of an undercover operation in terms of the Act mentioned:

- Before conducting an undercover operation, authorisation for it is acquired, which can be procured from the DPP.
- Any other factor which, in the judgement of the court, has to bear on the application to conduct the undercover operation.
- The level of persistence and number of attempts made by the public official or his/her informer/agent before the accused committed the crime.
- Availability of other techniques for the detection, investigation, or revealing of the commission of the crime.
- Type of inducement utilised; deception or reward.
- Proportionality between the participation of the public official or his/her informer/agent in comparison to the accused.
- Nature of the crime:
 - a) security of the state;
 - b) public order, the safety of the public;
 - c) whether the national economy is seriously threatened thereby;

- d) prevalence of the crime; and
- e) the seriousness of such a crime.
- Whether an average individual, who was in the same position as the accused, would have been inducted into the commission of a crime.

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-b) suggests that before the trap is set or an undercover operation utilised, a suspicion should exist that the accused had committed a similar crime to that which the charges relate:

- Has the official or his/her informer/agent acted in good or bad faith?
- Has the official or his/her informant/agent exploited a specific weakness of the accused?
- Was any threat made or posed by the public official or his/her informer/agent against the accused?
- The timing of the conduct – whether the public official or his/her informer/agent instigated or became involved in a current unlawful activity.
- Did the conduct involve an exploitation of human characteristics, such as emotions, sympathy, personal, professional, or economic circumstances?

The United States Agency for International Development (USAID) (2005) points out that prior to the execution of an operation to obtain evidence, the main story to be utilised ought to provide a truthful scenario. The investigator's office should prosecute in light of the consequences of the plan of action, and the investigators' part ought to reasonably reflect what individuals do when dealing with such criminal elements. The plan should sound sensible to the judge. The investigative plan ought to reflect the investigators' attitudes. For instance, excessively intricate, complicated, covert operations that require acting like a covert doctor or pilot might be so hard to complete that additional time is spent finalising the operation (police action). Challenges may come to the fore while planning the covert operation, this plan must be broken down in detail to distinguish the threats that may apply. These threats ought to be balanced against the anticipated evidentiary advances, and a final decision is made regarding whether the undercover operation ought to go ahead. These threats may include any one or a combination of the following:

- Harm to private individuals or undercover employees.
- The financial loss to private individuals or businesses.
- Harm to reputation.
- Harm to privileged or confidential relationships.
- Invasion of privacy.
- Entrapment.
- Unsuitability of those employees or private people partaking in the undercover operation. Once a threat is recognised, the plan ought to be altered in accordance to limit the threats during the planned operation.

3.9 INVESTIGATIVE SUPPORT FOR INVESTIGATORS COMBATTING CORRUPT ACTIVITIES

Dussich (2006:144) points out that with a precise objective, there is a guarantee that a sophisticated and professional investigation can be conducted and large portions of the investigation activities can be accomplished by a dedicated unit. Such a unit should encompass the fundamentals that will be discussed in this section, in order to be an effective and efficient agency in the fight against the individuals or entities who contribute to dealings of corrupt activities.

3.9.1 Intelligence-led Investigation

Dussich (2006:144) claims that the intelligence section is the focal point to gather, examine, dissect, and disperse all insight and investigation information, or else there might be a significant collapse in communication and operations.

3.9.2 Surveillance Operations

Dussich (2006:144) illuminates that the surveillance section is an essential source to acquire intelligence and evidence. The Hong Kong ICAC has a devoted reconnaissance unit of more than 120 observation specialists, which made a substantial contribution to the success of several major cases (Dussich 2006:144).

3.9.3 Information Technology

Dussich (2006:144) elucidates that swiftly evolving communication methods have generated a risk to the investigation of corrupt activities. A corrupt activity can occur without individual contact. It could transpire through email, cell phone, or fax, all without a trace. These corrupt activities by means of e-banking can, with the press of a button, send money to accounts abroad. Paper documentation is frequently substituted by computer-generated documents, which are protected with the use of robust passwords. In extreme cases, professional hackers are utilised to break into the computer networks of the ACAs to ascertain their progress in certain investigations.

3.9.4 Technical Services

Dussich (2006:144) clarifies that this area gives essential technical support to surveillance in covert and overt operations conducted. This is an essential part of any effective investigation process.

3.9.5 Counter Surveillance

Dussich (2006:144) illuminates that counter-surveillance and counter-interception skills are frequently used to nullify the efforts of criminal investigations. Nevertheless, fresh information plus communications expertise are innovations which can be a substantial asset in the investigation of corrupt activities.

The following examples might be beneficial to such investigations:

- Communications and other technical equipment used in surveillance.
- Capability to intercept all types of telecommunication, including mobile phones, the Internet, faxes, etc.
- Speaker identification techniques for the production of intercepted evidence.
- Mobile, internet, and closed-circuit television (CCTV) records.
- Computer forensics.
- Computer intelligence analysis techniques.

3.9.6 Financial Investigation

Dussich (2006:144) expounds that the investigation of corrupt activities frequently necessitates that the investigators trace complex money trails which are a consequence of proceeds from corrupt activities. The money can go through a web of offshore businesses and financial institutions, assets, etc. It is imperative to make use of professionally qualified accountants, i.e. chartered accountants, to assist in such complex investigations along with the presentation of the evidence in a proficient manner in court.

3.9.7 Witness Protection

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-b) comments that witnesses are not as protected in a witness protection programme as they might think. These measures can be manipulated and access gained to pressure a particular witness to change his/her testimony or to convince him/her not to testify. Some of these measures will require legislative support to safeguard against third-party manipulation:

- The USAID (2005) supports Dussich's (2006:141) viewpoint and clarifies that when handling informers and eyewitnesses, an all-inclusive questioning approach ought to be established. The USAID (2015) emphasises that the succeeding ought to resonate with the newly developed strategy.
- Provisions ought to be set up for the protection of witnesses. Witnesses' identities ought to stay confidential for as long as conceivable. Witness relocation, protection programmes, or "new identity" programmes might be accessible. On the off chance that the witness is in the penitentiary, arrangements for a sheltered location must be set up. The appropriate plans should be implemented as promptly as time permits in order to be available when necessary.
- It is sensible to lessen the chances that the defence attorney can dispute the credibility of the witnesses (by ensuring that the recorded statements are transcribed and signed or initialled by the respective witnesses).
- Procedures ought to be set up to interact with defence attorneys who are either linked to the eyewitnesses or to the suspects.

- When an eyewitness has a criminal record, it is imperative that they disclose it before the institution of criminal proceedings (especially when involving the accused).
- Well-informed eyewitnesses concerning the criminal proceedings will inspire trust in them and relieve fear and anxiety.

The following section presents theories of corrupt activities in police organisations. The researcher submits that these theories are not only applicable to corruption within police organisations, but are of relevance to all public service organisations.

3.10 CORRUPTION INVESTIGATION STANDARDS

Boucher et al (2007) observe that corruption in the legislature would encourage discretion in the enforcement of the law and destructively affect state legitimacy. This may incorporate fortifying the lawfulness against a corrupted structure and building a successful criminal framework, which incorporates autonomous legal and powerful law establishments.

Bolongoita (2005) reports that the emphasis should be on constructing corruption as a high-risk, low-reward action through measures aimed at accumulating the risks of effective exposure, investigation, and prosecution.

Boucher et al (2007) agree that in a nation-state where prosecution is an achievable choice, the criminalisation of corrupt activities can be a successful approach. When this is not achievable, such an approach can be counter-productive. The consequence may lead to ballooning the proceeds of criminal activities, which could produce monetary inducements for corruption.

The CMTEDD (2004) observes that investigative activities in investigations concerning serious fraud or serious corruption (such as corruption within the public service sector) are multi-faceted. These investigations should be conducted by specifically trained investigators. External service providers are allowed to conduct the investigation in particular situations. The duties of each team member in the investigative team should be clearly defined with detailed, predetermined targets.

The UNIDO (2012) suggests that lessons learned from a variety of organisations should be examined to discover the best possible solutions, as well as the generally accepted investigation standards in the UGI. The IOS has consequently officially implemented these guidelines for its work since January 2012.

Dussich (2006:141) points out that it is essential to make use of a covert and confidential approach in the investigation of corruption cases until the investigators are ready to affect an arrest, in order to minimise the chances of compromising the investigation's objectives or unjustifiable meddling from superiors. Alternatively, some of the subjects of the investigations may have a reasonable explanation, therefore, it is not out of the question to save their reputation before there is supporting evidence beyond a reasonable doubt of their corrupt activities. Therefore, in Hong Kong, the ICAC has legislation prohibiting anybody, including the mass media, from divulging any information about an investigation up to the point when the overt approach commences, for instance after arresting the subjects or when search and seizure operations have been conducted. It is also commonly referred to by the mass media as a "press gag law", but they eventually realised that it is the right balance between press autonomy and viable law implementation. Schuchter (2012) concludes that anti-corruption methods make use of a three-pronged methodology, namely: prevention, enforcement, and education. All these methods are crucial to curb corruption, however, enforcement (to detect, prosecute, and punish corruption) is probably the best method to fight corruption. Supplementary enforcement has countless preventive and educational effects.

3.10.1 Ensuring Adequate Resources

The Asia-Pacific Economic Cooperation (APEC) (2014) suggests that before commencing an investigation, it is imperative to accurately evaluate the required resources that will be needed to conduct the investigation. The investigator must compile an all-inclusive list of human, physical, financial, and material resources that will be required before commencing with the investigation. The difficulty experienced while investigating complex corruption is one of magnitude; these cases have a tendency to be extremely time-consuming and costly. The investigation must be organised from the start. The well-organised use of allocated resources and

investigative tools in conjunction with proficient team members is precarious. Needs assessments must be done periodically and the goals clearly articulated by creating an investigative plan for every case individually. The roles of the investigating team should focus exclusively on specific parts of the case in a complex investigation according to individual goals. The OECD (2011) suggests that when commencing with the criminal investigation into corruption, the investigative team must act promptly and in a coordinated method. Usually, obtaining physical evidence and the relevant information from witnesses should be combined.

Risktec (2008:6) elucidates that planning ensures that the investigation is organised and thorough. During this phase, the investigators need to determine the type of resources they will need, the experts that would be required, and the estimated timeframe of the investigation. In complex investigations, an investigative team will be more effective than a single investigator. Investigating corruption can be extremely laborious and resource demanding, especially in cross-jurisdiction cases. The investigation of corruption and the expenses incurred are a small price to pay for a worthwhile investment in an uncontaminated society. The primary task of an investigator is to gather adequate evidence of a corrupt activity. He/she is required to prove the “when”, “where”, “who”, “what”, “how” and “why” of every single activity, if possible. Nevertheless, this should not be the conclusion of the investigation. It is very seldom that a corrupt activity is a single event. A corrupt government official would probably engage in corruption on multiple occasions. A corruptor would probably offer corruption (bribes) on numerous occasions and to more than one corrupt official. Thus, it is essential that the examiner ought to try to investigate the origin of the case, to reveal all the guilty parties associated with the case.

The International Institute for Democracy and Electoral Assistance (International IDEA) (2014) simplifies that the creation of an effective ACA is costly, however, when corrupt activities are unrestrained the cost is even higher. A broad mandate of an ACA may result in resource restrictions if the resources are not allocated appropriately to address the broad mandate. For example, in Uganda in 1995 the mandate of the Inspectorate of Government was expanded to include investigation, arrest, and prosecution, including the obligation to execute an ethical code of conduct. The Inspectorate of Government’s budget was not congruently revised,

which resulted in insufficient resources and below average production. Doig, Watt and Williams (2006:166) elaborate that sufficient resources are essential to attract and preserve proficient and adequate employees in methodical investigations and prosecutions. The compensation of employees needs to be substantial and adequate for them not to be interested in participating in corrupt activities or turning a blind eye to corruption. The ACA head should have the ability to hire and dismiss employees independently and not have employees imposed on them. The Kingdom of Thailand (2007:10) clarified that during 2007, the Constitution of Thailand revealed the best practice in this respect. The ACA has independence in the management of its personnel, budget, and other related activities.

3.10.2 Investigative Team

The USAID (2005) elucidates that a well-thought-out method to the investigation must be implemented. The foundation of a thorough investigation is reason and logic, which are based on supportable evidence. The method needs to be meticulous during the investigation to ensure that the investigation is built on physical evidence. A house is similarly constructed with a solid foundation on which the house is then built. This house must be as solid as possible so that nothing can shake it apart. When the case is based on solid evidence, then we have a thoroughly investigated case. An effective investigative team is not work-shy or complacent. The investigators need to trace evidence using the various means available to them. Evidence does not sit up and bark like a dog to point itself out; it must be uncovered by the investigator. Investigators and government prosecutors must first develop the aptitude to discover evidence before they investigate large-scale corruption cases. It frequently emanates from experience and the unconscious recognition of facts which is impossible to articulate. The good judgment or hunch of an investigator should not be dismissed immediately, but should be followed up in the same manner as other evidence would be. It is nevertheless vital that the investigator does not lose focus by just concentrating on his/her hunches, as it can blind him/her to the facts of the investigation. The assertiveness and instinct of an investigator cannot be taught.

The APEC (2014) confirms that members of an ACA must possess particular investigative skills to be effective. The investigation of large-scale corruption cases

is mostly multi-faceted. The investigators need to have the ability to examine intelligence. The integrity of the investigative team must be secure and it must be preserved. All training needs to be consistent in all of the main disciplines: financial intelligence, evidence gathering and asset tracking/freezing, and the skill of report writing. The investigative team should be kept well-informed of new developments to ensure that they are up to date with new developments and typologies by conducting information meetings.

Dussich (2006:142) advocates that all team members must be appropriately competent and proficient in their respective investigation responsibilities. The interviewing of all suspects should occur under video surveillance by using professional interview techniques and needs to protect the integrity of the interview as evidence, as this is crucial in any successful corruption investigation. The investigative team must comprise individuals with a high level of integrity. The team members are obligated to comply with the necessary confidentiality and should perform their responsibilities impartially and righteously, which includes respecting their constitutional rights as well as those of others, and never misusing their authority. The investigation of corruption is not an ordinary process; the members need to be attentive, innovative, and be willing to work long and unusual hours to finalise their investigation responsibilities. The members should be proud of their work, as this is one of the most important ingredients of a successful investigative team. The competency of corruption investigators is crucial, as they should know various investigation techniques and possess various skills to be successful in the execution of their responsibilities. Some of the indispensable techniques are emphasised by Dussich (2006:142) as follows:

- the ability to identify and trace persons, companies, and properties;
- interview technique;
- document examination;
- financial investigation;
- conducting a search and arrest operation;
- physical and technical surveillance;
- acting as an undercover agent; and
- handling informers.

3.10.3 Expert Witnesses

Pedneault, Silverstone, Rudewicz and Sheetz (2012:134) illuminate that the forensic auditor must perform all of the actions in unity with the investigation plan, and gather all of the evidence required for a successful investigation. There are mainly two tasks the forensic auditor performs: taking affidavits and gathering and interpreting documentary evidence. In South Africa the forensic auditors should only be utilised for the latter; this will ensure their independence and that they remain within the scope of their respective mandates for the specific investigation being conducted. The compiling of a case docket and the upkeep of an investigation diary are also essential fundamentals of all investigations. The APEC (2014) clarifies that refined techniques needed to deal with the complexities of large-scale corruption cases and the utilisation of specialised experts are vital in the effective investigation of these cases. Forensic experts in electronic evidence are supplementary to the investigative team and will assist in tracking and analysing data, as well as discovering the metadata of a particular document and the author thereof. Forensic accountants are able to support the investigative team by providing them with money flows, identifying unexplained transactions, matching employees' lifestyles with their predicted income, and establishing links between related parties. The lead investigator should always guard against possible risks during the investigation which may compromise the trustworthiness of the expert witness's report.

The CMTEDD (2004) suggests that expert witnesses should be acquired as soon as the investigators have identified that they require an expert witness and the selection of such an expert should only be done on the recommendation of the lead investigator. The expert witness must be a person in good standing with the relevant qualifications, capabilities, and experience which will guarantee he/she has the necessary authority in a court of law. Where an expert witness is required to give evidence, it is essential to determine the said person's expertise to the satisfaction of the court. The expert witness's statement should provide a detailed list of their formal qualifications and a summary of their relevant experience which qualifies them as an expert witness.

The OECD (2011) suggests that the assessment of expert witnesses should at all times be conducted to ensure that the selected expert has the necessary skills to add value to a specific investigation. It would be beneficial to provide the expert with some preliminary findings of the conducted investigation to obtain the opinions of expert witnesses so that the entire investigation would be on the right track from the onset. Multi-faceted investigations should have authorised officials participating in the investigation who are experts in the field of the economy (tax administration inspectors, budget inspectors, and so on). Their knowledge and experience should as far as practicable be exploited to the maximum extent in the initial review of documentation, analytical records, etc. in order to save on costs in the criminal proceedings. Expert witnesses also include document examiners, fingerprint experts, and experts in DNA testing. It ought to be noted that it is frequently valuable for the forensic auditor to join forces with the police. All evidence gathered during the investigation process under the CPA (South Africa 1977) is to be used during the criminal proceedings in court. Certain exemptions and authorisation might be acquired from the Director of Public Prosecution to use information in a police case docket, for example, disciplinary hearings and so forth. A forensic auditor's mandate always incorporates helping the police with the examination so as to set up the matter for submission to the prosecutor.

3.10.4 Identifying Potential Targets

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-c) suggests that conducting due diligence background checks to identify potential suspects could be to the advantage of the investigative team. This can be done by validating information online with relevant databases and open source documents freely accessible to the investigator. This might include records on the suspect's companies and properties, as well as persons against whom the allegation was made. The investigator should obtain evidence of fraud or corruption to validate the rationale for the investigation, which may include the presence of shell companies as subcontractors, prior debarments of a contractor, or evidence that a project official is living beyond his/her means.

The APEC (2014) states that the investigative team is required to establish beyond a reasonable doubt who profited from the corrupt act. They may utilise the “follow

the money” principle to accomplish this goal. The team may be able to establish who received a gratification by reviewing tax returns, financial disclosure forms, immediate superiors, and fellow employees. Persons with whom they (the suspects) have close relationships should also be screened, especially with reference to bank accounts, as suspects will often open bank accounts in friends’ or family members’ names to avoid detection by investigators.

3.10.5 Developing an Investigative Strategy

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-c) clarifies that when dealing with preliminary cases, they utilise the “Case Theory” approach in an investigation. It is fundamental that each investigator or prosecutor create and follow a “hypothesis of the case” when investigating multi-faceted corruption crimes. The Case Theory approach to multi-faceted investigations is second nature to most investigators, the fruitful ones in any event, yet is misjudged or disregarded by others with horrendous consequences. The internal stage of the investigation will be regarded as finalised upon the collection of documents, data, and interviews within the organisation. It is highly recommended that the investigator reviews the bid documents for possible evidence of a corrupt encouragement through the manipulation of the “SPQQD” elements – Selection, Pricing, Quantity, Quality, and Delivery. According to the Preferential Procurement Policy Framework Act (South Africa 2000a), tenders should be evaluated on fair, equitable, transparent, competitive, and cost-effective principles as in European countries. The investigator should include all the electronic information available through the applicable authority to assess all relevant e-mails and computer hard drive information of the suspects in relation to the investigation. After this phase, an assessment may be done to establish whether the suspects relevant to the investigation should be interviewed.

Schuchter (2012) details that corruption cases are frequently committed by individuals in a position of power, for instance, powerful politicians or high-ranking public officials, which can become an impediment to investigators in securing the cooperation of witnesses and suspects. To be effective in the investigation of large-scale corruption cases, the following are indispensable: perseverance, knowledge, experience, expertise, and organisational strength.

Koldertsova (2011:223) gave details that in the Arab region, the Middle East and North Africa (MENA) and the OECD worked together to enhance corporate governance in the region. The initiative on corporate governance and investment for development in the MENA region is likewise supported by the UNDP. This was planned to encourage comprehensive improvements to the investment climate, as well as modernise governance structures and operations by reinforcing regional and international corporations, and promote maintainable economic growth throughout the Arab region.

The OECD (2011) explains that when conducting an investigation, planning needs to be one of the first tasks at hand. This will enable the investigator to conduct the investigation in a specific sequence to ensure the effectiveness thereof. The vigorous and dialectical process of planning the investigation includes the amendments that need to be made as new circumstances and developments come up in the investigation. It is essential for a methodological approach to the effective and successful investigation of complex corruption cases. The multi-disciplinary activity plays a crucial part in the planning of the investigation and its efficiency when specific goals are set with clear objectives for each member of the team. The effectiveness of the investigation will be based upon the investigative actions to be taken to conclude the case. The APEC (2014) explains that an investigation with high-level officials generally attracts extensive media attention. Senior officials are in a position to interfere with investigations. Some suspects often maintain their foreign residences and are able to escape there once an investigation gets to be distinctly clear. Transnational or multinational investigations involve a great deal of similar coordination as expected during the investigation of major domestic cases. Specialisation is then required in extradition applications, mutual legal assistance, and international money laundering investigations.

The UNIDO (2012) states that upon receipt of a complaint, the investigators evaluate the complaint to enable them to determine the value of the allegation and the credibility thereof. The complainant might be contacted during this phase for supplementary circumstantial information or an explanation which will enable the investigator to determine the opening of an official case. The necessity of obtaining

basic information about the alleged crime and readily available evidence is secured during this phase. An assessment must be made on whether the complaint has adequate evidence available to warrant an investigation. The investigation feasibility is built on:

- a) the length of time that has elapsed since the alleged crime occurred;
- b) the specificity of the information received; and
- c) the availability of the necessary records, evidence, and witnesses.

Dussich (2006:141) explains that several corruption cases are currently cross-jurisdictional. Thus, it is important to have good international cooperation, for example finding witnesses and suspects; discovering cash trails; making observations; sharing knowledge; effecting capture, search, and extradition; as well as conducting joint investigations and operations to succeed in fighting corruption across jurisdictions.

3.10.6 Choosing Investigative Methods and Techniques

The USAID (2005) explains that it is important for the investigating officer to think like a judge selected to decide on a case. The USAID has observed that utilising this approach is beneficial to the investigative team when presenting the evidence in court. Once a piece of evidence is collected, one needs to determine the relevance and admissibility of the evidence. The investigative team has certain tasks to perform, which should be addressed during the investigative phase, namely: discovering the motive for perpetrating the crime, knowledge of the crime, opportunity to perpetrate the crime, identity of the perpetrators and victims, intent to perpetrate the crime, the absence of mistakes or accidents during the perpetrating of the crime, preparation to perpetrate a crime, and plan to perpetrate the crime. The consent to or absence of the plan to perpetrate the crime also needs to be established in some cases. The UNIDO (2012) points out that when cases are prioritised, it is important that certain elements be considered, such as the gravity of the investigation to be conducted, the risks in a timeous response to the investigation, from who the complaint originates, or any other applicable influences. The relevant resources should be readily available and the investigations should be conducted in the most efficient and effective manner and completed in the shortest

possible time. Then a decision can be made regarding the priority of an investigation before the initiation phase.

Schuchter (2012) states that it is the responsibility of the investigative team to conduct thorough searches and seizures on the perpetrators and their respective businesses, after which all the physical evidence should be analysed and well-documented. Evidence which is seized should be analysed immediately after the items were seized. Interviews of witnesses and suspects have a significant role to play during the investigation of corruption cases. The APEC (2014) suggests that standardised investigative techniques are applied when interviewing witnesses and perpetrators. Physical surveillance is a good starting point when collecting evidence of unknown suspects which might include trash runs and official searches to obtain the requisite evidence.

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-c) points out that responding to the complaint should be the first step. The complainant will undergo a full debriefing with the intention to acquire as much detail as possible for the investigation to be followed. When a red flag is detected with the laying of the complaint, the red flag should be matched to potential patterns and then other red flags with similar suspicious patterns should be identified. This will enable the investigator to determine the nature of the complaint. The OECD (2011) elucidates that interviewing of witnesses should as far as possible be carried out once certain information has already been obtained. This will then, in turn, be presented straightforwardly to the witness in order to avoid his/her possible collusion and taking sides with the suspect. During these kinds of circumstances, the witness gains an impression that a great deal of information is already available to the investigative team. Collusion with a suspect then implicates him/her in the commissioning of the crime. This may result in more reliable and detailed information obtained from the witness that can be used in the investigation.

3.10.7 Special Investigative Techniques

The APEC (2014) makes use of the following special investigative techniques during the investigation of corruption cases: intercepting communications, controlled delivery, cross-border observation, and undercover operations. Schuchter (2012)

enlightens that covert operations are mostly conducted based on information which was received from the public. He elaborates that investigators should be more frequently involved with proactive investigations, such as developing intelligence sources, telephone interception, covert surveillance, physical surveillance, and undercover operations.

The OECD (2011) elaborates that special investigative actions are generally performed with a great deal of secrecy. The different types of special investigative actions include: observation and specialised recording of broadcast communications; access to personal computer (PC) frameworks and automated information handling; surveillance and specialised recording of premises; covert following and specialised recording of people and objects; the use of covert agents and sources; replicated purchase of specific objects and imitated payoffs; and controlled transport and conveyance of objects in criminal offenses.

3.10.8 Planning and Reconstructing Events

The USAID (2005) specifies that the investigating officer is obligated to reconstruct actions, support witnesses' accounts, and revive what could be viewed as dead evidence. The investigative team is obligated to bring the facts of the case to life when presenting the evidence in court. The purpose is not to reconstruct the whole event, which would be impossible, but to illustrate the sequence of the events as they unfolded in a logical way. This would be to the advantage of the investigative team. The case should be regarded as a puzzle and seen from that perspective. The UNIDO (2012) points out that the investigative process is categorised into three parts: allegation intake, investigative activities, and reporting. The intake phase can also be fragmented into three sub-activities: receiving of complaints or crime reports, preliminary evaluation, and case prioritisation. Allegations may be received in person, by physical mail, by email (hotline email address), by telephone (dedicated telephone number), by fax, or through a dedicated, web-based reporting instrument (<http://www.unido.org/wrongdoing>). All allegations and reports are registered upon receipt.

The APEC (2014) suggests that in an effective investigation process, planning should be the first activity the investigator commences with. The investigator should

identify the criteria, rules, and procedures that govern the circumstances of the information already available. The investigator also needs to determine the jurisdiction from the commencement of the investigation. Using prioritisation of cases, the seriousness and prevalence of the alleged crime, including past related cases, will assist to establish a precedent. The viability or probability of the investigation along with the prospect of a satisfactory outcome could play a role in case selection, including the availability of financial, human, and/or technical resources to adequately investigate and prosecute the case.

The USAID (2005) reveals that in a corruption investigation, the aptitude to recreate the evidence is imperative and vital to establish the risk involved. Investigators should aim to finalise an investigation within six months, subject to the intricacy of the case. Risktec (2008:6) elaborates that the investigation process should commence instantly after the crime was reported, by securing the crime scene, safeguarding evidence, and alerting the applicable role players. Through collecting perishable evidence at an early stage, the integrity of the evidence is safeguarded, for example, a video of a certain crime. The OECD (2011) clarifies that in South-Eastern Europe, after receiving an order to conduct an investigation, the appointed prosecutor determines whether there are grounds for suspicion and issues a decision by means of an order to pursue further investigation. The OECD (2011) clarifies that the order for conducting an investigation and criminal prosecution is of an exceptionally great significance in the fight against corruption. The order represents grounds for suspicion by the prosecutor, as well as a detailed plan for investigation at the preliminary phase and the explanation of the investigative approach and strategies that will ensure efficient criminal prosecution. The prosecutor determines the circumstances that should be investigated, as well as which investigative processes are to be taken.

The International IDEA (2014) clarifies that when a complaint is received and a broad investigation approach is warranted, the investigators are required to continue confidentially and to gather evidence in a proficient manner by utilising various lawful methods, which include scrutinising financial records, customs documents, and tax records, while engaging with forensic accountants during the process.

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-c) clarifies that all complaints received are assessed to decide whether the complaint is adequately suspicious and serious enough to validate an investigation. This process needs to be followed during the preliminary investigative phase to determine the accurateness of the information received. The investigators need to familiarise themselves with the information and arrange follow-up interviews. This is done to determine the actual evidence available to make a decision to commence with a full-scale investigation. Dussich (2006:141) illuminates that the ACA cannot ascertain every corrupt transaction which occurs by themselves. Thus, an effective means of receiving complaints is essential to the agency's effectiveness. The structure must have the ability to urge quality complaints from public and private sectors, including preventing pointless or malicious complaints. It ought to provide a guarantee that complainants' identities will be kept secret and that protection can be provided if necessary. A 24-hour hotline needs to be formed, as well as a rapid response system to deal with complaints that need a swift response, providing that the complaint is credible and needs to be investigated, regardless of the value of the corrupt act that occurred. What may seem too minor in the perspective of the agency might seem very serious in the eyes of the general public.

3.10.9 Gathering Evidence

The USAID (2005) indicates that the proverbial pieces of the puzzle are put together until a picture emerges. The investigative team might not have the whole face and body of the picture, but enough may emerge to declare with assurance to the court that the picture is of a corrupt official by showing that not only was a crime committed, but that the defendant's face is also the one that emerges from the puzzle. The CMTEDD (2004) suggests that in complex investigations the investigators should pay specific attention to the following: obtaining witness statements, the inclusion of expert witnesses, the formal interview of suspects, handling of physical evidence (including exhibits), and the preparation of prosecution reports. Risktec (2008:6) explains that data collection is as important as witness statements. The information about the incident is combined with available sources or persons involved, including witnesses to the event, as well as equipment, documents, and the scene of the incident.

Schuchter (2012) states that during an intelligence-based investigation, the investigator assists in the investigation and collection of information in a discreet manner by utilising technical aids such as recording equipment, interception, and wiretapping. Investigators are utilising various methods to investigate current and potential crimes, such as sting operations, integrity testing, electronic surveillance (covert or overt), interception, the use of undercover officers, undercover agents, and so forth. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-c) explains that the source of the information will include interviews with witnesses. The investigative team should proceed with the cooperative witnesses, “facilitators”, and co-conspirators to obtain the relevant information on the subjects under investigation. The investigative team should be able to demonstrate illegal payments to the suspects. The best methodology to demonstrate illegal payments is by:

- inspecting the contractor's financial records; or
- the suspected worker's financial records.

In the event that it is unrealistic to demonstrate the corrupt payments straightforwardly, the team must attempt to demonstrate them incidentally by demonstrating that the suspect displayed unexplained sudden wealth or expenditures which he/she cannot account for. This should be conducted by using documents such as the tax returns and financial disclosures of the subject.

The UNIDO (2012) elucidates that the purpose of an investigation is to discover, collect, record, and analyse relevant evidence, both inculpatory and exculpatory. The investigative activities which are crucial are highlighted as follows: conducting interviews; collecting and analysing documents, electronic data, and other evidential material; reviewing the assets and premises of the organisation; engaging with qualified external experts to assist in the investigation; and obtaining complete access to all relevant information, records, personnel, property, and electronic records, including official email accounts. The OECD (2011) suggests that evidential material ought to be acquired before hearing any potential witnesses. Once a search or seizure warrant has been obtained from the relevant legislative authority, the execution of the warrants should be carried out on the various premises

simultaneously. When conducting the search simultaneously, the investigator is safeguarded against the concealment and destruction of evidence.

The CMTEDD (2004) suggests that witness statements should be obtained by keeping the following in mind: the contamination of the witness's memory through discourse with other individuals, or from media reports, bits of gossip, and so on, should be prevented. An affidavit ought to be taken and signed at the time of the meeting. Particular terms, slang, and language utilised by the witness ought to be recorded as stated and then an additional explanation added to the affidavit to guarantee that there is a distinctive comprehension of its significance. When taking affidavits from people under 18 years of age, the parent/guardian or a responsible grown-up must be present at the meeting. The parent/guardian ought to co-sign the affidavit. Witnesses who have limited comprehension of English ought to be offered the administrations of a certified interpreter. Affidavits ought to incorporate all pertinent permissible and exculpatory proof. The investigator taking the affidavit ought to appreciate the standards concerning gossip and the arrangements of any pertinent evidence or significant laws. Where a witness wishes to change some portion of his/her affidavit in the wake of signing it or wishes to include additional information, a supplementary affidavit ought to be compiled. Original affidavits ought not to be changed or pulverised. Witness affidavits ought to be taken in a manner that is adequate to a court of law.

Schuchter (2012) indicates that key corruption indicators include abnormal cash payments, abnormally high commission payments, payments routed through offshore accounts with no apparent business links, agents with little or no subject knowledge, and little evidence of due diligence. Alongside the normal investigative powers, the Criminal Justice Act 1987 bestowed the SFO in the UK with special powers to summon any person to answer questions, disclose specified documents, etc. (Schuchter 2012). This is a similar method that is currently being used the SIU in South Africa. Dussich (2006:141) states that since corrupt activities are so hard to investigate, the investigator requires acceptable investigative power. Aside from the typical ability of police to search, arrest, and detain, the ICAC has the authority to check financial records, intercept phone communications, oblige suspects to announce their assets, oblige witnesses to answer inquiries under oath, restrain

properties suspected to be gotten from criminal activities, and confiscate the suspects' travel documents to keep them from escaping the jurisdiction. The ICAC is not only enabled to investigate corrupt activities in the government and private sectors, but it is also allowed to investigate all violations which are associated with corrupt activities.

The International IDEA (2014) explains that to be effective, ACAs require broad powers. When all is said in done, an ACA must be assured the institutional powers or abilities that are essential to performing assigned tasks in-line with their constitution and legislation. In particular, an ACA must have the power to demand documentation and direct inspections, summon and interrogate individuals, and bring charges or ensure the prosecution of offenders. Since the activities of corruption include the illegal and undercover exchange of assets, ACAs must have the ability to follow the money flow by sifting through private financial records and assembling information on people, including high-level government employees, without their insight. On the off chance that the office is to be created again, at the phase of constitutionalisation, these powers ought to be conceded in the ACAs' constitution, to prevent simple jurisdiction-stripping.

3.10.10 Government Agency Databases

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-c) states that the evidence that is needed to prove a case in court should be obtained with a request and documents should be secured from third parties, including the suspect contractors, through either negotiated agreements, the exercise of contract audit rights, or enforcing their assistance by means of subpoenas or search warrants. The OECD (2011) clarifies that prior to the conduct of any search, the pertinent business documentation that is generally held by national authorities and banks ought to be acquired. In this approach, the information is gained without the suspect realising that the investigation is being mounted against him, so as to prevent any data spill while information is being demanded from the state authorities and financial institutions. This will enable the investigator to ask all the conceivable questions. This should be compiled in a "package" with relevant information required from the same person, in order to maintain a strategic distance from the suspect, as much as practicably possible, to avoid alerting the suspect to the investigation.

3.10.11 Electronic Digital Cyber Evidence

The USAID (2005) indicates that when the investigator believes that he/she is responsible for the outcome, he/she will take the extra steps necessary to create the best possible presentation for a case to be trialled. Therefore, all relevant statements will be obtained and filed accordingly. Risktec (2008:6) clarifies that data analysis of the information obtained can play a decisive role during the investigation process. Usually, an incident is not a solitary event, but rather a chain of events. The arrangement of events should be understood before distinguishing why the incident happened. When inquiring why it occurred, we have to recognise the root and immediate causes, as well as the hidden causes. Any investigation which embarks only to find someone to blame is deluded. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) maintains that one should take care not to change electronic information in any way when gathering it and be careful not to gather it in a way that would allow the suspect to state that it was tainted or corrupted. Moreover, one should ensure that the information was obtained from the most trustworthy source, not secondary sources, which would escalate the threat that the information could contain programming errors or added blunders. Emails, information from hard drives, and other electronic evidence should be verified by using the standard approaches, for example, a statement from a witness with personal knowledge that the electronic evidence contained in the report is authentic; this can be the person who gathered, created, received, or stored it.

The APEC (2014) explains that the first step in the forensic process begins with the collection of electronic data, seizing a computer, and creating a forensic copy. This process will enable the expert witness to establish the chain of custody and create hash values, determine metadata, and track the relevant emails. The CMTEDD (2004) explains that when an investigator chooses that material held by the office is important and relevant to the investigation, this material ought to be dealt with as evidence until no longer required for the investigation or prosecution. Physical evidence comprises documentary and electronic evidence. Physical proof can be acquired in diverse ways:

- it may be voluntarily offered by witnesses or suspects;
- officially held by the ACA; or

- obtained by the utilisation of coercive power.

3.10.12 Human Intelligence and Interviews

The UNIDO (2012) states that the relevant interview procedures need to be followed during the course of an investigation. Various individuals are interviewed including complainants, informants, subjects, and witnesses. These individuals are referred to as interviewees. The objective of an interview is to give the interviewee an opportunity to be heard, to elicit information relevant to the matter under investigation, and to record the interviewee's statement as evidence. The interviewee is invited to present his/her best recollection and understanding of a situation and to provide any relevant documents and evidence. Interviews differ from other forms of conversation in that they are meant to be recorded as evidence. In the event that an interviewee declines to interact or to respond to particular questions, this fact will be recorded together with the reason for the refusal, if given. The relevance and importance of the evidence provided by interviewees is examined before the prosecution is approached to determine the prosecution strategy. Interviews are conducted face-to-face, to the extent possible. In some cases, it may be more appropriate and feasible to conduct the interview by telephone or other electronic means. Investigators may also send a written query to the interviewee, as an alternative or a complementary step to the interview.

Schuchter (2012) maintains that while conducting the investigation, the correct interview techniques are important to ensure accurate and complete information. The PEACE Model for interviewing cooperative witnesses and suspects is a respectable model to follow. The PEACE model has its roots in the "four phases of interview" method, which was developed in 1992: rapport, free narrative account, questioning, and closing. PEACE is a simplified acronym for PPEEACCCE: Plan and Preparation; Engage and Explain; Account, Clarify and Challenge; Closure; and Evaluation. The introduction of the seven principles of investigative interviews assists with the following steps: to obtain accurate and reliable information to discover the truth; investigators must approach the suspect with an open mind and information obtained must be tested; the police officer must act fairly; investigators are not bound to accept the first answer; the suspect possesses the right of

silence/right to question; investigators should ask questions to establish the truth; and vulnerable people must be treated with consideration at all times.

3.10.13 Interview the Primary Subject

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-b) suggests that in a corruption case the primary subject should be interviewed thoroughly; usually, it is the suspected bribe recipient. The investigator should ask about his/her role in the awarding of the contract. The relevant financial information of the subject, including his/her sources of income and expenditures, should be corroborated. It should be ascertained whether there is adequate evidence to acquire a confession and if not, an attempt should be made to get supportive admissions and discover conceivable defences (diverse objects require distinctive strategies). The interview ought to be recorded, if conceivable. In a corruption case, the individual most involved and in charge of the presumed criminal activities must be met with. The CMTEDD (2004) suggests that the investigators conduct formal interviews with the suspect. The investigators need to be fully aware of all of the requirements of the law and all relevant rules which apply to such an interview.

Schuchter (2012) explains that an interview technique such as the Reid Technique to interrogate uncooperative suspects is used by the Federal Bureau of Investigation (FBI) in the USA. The purpose of the interrogation technique is to extract full confessions from suspects. It should be emphasised that the purpose of the Reid Technique is not to extract false confessions or confessions at any cost. The credibility of confessions and any statements extracted by the interrogation technique must be carefully analysed and corroborated by other evidence. Schuchter (2012) briefly illustrates the nine steps of the Reid Technique for interrogation:

- Step 1: The investigator directly and positively confronts the suspect.
- Step 2: The investigator introduces an interrogation theme.
- Step 3: The investigator handles the initial denials of guilt.
- Step 4: The investigator overcomes the suspect's objections.
- Step 5: The investigator gets and retains the suspect's attention and clearly displays sincerity in everything he/she says.

- Step 6: The investigator recognises the suspect's passive mood.
- Step 7: The investigator uses an alternative question, giving two choices for what happened; one more socially acceptable than the other. The suspect is expected to choose the easier option, but whichever alternative the suspect chooses, guilt is admitted.
- Step 8: The investigator has the suspect orally relate the various details of the crime that will ultimately serve to establish legal guilt.
- Step 9: The verbal confession is converted into a written or recorded statement.

3.10.14 Informants and Suspects

The APEC (2014) suggests making use of confidential informants, confidential sources, and cooperating witnesses. These sources and witnesses must be protected during and after the investigation until the specific threat disappears. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-c) expounds that many complex corruption and fraud cases cannot be solved without the cooperation of an inside witness. This could be an honest inside eyewitness or a minor participant in the crime with reference to the middleman or the smaller of several bribe payers. The investigative team should decide the best strategy to obtain the witness's cooperation. The APEC (2014) suggests analysing the information available on the suspects' personal residence, cash flow analysis, university education, and vehicle ownership. This will indicate whether he/she financed his/her own lifestyle or made use of undisclosed funds.

3.10.15 Reviewing Evidence

The USAID (2005) indicates that it is important to also think like a defence attorney or devil's advocate. The defence attorney has the responsibility to defend his/her client which is the suspect of the investigator. This implies abusing any gaps or inadequacies in the prosecution in order to create doubt in the mind of the sitting judge that an accused has carried out the crime, or at least create the perception in the mind of the judge that a lesser crime has been carried out by the accused. Playing devil's advocate can assist the investigator to ascertain any deficiencies in the investigation. Elements of the case must be precisely analysed, keeping in mind the end goal to form the right sentiment or perception. The main question one could

ask is, is this really conceivable? Assuming this is the case, are there any conditions that render it unthinkable or highly unlikely? The Guide to Combating Corruption and Fraud in Development Projects ([sa]-d) suggests that a final report be prepared by the lead investigator. The investigative team should review the report and decide together what action to recommend on the basis of the investigation conducted.

The UNIDO (2012) clarifies that upon completion of an investigation, the investigator compiles the findings of the investigation in a draft report, which typically includes the introduction, methodology and scope, investigative details, findings, conclusions and recommendations. The Director of the IOS reviews the draft investigation report and determines whether the finding has sufficient information and evidence to substantiate the complaint. Risktec (2008:6) suggests that corrective actions take place before the investigation is finalised. Many investigations make the mistake of raising actions which deal only with the direct causes – a quick fix, putting the last lines of defence back into place. By overlooking the root and hidden causes, not only do they miss a chance to decrease the risk of the activity being repeated, but they increase the likelihood that other activities may likewise occur, emerging from the same root cause.

The International IDEA (2014) suggests that after the completion of an investigation, if wrongdoing is found, the ACA must have the assets and power to prosecute employees involved with corrupt activities itself or to guide the applicable prosecution to institute criminal procedures. The International IDEA (2014) clarifies that the revealing stage could be viewed as the most critical period of a forensic audit. Despite how well the work was done, if the report is not composed legitimately, the impression of the reader will be that the audit was not a success. The report must mirror the nature and quality of an investigation. Dussich (2006:140) states that corrupt activities stand out amongst the most troublesome crimes to investigate. There is regularly no scene of the crime, no DNA, and no eyewitness to follow up in crimes of corruption or fraud. It is by nature an extremely shrouded crime and can include only two fulfilled parties, so there is no impetus to reveal the facts. Regardless of the possibility that there are witnesses, they are regular parties to the corrupt activities themselves, thus contaminated with dubious validity when they become prosecution witnesses in court. The guilty parties can be similarly as

knowledgeable as the investigators and know how to cover their tracks or divert attention away from themselves. The guilty parties can likewise be powerful and savage in enforcing a code of silence among related individuals through fear and violence to prematurely end any investigation. In this cutting-edge age, the guilty parties will take full advantage of the provisos in cross-jurisdictions and secure the help of different experts, for example, legal counsellors, bookkeepers, and computer specialists, in their secretive operations and to help them launder their proceeds obtained from corrupt activities.

3.10.16 Appointed Prosecutor

Schuchter (2012) elaborates that the public prosecutor's independence during investigations is critical. Independence should be secured in the investigation of corruption cases. Prosecutors should be able to conduct financial investigations through inquiries to financial institutions without requiring warrants or subpoenas. The prosecutors identify suspicious expenditures, trace the flow of funds, identify the true ownership of pseudonymous bank accounts, find out where the funds were held, and identify secret funds for the corruption. The International IDEA (2014) clarifies that autonomy from undue impedance is fundamental if an ACA is to execute its mandate effectively. Autonomy implies an adequate measure of operational self-sufficiency, which shields the ACA from undue influence or direct political obstruction. An ACA's independence can likewise be successfully expelled by mandate stripping or jurisdiction stripping, whereby enabling legislation is changed to decrease the extent of an organisation's operational mandate or authority. Likewise, the adequacy of an ACA can be traded off on the off chance that it depends on financing from the same organs of government that mandated it to investigate corrupt activities or improper behaviour. Financial sovereignty is critical to an ACA's political autonomy and independence. Autonomy is further influenced by the core of the agency, including pecking orders and reporting rudiments and methodology for the appointment and dismissal of staff.

Dussich (2006:141) expounds that the investigation of corrupt activities can be politically delicate and humiliating to the government. The investigation must be viable on the off chance that it is truly independent and free from undue impedance. This depends particularly on whether there is a high-level political will to battle

corrupt activities in the country and whether the head of the ACA has the ethical courage to remain standing against any impedance. The CMTEEDD (2004) suggests that the preparation of prosecution reports be conducted by the investigator. It is the responsibility of the investigator to liaise with the prosecution on the form of the report that is required by the prosecutor. A report is an arrangement of papers containing: a charge and reference to the pertinent legislation; a chronological sequence of events that actually occurred; and the evidence that demonstrates the elements of the conceivable crime. Reports must be in a precise and reasonable arrangement so that the prosecutor can, without much of a stretch, comprehend the charges and confirm the existence of evidence against the charges; decide what evidence is available and against whom charges ought to be laid; separate additional evidence the investigator ought to obtain; make a full disclosure of the evidence available in the criminal case to the defence; and prosecute the case in court.

3.10.17 Reporting the Outcome

The USAID (2005) makes it clear that persuading a judge that a public official has perpetrated a crime relating to his/her involvement in corrupt activities is a daunting task. Contradictory to other criminals, the corrupt public official won't show to the court the same aura of criminality as a gangster or drug lord. Rather, the complainant in a corruption case carries to court the plausibility incorporated with the office he/she holds. Risktec (2008:6) states that reporting the outcome of an investigation should only commence after its completion. The investigation is completed when every single outstanding issue has been explored and the unearthing has been communicated to the complainant along with the goal, so that lessons can be shared. Correspondence instruments incorporate formal investigation reports, alerts, and presentations, including meeting topics. The UNIDO (2012) states that investigation reports are confidential documents and should not be released to third parties.

3.10.18 Independence of Agency

The independence of an ACA is imperative to be successful in fulfilling its mandate. Once the independence of an ACA is in question, public trust will fade away. Its efficacy will likewise diminish, as the ACA is no longer objective in its approach to

combatting corruption. Camerer (2008) suggests that the way to achieve acceptable standards is through better, more formal coordination. Coordination does not suggest combination, centralisation, or even consolidation, as some supporters of rationalisation would suggest. Rather, it recognises the reality of independent and complementary institutions, each of which has an important and unique role to play in effectively fighting corruption. This point has been made vividly clear by Judge Heath, the head of SIU (2006):

We are dealing with a multi-headed dragon and various different kinds of swords are required to attack the different types of heads of this dragon. The Unit is therefore of the view that the various organisations all have a role to play in the fight against corruption and maladministration.

Hussmann and Hechler (2008) report that political will and broad national anti-corruption strategies are often a long-term endeavour, particularly if they involve reforms in different spheres and areas of government. Based on the cases analysed in the U4 report, it can be inferred that a high level of political will is very difficult to maintain throughout the whole strategy or implementation plan cycle. Moreover, political will can also be hindered by changes in government. It goes without saying that the most important element of an effective anti-corruption strategy is political will. Without the political will or buy-in from the highest level of government, the fight against corruption will remain a fallacy.

Transparency International (2014) accentuates that the lack of autonomy and coordination between various agencies resulted in the inefficiency of formed ACAs. Many countries have established a dedicated agency to coordinate and monitor the implementation of the anti-corruption strategy. However, these agencies often lack the necessary power and authority to compel high-ranking officials to deliver on their responsibilities or the autonomy to report on any progress achieved. Fatima (2017:65) states that ACAs require political will to be effective: the government involved has to allocate adequate budgets to the ACAs, ensure the enactment of anti-corruption laws, and provide support to the investigation of corruption cases, especially high-profile corruption cases.

3.11 RECORDKEEPING OF CORRUPT ACTIVITIES

The importance of keeping records is well-documented. Without records, the ability to predict or plan for the future becomes almost impossible. Records are often used during an assessment to determine the efficacy of an ACA. A study by Singh (2016:74) shows that investors' concerns could be assuaged not only by a show of force on the part of the state, but also by other, more indirect measures, such as the provision of accurate crime data. The implicit view was partly that investors draw conclusions about the security of their investments on the basis of statistical measures, such as the crime rate. The crime rate of serious corruption and serious fraud in government would thus be an important measurement, which could attract investors in South Africa's economy, which could have a positive impact on it. The study of Shrivastava and Bhattacharjee (2014:7) reveal that a significant test in studies about involvement in corrupt activities is to acquire a dependable measure of connected theories. Essential data collection can be a hard-hitting task in politically fragile and poor countries. Singh (2016:74) argues again that the availability of appropriate, up-to-date statistics could go a long way toward altering the "perceptions of existing and potential investors" regarding the negative phenomena of serious corruption in government. This points to the importance of numericized information in the management of the corruption problem. Statistics are vital to the development, implementation, and evaluation of state anti-corruption policies.

The PMG (2016) states that the ACTT provided a status report on 23 May 2017 on its operations in fighting corruption and cases of fraud involving government departments, while leaving out information on state-owned entities. Since its inception in October 2010, the total number of cases dealt with is 189 and the number of finalised cases is 68. The number of cases under investigation is 77 and serious corruption cases on the court roll number 44. The total number of people convicted of corruption involving R5 million or more now stands at 128, comprising 63 people for the years 2010 to 2014, 23 people for 2014 to 2015, 34 for 2015 to 2016, and 8 persons for 2016 to 2017. Government officials convicted of corruption (not necessarily involving R5 million or more) since 2010 total 931 (399 of those since 2014). The case spread shows that local government (39 cases) and the

Department of Public Works (28 cases) had the highest number of corruption cases. The total amount of cases involving public and private entities is 37, while foreign bribery cases number 11. A breakdown of the number of convicted officials, as well as the amount involved, showed the total amount to be R10.6 billion, with the Gauteng Province topping the list at 125 officials involved; the Free State second with 78 people, involving R873 million; and the Eastern Cape third with 76 people, involving R143 million. Mpumalanga had the lowest number of convicted officials (14 people, involving R154 million). The total number of people involved in provincial cases is 462 (PMG 2016).

The PMG (2016) indicates that the ACTT derived its initial mandate from the 2010 JCPS delivery agreement, which required the ACTT to take steps to eradicate corruption, including bribery by officials within the JCPS cluster, by convicting 170 JCPS officials by 2014 and to ensure that investor perception, trust, and willingness to invest in South Africa is improved by convicting 100 persons who have assets of more than R5 million obtained through illicit means. In 2012 the agreement was revised and the new output referred to “reduced corruption” and the conviction of 100 persons by 2014 for corruption where the amount involved is more than R5 million, instead of having assets of more than R5 million. For the MTSF 2014-2019, the ACTT is mandated to ensure that:

Corruption in the public and private sectors is reduced by building a resilient anticorruption system to successfully detect and investigate cases of alleged corruption with a view to prosecution, conviction and incarceration of perpetrators. This will hopefully serve as deterrence and contribute to ensuring a corruption-free society.

This mandate required the ACTT to accomplish the following:

- Reduce the levels of corruption in the public and private sector, thus improving investors’ perception, trust in, and willingness to invest in South Africa by ensuring that 120 persons are convicted of corruption or related crimes where the amount is R5 million or more, by obtaining R1.38 billion in freezing orders and R180 million in recoveries.
- Ensure that corruption amongst government officials is reduced to serve as a deterrent by convicting 1000 government officials for corruption or related crimes involving any amount.

3.12 THE ELEMENTS OF PROOF OF CORRUPTION

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) insists that all corruption cases need to be prosecuted, irrespective of the value of the gratification involved. This would most probably deter public officials from taking part in corrupt practices. To prove the charge of corruption, it is essential that the investigator is familiar with the definition of corruption, along with the elements he/she needs to prove in a court of law. The investigator needs to ensure that the investigation process entails all the elements in relation to the charge of corruption.

3.12.1 The Elements of Corruption

The elements of a crime refers to the facts that must be established in order to prove criminal liability. Snyman (2014:404) states that the elements of corruption in a South African context are when a person:

- directly or indirectly accepts, offers, gives, receives, or solicits (the act),
- a gratification (anything of value);
- unlawfulness (the PRECCA prohibits corrupt activities);
- to improperly influence (inducement) the actions of another person (intention).

3.12.2 Directly or Indirectly Offering, Giving, Receiving or Soliciting

The work of Snyman (2014:404) points out that acceptance is the act of the recipient accepting a gratification from the giver. The meaning of accepting is broadened in two ways by the legislature:

- Firstly, according to Snyman (2014:404), an agreement or an offer by the recipient to accept a gratification fulfils the requirement of the acceptance in terms of the PRECCA (South Africa 2004: section 3(a)(b)).
- Secondly, Snyman (2014:404) reveals that the words or terms “accept”, “agree to accept”, and “offer to accept” are used interchangeably in the PRECCA (South Africa 2004: section 2(3)(a)).

Reference to the Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) reveals that an offer of or demand for a bribe, even if not paid, can

be an offence if the other elements of proof are present. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) simplifies that “indirectly” refers to bribes offered, demanded, or paid through a middleman or other intermediaries, such as an agent, a subcontractor, or family member of a project official. A common example is payments by contractors to the children of government officials studying abroad.

3.12.3 Gratification or Anything of Value

Snyman (2014:406) clarifies that gratification is given a broad meaning in the PRECCA (South Africa 2004) and it not only refers to money, but also includes benefits as indicated by the words “any service or favour or advantage of any description”. The description is also wide enough to include information, sexual gratification, gifts, entertainment, loans, employment, or any other benefit. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) elucidates that the “thing of value” need not be money, and often is not. Any tangible benefit given or received with corrupt intent can be a bribe. “Things of value” that have been offered and paid as bribes include:

- expensive gifts, paid travel, and lavish entertainment provided by contractors to government officials;
- employment of children and spouses of government officials by contractors, often in “no show” positions;
- gifts by contractors of their inventory or services, e.g. building or equipping a second house for a government official;
- prostitutes provided by contractors to government officials and site inspectors;
- free use of an apartment or free use of a leased car, provided by contractors to government officials;
- “donations” by contractors to social funds, non-governmental organisations (NGOs), or political parties;
- payments by contractors to government officials and site inspectors, directly or through subcontractors or other middlemen, disguised as legitimate fees and commissions; and
- hidden ownership interest in the corrupt contractor or vendor.

3.12.4 Unlawfulness

As Snyman (2014:407) observes, unlawfulness is not expressly provided for by the PRECCA (South Africa 2004), however, it must be read into the definition of the crime of corruption. Unlawfulness forms part of the elements which are required to constitute a crime. This, in turn, means that the recipient is not protected by grounds of justification. For example, if the recipient or the giver acted under compulsion, then they would be able to rely on necessity as grounds of justification.

3.12.5 Intention to Improperly Influence the Actions of another Party

Snyman (2014:410) states that intention is not expressly provided for by the PRECCA (South Africa 2004); it must be read into the definition of the crime of corruption. The legislature did not intend to establish a crime in strict liability, that is, one in which no form of culpability is required. The recipient must not only have the intention of accepting the gratification, but must also have the intention act in a specific manner in the future to obtain such gratification. Thus, corruption is a crime of double intent.

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) rightly points out that the payment of a thing of value alone does not constitute a bribe without proof that it improperly influenced the recipient, or was intended to. The “actions of another party” most commonly include the approval of contract awards by procurement officials, the acceptance of substandard work by site supervisors, or the processing of invoices by project financial staff. A “party” can be a public official or private party. Snyman (2014:407) has indicated that in order to act in a certain way (inducement) to act on not to act. In other words, the recipient must accept the gratification with a certain motive or aim. The PRECCA (South Africa 2004) provides a wide definition of the aims of the crime of corruption.

3.13 HOW TO PRESENT EVIDENCE OF CORRUPTION

A common occurrence after the completion of an investigation is that the investigators and prosecutors will determine the relevance of the evidence to be presented during criminal proceedings. The manner and sequence of the evidence being presented is essential to illustrate the criminal activities which occurred. The

magistrate must be placed in a position to make a ruling beyond reasonable doubt that a certain event occurred. Below some methods that assist during this process will be discussed. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) insists that in practice the first indication of possible corruption will often be evidence of corrupt influence, e.g. abuse of the procurement rules by a government official to ensure the selection of particular contractor, with the evidence of the payment of thing of value coming next, depending on the strength of the evidence. Therefore, the investigator might begin with the following steps to obtain evidence:

- First, prove that the subject offered, gave, solicited, or received a “thing of value”.
- Second, prove that the thing of value was intended to or did in fact improperly influence the actions of another party (e.g. a government official or inspector).

3.13.1 Proof of Corrupt Payments by Direct Evidence

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) asserts that the payment of a thing of value is usually proven by direct evidence, such as cancelled checks, wire transfer receipts, or the admission of the bribe payer, collected (1) through the exercise of contract audit rights, (2) a corruption investigation, (3) the service of a subpoena in a civil or criminal court case, or (4) the cooperation of an inside witness. A corrupt payment can occasionally be proven by circumstantial evidence. For example, proof can be sought that the suspected bribe payer:

- paid an agent, consultant, or subcontractor a grossly excessive fee compared to the services rendered;
- made cash withdrawals or disbursements without correctly recording the transactions or without adequate supporting documentation;
- recorded substantial expenditures as “business development”, “marketing”, or other similar expenses without adequate supporting documentation;
- made payments to agents or other parties supported by false documentation, e.g. an invoice from an agent for services that were never performed; or
- improperly inflated reimbursable expenses in an amount equal to the required bribe payments, and falsified the supporting documentation.

The above evidence can be strengthened by proving that the subject:

- destroyed, altered, concealed, or withheld relevant records;
- lied about the purpose of the payment; or
- attempted to obstruct the investigation by, for example, threatening or intimidating potential witnesses, etc.

From the suspected recipient's side, circumstantial evidence can include proof that the suspected recipient:

- displayed "sudden unexplained wealth" at or about the time of alleged or suspected bribe payments;
- had cash expenditures for which there was no legitimate source of funds; or
- lied about the source of his/her funds or attempted to conceal his/her expenditures.

3.13.2 Circumstantial Evidence of Corrupt Payments

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) maintains that circumstantial evidence of corrupt payments is most effective when used to corroborate other, direct evidence of such misconduct, as illustrated in the example of the circumstantial proof of the cash bribe above. Circumstantial proof of the receipt of corrupt payments usually requires an in-depth financial interview of the suspected recipient to rebut (or confirm) claims that the unexplained funds came from legitimate sources. If the subject identifies alleged sources of funds to explain his/her excess expenditures, the investigator should obtain all details of the alleged funds (e.g. sources, amounts, documentation, etc.) and then independently confirm or rebut the crime.

3.13.3 Prove Gratification

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) upholds that the onus of proof rests on the state. The investigator must be in a position to prove to the court the type of gratification that was provided, requested, or promised to the official (e.g. a Chief Financial Officer or DG) to actually "improperly" influence his/her actions. The actual gratification needs to be identified during this process by the investigator.

3.13.4 Circumstantial Evidence of Improper Influence

The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) clarifies that the improper influence is usually shown by circumstantial evidence. In the case of a corrupt contract award, for example, it must be shown that the alleged bribe recipient took steps to unfairly favour the bribe payer by, for example:

- approving improper sole source contract awards;
- rigging the selection criteria to favour a certain bidder;
- leaking inside information to the favoured bidder;
- manipulating the scoring of bids; or
- disqualifying a bidder for invented or trivial reasons.

3.13.5 Remember to Identify and Rebut Defences

During the investigation process, it is imperative to continuously play “devil’s advocate” to ensure that all the bases are covered. This is done by, for example, taking a different point of view about the manner in which evidence was collected, or to challenge the authenticity of certain evidence. In doing this, the investigator is preparing for the possible questions that may be raised by the defence during the trial. The investigator is also in a position to identify possible shortcomings and rectify them before commencing with the trial. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) elucidates that when a corrupt official claims that there is a legitimate reason for what appears to be instances of improper influence exerted upon him/her to act or not to act in a particular manner, for which he/she received a gratification as a direct result, the nexus needs to be proven by the investigating officer before the court will be in a position to convict the official on a charge of corruption. The official might state, for example, that the awarding of a tender to a service provider was improper, but that it was justified by time constraints, an emergency situation, or the absence of any qualified competitors. The investigator must be in a position to confirm or refute all probable defences as part of a comprehensive investigation into corrupt activities.

3.13.6 Direct Evidence of Improper Influence

The investigator should always be in a position to illustrate during criminal proceedings exactly in what way the improper influence was orchestrated by the suspects. There are various ways to prove this with direct evidence and some of the

methods are briefly discussed below. The Guide to Combating Corruption and Fraud in Development Projects ([sa]-a) illuminates that the improper influence can be proven directly with the following approaches:

- Documentary evidence, such as indiscreet emails that set out the corrupt agreement (the discovery of which is not an uncommon occurrence).
- A statement by a third-party witness describing the improper influence.
- The admission of the bribe payer usually made as part of an agreement to cooperate against the bribe recipients.

3.14 INTERNATIONAL EXAMPLES OF CORRUPTION INVESTIGATIONS

Interpol ([sa]) underlines that there is a need to review some successful corruption investigations around the globe to keep abreast with the latest international trends and techniques used. Training is fundamental to boosting the knowledge and skills of investigators in the use of the latest tools and techniques in the investigation process and to share international best practices.

3.14.1 Case Study 1: Effective Preventive Measures

Kwok Man-wai (2003) elucidates that the Hong Kong ICAC is universally regarded as one of the most successful models in fighting corruption, turning an old, very corrupt colony into one of the relatively corruption-free places in the world. One of the success factors is its three-pronged strategy – fighting corruption through deterrence, prevention, and education. All three are important, but in the researcher’s view deterrence is the most important. Hong Kong (2018) illuminates that the ICAC preventative measures could play a critical role in funding improved external monitoring. The exercise would be transparent, with full disclosure of conclusions to the public. This concept has not yet been tested in South Africa, but Case Study 2 below shows how effective preventative measures have been elsewhere. The Hong Kong International Airport, also known as Chek Lap Kok Airport, was built on land reclaimed from the sea during the 1990s. This was the world’s largest infrastructure project. Aware that the contract would be particularly vulnerable to corruption, the airport authority called in the Hong Kong ICAC and involved the Commission in the design of the contracts and other aspects of the tendering processes as a preventive measure. The cost of the involvement of the

Hong Kong ICAC was built into the contract. This equipped the ICAC with the ability to devote significant resources to its preventive role without undermining its ability to discharge other functions provided for in its ordinary budget. It was justified by the realisation that the involvement of the ICAC would be significantly cost-effective, driving down costs by eliminating the costs of corruption. Upon completion of the project, it was judged to have been virtually free of corruption. The exercise demonstrated how effective preventive measures can be.

3.14.2 Case Study 2: Corruption Investigation of a State Governor

The World Bank (2017) clarifies that they have evolved into five institutions from the time of their inauguration in 1944. The International Bank for Reconstruction and Development was responsible for creating their mission. They evolved from a war, rebuilding as well as improving themselves to the present mandate of worldwide poverty alleviation with their associates: the International Development Association, the International Finance Corporation, the Multilateral Guarantee Agency, and the International Centre for the Settlement of Investment Disputes. The World Bank was initially only established in Washington, D.C., with engineers and financial analysts. The World Bank is presently a multi-disciplinary institution with various skilled professionals that include economists, public policy experts, sector experts, and social scientists. Almost two-thirds of their skilled professionals are situated in Washington, D.C, while the rest are based in country workplaces.

The World Bank (2016) shares how an appropriate investigation of alleged corruption and money laundering should be addressed by referring to an example in the UK. In the UK, investigators started to take note of the former Plateau State Governor in Nigeria, namely Joshua Dariye (suspect). In addition to the allegations of corruption and money laundering, there was a strong suspicion that the suspect's assets could be located in the UK. By utilising numerous investigative techniques, the investigators were able to locate the resources and establish their relationship with the resources with respect to an alleged crime committed by the suspect. The following are some pointers used by the investigators to conduct their investigation efficiently:

- Public records were examined to obtain evidence on Dariye (the suspect) in the UK (e.g. property, vehicle, and corporate registries). They tracked

intelligence from various governmental agencies on Dariye, as well as the Financial Intelligence Unit. Outcome: no records related to Dariye could be found in the UK.

- Family members and acquaintances of Dariye were identified, including a search for relatives in the UK. Outcome: it was established that Dariye's children were in an private school in the UK.
- Investigations into the financial institutions (legitimate authority). Outcome: it was established that Dariye activated a Barclaycard account and that the same account was serviced monthly through a bank account owned by Joyce Oyebanjo. Further examinations revealed that Oyebanjo was actually Dariye's banker in the UK. She funded the charges and general expenses on behalf of Dariye, as well as paying for his two children to attend a private school.
- A court order was obtained to allow the investigating officer access to the children's school files. Outcome: it was affirmed that the school fees were funded by Joyce Oyebanjo.
- Public information, including the records of other governmental agencies, was searched to find a link with Oyebanjo. An application was made for a court order on the bank accounts of Oyebanjo. Outcome: Oyebanjo, working as a housing officer in the UK, was found to have 15 bank accounts with funds totalling roughly £1.5 million, and real estate to the value of £2 million. Additionally, Oyebanjo was managing one of Dariye's properties in Regents Park Plaza, a property acquired in the name of "Joseph Dagwan", and paid for by the Plateau State Ecological Fund through various companies.
- The credit references of the suspects and relatives were checked which revealed the bank accounts used by the suspects. Assets were then located from the bank accounts of the suspects and their direct family members to other bank accounts, properties, and vehicles. Court orders including search and seizure orders were used to obtain supplementary evidence and locate assets. Outcome: it was revealed that Dariye had a bank account registered to a detailed address in London. An investigation into Dariye and Oyebanjo's bank accounts exposed hefty electronic funds transfers (EFTs) from various financial institutions in Nigeria.

- Court orders were acquired to find the conveyancing attorney's file for the London address. Outcome: the property deed showed that the property had been procured by registering the property in a fake name and funds were transferred from Nigerian companies to a London-based bank account.
- The mutual legal assistance application was directed to the Nigerian Government and they were requested to establish the money trail of the funds received by the suspects. Outcome: it was determined that an Ecological Grant acquired by Dariye had been side-tracked and concealed into his own company bank account with the backing of bank employees. This money was side-tracked to a company and a connected bank account in Nigeria (set up by Dariye) and consequently moved to London for personal purposes. The Nigerian company which procured the London property was also connected to the Ecological Grant theft as they received £100 million of the stolen money. The company had paid £400,000 for the London property after Dariye had approved a Plateau State Government contract for the installation of £37 million worth of television equipment in the Plateau State.

3.14.3 Case Study 3: Tender Manipulation to Facilitate Corruption

The World Bank (2014) enlightens that corruption is a burden on business and can generate extra costs equivalent to those arising from tariffs. Transparency International (2018a) urges that countries need to do more. A total of 43 countries have signed the OECD Anti-Bribery Convention, yet the UK is assessed to be one of only four active enforcers of it. Macnamara (2009) indicates that over 100 construction firms were fined a total of £129.5 million for bid-rigging on 199 tenders in the period 2000 – 2006, following a Competition Act (1998) investigation by the Office of Fair Trading (predecessor of the Competition and Markets Authority). Some of the bid-rigging took the form of 'cover pricing' agreeing with competitors to submit artificially high bids that are not intended to be successful. The projects affected included schools, hospitals, and universities. The investigation was sparked by a complaint from a National Housing Federation auditor in Nottingham. The auditor uncovered evidence of cover pricing in more than 4000 tenders involving more than 1000 companies. In six instances the successful bidder had paid an agreed sum of money to the unsuccessful bidder (known as a "compensation payment"). This was done by producing false invoices. Allowing

companies, including UK businesses, to compete on even terms helps generate sustainable economic growth. Trading with integrity is crucial, not only because it underpins growth at home and abroad, but also because it helps to reduce the negative effects of globalisation, including inequality. Integrity is essential in underpinning the UK's reputation as a fair, rules-based society that attracts investment and allows people to trade freely.

3.14.4 Case Study 4: Modern Slavery and Corruption

According to the Anti-Corruption Summit (Transparency International 2018b), modern slavery has an obvious link with corruption across the globe. On any given day, there are an estimated 40 million people in slavery worldwide who have been trafficked, coerced, or otherwise forced into labour, sexual exploitation, or domestic servitude. People in these vulnerable groups, including children, are too often treated as commodities and exploited for financial gain. Corruption facilitates slavery and other forms of exploitation. Bribes are paid to local law enforcement and immigration officers and business owners or managers to move people or maintain the conditions for exploitation. Businesses face the risk of unwittingly supporting slavery and exploitation when they enter into contracts with suppliers. Eliminating corruption from business relationships and transactions is vital to reduce modern slavery and businesses have a crucial role to play. The UK is acting at home and abroad to rid the world of modern slavery.

Many of the solutions are similar to those for tackling corruption: better business practices, effective law enforcement, and concerted international action. Businesses need practices that ensure high standards at all stages of the value chain or life cycle of business transactions, domestically and internationally. The UK's Modern Slavery Act of 2015 (UK 2015) focuses on the prevention and prosecution of modern slavery and the protection of victims. The Act also requires any large business operating in the UK to publish an annual statement setting out the steps it has taken to ensure that slavery is not taking place in its business and supply chains. This approach reflects that of the Bribery Act 2010 (UK 2010), which incentivises businesses to implement adequate procedures to prevent bribery by those acting on their behalf. Progressive businesses are considering modern slavery and anti-corruption requirements together.

3.14.5 Case Study 5: United Kingdom Anti-Corruption Strategy

The Government of the UK (2017) stipulates that the Anti-Corruption Summit, which galvanised a number of important commitments from governments and multilateral organisations, resulted in the following goals:

- Goal 1: Enhanced international transparency, especially in beneficial ownership, extractives, public finance, and contracting. Actions taken by the UK will make more information available and encourage the strategy's use, so that law enforcement, working with partners, can identify, track, and prosecute corruption and citizens can hold governments and companies to account.
- Goal 2: Reduced levels of corruption in partner countries, promoting stability and prosperity. Strengthened UK action will provide political elites with greater incentives to tackle corruption and to strengthen their institutions. Countries that are committed to tackling corruption will have greater access to the support they need to take action, including to implement commitments made at the Anti-Corruption Summit in London.

Transparency International (2018b) revealed that commitments were made by various countries at the Anti-Corruption Summit, as indicated below:

- Following an ambitious set of commitments by President Ghani at the Summit, Afghanistan has established its flagship Anti-Corruption Justice Centre. This brings together key elements of Afghanistan's police, prosecutors, and judges to investigate, prosecute, and adjudicate serious high-level corruption cases in an environment insulated from political and other interference. The Anti-Corruption Justice Centre has already prosecuted over 20 major corruption cases since its formation and is sending a strong message to the Afghan people that high-level corruption will no longer be tolerated.
- In October 2017 the President of Afghanistan approved the NACS and inaugurated the Open Government Partnership Afghanistan Secretariat. This will launch and implement the country's ACAs and was developed by the Open Government Partnership on how to draft a National Action Plan.
- In 2016, Ghana amended its Companies Act to make provision for the disclosure of beneficial ownership of companies and is working to strengthen

these provisions in the new Companies Bill, which they hope to have passed by the end of 2017. The government announced in September 2017, that it will work with OpenOwnership to build a public, open data register of beneficial ownership information in preparation for the new law. The government elected in December 2016 remains committed to the commitments Ghana made at the London Anti-Corruption Summit and is looking to establish a Special Prosecutor's Office to reform anti-corruption legislation to increase the sentence for corruption, as well as to improve transparency in public procurement and in the commodity market.

- In 2017, Mexico strengthened its anti-corruption enforcement with the creation of a new National Anti-Corruption System, underpinned by legislation which drew on the UK's Bribery Act of 2010. In parallel, legal action has been taken against a number of former state governors accused of corruption. Mexico is also taking forward the commitments it made at the London Anti-Corruption Summit on beneficial ownership, the open contracting data standard, new anti-fraud and asset recovery mechanisms, and the use of digital platforms to tackle corruption. The UK has been working with Mexico on anti-corruption and criminal justice through the Prosperity Fund.
- At the summit, Nigeria committed to joining the Open Government Partnership and has since established a secretariat and set up a Civil Society Steering Committee which has developed a costed National Action Plan. This includes measures to enhance fiscal transparency and citizen's engagement in the fight against corruption.

3.15 CHAPTER SUMMARY

It is abundantly clear that the effective investigation of corruption in the public service is essential for the development of a country. After a discussion on some of the most prevalent principles in evidence and investigation, an investigator should be able to circumvent common blunders during the investigation process. After the review of the investigation conducted in the international arena, it became clear that an investigator needs to be able to think outside of the box. This is, however, a paradigm shift for most criminal investigators dealing with multi-faceted corruption cases, as it is not just a manner of ticking the boxes during the investigation process.

A clear description of the term corruption, as well as the investigation process involved during multi-faceted corruption cases in the public sector, was provided. The need arises to have a discussion on the various roles of individual team members during such an investigation process. These roles and responsibilities will be expounded in the succeeding chapter.

CHAPTER 4: AN OVERVIEW OF MULTI-DISCIPLINARY APPROACHES WITH PARTICULAR REFERENCE TO CORRUPTION IN THE PUBLIC SERVICE

4.1 INTRODUCTION

ACAs are specialised organisations established by governments to minimise corruption in their countries. An overview of the efficacy of and impediments to ACAs in utilising multi-disciplinary approaches to investigate corruption will be provided in this chapter. These multi-disciplinary approaches are studied to comprehend their value or lack of value in rooting out corruption in the public service. This chapter will deal with the rationale for establishing multi-disciplinary approaches to address challenges facing a community, region, or country. The various approaches by local and international ACAs are discussed and are complemented by examples of best practices and weaknesses for ACAs across the globe. Approaches of various countries will be discussed, as well as the rationale behind ACAs.

The NPA (2014) indicated that South Africa has adopted a multi-agency approach towards fighting corruption. The effective implementation and application of the anti-corruption framework relies on having strong investigative institutions to implement and apply the various anti-corruption legislative frameworks.

4.2 THE EFFICACY OF MULTI-DISCIPLINARY APPROACHES

A multi-disciplinary approach involves drawing appropriately from multiple disciplines to redefine problems outside of normal boundaries and reach solutions. During this process, the competencies of the various disciplines are drawn upon. Therefore when a specific discipline is not on the same level of competence as the team, they might be ineffective. Hence, it is paramount that all disciplines are proficient in their respective areas, as this will enhance the efficacy of the multi-disciplinary approach applied. A study by Gillinson (2004:25) shows that dependability oils social life. It implies that where social capacity and trust are,

societies prosper, and prospects for free-riding and corrupt activities are lessened. Thick, closed systems produce standards of shared commitment and duty, and preclude the requirement for expensive coercion or inducement contracts. Tang and Hsiao (2013) clarify that the principal reason for the ACA's existence is to comprehend the focal points and hindrances of a multi-disciplinary group effort. The benefits of multi-disciplinary group effort are:

- improve communication ability;
- get familiar with the collaborative process of the investigation;
- foster cooperation skills;
- positively gainful for future career development;
- different professions supplement each other;
- improve the sense of achievement and expert aptitudes;
- collective action; and
- cooperation.

As Taylor (2015:2) points out, theories of crime and criminality have been forthcoming from many academic disciplines, which is why a multi-disciplinary approach would provide a profound understanding of the area. Each of the benefits of a multi-disciplinary group effort as listed above will now be discussed individually.

4.2.1 Improve Communication Ability

Tang and Hsiao (2013) explain that one of the most significant advantages of multi-disciplinary cooperation is that all associates are compelled to communicate. This was replicated in the replies of some of the individuals, which were interviewees (Tang & Hsiao 2013):

- "I have learned interview aptitudes and communication way and so forth."
- "The procedure showed me the significance of influence."

4.2.2 The Collaborative Process of Investigation

In the study of Tang and Hsiao (2013) the authors clarify the procedure of multi-disciplinary group work is difficult to learn without genuine experience. The upside of having such coordinated effort in disciplining is that one becomes distinctly familiar with the perplexing procedure in the industry. The following is a reflection of

some responses of the interviewees of the study conducted by Tang and Hsiao (2013):

- The process helped the interviewees to realise what work brings to mind.
- Through this involvement, the interviewees realise that when they investigate, similar cases, that it could be completed quickly.
- The encounter set the interviewees up for future investigations.
- The interviewees are able to comprehend the reason for each stage and acknowledge what to do next.

4.2.3 Foster Collaboration Skills

The work of Tang and Hsiao (2013) revealed that the absence of shared normal dialect and information requires better collaboration skills and being amicable and adaptable, as well as the sharing of thoughts in an amicable way. The succeeding responses are an echo of some replies of the interviewees (Tang & Hsiao 2013):

- The collaboration between role players was comparable; role players who work together will learn from each other during their interactions.
- The participant would ask for opinions and as a result find the best way to cooperate.
- During the initial investigation plan, the plan would be changed and adjusted. It is acceptable as long as the underlying investigation objective remains the same.
- Learn to appreciate the difficulties of multi-faceted investigations.

As the Government of the Netherlands (2016) points out, from a study conducted in the Netherlands, there is a high level of participation with group work and discussions that utilised the combined competence of the group. The multi-disciplinary approach furthered the understanding of the roles that police officers and team members can play in combatting corrupt practices and of the opportunities inherent in multi-agency and international cooperation. Case studies and sharing of operational experiences increased knowledge of methods for prevention and detection.

Interpol ([sa]) states that for a successful corruption investigation it is necessary to be well-informed of the newest international trends and techniques used. Training

and the competency levels of members are paramount to be effective during investigations.

4.2.4 Future Career Development

Tang and Hsiao (2013) expound that executing the design project from motivation through ideation to enactment gives students a feeling of reality and sets them up for design practice in the industry where each project is actualised for real. In the meantime, the procedure gives them the self-assurance to adapt to their future profession. The ensuing is a reverberation of some responses of the interviewees (Tang & Hsiao 2013):

- From multi-disciplinary group work, responders found out about numerous things. In addition, responders made numerous friends from various disciplines.
- The capacity to commence with multi-disciplinary group work could not be enhanced by individual endeavours though through collective learning.
- Responders trust the experience of multi-disciplinary group work and it is a major addition to their skill set.
- Although responders did not have prior involvement in multi-faceted investigations, in an interview a responder could state that he was involved from the commencement of such an investigation.

4.2.5 Different Professions Supplement Each Other

Tang and Hsiao (2013) note that every one of the responders took in things from alternate participants with various backgrounds. In a multi-disciplinary approach, it is not common to work in a heterogeneous group for a prolonged period. Nonetheless, this experience gives everybody a chance to observe diverse methods for improvement and to figure out how to compensate for any shortcomings in the group by supplementing each other. This was supported as follows by the interviewees (Tang & Hsiao 2013):

- The participant indicated that this was the first time they had cooperated with an external forensic expert.
- The participant indicated that according to his view, a forensic expert has more knowledge about how suspects work.

- The multi-disciplinary collaboration was good, as it helped to increase the participants' knowledge.
- There are too many issues in a multi-faceted investigation. When the participants engage in all the activities, they felt that they might lose their focus and this is where the multi-disciplinary collaboration helped them to improve.

4.2.6 Sense of Achievement

Tang and Hsiao (2013) establish that this sensible design project takes a colossal amount of time and work to wrap up. In any case, for a student to have the capacity to see his/her own design realised usually results in an exceptionally strong feeling of accomplishment. Since the vast majority of the student's design work is based on practical experiments or computerised models, the students are able to see and touch what they have accomplished (Tang & Hsiao 2013):

- The investigation was handed over to the prosecution for court proceedings.
- The participants felt a strong sensation of accomplishment. The participants additionally acquired more understanding of investigative strategies, including an enhancement of their own abilities in relation to their professions.
- As far as the team members are concerned, their communication, group work, and professional abilities made strides. Amid the procedure, they got to be distinctly familiar with the cooperative procedure of investigation planning.
- What is astonishing is that various professions complemented each other.
- The multi-disciplinary group had a heightened sense of accomplishment.

4.2.7 Collective Action

Richardson (1993:47) reveals that in human science it was the 'Group Theorists', driven by Arthur Bentley, who controlled the field from the start of the 20th century. The theory pronounces that where individuals have a common goal and feel that they will profit from the collective action, a group will form to participate for the shared objective. In the 1960s, this was turned on its head by Mancur Olson's unique work, "The Logic of Collective Action" (Olson 1965). His model of the "rational" individuals raises the question about our willingness to coordinate. Olson proposes that where we believe we can acquire the benefits of coordinated effort

without adding to the cost, we will free-ride and leave the collaboration efforts to others.

The theorists Schlozman, Verba and Brady (1995:25) have engaged the middle ground. They propose that we are frequently propelled to act in a group by our emotions or passion for a cause and that Olson's definition of reasonableness is too thin. In a study by Newburn, Williamson, and Wright (2012:216), they found that the move towards genuine multi-agency crime reduction approaches was frustrated by the absence of a formal decision-making structure to support those initiatives. The advantages offered by such a structure, and in particular as a means of prioritising resources, remained largely confined to the police. In this context, two policy drives were undertaken, namely: the intelligence-led policing approach and the partnership policing approach. In the original approach of "problem-oriented policing" the concern was to reduce the degree of what was called "means over ends" policing, whereby a lot of time was spent in reacting to individual incidents as they emerged, as opposed to receiving techniques to eliminate the underlining cause(s) of those incidents.

4.2.8 Cooperation

Gillinson (2004:8) illustrates that individuals ought to collaborate in light of the fact that it is socially ideal to do so. As individuals from society, it is in our individual "enlightened" self-interest to collaborate. The popular "prisoner's dilemma" represents this as follows (Gillinson 2004:8):

- Two culprits have been detained on suspicion of a crime and are hurled into prison and detained in two separate cells. The prisoners can pick either to take part (deny everything) or defect (admit to the crime and entangle the other man). The officials cannot arrest them without the confession of one or both men and so endeavour to cut a deal.
- When just a single detainee confesses, the confessor will be set free for teaming up and will be absolved. The individual who remained silent will be hurled into jail with the harshest possible punishment for both the crime and for withholding evidence.

- When both detainees admit to the crime, they will both be sent to confinement, however, they will receive commuted sentences as a reward for their collaboration.
- Both prisoners know for sure that without a confession from them, the police will be compelled to release them.

4.3 IMPEDIMENTS TO MULTI-DISCIPLINARY INVESTIGATIVE APPROACHES

As a result of employing the multi-disciplinary approach, some obstacles will come to the fore which must be overcome to be effective. Change is not always embraced by everyone, even when the benefits far outweigh the weaknesses. Therefore, the team needs to take cognisance of the impediments to the multi-disciplinary approach to enable them to prepare effectively to overcome these hindrances. The objective in utilising the approach is to bring swift justice and root out corruption. The work of Gillinson (2004:9) indicates that the key issue of collective action is that natural competitiveness between individuals inspire us to work harder to be recognised. He believes individuals will be able to achieve more when society acknowledges their good work. What is best for society or the group is best for us as a part of it. In a large group, collective action will never happen unless particular conditions exist. Gillinson (2004:10) illuminates that criticsers neglect to assess the qualities which they see as making us human; feelings, excitement, and a constrained capacity to weigh up the advantages and drawbacks of a situation. Gillinson (2004:27) has drawn attention to the fact that we ought to participate in group efforts, because it gives people the feeling that social capital is the idealistic answer to all of society's issues. This is certainly not the case. Bridging social capital is different from bonding social capital, which is within social groups and is characterised by dense networks with people feeling a sense of shared identity and belonging. The bonding/bridging distinction can be made in relation to a range of relationship and network characteristics. The aspects that have been identified as the disadvantages of multi-disciplinary approaches will be discussed below.

4.3.1 Time Pressure

Tang and Hsiao (2013) reveal that one of the inadequacies of multi-disciplinary approaches is the time requirement. Members of a multi-disciplinary group have to complete their own individual tasks, as well as spend time communicating and reacting to the challenges of the investigation.

4.3.2 Differences in Backgrounds

Tang and Hsiao (2013) explain that the other inadequacy is brought about by the differences in the backgrounds of the teammates. The primary contrast was at the level of their vocations. To sum up the inadequacy of multi-disciplinary coordinated effort, the findings were about the troubles brought on by time constraints and the distinction in backgrounds.

4.3.3 Costs of Coercion

As Gillinson (2004:5) perceptively states, a government is expected to arrange and implement coerced participation. That central authority will always be at an informational insufficiency. Information expenses are the real expenses of observing and policing coerced participation and they reduce its worth. The expenses linked to corrupt activities may be the cost of distorted information on the other hand. What is going on with the government and how would we know? Where there is not complete transparency, which is especially probable, the government is vulnerable to corrupt activities from the “failures” of participation. The conspicuous illustration is of a murky ‘competition commission’, which disregards conspiracy in the marketplace for a little compensation. Participation is diluted and gets to be insufficient.

4.3.4 Specialisation/Concentration of Anti-Corruption Expertise

De Sousa (2008; 2009) argues that it may be difficult for a single agency to embrace all fields of knowledge and special attention should be given to avoid compartmentalising fields of specialisation to the detriment of the desirable multi-disciplinary approach to combatting corruption that should govern the agency’s work.

4.4 INTERNATIONAL MULTI-DISCIPLINARY MODELS

Several multi-disciplinary approaches are currently being utilised internationally. These various approaches are not perfect, but could be utilised to develop an appropriate approach for a specific country's needs. An overview of these models is discussed below. The International IDEA (2014) identifies three universal models utilised by ACAs:

- Multi-Purpose Model.
- Law Enforcement Model.
- Court Proceedings Model.

The decision of which model to implement relies upon local conditions, history, assets, the role played by existing ACAs, and political will.

4.4.1 Multi-Purpose Model

According to the International IDEA (2014), the Multi-Purpose Model is the most prevalent. It consolidates each of the three abilities depicted, namely:

- investigation;
- prevention; and
- public educational outreach.

Prominent illustrations are Hong Kong's ICAC; the ICAC in New South Wales, Australia; and the Republic of Botswana's DCEC.

Klemenčič and Stusek (2008:30) elaborate that the Special Investigation Service in Lithuania and other foundations in Latvia, Poland, Uganda, South Korea, Thailand, Argentina, and Ecuador are additional examples of the Multi-Purpose Model. The International IDEA (2014) explains that most multi-purpose models take their motivation from Hong Kong. The Hong Kong mandate is exceptionally basic:

- all allegations of corrupt activities would be investigated with a view to prosecute;
- systems and strategies would be scrutinised with a specific end goal to eliminate from them any prospects for corrupt activities; and

- the public would be taught about the iniquities of corrupt activities and persuaded to support the battle.

De Speville (2008) clarifies that the three anti-corruption activities are performed at the same time, as a major aspect of an all-inclusive approach. Singapore's Corrupt Practices Investigation Bureau (CPIB) is, moreover, seen as a multi-purpose foundation, yet is smaller than Hong Kong's and participates in far fewer public outreaches. Meagher (2005:76) states that because the CPIB participates in fewer public outreaches, its financial plan is smaller (the Hong Kong ICAC paid out \$16 million for education and outreach), nonetheless, this risks decreased reputation and cuts down public support for its work.

4.4.2 Law Enforcement Model

The International IDEA (2014) states that the Law Enforcement Model, or the Investigative Model, conducts investigations concerning corrupt activities and role players. The Law Enforcement Model is the approach most widely adopted in the OECD nations, where a long-standing tradition of multi-party government and the separation of powers prompted the dispersal of anti-corruption activities to various different organisations. According to Klemenčič and Stusek (2008:40, 103–108, 109–115, 121–32), the law enforcement model has been adopted in Norway, Spain, Croatia, Romania, Hungary, and Malta.

Millie and Das (2016:230) explain that the Law Enforcement Model has various permutations, as indicated below:

- it can incorporate detection, investigation, and prosecution bodies; or
- merely investigation and prosecution.

To comply with responsibilities allocated, these bodies are regularly given the ability to make use of the following in executing their mandates:

- conduct covert surveillance;
- intercept communications;
- conduct covert investigations;
- access individual financial information; and

- monitor financial dealings.

Millie and Das (2016:230) found that to participate in such activities, a wide combination of aptitude is required, not all of which need to be similarly housed inside the ACA. In any case, an ACA may house the relevant specialities appropriately. Romania's National Anticorruption Directorate, housed in the National Prosecutor's Office, contains various judicial police officers or investigators that spend a significant amount of time in various fields to be recognised as experts. These investigators are, basically, lent to the ACA for a spell of six years from different offices in the finance ministry and police force, among others.

Larbi (2007:207) states that in-house investigators in financial matters, banking, auditing, information technology, and other fields complement them. Frequently the Law Enforcement Model incorporates components of prevention. Likewise, with the Multi-Purpose Model, assortments exist regarding jurisdictional mandates. A few bodies, for example, the non-operational South African DSO, investigated organised crime and human trafficking, notwithstanding political corrupt activities. Different organisations deal predominantly with economic and other crimes carried out by public officials in the execution of their official responsibilities, for example Spain's Special Prosecutor's Office against Corruption and Organized Crime (ACPO), a little unit with a staff complement of 30 housed inside the larger State Prosecution Service (Larbi 2007:207). Hatchard (2014:230) states that at the point when an anti-corruption investigative unit is accommodated inside a more comprehensive prosecutorial agency, questions arise as to reporting hierarchy and the freedom to investigate and prosecute at their own discretion.

4.4.3 Court Proceedings Model

The International IDEA (2014) illuminates that individual nations position courts and prosecutors in different ways in the battle against corrupt activities. There are three basic models. The first is the universally handy Prosecutorial Model. Under this model, which is the most pervasive, a country prosecutes corrupt activities in its general legislative system and makes no novel institutional or procedural arrangements for cases in connection with corrupt activities. Given that the Prosecutorial Model offers no specific benefits over the general criminal justice

system in many nations, it remains the preferred model. The second institutional model is the Specialised Court Model and is concisely clarified as follows (International IDEA 2014):

- A nation designates a particular court or;
 - special branch inside the judiciary;
 - to deal only with corruption cases; and
 - this is initiated by either an all-purpose prosecutor or a specialised prosecutor.
- This alludes to such courts as anti-corruption courts.

In conclusion, under the specialised Prosecutorial Model, this might be merged with the Specialised Court Model. The Prosecutorial Model is described as follows (International IDEA 2014):

- a nation vests special powers in an independent prosecutor;
- a unit inside the general prosecutorial office with special responsibility regarding the prosecution of corrupt activity related crimes; or
- specialised anti-corruption prosecutors are viewed as a kind of law enforcement.

More commonly, the key difference between specialised prosecutors and ACAs is elementary investigative and prosecutorial powers.

4.5 ANTI-CORRUPTION AGENCY

Successful ACAs are an essential tool in the fight against corruption. The manner in which they are set up differs to address a country's specific needs. Jennet (2007) indicates that anti-corruption institutions typically refer to independent publicly funded bodies with a specific mission to fight corruption by means of preventive and repressive strategies. Based on the successful examples of Hong Kong, Singapore, and New South Wales (Australia), such specialised anti-corruption bodies are often regarded as a best practice and the ultimate institutional method to fight corruption. Consistent with this approach, most international instruments against corruption refer to the need to promote specialised and independent bodies and institutions in charge of fighting corruption.

Hussmann and Hechler (2008) perceptively state that Article 6 of the UNCAC explicitly calls state parties to establish an independent body to prevent corruption and provide adequate training, material resources, and specialised staff to ensure that it can fulfil its mandate effectively. In line with these recommendations, many countries have established a centralised independent commission or agency charged with the overall responsibility of combatting corruption.

Jennet (2007) points out that within this framework, the institutional arrangements governing ACAs vary greatly across countries, including with regard to their level of specialisation and centralisation. Some countries have established a separate and centralised institution exclusively dealing with corruption, while others have opted for strengthening the anti-corruption capacity of a set of existing institutions or for a combination of both approaches. Some have also created several specialised bodies with complementary and sometimes overlapping mandates.

4.5.1 Anti-Corruption Agency Design

Transparency International (2013) draws attention to the fact that the anti-corruption design will depend on a variety of factors, including the following:

- **National ownership:** national ownership in the design of the anti-corruption strategy is key to ensuring its effective implementation. In countries where anti-corruption strategies have been adopted as an immediate response to corruption, scandals, or pressure from donors, rather than based on a genuine political commitment, their implementation has mostly failed. A successful implementation will depend to a great extent on a credible and committed leadership that demonstrates continued political will.
- **Participation:** the involvement of political and social actors, including civil society groups, in the design as well as the implementation of anti-corruption policies is important, not only to ensure the buy-in and commitment of those involved, but also to guarantee that the most pressing issues are tackled and that the state has the necessary capacity to implement the agreed reforms/activities.

- **Knowledgebase:** a sound knowledge and information base can be particularly helpful in ensuring focused and practical action plans that are in line with the country's main corruption problems. It also helps to ensure the correct prioritisation and sequencing of actions, as well as effective monitoring and evaluation of the progress made. This knowledge base can draw on corruption assessments, diagnostic tools, surveys, and feedback from citizens, among others. In practice, however, very few anti-corruption strategies are based on a concrete analysis of corruption challenges in a given country.
- **Content:** the content of an anti-corruption strategy will vary according to the type of strategy chosen by a country (for instance, focus on prevention rather than enforcement, focus on regulations, or focus on internal control). McCusker (2006:260) reveals that an evaluation will help to define which kind of strategy would yield better results in the short- and long-term in that specific context. Reference to Hussmann and Hechler (2008) reveals that as previously mentioned, the great majority of countries have adopted a holistic approach, opting for national anti-corruption strategies that cover administrative and legal measures, as well as institutional strengthening.

4.5.2 Anti-Corruption Agency Expertise

The OECD (2013) indicates that expertise implies the availability of specialised staff with special skills and a specific mandate for fighting corruption. The nature of specialisation may differ from country to country, with anti-corruption skills either centralised in a separate body or built across existing institutions. As the OECD (2013) points out, specialisation tends to be ensured at the level of existing public agencies and law enforcement bodies in OECD countries. On the other hand, transition, emerging, and developing countries often establish separate specialised anti-corruption bodies due to the high level of corruption in other agencies, as well as in response to donor pressure.

Jennet (2007) indicates that ACAs can also be specialised in terms of their competence. While some countries just give them a preventive, educational, and informative role, most ACAs have a three-pronged approach to fighting corruption (prevention, investigation, and prosecution) and are endowed with broad investigative and repressive powers. However, not all ACAs have prosecution

powers, which can also fall within the responsibility of the Judiciary. After an investigation, the matter is then referred to the general prosecutor, who exercises discretion on whether or not to bring criminal proceedings based on the evidence provided.

4.6 SOUTH AFRICAN ANTI-CORRUPTION AGENCIES

Although South Africa has several ACAs in the fight against corruption, they are still not as effective as countries with only one, e.g. Hong Kong. There is a growing tendency to prefer a single ACA, as long as the single agency approach is comprehensive in addressing prevention, investigation, and education in corruption. The NPC (2012) clarifies that alongside the complex framework of ethical codes, guidelines legislation, and in-house systems for the scrutiny of integrity, South Africa furthermore has an expansive extent of associations in a consolidated approach to the investigation of allegations of corrupt practices. These agencies are mentioned in the NDP 2030 as “the multi-agency anti-corruption system,” which include the following:

- The SAPS and DPCI.
- The SIU.
- The Public Protector.
- The AFU.
- The NPA also needs to be understood as part of the anti-corruption architecture. The NPA of South Africa ([sa]) explains that the NPA houses not only the National Prosecuting Service, but also the AFU and other units such as the Specialised Commercial Crime Unit and Office of Witness Protection, which may also play a role in corruption cases.
- The courts can also be seen as part of this enforcement machinery.
- The Independent Police Investigative Directorate (IPID), formerly the Independent Complaints Directorate (ICD).
- The SARS.

4.7 MULTI-DISCIPLINARY APPROACHES TO INVESTIGATE CORRUPTION IN SOUTH AFRICA

South Africa is known for its ethnic diversity and, with 11 official languages, the country's melting pot of cultures. The country is governed by the ruling party and has seven royal families with kings and queens. The traditional kings and senior leaders are symbolic figureheads in the country with little political power. It is customary to bring gifts upon visiting any of the kings, as a sign of respect. This is in most cases not permitted in business transactions and government, as it can be seen as corruption. With this broad cultural background, it is important to find common ground to effectively fight corruption. This section identifies some of South Africa's approaches to curb corrupt practices. As the Amsterdam health & technology institute (Ahti) (2017) indicates that strategic planning also involves a number of broader considerations that are beyond the preservation of short-term capacity. Effective ACAs build upon public support and attain notable achievements to sustain momentum and shift the dynamics of the corruption environment. They promote societal norms against corruption and impunity. They foster political will for far-reaching reforms and form vital links in national anti-corruption systems. The ACIMC was established in June 2014 and is mandated to coordinate and oversee the work of state organs aimed at combatting corruption in the public and private sectors. The ACIMC (South Africa 2016) has indicated that they provide strategic direction for the operational activities of the multi-agency ACTT. A platform was created for state organs to work together in a multi-disciplinary approach to investigate multi-faceted corruption cases in the South African public service.

Montesh (2009:72) explains that a multi-disciplinary group approach is needed to deal with investigations. This would yield better outcomes in the fight against corrupt activities. An effective multi-disciplinary approach by state organs in South Africa will only materialise if the outgoing and the incoming party have some sort of bi-partisanship in the direction of a key governance policy. It is highly unlikely that this would be possible where such synergy does not exist between state organs, as is often the case. Some examples of multi-disciplinary approaches in the South African environment will be provided below.

4.7.1 The Directorate for Priority Crime Investigation Approach

The DPCI, which is also known as the Hawks, utilises the multi-disciplinary approach in the execution of its mandate.

According to News24 (2009) at the launch of the Hawks in Johannesburg, Lieutenant-General Dramat (former Head of DPCI) said the battle against crime in South Africa required a combined, multi-disciplinary approach. Dramat stated that investigations previously conducted by the Scorpions will now resume at the newly established Hawks in coordination with the previous investigative teams. Dramat said we need to move far away from the “silo” approach that is pervasive in so many agencies entrusted with battling crime and corrupt activities (News24 2009). We have to surrender to a partnership and a multi-disciplinary approach that will benefit every South African. The Hawks have been mandated to deal with reporting under the PRECCA (South Africa 2004), section 34, which stipulates in the amendment legislation of the SAPS Amendment Act 10 of 2012 (South Africa 2012) that reporting ought to be made to any police officer. As far as the most recent alteration, all such crimes should now be reported to an individual from the DPCI.

These diverse agencies that may be considered key role players in an integrated fight against corrupt activities are able to incorporate the National Intelligence Agency and the Office of the State Attorney (South African Government 2015). In his State of the Nation Address, former President Zuma (2013) alluded to the ACTT, which he purported to encompass the Hawks, the SIU, and the NPA. The AFU might be thought to be part of the ACTT by virtue of being situated inside the NPA. Furthermore, a few “hotlines” have been established by the government to encourage the exposure of assumed corrupt activities or additional problems. Makumbe (1999:8) believes that a rulebook should be used in the systematic intervention into activities concerning corruption in South Africa. He stipulated the succeeding rules:

- effective coalition formation between governments, the private sector, and civil society;
- effective information transaction networks;
- annual evaluation conventions and strategic future planning;
- a national database on corruption;

- transparency of the salaries of government officials, together with annual compulsory updating of a register of assets; and
- arms trade transparency.

4.7.2 The Directorate of Special Operations Approach

The NPA (2006) indicates that the approach of the DSO was to draw in, develop, retain, and oversee individuals in a way that supports the multi-disciplinary approach of the DSO. The Scorpions' justification for existing may have been best depicted when the then President Thabo Mbeki announced at the opening of Parliament (South African Government 1999) that a noteworthy and adequately staffed and equipped investigation unit would be built up accordingly to deal with all national priority crimes, as well as corruption within the police. The Directorate had fundamentally centred its endeavours around and set down particular guidelines for the admission of cases in the following major areas of crimes:

- Organised criminal groups.
- Multi-faceted and serious money-related crimes.
- Corrupt activities in the public and private segment.
- The crimes of racketeering and money laundering made as far as the provisions of POCA.

The study of Berning and Montesh (2012:5) found that the DSO was a multi-disciplinary agency that investigated and prosecuted organised crime and corrupt activities. The method utilised by the DSO depended on the troika principle, which coordinated intelligence, investigation, and prosecution. The DSO investigative group comprised:

- investigators;
- prosecutors; and
- analysts who gathered intelligence data.

After the completion of an investigation, the investigators would refer a case to court and the prosecutor who was included in the original phase of the investigation would lead the prosecution. Montesh (2009:130) states that the DSO used the troika principle. The methodology incorporates analysis/intelligence, investigation, and

prosecution. The NPA Annual Report (NPA 2006:50) describes the utilisation of the troika system by the DSO where the investigator sits with the prosecutor and intelligence ideally gathered from the initial stage of the investigation places them in an advantageous position. This infers that the prosecutor has inside knowledge of the case and part of the investigation process from the onset to secure a conviction, hence the claimed high conviction rate is achieved.

4.7.3 The Special Investigating Unit Approach

The SIU was established by the President of South Africa in terms of the Special Investigating Units and Special Tribunals Act 74 of 1996 (South Africa 1996a). Its primary mandate is to recover and prevent financial losses to the state caused by acts of corruption, fraud, and maladministration.

The study of Berning and Montesh (2012:5) revealed that the Unit investigates matters from a civil perspective and institutes a civil action in the Special Tribunal. It does not investigate crimes, arrest criminals, or act through the criminal courts. On a cynical note, this may partly explain its phenomenal success. While the Unit does not institute criminal prosecutions, in terms of the relevant legislation, all matters of a criminal nature which come to its attention are referred to the relevant prosecutorial authorities in order to proceed with criminal prosecutions. In performing its functions, the Unit liaises closely with other bodies such as the Auditor-General, the Public Protector, the Attorney-General, and the SAPS, in order to coordinate investigations into matters which fall within the jurisdiction of the Unit. The SIU assists departments with systemic improvements to enhance service delivery. When the commission of a crime by a department is uncovered through their processes, it is referred to the NPA. The SIU has selected personnel to complement the government's initiative to combat corrupt activities. The SIU further assists in the civil recovery process of the illicit proceeds of crime. Montesh (2009:139) illuminates that the SIU, otherwise called the "Cobras", utilises investigators, legal counsellors, forensic accountants, cyber experts, and analysts in multi-disciplinary investigations. As indicated by the PSC report (2011:73), the functions of the unit are intended to effectively combat maladministration, corrupt activities, and fraud, including the administration of state establishments, to secure resources and public funds and to institute civil litigation to remedy any crime.

4.7.4 South Africa's National Anti-Corruption Forum Approach

The NACS (South Africa 2016) explains that the National Anti-Corruption Forum (NACF) was launched in South Africa in Cape Town on 15 June 2001 to combat and prevent corrupt activities, build integrity, and raise the consciousness of the perils of corruption in the public sector. The NACF comprises three areas, namely civil society, business, and government, with each sector represented by 10 members named by their electorates. According to the NACF, the Forum is dedicated to contributing towards the development of a national agreement through the coordination of each sector's methodologies of anti-corruption; prompting government on national undertakings on the establishment of frameworks to fight corrupt activity; sharing data and best practice on anti-corruption activities; and educating sectors on the change with respect to sectoral anti-corruption strategies.

The NACS (South Africa 2016) indicates that while the 'legacy of apartheid' is still blamed for many current corruption scandals, the South African Government has recognised the need to reform the systems that allowed corruption to flourish. To this end, it has established a strategic partnership approach that includes all sectors. Noteworthy is South Africa's National Anti-Corruption Forum, which involves key stakeholders that meet regularly to refine the vision of a corruption-free society in which each sector takes responsibility for its role. The NACF has a dedicated secretariat and a budget to develop cross-sectoral programmes that ensure different interest groups are aligned to a national anti-corruption agenda led by the government.

4.7.5 The Asset Forfeiture Unit Approach

The NPA (2014) revealed that the AFU enactment was to concentrate on Chapters 5 and 6 of the POCA (South Africa 1998b); thus, to seize assets in relation to the illegal proceeds of crime, predominantly organised crime. The NACS (South Africa 2016) reports that the AFU has set significant strategic aims. These include legislative enhancement with "test cases" and forming the legal precedents essential for the effective use of legislation; to build the capacity of the unit to ensure that asset forfeiture is used as widely as possible; to have an impact in fighting crime; and to have bearing on national priority crimes.

4.7.6 The National Prosecuting Authority Approach

The NPA Act 32 of 1998 (South Africa 1998a) provides the NPA with the power to institute criminal proceedings on behalf of the state and to carry out any necessary functions incidental to instituting criminal proceedings. The NPA (2014) indicated that they have the power to institute and conduct criminal proceedings on behalf of the state, as well as carry out any necessary functions incidental to instituting and conducting such criminal proceedings (this includes investigation) and discontinue criminal proceedings. The Constitution (South Africa 1996b) allows for the creation of a single NPA in South Africa.

4.7.7 The Independent Police Investigative Directorate Approach

The IPID was enacted by the Independent Police Investigative Directorate Act 1 of 2011 and it led to the replacement of the ICD (South Africa 2011). The ICD had to function according to Chapter 10, section 50 of the SAPS Act 68 of 1995 (South Africa 1995). With the amendment to this Act, the IPID replaced the ICD and has more powers. This is as a result of the IPID being an independent body promulgated according to section 208 of the Constitution (South Africa 1996b). With its improved powers, the IPID is tasked with investigating police officials' involvement in corrupt crimes. The IPID commenced with inadequate resources, the most significant being a deficiency incompetent investigators. The NACS (South Africa 2016) reveals that currently, the IPID investigates deaths in police custody, deaths as a result of police action, and any complaint of the discharging an official firearm by a police officer. Their mandate has been expanded to include the investigation of rape cases committed by police officials. The aim of the IPID is the independent overseeing of the SAPS and the Municipal Police Service. The Directorate is tasked with conducting objective investigations of reported cases against members of the SAPS and the Municipal Police Service and to compile applicable recommendations.

4.7.8 The South African Revenue Service Approach

The SARS Act 34 of 1997 (South Africa 1997) was promulgated on 28 August 1997. The Act enabled the SARS to investigate people and entities for non-payment of income tax, customs, and excise duties. It made provisions for the efficient and

effective administration of revenue collecting in South Africa. The primary function of the SARS is to:

- collect all revenues due;
- ensure optimal compliance with tax and customs legislation; and
- provide a customs service that will optimise revenue collection, protect South Africa's borders, and facilitate legitimate trade.

As Newham (2015) points out, the SARS has valuable information readily available on individuals or entities by fulfilling its mandate. True as this may be, the SARS Act 34 of 1997 (South Africa 1997) has a clause preventing the SARS from sharing information directly with investigation agencies. One of the alternative avenues available is when a charge of money laundering is added, at which point section 73 of the POCA (South Africa 1998b) can be used to obtain the relevant information from the SARS.

4.7.9 The Public Protector Approach

The Public Protector Act 23 of 1994 (South Africa 1994a) was amended by the Public Protector Amendment Act 113 of 1998 (South Africa 1998c) to create a more direct approach which was taken by the public protector in investigating public sector corruption and maladministration. The amendment to section 6 of the principal Act granted the public protector the discretion to resolve any dispute within its mandate or rectify an omission by means of mediation, conciliation, negotiation, advising the complainant, or by any other means, which may be expedient within the circumstances (South Africa 1998c). Furthermore, should the investigation reveal evidence with regard to the commission of a crime, the public protector must bring this to the attention of the relevant prosecuting authority within the Republic. Newham (2015) indicates that this approach goes beyond merely investigating corrupt activity, as was the status quo before the amendment. The office of the public protector would now have the ability to resolve matters of corruption within the public sector, and where the matter is of a criminal nature it can then be handled in terms of the criminal justice system. This effectively advances the fight against corruption in South Africa.

4.8 MULTI-DISCIPLINARY APPROACHES TO INVESTIGATE CORRUPTION IN THE INTERNATIONAL ARENA

Corruption is prevalent around the world and not just in developing countries. Hence there is a need to fight corruption globally as a collective and not in isolation. Therefore it is imperative to have a broad overview of these approaches in an attempt to not reinvent the wheel, but to enhance it. A study conducted by Newburn et al (2012:216) found that the move towards a genuine multi-agency crime reduction approach was frustrated by the absence of a formal decision-making structure to support those initiatives. The advantages offered by such a structure, and in particular as a means of prioritising resources, remained largely confined to the police. In this context, two policy drives were undertaken, namely: an intelligence-led policing approach and a partnership policing approach. The original approach of “problem-oriented policing” was to reduce the degree of what was called “means over ends” policing, whereby a lot of time was spent in reacting to individual incidents as they emerged, as opposed to adopting strategies to eradicate the underlining cause(s) of those incidents.

Taylor (2015:24) makes it clear that the advantages of adopting a multi-disciplinary approach to understanding crime and criminality are numerous. One major advantage, however, of using a multi-disciplinary approach is the wide-ranging, multi-levelled, profound and in-depth analysis this enables. This further allows the ACA to engage in the speculation of nature, nurture, or nature-nurture interactive explanation of criminality and the purpose crime serves. A multi-disciplinary approach dealing with problem-solving includes drawing accurately from multiple disciplines to rethink problems outside of typical limits and achieve arrangements in view of an innovative comprehension of multi-faceted situations. Newburn et al (2012:290) revealed that the British criminal justice system has been commanded by a “partnership policing approach” and a “multi-agency policing approach” for over 10 years, in an effort to root out corrupt activities, with some degree of success.

4.8.1 The Asia-Pacific Economic Cooperation Approach

The APEC is a forum for 21 Pacific Rim member economies that promote free trade throughout the Asia-Pacific region. The APEC’s 21 member economies are the

USA; Australia; Brunei Darussalam; Canada; Chile; People's Republic of China; Hong Kong, China; Indonesia; Japan; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; the Philippines; Russia; Singapore; Republic of Korea; Chinese Taipei; Thailand; and Vietnam (APEC 2014). The APEC (2014) determines that the investigation of corruption cases is frequently multi-faceted since they, for the most part, include a multitude of pertinent role players and objectives, to assist in identifying the layers of the movement of assets, such as the movement of funds into various accounts, including placing assets in overseas jurisdictions in an effort to avoid detection from the authorities. Successful investigations of multi-faceted corruption cases are the after-effect of steadfast individual endeavours, as well as the outcome of some institutional prerequisites, which give a sufficient environment for such a triumph to transpire. The APEC (2014) reports that investigative groups might be relegated to a particular focus of people or concentrate only on specific aspects of the criminal case in multi-faceted investigations. For instance, one group may be occupied with tracing the proceeds of crime, while others consult with witnesses or sustain suspects' surveillance. The primary objectives of an investigation are:

- evidence group;
- fact-finding, reconstruction; and
- reporting to the applicable authorities.

4.8.2 United Nations Convention against Corruption Approach

During a UN General Assembly held on 31 October 2003, a resolution was passed which brought about the induction of the UNCAC on 14 December 2005. The UN (2004) reports that the UNCAC is a legally binding, universal anti-corruption instrument. The Convention covers five main areas: preventive measures, criminalisation and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange. The UNCAC was set to address the scourge of corruption at a global level. The adoption of the UNCAC sends a clear message that the international community is determined to prevent and control corruption.

Transparency International (2018a) reveals that the UNCAC requires that parties to the Convention ensure that they have a body responsible for corruption prevention,

and a body or persons responsible for combatting corruption through law enforcement. Good practice shows that anti-corruption specialisation in law-enforcement bodies and in the prosecutorial service is the main mechanism in this field. The specialisation of anti-corruption bodies implies the availability of specialised staff with special skills and a specific mandate for fighting corruption.

4.8.3 The Federal Bureau of Investigation Approach

Comey (2014) explains that the FBI is a threat-focused, intelligence-driven organisation. Techniques incorporated in a multi-disciplinary approach through cooperation with law enforcement abroad and NGOs yielded positive results. This fills in as the model for the cooperation between governments, the state, and local law enforcement in attending to criminal behaviour. Through a multi-jurisdictional investigation that identifies emerging threats, the FBI focuses its endeavours on priority groups engaged in patterns of racketeering. This investigative model enables the FBI to target senior gang leadership and to initiate enterprise-based prosecutions. The FBI continues utilising techniques such as covert operations and interceptions to address criminal threats. Even though several of the FBI's responsibilities are distinctive, its engagements in support of national security are comparable with the likes of the British MI5 and the Federal Security Service of the Russian Federation (FSB). In no way similar to the Central Intelligence Agency, which has no law enforcement functions and is focused on intelligence gathering abroad, the FBI is predominantly a domestic agency.

4.8.4 Scotland Yard Approach

Holden (2006:6) illuminates that the first organised crime detection took place as a result of Sir Arthur Conan Doyle's novels about Sherlock Holmes. The unbelievable skill of the fictional detective to solve crimes from the smallest pieces of physical evidence inspired Scotland Yard to follow Holmes' approach at a crime scene. The British incident impacted the improvement of a criminal investigation in the US, where large urban areas designed their police endeavours after the fruitful model in England. Doberkat, Hasselbring and Pahl (1996) explain that Scotland Yard's goal is probably to implement and measure executable models of cooperative planning and intelligent algorithms. Numerous strategies have been implemented and measured.

4.8.5 The United Nations Approach

Neyroud (2005:579) shares that the UN framework gives an arrangement of universal standards for good policing, in light of the fact that there is binding jurisdiction. These benchmarks are valuable in different settings, for example in police reform trajectories, post-conflict civil police missions, and subsequent preparation of the local law enforcement workforce, as well as global and cross-border policing.

4.8.6 The Asian Approach

Den Boer and Pyo (2011:14) explain that in Asia, several states have no communal treaties, conventions, or codes shared by the police and organisations. It is not expected that in Asia, where political, ideological, religious, and border sensitivities exist throughout the entire region, an inter-governmental, regionally accommodating policing organisation will be created. The relative absence of police freedom from political powers in numerous Asian nations is likewise observed as a boundary to creating such a local policing body. In any case, different international and regional organisations add to the enhancement of Asian nations. Among these organisations that merit particular mention are: international inter-governmental organisations, for example the UN and the OECD; provincial cooperative bodies, for example the Asia-Europe Meeting and the Organisation of Southeast Asian Nations; international financial organisations, for example the World Bank and Asian Development Bank; as well as international and regional civil rights NGOs, for example Amnesty International, Transparency International, and the Asian Human Rights Commission.

4.8.7. The OECD Approach

The OECD held a convention specifically designed for developing countries. The OECD (2012) points out that corruption constitutes a threat to freedom of trade and competition in international business transactions. It is intended to reduce corruption by imposing sanctions related to bribery and involving countries that are member states. Its aim is to create an economic environment that provides equal opportunities for everyone. Davids (2012:111) revealed that member states are also mandated to legislate against the bribing of foreign public officials, which aids the

fight against international corruption. Governments have responded to the problems of corruption in various ways, including campaigns to combat corruption, evaluation of the rules applying to public officials, and the adoption of service charters and codes of conduct. In this context, the OECD has been helping its member countries to review and reform the institutions, systems, and conditions used to promote ethics in the public sector. This OECD work on public sector ethics contributes to the global battle against corruption by addressing the “demand side” of the corruption equation.

Additionally, Rose-Ackerman and Lagunes (2015:152) indicate that the OECD is an organisation that provides a meeting ground for nations that have confidence in the free market system. The OECD has the responsibility to talk about problems and achieve understandings, some of which are legitimately binding. The OECD adopted a multi-disciplinary approach to combat corrupt activities. This approach grasps work in various fields, for instance combatting corrupt activities of public officials abroad, financial policy, public sector governance, private sector integrity, development aid, and export credits. An all-embracing theme in contributors’ efforts to combat corrupt activities is policy coherence – assuring that strategies to accomplish one aim, similar to the recuperation of assets redirected from development purposes, are not undermined by different strategies, for instance, banking secrecy. The endorsement and enactment of international agreements, for instance, the UNCAC, are sound, coherent donor country approaches.

4.8.8 Transparency International Approach

Transparency International (2014) shares that they are an autonomous ACA which is properly funded and can be a strong weapon in the fight against corrupt activities. They require mutual corroboration between the government, judiciary, and law enforcement if they are to execute their mandate. Initially, the ACC was introduced in Singapore during 1952, followed by Malaysia and Hong Kong, which gave Asia the status of being the “cradle” of ACAs. At present, there are around 150 such offices all throughout the world. They are planned through expansive political accord and are seen by most role players as a definitive reaction in an attempt to limit corrupt activities. In any case, they can find themselves the focal point of political controversy on the off chance that they decide to investigate those in power.

Transparency International is an international NGO with the goal to combat global corruption. It publishes data in various forms, such as the CPI, and also publishes a Global Corruption Report, a Global Corruption Barometer, and a Bribe Payers Index. The CPI ranks countries and territories based on how corrupt their public sector is perceived to be, and also gives the views of observers from around the world.

According to Transparency International (2017), South Africa scored 43 in the latest CPI assessment. The country's position has fluctuated substantially in recent years; it tended to decrease from 2003 to 2017. The country has dropped 34 places on the CPI since 2001. It is clear that there is a propensity to decrease. From a global perspective, South Africa was ranked 71 out of 180 countries.

4.8.9 Global Advances in Combatting Corruption

The Government of the UK (2016) points out that understanding the UK and other global advances in legislation to combat corrupt activities and enforcement is an authoritative part of comprehension which requires the compliance of organisations by several enforcement authorities around the world. It also serves as a reminder of the high cost of neglecting to those requirements. Clear patterns have developed in the last few years with the establishment of a global fight against corrupt activities (Government of the UK 2016):

- More jurisdictions have stepped up to implement legislation to combat corrupt activities, including Canada, Brazil, and Ukraine at present.
- Companies now comply with an assortment of investigations. For example, China's investigation relating to GlaxoSmithKline (GSK) has been shadowed by additional investigations in relation to GSK in Poland, the UK, and the USA.
- The USA has continued with its aptitude to enforce colossal monetary sentences by negotiated settlement agreements.
- In 2014 the UK's SFO described investigations into corrupt activities in relation to Rolls Royce, as well as GSK, and instigated the prosecution of Alstom.
- In the UK and the USA, there is an emphasis on the importance of an organisation's methodology to combat corrupt activities and on its response to accusations of crime in relation to the sentences for involvement in corrupt

activities. Organisations, such as Credit Suisse, that have fumbled in their in-house investigations relating to corrupt activities, have been confronted with bigger sentences. The Morgan Stanley story offers valuable insights to the commonly asked question: “What is enough when it comes to compliance?” It also shows that no matter how good a global company’s compliance programme is, no company is immune from rogue employees. The lesson here is that not every crisis needs to be front-page news or a scandal that brings a business to the brink of disaster.

- Both the USA and the UK have shown that they will prosecute people for the role they played in their organisation’s conduct in corrupt activities, using evidence secured in the investigation of such an organisation.
- The UK introduced the DPA prior to 2015, permitting a negotiation between organisations and the Chief Financial Officer (CFO) under legal supervision to resolve corruption accusations by agreements which will impact on future conduct.
- The effect of these patterns is to place more noticeable emphasis on the importance of organisations’ strategies against corrupt activities and on their respective responses to the accusation of their involvement in criminal conduct.
- Organisations currently face a multitude of investigations. For example, GSK is Britain’s biggest drugmaker. Chinese authorities found GSK guilty of bribing both hospitals and doctors to help promote their products in China, using a network of nearly 700 travel agencies to pay medical professionals, health-related organisations, and government officials. According to Chinese authorities, GSK funnelled about ¥3 billion, or US\$482 million, through this network to recipients.

4.9 INDEPENDENCY OF A MULTI-AGENCY APPROACH

The UNDP (2005) states that the independence of the agency is a fundamental requirement for its effectiveness, and broadly refers to the ability of the institution to carry out its mission without interference from powerful individuals or the political elite. Hussmann and Hechler (2008) explain that the concept of independence can be understood in terms of organisational, financial, and functional independence

and the institutional setup for ensuring independence needs to be context-specific. When there is no coordination, the resources of government are not allocated to sufficiently address the needs of an ACA, preventing it from being effective in its activities. It is, therefore, important to consider potential jurisdictional conflicts with other agencies involved in the fight against corruption, provide institutional clarity, and make sure that the establishment of the specialised agency does not undermine other existing structures. Independent involvement in a multi-agency approach also avoids misunderstandings where the police have developed a particular approach that may exclude others from participating. Therefore, while independent advisers are an outward and visible sign of openness and accountability, they can also challenge police mindsets and assumptions. This helps to build confidence and trust in the police. The work of Lewis and Stenning (2014:11) assert that the DPCI is at a crossing point. The Constitutional Court judgment in *Glenister v President of the Republic of South Africa and Others* (CCT 48/10) [2011] ZACC 6 has raised uncertainty about the Directorate's continued existence within its present frame. An essential stance among the most rudimentary questions raised by the Constitutional Court judgment is whether the DPCI can be sufficiently independent while situated inside the SAPS. This article presents disputes in support of the view that detaching the unit from the SAPS is fundamental to building public trust in the unit and to meet the provisions of the judgment.

4.9.1 The Role of Media Independence in Combatting Corruption

Camerer (2008) shares that the independent media play a significant part in uncovering and reporting cases of corruption, including revealing the conduct of agencies in government that fight corrupt activities and following up on how these agencies manage the problem. The research-based NGOs, for example the Public Democracy Advice Centre (ODAC), Institute for Security Studies, and the IDASA, likewise play a vital role in advocating for legislative and strategic variations, for example in corruption legislation, access to information, and budgetary scrutiny of public bodies where funds are used in transactions for goods and services in government. An involved citizenry structured into NGOs that demand more accountability and responsiveness in government is part of an effective fight against corrupt activities.

4.10 THE IMPORTANCE OF ANTI-CORRUPTION AGENCIES

ACAs have the mammoth task of ridding society of corruption and in return enable countries to prosper, as funds are then utilised for the purpose intended. Good governance is paramount for meeting the developmental goals of a state and in fighting corrupt practices. ACAs should build an awareness of the dangers of corruption by recommending changes to public service procedures that currently create opportunities for corruption in government agencies, and to spread anti-corruption messages through public education and community outreach programmes. They should have a comprehensive mandate which includes prevention, education, and investigation of corruption to be effective. As Quah (2011:584) points out, when a country is well-governed (like Singapore), it is less likely to suffer from corruption, because the government impartially implements various anti-corruption measures. Conversely, if a country is poorly governed (like China or the Philippines), it is more likely to be afflicted by rampant corruption, because the government lacks the political will to impartially implement the anti-corruption measures. De Speville (2008) has drawn attention to the fact that anti-corruption agencies are usually created when corruption has spread so widely and the police are so corrupt that offences of bribery are no longer investigated or prosecuted. In a desperate attempt to stop the rot, the government establishes the ACA, half believing that the problem will then disappear. The passing of new legislation to combat corrupt activities along with additional penalties had no impact, as the problem keeps getting worse. Many of these agencies fail dismally to have any impact on corrupt practices, as collaboration amongst the various institutions is quite essential to be effective in the fight against corruption. An ACA should be entrusted with comprehensive authority, and be subjected to oversight themselves. The two main components of oversight should be:

- firstly, the transparent administration of the ACA itself; and
- secondly, its answerability to the various offices in government.

De Sousa (2010:15) mentions that the rationale of ACAs is to have accountability in government by advancing forthright practices, however, rule of the law, human rights guidelines, and due processes must be followed. In general, society ought to have access to the work ACAs are conducting. The reports should be published

through accessible forums, for example, the Internet. There ought to be a code of ethics and disciplinary procedures that guard over their investigative duties. Although difficult, the ACA should be able to operate without undue political interference. An alternative is to subject the ACA to be reviewed by an outside board of trustees, which is staffed by delegates of various government organisations, for example, parliament and the legation, including the private segment.

The Kingdom of Thailand (2007:4) clarifies that they have adopted an alternate strategy in the oversight of the ACA. The parliamentary frameworks require an ACA to answer to a parliamentary board of trustees made out of both the ruling party and secondary party from the governing body of the ACA. This practice has been applauded by the UN in that the practice appears to be transparent. Nino (2013) concludes that combatting corruption is vital to change the norm of unlawfulness that reaches out all over the country without many exceptions. Without a versatile message from justice institutions, individuals will keep assuming that some politicians are corrupt, because numerous public officials exploit their powerful positions.

4.10.1 Governance and Corruption

The work of Shah (2007:243) reveals that “corruption is itself a symptom of fundamental governance failure, developing countries can be classified into three broad categories – high, medium, and low – reflecting the incidence of corruption.” Turning to Quah (2015:145), one finds that “countries with high corruption have a low quality of governance, those with medium corruption have fair governance, and those with low corruption have good governance.” Kaufman, Kraay & Mastruzzi (2005:3) found that the quality of governance in a country can be assessed in terms of the following indicators:

a) Voice and accountability:

“The extent to which citizens can participate in the selection of their governments; and the independence of the media, which monitor those in authority and hold them accountable for their actions” (Kaufman et al 2005:5-12). As Quah (2015:156) states, a country’s policy should be conducive for curbing corruption.

b) Political stability and absence of violence:

“Perceptions of the likelihood that the government in power will be destabilised or overthrown by possibly unconstitutional and/or violent means, including domestic violence and terrorism” (Kaufman et al 2005:5-12).

c) Government effectiveness:

“The quality of public service provision, the quality of the bureaucracy, the competence of civil servants, the independence of the civil service from political pressures, and the credibility of the government’s commitment to policies” (Kaufman et al 2005:5-12).

d) Regulatory quality:

“The incidence of market-unfriendly policies such as price controls or inadequate bank supervision, as well as perceptions of the burdens imposed by excessive regulation in areas such as foreign trade and business development” (Kaufman et al 2005:5-12).

e) Rule of law:

Those indicators which “measure the extent to which agents have confidence in and abide by the rules of society”, namely: “perceptions of the incidence of crime, the effectiveness and predictability of the judiciary, and the enforceability of contracts” (Kaufman et al 2005:5-12). Graycar and Prenzler (2013:384) perceptively state that in addition to the fact that it undermines good governance, the corruption of the rule of law also decreases service quality and efficiency in the government and at the same time threatens the pillars of democracy, justice, and the economy.

f) Control of corruption:

“Perceptions of corruption are conventionally defined as the exercise of public power for private gain” (Kaufman et al 2005:5-12) amongst the various ACAs in Singapore, China, the Philippines, Taiwan, and Japan. Given their shape and functions, these corrupt associations have become pivotal in the decentralised control of corruption.

The particular aspect of corruption measured by the various sources differs somewhat, ranging from the frequency of “additional payments to get things done”,

to the effects of corruption on the business environment, to measuring “grand corruption” in the political arena or in the tendency of elite forms to engage in “state capture”.

4.11 RATIONALE FOR INTERNATIONAL ANTI-CORRUPTION AGENCIES

Marc, Verjee and Mogaka (2015:135) perceptively state that corrupt activities debilitate the steadiness and security of the general public and, in addition, corrupt activities undermine the foundations and values of a democratically elected government. Where corruption prevails, ethical values and justice are in peril, as well as the sustainable progression and the rule of law.

Chêne (2014) clarified that Transparency International has defined corrupt activities as “the abuse of power for private gains”. Corrupt activities can transpire in quite a few structures, for instance, “administrative corruption”, or the utilisation of private payments to public officials to interfere with the prescribed implementation of official rules and policies. Lex Mundi (2014) supports the view of Chêne by expressing that by taking a strong position on promoting transparency and fighting corrupt activities, companies alleviate reputational risk, as well as carry out their duty as corporate citizens, and can take an active part in developing explanations for a slice of the biggest problems currently confronting the global arena.

Quah (2009:590) explains that there are many expected benefits to the creation of centralised anti-corruption bodies and, although they can't be considered a silver bullet, they are largely perceived as having the potential to stimulate a more successful coordination of the local fight against corrupt practices by focusing powers in a self-contained agency and bringing specialisation, independence, and self-governance to the battle against corrupt practices. In particular, some authors consider that such interventions, among other advantages, can result in:

- enhanced public profile;
- the concentration of expertise; and
- reduced uncertainty over jurisdictions by avoiding duplication of powers.

The OECD (2013) indicates that clear rules of engagement need to be designed for the ACA(s) to effectively interact and cooperate with other agencies and institutions involved in anti-corruption related activities.

4.11.1 Historical Information of Anti-Corruption Agencies

As stated by Bouckaert, Peters and Verhoest (2016), agencies similar to ACAs are often called arm's length bodies of government. These agencies are an essential part of successful operations of government administrations. They provide a comprehensive array of executive functions, such as giving professional advice, safeguarding the Constitution, and providing employment for most of the public service officials.

In addition, Gash, Magee, Rutter and Smith (2010) and De Sousa (2009) reveal that more research needs to be conducted on the functions of ACAs. Preceding research has reduced concerns surrounding their autonomy, conviction, responsibility, representativeness and specific references to their legality. Therefore, it is important to first discuss the legality of an ACA, and then provide a summary of the aims and objectives of the ACA. This will accentuate the various anti-corruption functions assigned to a specific ACA.

4.11.2 Impediments to Anti-Corruption Agencies

The work of Quah (2015:152) found that there are various reasons why ACAs fail to fulfil their mandates. These impediments which ACAs should guard against is as follows:

- Weak political will.
- Deficiency of resources.
- Political interference.
- Fear of consequences.
- Doubt in benefits.
- Unrealistic aims and expectations.
- Traditional reliance on enforcement alone.
- Failure to understand the nature of corruption.
- Lack of strategy.

- Inadequate legislation.
- Lack of coordination.
- Minimal community involvement.
- Insufficient accountability.
- Selectivity in investigations.
- Failure to develop public trust.
- The agency itself becoming corrupt.

As pointed out in the Strategic Plan for Continuation Period 2018 – 2024 (Ahti 2017), the political climate brings about that commanders of ACAs continuously have to walk a thin line to determine which of the inadequate resources should be allocated to a specific investigation. They have to guard against allegations of prejudice and the abuse of power. They persistently need to find the equilibrium in the impartiality of investigations and what some may see as a “Witch Hunt” against certain department or individuals. De Speville (2008) points out that ACA leaders have to find their way in the dark when investigating all the reports on corrupt activities, whilst executing multi-faceted corruption investigations with inadequate resources and the execution of special investigation techniques to identify possible suspects. Level-headed commanders assess the pros and cons of the investigation by means of clear-headed and analytical thinking before blindly commencing with a particular strategy. Kuris (2013) reveals that high-visibility can unnecessarily place the spotlight on investigations, which could portray a prejudiced investigation process. In Slovenia, “there was a time when the prosecutor general and the police were heavily against me, and if we had made one mistake, they would have blown me away. You have to adhere to the law strictly” (Kuris 2013). The slightest slip-up would be blown out of proportion by the media.

4.11.3 The Efficacy of Anti-Corruption Agencies

Camerer (1999:2) reveals that the features of an effective ACA, as pointed out by renowned authors, include the following: integrity, political will, adequate resources, independence, and competency of manpower. Even with the allocation of relevant resources, there are still various key aspects that need to be addressed for an ACA to be effective. They need to have appropriate, competent manpower and adequate

resources, special legislative powers, advanced intelligence, coordination and, most importantly, operational independence. This is supplemented by Heilbrunn's (2004:18) statement that the essential key features of an effective ACA consist of: independence, a pure reporting hierarchy, and political will to permit high-level investigations into government actions which may be politically testing.

Stapenhurst and Langseth (1997:324-325) support that for an ACA to be effective, the following must be in place: political will, operational independence, adequate legislation, access to documentation, and the ability to question witnesses and commanders with high ethical standards. Transparency International (2014:41) indicates that as corrupt practices become even more sophisticated, conventional law enforcement agencies are not well-placed to detect and prosecute corruption cases. Therefore, it is recommended that ACAs must specialise in corruption and it is imperative to safeguard their independence. Along with these functions, they should also execute the functions of prevention and education of public officials on the red flags of corrupt activities. They need to have comprehensive intelligence gathering processes, receive reports on corruption, and be able to advise government and private agencies on corruption-related activities. Jennet and Hodges (2007:2) state that the selection criteria for ACA members must be transparent and clearly defined to ensure that no corrupt members are selected. The ACAs must have the necessary restraint in the employment of members with a political agenda. Pope and Vogl (2000:18) concur that the selection criteria must be transparent. They recommend procedures to ensure that only members with high ethical standards be employed at ACAs, and that the members of ACAs must safeguard against political interferences with the fulfilment of their duties. Jennet and Hodges (2007:2) reveal that comparative analysis of ACAs recommends that ACAs should employ competent members with high ethical standards with an aptitude to fight corruption in the public sector. This will either result in the success or failure of the ACA's ability to combat corrupt practices along with the trustworthiness and efficiency of the agency.

Transparency International (2014) indicates that in 2012 the criteria, principles, and functions of effective ACAs were agreed upon by the anti-corruption community.

Some of the prevalent key aspects recommended for effective ACAs is as follows:

- They need to have a comprehensive and transparent mandate to combat corrupt activities with relevant legislation.
- ACA heads and members must be independently appointed, with the assurance that they can only be dismissed through properly established processes by law.
- The ACAs should hold themselves to high ethical standards in the execution of their duties and remain above reproach.
- During any political predicaments (for example, Thailand) no side may “hijack” the agenda of the ACA and the work should be allowed to continue free from threats and intimidation.

A study by Ahti (2017) shows that ACAs of Croatia, Indonesia, Latvia, and Slovenia followed a conscious decision to adopt a high-visibility approach in the fight against corrupt practices. They exclusively pursue “big fish” cases and commenced with criminal proceedings from the onset. Granting that such an approach will consume most of the ACAs’ limited resources and might provoke controversy, a successful criminal process often builds public support and sends a message that corruption does not pay. In Latvia, Ahti (2017) found that exposing judicial corruption gives rise to impartial rulings at corruption trials.

4.11.4 Single Anti-Corruption Agency

Meagher and Voland (2006:10) observe that Hong Kong, through the ICAC, has provided the standard for powerful, centralised ACAs. The issue of having one ACA in South Africa has been debated by a number of researchers, including Meagher and Voland (2006:14), Camerer (1999:8), and the PSC (2011:3), and there have been some conflicting opinions. The PSC (2011:5) indicates that the question is whether South Africa can afford a single agency approach to combat corrupt activities as recommended. Although it had some backing, the concept of establishing a single ACA in South Africa raised concerns regarding its location, budget, and mandate. The PSC (2011:5) states that it does not support a single ACA, since the current agencies are effective. The PSC highlighted the need to determine the viability of a single ACA and the disadvantages of forming a single ACA. The PSC (2011:5) elaborated that it would entail another layer of government

to the law enforcement sector which will result and the reallocation of scarce resources from other agencies and other government priorities. Through their reply, it is obvious that there is no political will to have a single ACA to combat corrupt activities.

As Camerer (1999:11) perceptively states, the key aspects for an effective ACA can be determined by reviewing successes in the fight to curb corrupt practices in both Hong Kong and South Africa. The criminal investigation process is fundamental to the ICAC's mandate; its functions are reinforced by an adequately resourced police force and criminal justice system. The ICAC functions with political will, whereas in South Africa tension exists when it comes to government resources to deal with corrupt activities and an ineffective criminal justice system to combat corruption makes the weaknesses in the system apparent. Heilbrunn (2004:15) explains that the primary function is to provide centralised leadership in the core areas of anti-corruption activity, which include policy analysis and technical assistance, monitoring, investigation, and prosecution. It can be inferred that ACAs are intended to spearhead the fight against corrupt activities. Majila, Taylor and Raga (2018) found that there is evidence that ACAs are essential in the fight against corruption. From the literature studied it is evident that Hong Kong's ICAC embodies a universal model for ACAs. The functions of this model are investigation, prevention, and communication. The New South Wales ICAC takes a similar approach to fight corruption as that of Hong Kong's ICAC. However, the New South Wales ICAC reports to parliament and is independent of the executive and judicial branches of state. South Africa has adopted a multi-disciplinary approach that includes a number of state organs which are meant to be separate, but together weave a web of agencies to fight corruption. However, this is not happening. As exposed by the literature review, the model is riddled with problems. Thus, it is important to review successful ACAs as well as the operation of solo ACAs with a comprehensive mandate to prevent, investigate, and educate on corrupt activities.

4.11.5 Countries without Specialised Bodies

The OECD (2013) revealed that not all countries have specialised bodies to fight corruption. Some countries like Mongolia, Nicaragua, or Columbia, for example, have built their anti-corruption expertise within existing institutions in the form of

specialised units in the public prosecutor's office. Countries like South Africa, Bulgaria, and Germany have also opted for strengthening existing institutions rather than creating a separate body. This approach is able to be as effective as ACAs, providing that such ACAs have independence, adequate resources, and competent members to fight corruption.

4.11.6 Collective Anti-Corruption Agency

Transparency International (2013) accentuates that there is no blueprint for designing and implementing an effective anti-corruption policy and, to be successful, it is fundamental that the strategy is tailored to the country's context. Chêne (2012) points out that with the recommendations put forward by international organisations such as the World Bank, United Nations Office on Drugs and Crime (UNODC), and the UNDP, taking into account their experience with anti-corruption policies so far, it is possible to identify key features that are instrumental in the design and implementation of any anti-corruption strategy.

4.12 OVERVIEW OF INTERNATIONAL ANTI-CORRUPTION AGENCIES

Merry, Davis and Kingsbury (2015:16) assert that several studies have been directed to better understand the rationale behind the occurrence of corrupt activities, with the objectives to discover strategies that would assist in efficiently addressing corruption in South Africa. Some of the strategies are revealed in this section.

Numerous countries have opted to use a single anti-corruption strategy. However, policy-making has taken different forms and is being applied in diverse ways, with mixed results. While there is no single best practice for ACAs, experience has shown that anti-corruption strategies are highly likely to fail when the strategies are not in line with the country's own specificities and characteristics.

Evans (1999:18) expounds that international activities are strengthened and supported by Transparency International, the World Bank, the European Union, the Council of Europe, and the USA Law on Foreign Corruption Practices. Some Western countries have drawn up enactments on money laundering, and some

African countries, including South Africa, Malawi, Zambia, Uganda, Tanzania, and Kenya, have established anti-corruption units. Van Vuuren (2014:7) refers to the international agreements which were signed between 1999 and 2003, stating that their aim was to make the most of the legislation, which includes the following:

- The SADC Protocol Against Corruption.
- The AU Convention on Preventing and Combating Corruption.
- The UN Convention against Corruption.
- The OECD Anti-Bribery Convention.

The PSC (2011) clarifies that two of the finest law enforcement agencies around the world, namely Scotland Yard and the FBI, were asked to help the former DSO in building up their investigative capacity. These agencies made a valuable contribution towards the DSO's investigation capacity until they were unceremoniously disbanded in 2009.

4.12.1 Australia: Anti-Corruption Agency

The OSISA (2017) reveals that Australian law enforcement agencies see the bigger picture of organised and transnational crime. The bigger picture cannot be seen if information and intelligence remain separated in multiple agencies. Fusion is the process of integrating and analysing those multiple sources. So far, the project has informed the design of various initiatives, including the Counter-Terrorism Control Centre and the Criminal Assets Confiscation Taskforce. Plans are also underway to establish the Australian Cyber Security Centre. The Australian Criminal Intelligence Commission (ACIC) brings together specialists from different government agencies and different levels of government, with access to multiple information and intelligence holdings. The ACIC includes staff from the Australian intelligence community, the Australian Crime Commission, the Australian Taxation Office, Australia's financial intelligence unit (AUSTRAC), the national welfare agency (Centrelink), the Department of Immigration and Citizenship, and law enforcement agencies. Staff from these diverse agencies contribute their expertise to financial investigations, operational psychology, data-mining, statistical analysis, database management, and architecture.

The ACIC put the pieces together from different agencies to produce a more comprehensive picture of criminal targets, risks, threats, and vulnerabilities. Although only established in 2010, the benefits of the project are already apparent. For example, in early 2013, the ACIC detected a series of suspicious international transactions from Australia valued in excess of A\$20 million. Intelligence also showed the use of false identities and credit cards. Following this detection, Australian law enforcement agencies located two significant methyl amphetamine laboratories. The ACIC has also paid dividends for the detection of international money laundering and the recovery of assets. For example, in late 2012, the ACIC identified likely proceeds of crime in excess of A\$38 million being transferred to a foreign jurisdiction. In another investigation, significant money laundering involving professional facilitators was identified. These detections are now being investigated (OSISA 2017).

4.12.2 Republic of Botswana: Anti-Corruption Agency

The OSISA (2017) expounds that the DCEC in the Republic of Botswana was established in September 1994. It was placed under the CECA model and staffed by the former members of the Hong Kong agency as well as local personnel. The Directorate is an operationally autonomous law enforcement agency. The legal mandate of the DCEC is to combat corruption. It can investigate, prosecute suspects, and prepare strategies to combat corruption, as well as provide public education and training. The Botswanan CECA was enacted in 1994 to create the DCEC.

The work of Kuris (2012:2) reveals that there was an urgent need for this arrangement, because the Republic of Botswana was witnessing a series of corruption scandals involving heads of government agencies and top government functionaries in the early 1990s. The DCEC had the mandate to investigate, prevent, and educate the public on corruption issues and took over the investigation of corruption cases in the Republic of Botswana.

4.12.3 Federative Republic of Brazil: Anti-Corruption Agency

The OSISA (2017) clarifies that the office of the Comptroller General (CGU) is an office of the government accountable for helping the President of the Federative

Republic of Brazil with issues inside the official branch that concern safeguarding public resources and improving the transparency of the administration through internal control exercises, open reviews, remedial and disciplinary measures, corruption prevention and combat, and the coordination of ombudsman's activities. The CGU is additionally responsible for overseeing all departments in government that make up the inside control framework, the disciplinary framework, and the ombudsman's units of the federal executive branch, providing direction as required.

4.12.4 China: Anti-Corruption Agency

Quah (2013:85) points out that indeed it will be difficult for China to minimise corruption as long as the Communist Party of China (CPC) is unwilling to introduce checks on its power. The work of Manion (2016:5) reveals that the lead ACA in China, the Central Commission for Discipline Inspection (CCDI), can trace its roots to the establishment of the CPC's disciplinary supervisory commission in 1927. The CCDI was re-established in 1978. As the CPC's disciplinary organ, the CCDI, is responsible for enforcing internal discipline among party members. Quah (2015:155) has pointed out that it is difficult to implement political reforms in China, as China is the only Communist state among the five Asian countries and it would be extremely difficult and unlikely for the CPC to introduce the necessary political reforms to enhance the CCDI's effectiveness in curbing corruption. The limitations faced by the CCDI result from the CPC's preference for disciplining their corrupt members internally, and its reliance on using corruption as a weapon against its political opponents. This means that these two obstacles can only be removed with the CPC's approval. However, in view of the CPC's entrenched position in China's political system, it is unrealistic to expect the CPC leaders to initiate fundamental political reforms to undermine their power for the foreseeable future. Reference to Quah (2015:147) reveals that the CCDI implements the CPC's political order by investigating violations of its codes and complement China's anti-corruption activities. The Agency Against Corruption (AAC) has indicated that the CCDI was inaugurated in 1978. The CCDI is the lead ACA in China, a task with the following ACA functions (OECD 2013):

- upholding the Constitution and other important rules and regulations of the CPC;
- assisting the respective party committees to rectify the party's behaviour; and

- monitoring the implementation of the principles, policies, and decisions of the CPC.

4.12.5 Georgia: Anti-Corruption Agency

Di Puppò (2010:220) conceptualises the anti-corruption discourse of the Georgian Government after the Rose Revolution as a creative assemblage of diverse elements. Various elements are used depending on which constraints, national or international, the government is responding to. It is possible to distinguish between two official ways of fighting corruption in Georgia: one relying on law-enforcement agencies and domestically oriented, and one relying on economic liberalisation, inscribed in a modernisation programme, and more oriented towards the international community. These two approaches are unified rhetorically in a discourse emphasising the rupture with Soviet practices. The fight against corruption in Georgia is framed into a nation- and state-building project. While the economic liberalisation elements in the governmental discourse reflect the international anti-corruption discourse and its emphasis on the development of a market economy as a corrective to corruption, this discourse is also moralised through local references.

Di Puppò (2010:231) points out that external anti-corruption standards were officially adopted to create Western-style institutions to have anti-bribery policies in place for both internal and external stakeholders. Georgian President Mikheil Saakashvili promoted this view in his inaugural speech (Di Puppò 2010:231): “We must root out corruption. As far as I am concerned, every corrupt official is a traitor who betrays the national interest.” In the discourse of the Saakashvili administration, “good guys” are not corrupt; they are self-disciplined. After the Rose Revolution, the government has engaged in a process of regaining its lost legitimacy. During Soviet times, the state had been perceived as an alien object in Georgia. As a result, corruption and the shadow economy were to some extent socially accepted as a form of national resistance. The post-revolutionary government wants to restore respect for the state and destroy parallel sources of legitimacy, such as those generated through criminal authorities. The main outcome of the governmental anti-corruption measures has thus been the reinforcement of the executive. These measures had the effect of strengthening power within a narrow circle of insiders. This approach to fighting

corruption was expressed by Saakashvili at the start of his presidency (Di Puppò 2010:231): “We need to introduce in the parliament very drastic anti-corruption legislation that would give vast powers to a new elite, small, honest investigative unit that would really tackle high-level corruption.” This top-down approach relies heavily on law-enforcement agencies and the prosecutor’s office while neglecting independent control bodies, such as the judiciary and the Chamber of Control.

4.12.6 Hong Kong: Anti-Corruption Agency

As revealed by Scott (2013:77), Hong Kong is one of the few clean societies in the world. Its success in combatting corruption and, especially, the independent power and key role of the ICAC in Hong Kong has been admired by local governments and officials in Mainland China. In 2010, the leaders of Foshan City in the Guangdong Province discussed the possibility of forming an ICAC in their city that would, to a large extent, mirror the Hong Kong ICAC model. The OECD (2012) indicated that normally, ACAs focus on public sector corruption, but some, such as Hong Kong’s ICAC, have a broader focus and are also concerned with fighting corruption in the private sector. The practice is similarly followed in Singapore to combat corruption.

Yet another innovative example is set by the ICAC in Hong Kong for the international community to take note of, namely “victims of corruption”. Fatima (2017:42) has drawn attention to the fact that it is important to involve the victims of corruption. Most donor-supported anti-corruption initiatives primarily involve only the people who are paid to fight corruption. Very few initiatives involve people suffering from the effects of corruption. It is therefore critical to do more of what the ICAC in Hong Kong has done over the past 25 years. For example, the ICAC interfaces directly (face-to-face in awareness raising workshops) with almost 1% of the population every year.

4.12.7 Japan: Anti-Corruption Agency

Quah (2015:156) reveals that Japan is reluctant to tackle organisational corruption. Even though Japan has a democratically elected parliament with a constitutional monarchy, the ACAs are unlikely to initiate the necessary anti-corruption measures to eradicate the “rotten triangle” of corrupt politicians, bureaucrats, and businessmen. This explains why the Japanese government has not ratified the

UNCAC after signing it more than a decade ago. Japan has continued to rely on the ineffective Special Investigation Departments and many anti-corruption laws to investigate various corruption scandals. As Van Wolferen (1993:197) points out, the Japanese Government should establish a single ACA and a comprehensive anti-corruption law to tackle structural corruption. Japan's continued reliance on their ineffective pattern of corruption control reflects its government's lack of political will in combatting corruption. As mentioned above, there is no incentive for the Japanese Government to eradicate the existing system of structural corruption, which favours the "rotten triangle" of corrupt politicians, bureaucrats, and businessmen. Indeed, the status quo in Japan will remain unchanged unless and until the Japanese citizens elect political leaders who are genuinely committed to the elimination of their country's structural corruption. The work of Quah (2015:149) indicates that the Special Investigation Departments of the public prosecutor's offices in Tokyo, Osaka, and Nagoya are the de facto ACAs in Japan. They are responsible for investigating bribery cases and other related offences. The ACAs' functions are listed below:

- investigation of cases of bribery, breach of trust, and tax evasion;
- securities exchange violations, and non-compliance with laws; and
- prohibiting private monopolies and maintenance of free trade.

4.12.8 Kenya: Anti-Corruption Agency

The OSISA (2017) states that the Kenya Anti-Corruption Commission (KACC) is a public body created by the Anti-Corruption and Economic Crimes Act in 2003. The KACC became fully operational in August 2005 and replaced previous agencies and units working on corruption-related issues. The KACC is responsible for investigating and preventing corruption and economic crimes, and educating the public on the dangers of corruption. The KACC does not have any prosecution powers, but forwards cases to the Attorney-General. The KACC receives regular funding and has full-time staff members which, according to Global Integrity 2009, are among the best-paid public officials in Kenya.

4.12.9 Nigeria: Anti-Corruption Agency

Fatima (2017:325) clarifies that one purpose of developing the NACS is to help generate and maintain the necessary leadership and broad support required to

effectively curb corruption and it is important to bear this in mind at the developmental stage of any strategy. Responding to a request by the Conference of the States Parties to UNCAC to identify and disseminate good practices among States Parties regarding the development of National Anticorruption Strategies, the UNODC (2004) came up with a guide. Millions of Nigerians feel the cruel effect of corruption. In recognition of this insurmountable task, one of the campaign promises of this administration during the 2015 elections was to aggressively clamp down on corruption by presenting a NACS. Indeed, on 5 July 2017, the Federal Executive Council approved the NACS for the first time in the history of Nigeria as a nation. The strategy is an insight into the government's fight against corruption and a guide to all sectors and stakeholders in the fight against corruption. The NACS outlines clear objectives of changing the logic of corruption and anti-corruption in Nigeria, by adopting an approach based on the five pillars: prevention; public engagement; ethical re-orientation in the public and private sectors; enforcement and sanctions; and the recovery and management of proceeds of corruption.

Bilefsky (2015) indicates that the identification and recovery of stolen assets are not enough. As much as \$1 trillion in criminal proceeds is laundered through banks worldwide each year with about half flowing through American banks. In developing countries such as Nigeria, this can be translated into \$100 billion stolen by corrupt regimes over the last 15 years. Even if Nigeria, for example, receives the necessary help to recover its stolen assets, reasonable people would be hard-pressed to advocate its return back into a systemically corrupt environment without trying to first increase the risk, cost, and uncertainty to corrupt politicians who would most likely again abuse their power to loot the NT.

4.12.10 Namibia: Anti-Corruption Agency

The OSISA (2017) explains that the Namibian ACC was established under the Anti-Corruption Act 8 of 2003. In February 2006, the Namibian ACC began formally operating. It is an independent agency equipped with wide-ranging powers of investigation and refers its findings to the Prosecutor General. The Namibian ACC works closely with the Namibian Police Force, the Office of the Auditor-General, and the Namibian Financial Institutions Supervisory Authority. The Namibian ACC is accountable to the National Assembly and also submits its annual report to the

Prime Minister. Although dealing with corruption cases is the Constitutional mandate of the Office of the Ombudsman (OMB), the majority of cases it has dealt with were related to maladministration.

4.12.11 Republic of the Philippines: Anti-Corruption Agency

The work of Quah (2015:154) shows that the Philippines ACA (PACA) has the highest perceived level of corruption in Asia. This is a direct result of their continuing on the same downward spiralling path and their seeming inability to change. The main reasons for their impediment are a poorly staffed ACA along with uncoordinated multi-disciplinary approaches resulting in members' roles overlapping. This results in unnecessary duplication which results in unnecessarily prolonged investigations. The ACA is reportedly underfunded as a direct result of political interference in its independent operation. The OMB is not a dedicated ACA and is inadequately staffed and funded. The rational solution appears to be obvious, but seems to be ignored repeatedly by both past and current political leaders. The OMB should focus on its primary functions of administrative adjudication and public assistance and relinquish its functions of corruption investigation and prevention to a new, dedicated, and adequately staffed and funded agency. The PACA could be such an agency, should they be allowed to perform the function of prosecuting corruption offenders. Effectiveness could be enhanced by increasing its budget and personnel to reduce the inordinate delay in completing cases. Needless to say, this suggestion of creating the PACA to replace the current ineffective ACAs is bold and requires tremendous political will for its realisation. However, it is unlikely that there will be the political will to implement this necessary anti-corruption initiative. This means that the ball will be in the court of the ruling party to exhibit the requisite political will to implement the long overdue replacement of the ineffective multiple ACAs with the PACA.

Quah (2015:152) has drawn attention to the fact that the primary function of ACAs is the investigation of corruption cases. In the example of the Republic of the Philippines, the ACA has an elaborate and sophisticated anti-corruption framework and many anti-corruption laws, yet its performance is dismal. The impediments encountered during the enforcement of the anti-corruption laws are as follows:

- public officials do not comply with these laws themselves;

- the ACAs lack the required capacity and resources to monitor and investigate corruption cases;
- the justice system is slow and inefficient, with unnecessarily prolonged investigations;
- the government has inefficient organisational systems and procedures; and
- enforcement is “partial and selective”, and dependent on “political will” before a specific investigation is conducted.

The OMB (2010:9) stated that the ACA was formed in 1989. The OMB in the Republic of the Philippines performs dual functions – that of an Ombudsman and of an ACA. Their dual functions are indicated below:

- investigation of anomalies and inefficiency;
- prosecution of graft cases;
- administrative adjudication;
- public assistance; and
- graft prevention by analysing anti-corruption measures and increasing public awareness and cooperation.

4.12.12 Republic of Poland: Anti-Corruption Agency

Gradowski (2010:178) clarifies that pressure from international institutions for combatting corruption has influenced the Republic of Poland on the implementation of recommended anti-corruption solutions in the Polish legal system. However, success in fighting corruption is based largely on the effectiveness of the national institutions, which should realise the anti-corruption policies. NGOs also play a vital role in this process. Their activities, on the one hand, contribute to supervising state institutions. On the other, they assist in the development of social support for eliminating corruption, bringing about changes in social attitudes, and reducing social tolerance for this phenomenon. Although some of the old EU member states ratified the European Anti-Corruption Conventions in the following years, others such as Germany, Austria, Italy, and Spain, have never done so.

The Republic of Poland’s efforts to prevent corruption were dominated by a series of uncoordinated ad hoc actions. There was also no clear conception as to how to

fight the problem. The new Act on Restricting the Pursuit of Business Activity of Persons Performing Public Functions was introduced on 21 August 1997 and has been in force ever since, despite numerous amendments (Gradowski 2010:178). The Polish Central Anti-Corruption Bureau (CBA) was established by the Central Anti-Corruption Bureau Act (CABA) of 2006 to combat corruption in public and private sectors and state and local government agencies, and also to combat activities that undermine the economic interests of the nation. The CBA's functions are to recognise, prevent, and detect criminal crimes against public institutions and local governments, the administration of justice, elections, and referenda, and it is also responsible for overseeing public order issues, the credibility of documents, tax obligations, property, business transactions, the funding of political parties, the disclosure of cases of non-observance of procedures, acts of corruption, and activities detrimental to the economic interest of the state. The CBA's functions also include conducting pre-trial proceedings against and prosecuting perpetrators of crimes within the above areas (Gradowski 2010:178).

4.12.13 Romania: Anti-Corruption Agency

The OSISA (2017) explains that the National Anti-Corruption Directorate was established in 2002 pursuant to the Strasbourg Criminal Convention on Corruption adopted on January 27, 1999. The National Anti-Corruption Directorate is an independent judicial structure and operates within the Prosecutor's Office attached to the High Court of Cassation and Justice. Its jurisdiction covers the whole of Romania with its head office in Bucharest and local offices in 15 territories. The National Anti-Corruption Directorate is headed by a chief prosecutor who is assisted by two deputy chief prosecutors. In addition, there are 145 prosecutors, 170 police officers, and 55 experts who specialise in economics, finance, banking, customs, and information technology working in the National Anti-Corruption Directorate. Law no. 78/2000 stipulates that the National Anti-Corruption Directorate has the duty to investigate suspected corruption committed by social, political, and public officials, including members of the Parliament and public employees.

4.12.14 Russian Federation: Anti-Corruption Agency

The OECD (2013) points out that in 1992, Federal Law No. 2202-I of 1992 on the Prosecutor's Office of the Russian Federation reorganised the Russian Prosecution

Service into a uniform system of centralised federal bodies. Consequently, the functions of the Prosecutor General's Office were recognised in the Constitution of the Russian Federation in 1993. The functions of the Prosecutor General's Office include: monitoring the activities of public and private organisations and personnel; initiating criminal prosecution against those suspected of corruption; supervising investigative agencies and state bodies; and pursuing charges in court.

Rose and Mishler (2010:151) reveal that the transformation of Communist into post-Communist regimes in the 1990s created many opportunities for corrupt behaviour through the privatisation of state-owned assets. Presidents Vladimir Putin and Dmitry Medvedev have frequently spoken of the need to 'do something' about corruption in the Russian government. Rose and Mishler (2010:158) expound that Russians tend to see their regime as corrupt, in itself, but that they do not reject its legitimacy. Even in badly governed countries, corruption can be positively valued as "providing immediate, specific and concrete benefits" (Rose & Mishler 2010:151). In such circumstances, "the only thing worse than a society with a rigid, over-centralised dishonest bureaucracy is one with a rigid, over-centralised honest bureaucracy" that cannot be circumvented by paying a bribe (Rose & Mishler 2010:151).

4.12.15 Singapore: Anti-Corruption Agency

As indicated by Quah (2015:156), the transformations to enhance the CPIB's effectiveness has yielded results. Singapore is recognised as the least corrupt country in Asia. The CPIB is also the most effective ACA with the highest staff to population ratio. Nonetheless, the arrest and detainment of a senior CPIB officer, Edwin Yeo, in February 2014 for misusing S\$1.76 million during 2008 to 2012 shows that the efficiency of CPIB is not faultless and they need to enhance their internal measures and procurement processes. As illuminated in the article on the CPIB, the bureau needs to manage the aftermath from the Edwin Yeo humiliation by improving its public outreach to regain the public's trust. It is likewise fundamental for the CPIB to enhance the external oversight of its activities by incorporating model citizens in its two present review committees, which consist entirely of only senior government employees.

Finally, the CPIB should also enhance its effectiveness by developing its in-house research capabilities further. The CPIB points out that Singapore established an ACA in 1952 (Ko & Choo 2015). The CPIB is tasked with the following functions:

- investigating complaints of corrupt practices;
- investigating corruption cases by public officers;
- preventing corruption by examining the practices;
- procedures in the civil service to minimise opportunities for corruption; and
- screening candidates for civil service positions to prevent those with criminal and corruption records from being appointed.

The OSISA (2017) enlightens that the CPIB was established by the British Colonial Government in 1952 as an independent body responsible for the investigation and prevention of corruption in the public and private sectors. Prior to 1952, all corruption-related cases were investigated by a small unit in the Singapore Police Force known as the Anti-Corruption Branch. Situated within the Prime Minister's Office, the Bureau is headed by a director who reports directly to the Prime Minister. The Singaporean CPIB is one of the oldest ACAs in the world, having been established in 1952. The CPIB is designated to investigate and prevent corruption in the public and private sectors, to investigate allegations of corrupt practices and misconduct involving public officers, to prevent corruption by recommending changes to public service procedures that create opportunities for corruption in government agencies, and to spread anti-corruption messages through public education and community outreach programmes.

Quah (2015:154) indicates why Singapore is more effective than the other four Asian countries in combatting corruption. The most important reason is the political will of the People's Action Party Government, which has been in power in Singapore since June 1959 after being re-elected in the 13 subsequent general elections. The political will of the People's Action Party in minimising corruption in Singapore is reflected in the provision of adequate budget and personnel to the CPIB after the enactment of the Prevention of Corruption Act in June 1960.

4.12.16 Taiwan: Anti-Corruption Agency

Quah (2015:154) explains that Taiwan established the AAC in July 2011 to appease public anger over the 2010 bribery scandal involving three High Court judges and a district prosecutor. The new AAC will also not be independent, as it would come under the jurisdiction of the Ministry of Justice. The AAC would not be “a carbon copy” of the ICAC in Hong Kong or the CPIB in Singapore (Quah 2015:154). The CPIB and ICAC are the most effective Asian ACAs and are providing examples of best practices for the international community to be implemented. Consequently, instead of resolving the difficulties encountered by the multiple ACAs in Taiwan, the President of Taiwan has unwittingly exacerbated the problem by creating another ACA to compete with the existing ACAs. The Ministry of Justice Investigation Bureau (MJIB) is ineffective in combatting corruption because of its three weaknesses. The MJIB is not a dedicated ACA, because of its extended mandate, which includes the following functions:

- Counter any internal disorder.
- Counter any disorder caused by foreigners.
- Counter any leak of national classified material.
- Anti-Corruption of any civil service.
- Drug control.
- Prevent any organised criminal organisation.
- Counter any major economic crime.
- Internal security investigation for the State.
- Any delegated missions or assignments regarding national security and national interests.

This means that the function of corruption control has to compete with these non-corruption-related functions for limited resources. In other words, the MJIB's second weakness is that its function of combatting corruption is usually given lower priority than the investigation of national security matters, which takes precedence.

The work of Quah (2011:602) reveals that the MJIB's third and most serious weakness is that it comes under the jurisdiction of both the Ministry of Justice and the National Security Bureau, because five of its functions are related to national

security. As the MJIB functions more like a national security agency than an ACA, it is irrational for the MJIB to continue to retain its fourth function of corruption control. Instead of resisting change and competing with the fledgeling AAC, the MJIB should focus instead on its national security functions and transfer its anti-corruption function to the AAC. The recommendation for the MJIB and AAC to cooperate and work more closely is unrealistic, as there is no incentive for the MJIB to enhance the AAC's effectiveness in view of the competition and animosity between these two agencies. It is unlikely that the MJIB will contribute to strengthening the AAC's capacity to curb corruption. As in the case of the Republic of the Philippines, it depends on whether the President's successor will retain the status quo or whether he or she is sincerely committed to the goal of minimising corruption in Taiwan. If the successor is genuinely concerned with improving Taiwan's effectiveness in combatting corruption, he or she has no alternative but to adopt the rational solution of reorganising the MJIB and strengthening the AAC's anti-corruption capacity and budget. The AAC was established during 2011 in Taiwan, the functions of the AAC are as follows:

- Formulation of national anti-corruption policies.
- Interpretation of legislation and revisions on corruption prevention measures.
- Implementation of anti-corruption measures.
- Investigation of corruption or related crimes.
- Supervision of government employee ethics units and personnel.
- Dealing with ethics affairs in the Ministry of Justice.
- Other matters related to anti-corruption.

4.12.17 Ukraine: Anti-Corruption Agency

The OSISA (2017) elucidates that while the Presidency (1991–1994) focused on establishing Ukraine as an independent state, the succeeding President (1994–2005) concentrated his efforts on building a viable economy and strengthening his personal control in the political sphere. As in most other post-Communist states, corruption in Ukraine had become endemic by the late 1990s. It is not surprising, therefore, that the country experienced considerable international pressure to introduce anti-corruption reform. The first anti-corruption legislation dates back to 1991, though most anti-corruption initiatives were introduced from 1995 onwards.

The development of a coherent legal framework for combatting corruption began that year and continued throughout the late 1990s, culminating with the “Anti-Corruption Concept for 1998 –2005” (OSISA 2017). Ukraine joined OECD’s Anti-Corruption Network for Eastern Europe and Central Asia in 2003. In December the same year, it signed the UNCAC. Despite these efforts, however, the OECD in its 2004 assessment of Ukrainian anti-corruption policies, noted that while Ukraine has a rich array of legal instruments and broad strategic documents (for fighting corruption), efficient coordination, implementation and enforcement remain insufficient.

4.12.18 United Kingdom: Anti-Corruption Agency

As indicated in the UK Anti-Corruption Plan (Government of the UK 2014), the UK has four anti-corruption approaches. These approaches adopt the “4Ps” namely: Pursue, Prevent, Protect, and Prepare. The UK government uses these approaches to coordinate its work on counter-terrorism, serious and organised crime, and anti-money laundering as follows:

- Protect against corruption by building open and resilient organisations across the public and private sectors.
- Prevent people from engaging in corruption, through strengthening professional integrity.
- Pursue and punish the corrupt, and strengthen the ability of law enforcement, criminal justice, and oversight bodies to investigate, prosecute, and sanction wrongdoers.
- Reduce the impact of corruption where it takes place, including redress from injustice caused by corruption.

The OSISA (2017) enlightens that on 22 June 2006, Prime Minister Tony Blair announced new measures to tackle international corruption, identified as one of the priorities at the Gleneagles G8 summit. Following the G8 announcement, the government established an Overseas Anti-Corruption Unit in the City of London Police that has a specific function of supporting overseas corruption investigations undertaken by the SFO. The Overseas Anti-Corruption Unit investigates international corruption, including money laundering in the UK by corrupt politicians from developing countries, and bribery by UK businesses overseas. The

Government of the UK (2016) reveals that the work in government departments is ongoing, with a range of partners to deliver the remaining actions in the plan to enhance the reaction to combat corruption in the UK and around the globe. Anti-corruption strategies are updated as and when required to keep abreast with local and international tendencies.

Transparency International (2017) has indicated that the UK has strengthened their law enforcement response by establishing the National Crime Agency in 2013 to disrupt and bring to justice those serious and organised criminals who present the highest risk to the UK. They have successfully concluded 14 foreign bribery-related cases since March 2012, including landmark SFO cases representing the first conviction of a company for foreign bribery after a contested trial, the first conviction of a company for failure to prevent bribery and, following their introduction in 2014, the UK's first three DPAs. Transparency International has used enforcement action in the UK as an opportunity to return money for the benefit of the people ultimately harmed by corruption. The ambulances were purchased with money recovered from a UK company found guilty of bribery to get a Kenyan contract.

4.13 LESSONS LEARNED

Schuchter (2012) clarifies that the best practice against corrupt activities is the investigation of corruption cases. Surely there are other best practices in countries participating in good governance. ACAs should share their best practices on the successful detection, investigation, and prosecution of corruption cases, which will cultivate strong ties of international cooperation amongst all ACAs. In addition, the ACFE (2016) indicates that countries must assist one another in gathering and sharing evidence, returning the proceeds of illicit activity, and extraditing offenders for effective prosecution. The following are some of the reasons for their failure: a weak political will; lack of resources; and political interference and selectivity in investigations. In addition, the United Nations Anti-Corruption Toolkit (UNACT) (UNODC 2004) clarifies that the challenge of serious corruption is one of great volume. Serious corruption investigations, in particular, the investigations involving high-level corruption, are usually laborious, multi-faceted, and costly. Given the magnitude of corruption and the restrictions imposed by the physical and capital

constraints, it might be useful to prioritise corruption cases for investigation and prosecution. This is predominantly effective in guaranteeing that corruption cases receive the necessary attention. This is supplemented by Olaniyan (2014:30), who explains that for an effective multi-faceted corruption investigation process to occur the following basics should form part of such an investigative methodology:

- impartiality and trustworthiness of detectives and prosecutors;
- sufficient education and resources for investigative duties;
- cooperation with other investigation organisations;
- disclosure as well as reporting requirements;
- audits and assessments;
- undercover activities, including integrity testing;
- electronic surveillance, search and seizures, and further probative methods;
- management of investigations;
- the protection of the investigative team, including their undertakings;
- the supervision of international or multi-faceted corrupt activities;
- feasibility of adequate results;
- accessibility of monetary, human, and technical assets;
- crime intelligence analysis; and
- integrity-testing.

4.14 CHAPTER SUMMARY

It is paramount to attain a clear comprehension of the multi-disciplinary approach as the success thereof depends on it. Investigators should continuously be aware of the risks in duplicating tasks; this can be circumvented by ensuring each member is utilised according to their expertise. During the discussion on local and international multi-disciplinary approaches, a distinct understanding is gained on the working of the approach. It is abundantly clear that the advantages far outweigh the impediments associated with the multi-disciplinary approach. The multi-disciplinary approach to fight corruption in the South African public sector should be guided by a clear understanding of what enables corruption to thrive and equally on the best practices both locally and across the globe. The lessons learnt from successful departments and the globe offer a rich experience on the way forward for the ACTT.

It is evident that to improve governance and reduce corruption, the public sector should implement its anti-corruption strategies to the fullest.

After studying the effectiveness of numerous local and international ACAs, including various multi-disciplinary approaches worldwide, to determine their efficacy during their investigative processes into multi-faceted corruption cases, it has come to light that ACAs need to work together to be effective in combatting corruption. The in-depth interviews which were conducted with the participants will be discussed in the following chapter, along with specific exertions for the effective investigation of corruption in the public service sector.

The findings of the analysed and coded data will be described in Chapter 5 and verbatim quotes will be utilised.

CHAPTER 5: PRESENTATION, DISCUSSION, AND INTERPRETATION OF FINDINGS

5.1 INTRODUCTION

In this chapter, the researcher carefully outlines and discusses the interpretation of the findings of the research study. This chapter objectively evaluates the importance and value of the findings for a more adequate understanding of the effectiveness of the multi-disciplinary approach to investigate corruption in the South African Public Service. In-depth interviews were conducted, as discussed in Section 1.14.1 of this study. The rationale was to enhance the complex processes and challenges associated with investigating multi-faceted corruption cases. A constructive discussion on the emerging themes was conducted to identify familiar patterns and forthcoming trends that can be used or isolated in order to accurately indicate the valuable insight of the goal and objectives of this study, as mentioned in Section 1.5. In order to realise these goals, in-depth interviews were conducted with the various participants from the ACTT.

In order to promote the trustworthiness of the study, the research methodology, as discussed in Section 1.6, was implemented and adhered to in the collection and analysis of the data. During the process of data collection, the objectives and resultant questions were used as a guideline to structure this discussion. From the participants' answers to the questions and the subsequent process of data analysis, themes emerged that will be discussed in this chapter. This is done to emphasise the participants' views and understanding of the identified research questions, as discussed in Section 1.7.

5.2 OUTCOMES OF INDIVIDUAL INTERVIEWS AND INTERPRETATION OF FINDINGS

A purposeful sampling technique was employed to conduct interviews with the selected 17 participants. This purposeful sample was identified through their expert

knowledge and work experience in the ACTT environment. Permission was granted by the SAPS management and DPCI management to liaise directly with the relevant participants employed in the SAPS. The external experts gave permission prior to them being interviewed by the researcher.

A discussion of the themes and sub-themes that emerged during interviews will commence in the following section. This is achieved through verbatim quotes from the interview transcriptions, explaining the theme, a summary of the range of responses, and how each specific theme was identified. This enabled the researcher to exemplify these responses of the participants and transfer the reader to the research setting. The findings are derived from the participants' responses during the interviews conducted. These findings are incorporated into this discussion to complement the relevant selected literature sources. These are used to form a comprehensive interpretation of the presented findings. Finally, following the presentation of each theme, a critical interpretation is presented, which concludes the discussion of each theme. The first theme to be discussed explores the participants' perceptions of the effectiveness of the ACTT during the investigation of corruption cases. The themes and sub-themes that emerged during the in-depth personal interviews with the participants are summarised in Table 5.1 below.

Table 5.1: Themes and sub-themes that emerged from the findings

THEME 1: PARTICIPANTS' PERCEPTIONS OF THE EFFECTIVE FUNCTIONING OF THE ACTT
<ul style="list-style-type: none"> 1.1 Task team's effectiveness 1.2 Attaining objectives
THEME 2: THE MULTI-DISCIPLINARY APPROACH AND CHALLENGES EXPERIENCED DURING INVESTIGATIONS
<ul style="list-style-type: none"> 2.1 Communication in the ACTT as a multi-disciplinary team 2.2 High workloads and insufficient resources 2.3 Competency levels of manpower 2.4 Role of management
THEME 3: CHALLENGES FOR INDEPENDENCE AND EFFECTIVE FUNCTIONING OF THE ACTT
<ul style="list-style-type: none"> 3.1 Political interference and political will 3.2 Budget and logistical constraints of resources 3.3 The need for independence/autonomy

THEME 4: SUGGESTIONS FOR IMPROVEMENT OF EFFECTIVENESS BASED ON LESSONS LEARNED	
4.1	A structure that accommodates expert multi-disciplinary team members
4.2	Recruitment and integrity testing of team members
4.3	Supportive staff, resources, and lessons learnt

The first theme demonstrates the insights of ACTT members on the efficacy of the ACTT in fulfilling its mandate.

5.3 THEME 1: PARTICIPANTS’ PERCEPTIONS OF THE EFFECTIVE FUNCTIONING OF THE ACTT

The first theme presents the participants’ perceptions and experiences of the effective functioning of the ACTT as a multi-disciplinary approach to attain its aims and objectives. The insights and impressions of the ACTT members were sought to understand their perspective on whether the team achieves the aims and objectives as set out by parliament.

The answers to the following question gave rise to this theme and its sub-themes:

- *“From your experience, does the ACTT achieve its aims and objectives to investigate corruption in the South African public service?”*

This theme was divided into two sub-themes to provide a clear understanding of the insights of the ACTT members as deliberated below.

5.3.1 Sub-Theme 1.1: Task Team’s Effectiveness

As stated in Section 3.10.8, Dussich (2006:141) clarifies that an ACA cannot ascertain every corrupt transaction which occurs by themselves. Thus, an effective means of receiving complaints is essential to the agency’s effectiveness. In addition, the OECD (2011) clarifies that when conducting an investigation, planning needs to be one of the first tasks at hand, as noted in Section 3.10.5. This will enable the investigator to conduct the investigation in a specific sequence to ensure the effectiveness thereof. The multi-disciplinary approach is a crucial part of the planning of the investigation and its efficiency when specific goals are set with clear

objectives for each member of the team. The effectiveness of the investigation will be based upon the investigative actions to be taken to conclude the case. The work of Schuchter (2012) mentioned in Section 3.10.5 clearly indicates that corruption cases are frequently committed by individuals in a position of power, for instance, powerful politicians or high-ranking public officials, which can become an impediment to investigators in securing the cooperation of witnesses and suspects. To be effective in the investigation of large-scale corruption cases, the following are indispensable: perseverance, knowledge, experience, expertise, and organisational strength. It is the view of the UNACT (2009), as noted in Section 4.13, that serious corruption is one of volume. Serious corruption investigations, in particular, the investigations involving high-level corruption, are usually laborious, multi-faceted, and costly. Given the magnitude of corruption and the restrictions imposed by the physical and capital constraints, it might be useful to prioritise corruption cases for investigation and prosecution. This is predominantly effective in guaranteeing that corruption cases receive the necessary attention.

The majority of the participants responded with mixed feelings about the effectiveness of the ACTT. Eleven of the 17 participants responded with a conditional “yes, but” or “no, but”, referring to a period during the ACTT’s inception that the goals set were attained, but then qualify their statements, as will be seen in the quotes below. Five of the participants reacted negatively and they also motivated their answers. One participant responded positively to all working aspects of the ACTT. The following excerpts from transcriptions illustrate and substantiate this sub-theme:

CS 1: *“Yes, I will say that, but not as required, but they did address corruption.”*

CS 2: *“It used to achieve the goals, but not currently. After some time, two years, our achievement of goals became less. Originally, yes. Currently and as I recall from my previous experiences with the ACTT, no.”*

CS 3: *“ACTT has not achieved its aims and objectives in and has failed to address corruption effectively. When everyone does their bit to achieve their objectives in their mandates and so on, I think then the multi-disciplinary approach is a good approach, in my opinion, because everyone has got their role to play.”*

- CS 4: *“ACTT was on the road to achieving some of its aims and objectives, but not currently.”*
- CS 6: *“In my opinion yes, the ACTT is achieving (but) the target has not been met, but there was enormous progress made in investigations.”*
- CS 10: *“To a certain extent I think they do achieve, but due to more external factors and reasons, they don’t achieve any longer.”*
- CS 13: *“Yes, to answer that briefly, during the inception of the ACTT, yes, the aims and objectives were achieved, but with time things change and yes, being involved directly within the ACTT, I realise that the objectives and aims of the ACTT were no longer achievable.”*
- CS 14: *“According to my view, the ACTT is no longer effective in the investigation of corruption in the South African Public Services.”*
- CS 15: *“It was, you know, when I look at the initial phase when the ACTT was established, that was in 2010 and I think until 2015 or so. Initially yes, I would say the ACTT achieved its aims and objectives, but not with the current operational structure of the unit.”*
- CS 17: *“At the beginning of the ACTT, around 2011, they did achieve, but at this moment things have changed. So the multi-disciplinary itself, it seems it has been dissolved by management.”*

The greater part of the participants said in no uncertain terms that the ACTT started off well, but they are no longer on the right path. The multi-disciplinary approach had faded away as the years went on and there was a change in management. This resulted in the ACTT not being as effective as it should be. The majority of the participants are of the view that the ACTT is not as effective as when it was formed in 2010. Thus, the need arose to determine why this once effective team got derailed.

5.3.2 Sub-Theme 1.2: Attaining Objectives

Dussich (2006:141) points out that it is essential to make use of a covert and confidential approach in the investigations of corruption cases, until the investigators are ready to affect an arrest, in order to minimise the chances of compromising the investigation objectives or face unjustifiable meddling from superiors (see Section 3.10). In addition, as mentioned in Section 4.12, Merry et al (2015:16) assert in that

numerous empirical studies have been conducted to better comprehend corrupt activities with a specific end goal to discover strategies that would evolve to efficiently address and prevent corrupt activities in South Africa. The APEC (2014) concludes that the investigative team is required to establish beyond a reasonable doubt who profited from the corrupt act (see Section 3.10.4). They may also utilise a “follow the money” principle to accomplish this goal. The latter might assist in establishing who received a gratification by reviewing the tax returns, financial disclosure forms, immediate superiors, and fellow employees.

The participants’ views were sought on whether the ACTT is able to attain its objectives. This would contribute to determining the placement of the Unit within the criminal justice system to be effective. Responses from participants indicated negative experiences with reference to the ACTT attaining the set objectives. The following participants’ responses were in the negative:

CS 7: *“No, I don’t think we do. We need to be resourced effectively in order for us, the ACTT, to achieve its objectives.”*

CS 8: *“If you look at the charter of the ACTT, definitely no ACTT was established under the JCPS [Justice, Crime Prevention and Security] Cluster. I would say currently the ACTT is not achieving its aims and objectives, which is a direct result of current management.”*

CS 10: *“No, in my view, there are a few factors that contribute to my answer and from a holistic viewpoint, what I know personally, is that some of the factors that contribute to this is, for instance, members that resign do not get replaced in a manner that is effective to ensure that ACTT remains operational.”*

CS 11: *“No, our targets are not achieved, this unit is not being prioritised in terms of resources, manpower... it’s more window dressing than investigation of corruption. We are here, but we can’t really show what we have accomplished in the last seven years we are not able to achieve it, with the current human and physical resources allocated to the unit.”*

CS 12: *“At the beginning when the ACTT was established, the whole objective and the aims of the ACTT was very noble and the idea was a good idea and it*

would have worked if all of the aims and goals that they planned on implementing was actually done.”

CS 14: *“My answer will be no, we do not achieve, the ACTT doesn’t achieve its aims and objectives to investigate corruption in the South African Police Service, because of political interference in the investigative duties at the unit.”*

CS 15: *“No, the ACTT in my opinion, was not really effective in the first couple of years. Later it became partially effective, maybe with the winds of change, as it is blowing at the moment with the new head, maybe new political dispensation with the incoming ANC president, things might change a little bit for the better.”*

Only one participant gave an unconditionally positive response.

CS 9: *“I think yes, it is indeed so. The ACTT do achieve the aims and objectives set for them in the investigation of all cases. I think the ACTT is very effective in investigating it in a short time as possible.”*

All but one of the participants responded affirmatively to the inability of the ACTT to attain its set-out objectives. The common view is that the ACTT is not able to investigate corruption and attain its intended aims. Participants further felt that the change of management at the ACTT had brought about the negative change in the unit. The unit is severely lacking essential resources that are needed to be effective in the fight against corruption. The ACTT is currently not geared to achieve its objectives, which is a direct result of ineffective management at ACTT. The second theme entails the efficacy of the multi-disciplinary approach and the importance of communication during a corruption investigation.

5.4 THEME 2: THE MULTI-DISCIPLINARY APPROACH AND CHALLENGES EXPERIENCED DURING INVESTIGATIONS

The second theme discusses and interprets the multi-disciplinary approach of the ACTT and the communication between various role players at the ACTT. This is a remarkable approach to investigating corruption in South Africa. Communication

between team members is fundamental in the effective operationalisation of this approach. Keeping in mind that the role players are from different backgrounds, skill sets, salary brackets, and levels of education, this might be challenging as the Hawks members allocated to the ACTT are mandated to take the lead role in the criminal investigation process.

The answers to the following questions gave rise to this theme and its sub-themes:

- *“In your opinion, is the ACTT an appropriate multi-disciplinary approach to investigate corruption in the South African public service?”*
- *“From your experience, does the ACTT, comprising of governmental and non-governmental role players, cooperate and communicate during corruption investigations?”*

To grasp the appropriateness of the multi-disciplinary approach used by the ACTT, the participants’ experiences were pursued. The multi-disciplinary model is potentially the most appropriate when a team of relevant specialised experts work together. The response was unanimously positive, indicating that a multi-disciplinary team is the most appropriate or potentially most appropriate for investigating corruption.

The ACTT members’ insights and impressions were sought to understand their perspectives on whether the multi-disciplinary approach for the ACTT is an appropriate approach to investigate corruption. During the in-depth interviews, the participants’ perceptions of the effectiveness of the ACTT in investigating corruption were sought. This researcher also sought to determine their perceptions of the efficacy of communication at the ACTT, as well as the cooperation between the team members during the investigation process. The sub-themes that emerged will be discussed next.

5.4.1 Sub-Theme 2.1: Communication in the ACTT as a multi-disciplinary team

As presented in Section 4.2.1, Tang and Hsiao (2013) explain that one of the most significant advantages of multi-disciplinary cooperation is that all associates are

compelled to communicate. This was replicated in the replies of some of the interviewees (Tang & Hsiao 2013):

- “I have learned interview aptitudes and communication way and so forth.”
- “The procedure showed me the significance of influence.”

The APEC (2014), as noted in Section 4.8.1, determines that the investigation of corruption cases is frequently multi-faceted since they, for the most part, include a multitude of pertinent role players and objectives to assist in identifying the layers of the movement of assets, such as the movement of funds into various accounts, including placing assets in overseas jurisdictions in an effort to avoid detection from the authorities. In addition, Pop and Herlea (2015:1) emphasise the importance of having a way to discover resources or assets abroad and having the legitimate steps established to obtain the cooperation of foreign law enforcement, courts, and governments in a programme of mutual assistance (see Section 2.9). Tang and Hsiao (2013) claim that team members have been able to make strides in respect of their communication skills and group work, and this contributed towards an enhanced professionalism at the ACA (see Section 4.2.6).

Participants identified a lack of communication, and thus a lack of cooperation and coordination in the team, resulting in delays in investigations. The initial successful functioning of the multi-disciplinary team was contributed to cooperation and regular communication between team members. This enabled the team members to explicitly focus on their specific roles and they understood where they fit into the bigger picture. Participants indicated that the multi-disciplinary team started working as a team and communication between experts was facilitated for cooperation, but the majority of participants experienced that this model of teamwork did not last. The participants predominantly shared the view that there is insufficient cooperation between team members in the ACTT environment. The multi-disciplinary model is potentially the most appropriate when a team of relevant specialised experts work together to achieve specific aims and objectives. The following responses are put forth:

CS 1: *“Insufficient information sharing causes unnecessary delays and conclusion of the investigation and a loss of vital information, facts, and evidence*

because if people are not talking to each other and if they're not sharing, they will definitely not be successful in court. You have to share and share properly and put personal feelings, political affiliations, and other aspects that might arise to rest, that's not related to the investigation. We all must push that aside and focus on the core function."

CS 2: *"During my term of service, I had the experience of joining good, effective teams where all communications with all the team members and stakeholders were very effective."*

CS 3: *"Not anymore, now we are having, you know, one person working on all the dockets on his own, like you know, like at the detectives, like in commercial crime units and other, you know. Communication should be streamlined between the different team members, they all do the same investigation, and it is not streamlined to say X will do this, Y will do this, even if they're from the different disciplines."*

CS 4: *"There was definitely a lack of communication and cooperation, but the SIU management seemed to be the biggest culprit in the non-cooperation, because they did not divulge the correct status during the management meetings. They made promises and then they turned around and just didn't do what was promised and as a result, all the consultancy contracts were ended. They were an important part of the ACTT's earlier successes."*

CS 5: *"On paper, it's in the place, it's nice, all the team members involved, which is good. Should that be enforced properly, it would be a good model, but it's not happening. If it's implemented as set down on paper, all the necessary team members are not together, they don't talk to each other. There are more police members involved. The model is itself only working on paper, is basically every discipline on its own, performing its own work. So it's very difficult to entwine the different roles they need to be performed during an investigation."*

CS 6: *"Yes, cooperation within the team was perfect. There is... let me give an example, if there is a case that we're dealing within government X, the way we're doing things here is that a case is reported, then we pull all the team members that need to be part of this investigation, to draw up a plan and then conduct the investigation. So in the investigation of that particular case, if there's a need for FIC to partake, they will get involved immediately and*

the same goes for other departments. So there is a good cooperation within the team and amongst each other.”

- CS 7: *“If you don’t communicate properly with the various units, then it leads to duplication of work. For instance, if SAPS gathers bank statements, AFU gathers bank statements and they gather the same bank statements and they analyse the same bank statements, it’s a waste of time because if they can do it together, it shortens the investigative period.”*
- CS 8: *“Now, communication meaning communication from the commander at the time to the senior managers, being colonels and then the half colonels and the captains and downward. They do, to a certain extent, but I believe that they can better the communication, better the cooperation, especially units like SARS do not want to share information with us, with ACTT. It leads to big gaps in the investigation. Insufficient communication leads to big gaps, which leads to justice not being served properly.”*
- CS 9: *“Multi-disciplinary approach the investigators, the prosecuting authority, the prosecutors, the AFU, as well as the FIC are working closely together, sharing information with one objective.”*
- CS 10: *“There are also really positive signs in that cooperation that helps, especially like you can work with banks, they know about us, FIC, there are certain channels that just makes it easier with their cooperation. So let’s say yes and no. If you say, does the ACTT cooperate and communicate during corruption, yes, we do. We do sometimes get cooperation and sometimes not, so it’s not just negative, it is positive and negative.”*
- CS 11: *“Each needs to understand what the other one is doing. If you look at the way that AFU approaches a case, depending on which chapter they are going to use during the approached the case. If they go under Chapter 6, it’s going to be difficult for them not to get statements from the criminal case.”*
- CS 12: *“I think it was a very good approach, although, like the NPA, they weren’t really on board, SARS not really on board, which are very important, especially the NPA, they’re very important to the ACTT, and to this model. But we needed dedicated prosecutors at ACTT which wasn’t the case.”*
- CS 13: *“I will always refer back to during the inception of the ACTT, where all team members’ issues and whatever clarity seeking questions that had or needed*

were attended to. An environment was created whereby the investigating officer and every respective role player can play his or her part in respect to the fight against corruption. Yes, to add on that, the cooperation, of course, every role player was represented and they received feedback of the meetings, held by management and the principals. We used to have a meeting where all team members were present. After the meeting, we as, you know, people on the ground will get feedback as to what was discussed and what is expected of us going forward...

- CS 14: *“Yes, in my opinion, the establishment of this multi-disciplinary approach at ACTT was a good one. It is a shame that with all the all the interference, it’s no longer effective.”*
- CS 15: *“Previously yes, with teams of about three, four, five to six members, you know, working on one docket, you know, government departments and other stakeholders being involved in the investigation. For example, if I need payouts made to a certain company, I would just contact the person within the ACTT from National Treasury who would give me that information, immediately, and this is no longer the case.”*
- CS 16: *“I requested assistance from SARS on my investigation, then the meeting was set up at our boardroom downstairs. Instead of telling me that they will help me, they lectured me how to complain, if you ever complain at... it took them almost an hour telling me the process how to complain and all that. Then I could see that none of these stakeholders who were part of ACTT is now prepared to work together to solve the corruption cases.”*
- CS 17: *“It’s a fact that SARS lack of playing an active part in ACTT is delaying our cases. People are not coming to help to make follow-ups, emails and all that, telephones or even if you say now you are going maybe to ask the magistrate for a Section 205 to get the information, then they come through with the short information, not what you wanted. Some of the information, it takes a year to get after you have served them with the relevant section 205.”*

Some participants indicated that the lack of communication relates to “professional jealousy” and the reflection of a good image of their respective departments during the investigation process. The following quotes illustrate this:

- CS 2: *“In principle, I believe yes, there’s supposed to be communication, however, in practices there was professional jealousy that I experienced, where one division did not want to totally share information, cooperate, maybe handover documentation and information and there was, from time to time...”*
- CS 3: *“What I’ve experienced so far, is that the cooperation and communication during these investigations are pathetic. Because I’m aware of a lot of investigations, but we’re not aware what’s going on with them, how far they are, what has happened to them, have any arrests been made on these cases... meetings are held on a high level, a lot of things are discussed there, but none of that information is shared through to the investigators that are working... besides now the SAPS that’s working at ACTT, but from the other agencies... some of them are very selective about sharing certain information from both sides... when you are a member of ACTT and you are involved in a certain investigation, you should at least once a week meets all the role players, whether you’re from SARS, SIU, or whoever. If that’s not viable then at least once in two weeks to tell everyone where you are, what is still outstanding.”*
- CS 4: *“The lack of cooperation from other team members that are within the ACTT and that ACTT’s sphere and the lack of cooperation from other agencies as well can be a problem in some investigations. ACTT takes too long to conclude their cases in an acceptable timeframe. Because of the lengthy investigation periods, this results in when the cases go to court the impact is already lost.”*
- CS 5: *“Not everybody is cooperating in this multi-disciplinary approach with ACTT. They can be effective, but not as such, currently. People do not cooperate in this ACTT multi-disciplinary approach because of a few factors that contribute to that and I think it’s mostly a lack of cooperation and communication. I don’t think their individual status plays a role. Nothing gets done, because of the lack of communication... because there are different*

agencies that are involved in this and everyone has their own goals for their respective departments. Targets and KPAs [Key Performance Areas] as we call it, that they must achieve and because we've got... we fall under different acts as well.

- CS 6: *"If we have people with different expertise and skills, pull those people together into one to fight the same common goal, is to be the most effective way and the ACTT is correctly situated to do this."*
- CS 10: *"The ACTT is a good platform to have a multi-disciplinary approach to investigate multi-faceted corruption or serious corruption."*
- CS 11: *"No, no, I think it's because the government departments or government team members don't want to look bad and therefore they don't want to give you the relevant documentation required to prove your case... they know that the people that are working with the stuff don't know what they're doing, so they would rather keep back the documentation to still look good and just say that the documentation is lost or they don't know anything about how the processes. They want to sit on their little tower and just do whatever."*
- CS 12: *"It is indeed an appropriate multi-disciplinary approach that they do follow in all cases; with meetings, they do conduct very frequently. I think we had a lot of success with the assistance of external consultants."*
- CS 13: *"I would say that the approach is the best way to investigate the corruption, because of the multi-disciplinary approach where the investigators, the Forfeiture Unit, the Financial Intelligence Centre, everybody sat in meetings and they plan together and that is the best way to approach it. The module that was initially introduced at the ACTT, I think is very good and could have worked. It's just that interference didn't make it easy for ACTT to continue on the set path."*
- CS 14: *"Besides the law that's applicable on the different agencies, it makes cooperation difficult because at the end of the day, everyone, because of their mandates, they want to create their own kingdoms, which I understand, because they also have to report back to Parliament and all that. But it causes unnecessary delay, on the ground level. This is a serious challenge that at the end of the day information is not shared to the extent that it should be due to building own empires and kingdoms for themselves or trying to take the credit for a case."*

CS 15: *“From my experience, they do not cooperate and communicate. It seems that everyone wants to individually promote his unit or his own idea... SARS, usually we didn’t get any cooperation from them, and they actually want to conduct their investigations on their own. They want you to share information with them, but they won’t do the same. So yes, you get team members that don’t buy into the idea of a multi-disciplinary approach and to cooperate. So they will communicate one way and won’t share the information us...”*

CS 16: *“The prosecutors that I worked with are really cooperative and we share ideas on how to promote the case or investigate it further and I would say there’s communication with the FIC, although we do struggle to get the information within a reasonable timeframe from them, they do assist with that and then we have good communication with the SIU from my perspective.”*

CS 17: *“I think this is the right unit if the structure is good, that all the stakeholders participate positively in this and then it could achieve its purpose.”*

One participant responded with positive comments about cooperation:

CS 9: *“As I already mentioned, the Prosecuting Authority, the prosecutors, the investigators, the AFUs, well as FICA are in meetings and discuss any problems that can arise, and sort all problem areas out to enhance the investigation.”*

Most of the participants are of the view that communication should improve, which will in return result in a more effective investigative approach. Team members do not have a say with regards to items placed on the agenda at principal meetings, nor do they receive feedback from such meetings. There are suggestions that relevant DGs or Ministers should intervene when challenges occur within their departments, as challenges are seldom solved at principal meetings. Communication is key to ensuring that work is not duplicated and investigations prolonged unnecessarily. The common views are that communication and sharing of information are currently ineffective. The team members do not work from a central office. This makes it more difficult to arrange ad hoc meetings to address

pressing concerns promptly. It is not always practical to wait for the formal meetings to address such concerns, as it will impact negatively on the effectiveness of the investigation process. The greater part of the selected participants said in no uncertain terms that communication needs to improve, especially between the current management and the investigative teams.

5.4.2 Sub-Theme 2.2: High Workloads and Insufficient Resources

From the literature presented in Section 4.3.1, Tang and Hsiao (2013) state that one of the inadequacies for ACAs is the time requirement. The multi-disciplinary group requires sufficient time to complete a particular task, to avoid inadequacies during the investigation process. In addition, Hussmann and Hechler (2008) clarified that amongst the issues to be considered by ACAs is the allocation of sufficient resources for the successful operation of the agency (see Section 4.5).

This sub-theme, namely the high workloads and insufficient resources, follows for discussion and interpretation.

The ACTT members' insights and impressions were sought to understand their perspectives on whether the high workloads due to insufficient resources hamper the investigation of corruption. In multi-faceted corruption investigations where highly-placed government officials or influential private individuals are involved, it takes time to investigate cases properly and formulate a comprehensive charge sheet. When an investigator is overwhelmed with multiple investigations, it will result in a delay in the investigation, as one person can only do so much. Thus, the importance of the multi-disciplinary approach. When these investigators experience additional shortcomings such as vehicles, cell phones, laptops, administrative support, etc., the investigation will be prolonged unnecessarily. Several participants referred to the high workload due to a lack of competent multi-disciplinary staff for quality investigations. The following verbatim quotations of participants and supporting literature illustrate this sub-theme:

CS 2: *"If a new unit is formed, yes, that's my chance to get rid of the bad blood on my unit. I just send that worthless investigator to the new unit, he would feel*

- it's an improvement for himself, but I would gain by getting rid of the guy without the necessary paperwork and personally, I felt that was happening."*
- CS 3: *"Lack of human and capital resources are a serious concern. Investigations that take too long and also prosecutors that are linked to these investigations. They... well, they fall under the NPA, so the NPA essentially takes too long to conduct their part, which is to draft the charge sheets on an investigation conducted. It is true that the drafting of charge sheets take [sic] too long and I think there can be some factors that contribute to that. For instance, it might be a very complex case and sometimes they have more than one prosecutor on the case or it seems they lack the will to prosecute certain matters."*
- CS 4: *"According to me, there is too little people and too many cases and for the investigators that are currently here. All the investigators are not necessarily on the same page with regards to investigative background. The prosecutors would rather charge people with stuff like theft and fraud than corruption. Which in return results in that we do not address the root causes during the investigation and the successes are superficial."*
- CS 5: *"When we started off, we had everything. We had analysts, we had everything, you name it. There was plenty of cars for the members, there was stationery, Expert consultants, which I think was a very, very big mistake when they did away with the consultants. Because obviously what happened from the police point of view, if I may, because as an ex-policeman and a commander I know exactly what the situation is."*
- CS 6: *"I don't think that the prosecutors appointed in the possessing have necessary skills to charge these criminals on these counts or it might be that they are lazy and not willing, due to political pressure because most of these investigations are highly sensitive. It's organised crime with one big kingpin, in most of these cases."*
- CS 7: *"The ACTT is under a very high investigation workload. There are [sic] too little investigative capacity, no proper case management support, no proper structure to remove blockages. The ACTT operates without proper oversight in steering. I mean political, NPA, AFU, SIU, FIC and SARS. It currently feels like we are just doing window dressing for the United Nations, to*

comply with various international agreements. We do not address the issues at hand.”

- CS 8: *“There were promotions and all these non-skilled policemen got promoted to higher ranks, coming to the ACTT without the necessary skills to perform investigations of white-collar crime. This occurred in the majority of cases. Because of all the cases on hand in the ACTT and the years I’ve been involved, I think if there were five sentences of all the matters, it’s a lot. We can’t just lay the problem in front of the police or the SIU or the rest of the team members, we must also look at the National Prosecuting Authority.”*
- CS 10: *“I don’t think that the ACTT conclude their investigations in an acceptable timeframe. Is it mainly due to the lack of investigation abilities by the investigating officer to collect evidence and the prosecutor’s lack to formally draft the charge sheets to take these cases to court. Firstly, as already discussed with the incompetent police on the unit, that obvious competence is a big issue.”*
- CS 11: *“There’s too little people, human resources, too few people to investigate personnel to conduct quality investigations. The people that are currently here has [sic] got too many dockets on hand. They don’t have people that can assist them and if they do have people that can assist in unnecessary investigations are prolonged.”*
- CS 13: *“If you move over to the other disciplines, Special Investigating Unit, not enough members at the ACTT and also they are tasked with investigation duties as well, so they can’t focus only on the ACTT. SARS is not on board, they are more concerned about their own pocket, so they are not involved and they don’t function, the same with Asset Forfeiture. There should be few dedicated advocates only dealing with ACTT matters.”*
- CS 14: *“Presently each and every investigator is dealing with his own cases... The workload is too much, there is a lot of workloads whereby if you have to go and gather your evidence or like your expert evidence, you have to leave your office and go and ask... approach the relevant people to assist you.”*
- CS 15: *“You know, recently, the standard has deteriorated and mainly it is because, you know, we’ve got a lack of resources in terms of manpower and vehicle, cell phones, laptops...”*

CS 16: *“But from my experience now, I could say it doesn’t achieve its aims and objectives because of the fact that we lack the manpower to investigate the cases allocated to us.”*

CS 17: *“We lack many resources and support. Like I said previously, we don’t have any manpower. When the ACTT started, we were 80 people and now we’re down to less than 30, so it’s not effective. We need to keep in mind that the number of investigations increases and the investigation capacity decreased. Without manpower, the necessary resources, political will and support from our superiors, there’s no way that the ACTT can be effective... We’re supposed to work as a team, at the moment there’s only a single investigator on a case, which is really very complicated usually and takes a lot of time. So we don’t work within timeframes. Although on paper more than one investigator is allocated to an investigation, this is however only a paper exercise.”*

All participants unequivocally stated that they cannot cope with the current workload. This was discussed with members of management, who only responded by stating that cases and workloads should be prioritised. According to the participants, every time members resign or transfer and cases must be reallocated or new cases distributed throughout the unit, the managerial staff members just say “prioritise your work”. When team members complain about being overloaded with work, management tells them they just need to prioritise. This happens time and time again when work is distributed, which results in new priorities having to be prioritised and old work falling by the wayside. Added to the undue pressures as a result of the workload, the teams do not have the essential resources to conduct investigations. They provided examples such as broken-down vehicles, no access to landlines, limited access to emails, no internet connection, and lack of office space to conduct interviews. The participants indicated that they operate in one big, open plan office with managers each in their own office. They share the view that to conduct interviews in an open plan office, relaying sensitive information, is surely not wise.

5.4.3 Sub-Theme 2.3: Competency Levels of Manpower

Dussich (2006:141) clarifies that the investigation of corruption is not an ordinary process; the members need to be attentive, innovative, and be willing to work long

and unusual hours to finalise their investigation responsibilities (see Section 3.10.2). The members should be proud of their work, as this is one of the most important ingredients of a successful investigative team. The competency of corruption investigators is of crucial importance, as they should know various investigation techniques and possess various skills to be successful in the execution of their responsibilities. It seems that cases are merely allocated to the investigator to investigate, not taking into account the stress levels of the investigators at the unit. The predominant view of the participants is that they are overstretched with their investigations and are not able to cope with their workloads. This might also be the reason why so many have left the unit and will continue to leave the unit to find better work conditions. In addition, Interpol ([sa]) reports that there is a need to review some successful corruption investigations around the globe, to be abreast with the latest international trends and techniques (see Section 3.14). Training is fundamental to boosting the knowledge and skills of investigators in the use of the latest tools and techniques in the investigation process and to share international best practices. This is complemented by the OECD's (2013) statement, as given in Section 4.5.2, that expertise implies the availability of specialised staff with special skills and a specific mandate for fighting corruption. The work of the APEC (2014) confirms that members of an ACA must possess particular investigative skills to be effective (see Section 3.10.2). The investigation of large-scale corruption cases is mostly multi-faceted. The investigators need to have the ability to examine intelligence and secure and preserve the integrity of the investigative team. As Transparency International (2018a) points out, specialisation of anti-corruption bodies implies the availability of specialised staff with special skills and a specific mandate for fighting corruption (Section 4.8.2).

The participants were questioned about the competency level of human resources in the ACTT during the in-depth interviews. The ability of the investigator to function independently with the necessary skill set to investigate multi-faceted corruption cases might be a challenge for the ACTT. It is common knowledge that not all the investigators have been exposed to commercial type investigations prior to their deployment to the ACTT. The inability by ACTT management to ensure that current members meet the required level of competency is shocking. The current team members are mostly not afforded the opportunity to attend courses, which are

necessary to stay one step ahead of the perpetrators. This results in most of the team members not being abreast of the latest information on what is happening within the corruption environment. Although training is provided, practical experience in conducting complex investigations can only be achieved when one is exposed to such investigations. It is not fair to take a new individual and throw them into the deep end and try to train them on this level. The skills should be acquired prior to deployment to the ACTT. Since the ACTT deals with high-profile cases which end up in the media, the personnel need to be experts in the field and show that corrupt practices will be brought to book. A common view was shared by most participants that ACTT management was ineffective in communicating with team members; it is as if they operate in silos. The following quotations illustrate their views:

- CS 2: *“I don’t think this is what is expected, at this stage, because we don’t have consultants to complement the teams. The consultants were an expert pool of individuals from their various institutions which complimented the ACTT teams in my time when they were here, they had the necessary knowledge, and it’s unbelievable that this valuable source was done away with. Their assistance in all the investigations made a positive impact.”*
- CS 4: *“They swap the investigating officers, that’s where your knowledge management comes in. The one that takes over the new case the new investigator, does not have the background knowledge that the old investigator had and thus leads to big gaps... Yes, just big gaps in the investigation for the defence to explore, this doesn’t make any sense.”*
- CS 5: *“There’s a lack of skills. To be quite honest I think some of the police officials involved at this stage, only 10% of them have the necessary skills to investigate white-collar crime. The SIU members are similarly lacking, they need the necessary skills.”*
- CS 7: *“You can’t put in a new prosecutor at the end of the investigation but to remove him and expect a new prosecutor to come to terms with the facts of the case within a certain period of time, say two, three months, where it took you three, four, five years to investigate, is almost impossible. Irrational redistribution or strategic reallocation of work is highly questionable and this is happening far too often.”*

- CS 8: *“There were even instances where case dockets were found in a steel cabinet for an excess of six months. There was a matter that came to my attention, which I got involved with, where the whistle-blower provided an affidavit. That affidavit was sitting with a captain at the time, for more than a year and it pertained to the cross-border corruption that ended up in South Africa, funds of hundreds of millions ended up in Zambia where a commercial bank was involved. That was... for more than a year it received absolutely no attention.”*
- CS 10: *“When a case is with an experienced prosecutor and an experienced investigator, then ACTT is very effective in its mandate is met.”*
- CS 11: *“There is a lack of accountability with some of the individuals and obviously, in my personal opinion, they hide behind the fact that insufficient expertise is available to ensure a focussed investigation, they are all over the show with no clear direction.*
- CS 12: *“I would say, incompetent or inexperienced police officers. For some of the other reason, members are appointed without the required experienced. That did not happen at the time when the ACTT was formed, they had to fill the posts and posts were advertised, persons applied for the posts and they were successful. They were taken on board without having completed the basic investigative courses, advanced investigative courses or investigative courses pertaining to the investigation of white-collar crime, corruption, money laundering and etcetera. That’s one. The second one being the promotion factor. Investigating officers were sitting at units, for instance, I noticed that at the time, as warrant officers. They apply... then they would have applied for a captain’s post, they were successful, they were brought on board. They work there for a couple of months, they got a promotion and they went back to where they came from. So there was no continuity of experienced investigators, no coordination, no cooperation, and no proper management for your middle management level at the ACTT downwards to guide and to provide proper direction during investigations.”*
- CS 13: *“But currently you will work on a matter and you know, you’ll have to take it to the prosecuting authority, then they will allocate, you know, a prosecutor who does not even have an idea as to what is money laundering is.*

Sometimes they even don't agree on what corruption constitutes, we need dedicated experienced prosecutors."

CS 15: *"During its inception, of course, we had the expertise and that's now really needed in order for the ACTT to be effective. But because of the new leadership, those people with knowledge and the experience were not recognised, you know, they were disregarded."*

CS 16: *"The moment one important person, for instance, let's say a prosecutor or investigator, doesn't know what he is doing or even the auditor or the analyst, analyst in a lesser extent, but the main guys, especially investigator or prosecutor, you are buggered."*

CS 17: *"Surely incompetence and of course totally inexperienced police officer including members from other departments..."*

The participants share the view that there is a severe shortage of competent human resources in the unit. Although the current competency of the personnel is acceptable, the teams are not as effective as in the unit's formative years. The participants indicated that there is a critical need for additional competent members to function more effectively. Management is aware of the challenges, but for some reason does not intervene other than reporting it again. From the responses of the participants, it became overwhelmingly clear that although management is aware that investigators are already overburdened, they continuously assign additional administrative duties to them. Failure to comply with administrative duties, reports, weekly plans, and monthly plans results in ACTT members being threatened with disciplinary action, according to the participants. There is a view that management is out of touch with what is happening at the unit. There is a limited focus from management on the investigative functions of the ACTT.

The responses from participants clearly illustrate their need for additional capable members to function more efficiently.

5.4.4 Sub-Theme 2.4: Role of Management

Brand South Africa (2012) explains that the leaders hold themselves to high ethical principles and act with righteousness (see Section 2.6). As shared in Section 2.4, the World Bank (2017) illuminates that corporate pioneers are regularly prosecuted

for different acts of fraud and corruption, including political leaders. Fraud and corruption cannot be overlooked. The loss from even one incident of fraud and corruption can have disastrous consequences for any government or agency. It is not only the financial loss brought on by the incident, but indirect damages, for example, reputation damage and loss of public and shareholder confidence. Participants were outspoken about the need for competent management to coordinate cooperation and communication and that these elements are now lacking. The role of management is crucial and instills confidence in investigators when they know that they have the backing of management. It seems as if participants regarded the lack of an effective project manager to coordinate the work of the multi-disciplinary team as a major limitation to efficient communication and cooperation. Coordination, cooperation, and communication is a prerequisite for the effective management of the multi-disciplinary team. The following quotes illustrate and substantiate this finding:

- CS 1: *“So managers should be able to take a whiteboard or blackboard or whatever and draw his pictures and basically consolidate the whole investigation, they should be able to explain the investigations currently under investigation clearly. The managers should ensure that weekly or every fortnight meetings are conducted with the teams.”*
- CS 2: *“The previous management was involved with the day-to-day operations at ACTT, the turnaround was very quick in getting banking records, there were meetings between our principals and the relevant banks frequently where our concerns were addressed. This needs to be implemented once more.”*
- CS 3: *“There are many obstacles that prevent us to be more effective. The obstacles include the current management...”*
- CS 4: *“I don’t think management as such is experienced enough, I also don’t think the management at this stage doesn’t really understand the cases themselves and can’t give proper guidance in investigations, which really is a big, big, big shortfall.”*
- CS 5: *“ACTT would have three or four senior commanders directing the investigations, one from each discipline with their own objectives to achieve. All the members of ACTT should work together at one office, take them out of their own environment, and place them with a commander at ACTT,*

which will command all these members. We need one reporting structure. At this stage, it's not happening so everyone is running like a headless chicken. They should actually form part of and work together on a specific project where after they can disburse after the investigation is finalised. There are not enough skills and expertise."

- CS 6: *"So timeframes become a challenge, because we are not reporting to the same boss and besides the work that we do for the ACTT we've got other outside work that we do outside the ACTT, hence we fail to reach the target by 2015 which led to the extension of the mandate. So I think that is one of the shortcomings, the fact that we are not reporting to the same boss, we've got work outside the ACTT environment that affects the speedy investigation of the cases."*
- CS 7: *"It should be managed by the ethical experienced managers. Managers, they should understand the importance of ACTT, where ACTT fits in and they should communicate with their own people downwards and then get them to communicate with the various teams in ACTT."*
- CS 8: *"No commander in control over the challenges facing during investigations or intervention from management, no proper inspections with guidance were conducted, no control over the number of cases that were actually booked out to investigative offices. This surely had a negative impact on the morale of the unit."*
- CS 10: *"Looking at the concept of a multi-disciplinary model to combat corruption, national, international corruption as it's sometimes referred to, the model is an excellent model and it's been used successfully in a number of countries, especially in the United States, Britain, UK... So nothing wrong with the model per se, the manner in which the multi-disciplinary model was implemented in South Africa, it started off very good, it started off excellent, but was derailed when management changed."*
- CS 12: *"I think it's due to a change in management and the way things were done. You know, people were put in positions, you know, superior position or leadership position, having no idea as to what is expected of the ACTT because of their approach and the manner in which they were giving directives. It was confusing and then multi-disciplinary approach falls off."*

- CS 13: *“If I remember correct, you know, on a monthly basis, we need to meet and discuss whatever predicament, whatever is currently facing us, but we are in the dark. I, for one, I must say that I don’t know where I’m going or I have to stay where I am or I have to go back, because this is really confusing. No one know what is expected of him, you just hear things but without, you know, any proper communication.”*
- CS 14: *“When management changed, we were no longer successful. Why the change other than ACTT being too successful during their investigations?”*
- CS 15: *“With the new management, things started to change, you know. We saw a decline in the number of arrests, a decline in the number of prosecutions.*
- CS 16: *“The previous head of the department would interfere by taking a case from one specific investigator and give it to another very inexperienced investigator. This investigator who would actually not promote the case and with the effect that the investigations are dragged out for years. Investigators will get instructions to just leave certain aspects of the investigation or to exclude it from further investigation. And when answers are asked about that, it’s you are just told what to do and you are not going to investigate this further and that’s it, no discussion.”*

The common view of the participants is that the new management is not effective, but actually derails and interferes with current investigations in a dubious manner. There is a common view that the previous management, that was in charge when the ACTT was formed, was effective and supported the investigators. Referring to the non-effective management of the team and issues experienced with effective functioning, one participant summarised the effect as follows:

- CS 17: *“Our ship is sinking. So maybe the captain is ready to go down with the ship...”*

The majority of the team members feel that they are not consulted regarding the directions of their investigations, as decision has already been made by management. Although challenges which arise are escalated to management, they seldom receive any feedback from management. Management rarely follows up on challenges raised by team members. This is an enormously ineffective manner to

handle corruption investigations. Management does not seem to be doing anything constructive to resolve the members' challenges. All of the participants indicated that should there be a single command structure, goal-oriented investigations would be more attainable. It is vividly clear that the ACTT should be managed by one person, not a group of managers with their own targets to achieve relevant to their departments or organisations. Management is out of personal touch with what is happening on the ground and they do not seem too bothered about the situation. Management needs to be more involved, especially when team members request that they intervene in critical situations, but it seems that their requests fall on deaf ears. The third theme illustrates the independence or lack thereof in line with the efficacy of the unit.

5.5 THEME 3: CHALLENGES FOR INDEPENDENCE AND EFFECTIVE FUNCTIONING OF THE ACTT

The participants' experienced challenges regarding the independence and effective functioning of the multi-disciplinary approach at the ACTT. The autonomous functioning of the ACTT is questionable during their corruption investigations. The answers to the following question gave rise to this theme and its sub-themes:

- *“From your point of view, should an anti-corruption agency, such as the ACTT, function autonomously to investigate corruption in the South African public service?”*

The ACTT members' insights and impressions were sought to understand their perspectives on whether the ACTT functions autonomously in the investigation of corruption cases. The theme was divided into sub-themes to give a clear understanding of the insights of the ACTT members as deliberated below. According to the participants, there seems to be no political will to investigate certain cases, as these investigations lack resources and other priorities are frequently assigned to these members to prevent them from investigating certain individuals, without stating it directly. Participants identified several inhibiting factors that negatively influenced the attainment of the goals set by the ACTT. There seems to be agreement that political interference and lack of political will, the current high workload of investigators, together with insufficient supportive administrative and

logistic support, lack of cooperation amongst competent team members, and lack of coordination by an efficient managerial system were regarded as factors contributing to the ineffectiveness of the ACTT. The following sub-themes are substantiated by selected quotes from the participants.

5.5.1 Sub-Theme 3.1: Political Interference and Political Will

Abraham and Berline (2015:135) state, as emphasised in Section 2.4.1, that corrupt activities are a phenomenon rooted in the social, political, and financial conditions of those involved. As mentioned in Section 3.10.18, Fatima (2017:65) states that ACAs require political will to be effective; the government involved has to allocate adequate budgets to ACAs, ensure the enactment of anti-corruption laws, and provide support to the investigation of corruption cases, especially in high-profile corruption cases. In addition, Hussmann and Hechler (2008) clarify that the concept of independence can be understood in terms of organisational, financial, and functional independence and the institutional setup for ensuring independence needs to be context-specific (see Section 4.9). Issues to consider for ensuring the institution's independence are lack of coordination and fierce competition over scarce resources. This is complemented by the UNDP (2005) in Section 4.9, reporting that the independence of the agency is a fundamental requirement for its effectiveness, and broadly refers to the ability of the institutions to carry its mission without interference from powerful individuals or the political elite. In addition, the International IDEA (2014) clarifies that autonomy from undue impedance is fundamental for an ACA to execute its mandate viably (see Section 3.10.16). Autonomy implies an adequate measure of operational self-sufficiency which shields the ACA from undue influence or direct political obstruction.

In addition, Hussmann and Hechler (2008) conclude that political will and broad national anti-corruption strategies are often a long-term endeavour, particularly if they involve reforms in different spheres and areas of government (see Section 3.10.18). Based on the cases analysed in the U4 report, it can be inferred that a high level of political will is very difficult to maintain throughout the whole strategy or implementation plan cycle. Moreover, political will can also be hindered by changes in government. It goes without saying that the most important element of an effective

anti-corruption strategy is “political will”. Without the political will or buy-in from the highest level of government, the fight against corruption will remain a fallacy.

A strong theme that emerged was the lack of political will and uncalled-for political interference during investigations. This directly impacted the prerequisites for effectiveness, e.g. the availability of resources and the progress tempo at which complex cases were handled. Participants referred to the current lack of political will for attaining the goals of a multi-disciplinary team. The following excerpts illustrate the participants’ sentiments:

CS 11: *“The funds which were utilised to pay for consultants dried-up, no new resources were allocated to the unit since there was a change in management, why was the previous management removed? Surely this is not all just a coincidence. We need to connect the dots.”*

CS 14: *“It’s because of all the political interferences we don’t achieve our objectives. If I may give an example, the investigators in the multi-disciplinary teams, they were all housed in one building, but if you look at it now, there’s only the Hawks left, all the other multi-disciplinary approaching teams, they are no longer within the building.”*

Other participants highlighted the negative effect of the lack of political will and political interference with resources had on investigations and provided examples of the perceived interference:

CS 1: *“Political pressure is actually the main reason for the delay of investigations, where there’s interference in investigations, and that’s why the ACTT need to stand separate, independent, in order to address corruption effectively.”*

CS 2: *“The ACTT, unfortunately, does not investigate and conclude corruption cases within the acceptable timeframes. And in my personal opinion, I believe it’s because of the interference and the fact that there’s a lack of political will to drive the matters properly through the court.”*

CS 4: *“I would say the interference in the ACTT is the biggest factor to blame for the ineffectiveness of the ACTT. These high-level corruption cases are not investigated in an acceptable timeframe, these cases that we dealt with,*

they never saw the day of the court as a result of interference. Investigators and prosecutors are removed with no clear reason if they don't follow the instructions of the new management to focus on specific individuals for companies only."

CS 5: *"Due to external influences, we were not able to achieve much, specifically taking into consideration the corruption and as one can see today in the media, the extent of the corruption. Unfortunately, it is my experience that due to interference we were not able to achieve the aims and objectives. But behind the scenes, there seems to be going on a lot more. All of a sudden, certain contracts for the consultants went missing and people weren't interested in doing the administration and we had to do a new set of contracts and that also did not materialise for the external experts to be appointed. So obviously there must have been influences other than the budget that has got nothing to do with the actual budget. But these types of investigations that we were involved in, we were pretty close to senior people in government and it was obvious that the corruption was so far spread that a lot of the people would have been or could have ended up in jail and that might have been why there was interference with ACTT."*

CS 6: *"The biggest problem at the time, I would say, was political interference and police corruption, because we all know, it's public knowledge, that case dockets have been requested by members of SAPS detectives division, by a former National Police Commissioner who requested that certain case dockets which were actually in the domain of the ACTT, this was really uncalled for... Why was this allowed? What happened to these investigations? The only logical reason to me was because of the high-level suspects involved which needed protection from her [referring to the former National Police Commissioner]. The inhibiting factor to investigate certain high priority case dockets is political interference. Now, this is one thing that can only be addressed by a solely independent crime combatting unit for the purposes of investigating grand corruption and money laundering and racketeering."*

CS 11: *"There's interference in most of our cases. We don't have the necessary resources to conduct our investigations properly, and even funds to appoint*

external experts is inefficient. Investigators have to plea with National Treasury to obtain funding for the appointment of external experts.”

CS 13: *“From my experience, I could say the ACTT doesn’t achieve its aims and objectives because of the fact that we lack manpower, we don’t have political support. There’s interference in almost all of our cases. We don’t even have the necessary resources to conduct our investigations properly.”*

CS 16: *“We don’t have political support and current management are politically motivated appointees”.*

A couple of participants attempted to explain the reason behind political interference by providing examples. The following excerpts illustrate this:

CS 3: *“Some are bending over and conceding to political pressure or pressure from management to steer investigations in a particular direction predominantly away from the main culprits or politically connected suspects.”*

CS 7: *“Cases of ours that was very close to finalisation, some just needed to sign their affidavits, after a consultation with NPA they never came back to us and thus preventing us to proceed with our matter and that is very counterproductive to the aims of the ACTT. Where they contacted by certain people or did they recognise certain people at the NPA that made them unwilling to cooperate with us? They try to divert the attention of certain team members with dubious tactics, they are not obvious in the manner they interfere, and they always have a so-called valid reason for the delaying tactics. Certain suspects have more protection than other suspects and place more emphasis on other suspects that they wanted us to rather look at and prevent other people.”*

CS 8: *“Interference from two senior state advocates at NPA during the investigation process. These prosecutors were not the new kids on the block, but for some or the other reason the charges were dropped by them, despite the fact that we had long working sessions with them and the case was discussed in detail and they were happy that they would be able to prosecute for money laundering and as I said, we later discovered that the*

charges were dropped and the prosecutor accepted only the plea for fraud. Why?"

- CS 10: *"You can have an experienced investigator, experienced prosecutor, but if there is no political will, then you're not effective. Without naming names or cases, but when there's a high-profile person involved, it's just a normal corruption matter, it can be complicated, it can be huge, and it's an experienced investigator and a prosecutor, it can be effective. The moment a highly placed government official or a person with access to influential government officials are involved you can expect there will be interference from one or the other sort during the investigation."*
- CS 12: *"Another thing is also political will that also sometimes don't give us the opportunity to achieve that aim or objective of the ACTT. Political will in a sense, especially if you're busy to investigate certain political figures or high-profile individuals that are in the politics. Then you will not always have the necessary backing of your own employer. And then also when you go to the partners, for example, you struggle to obtain documentation from the partners, especially if you need that documentation from that department and so you don't get that political support to obtain it. Even if it goes so far as Parliament, you struggle to obtain the necessary documents to conduct your investigation."*
- CS 15: *"Interference would be when an investigator or a team is working on an investigation and the next thing we hear that the docket is needed... for example at Head Office and while the docket is never returned, it's given to another investigator and the prosecutor is changed so that they can start the matter afresh. This is done obviously behind the scenes, we all know or we suspect that there might be some pressure from the people who are investigated, because they are people who are in powerful positions or people who have got influence in the government structures."*
- CS 17: *"We used to have, you know, a lot of interference from the politicians and the management which is not so good, you know. Well, with the new management we're hoping things will change, but initially, when this organisation started, you know, it was very effective."*

All of the participants are in agreement that the NPA has an integral part to play in ensuring that the ACTT functions effectively, by ensuring that multi-faceted corruption cases are placed on the court roll once the investigation is finalised. The NPA should not just blindly accept plea bargaining for lesser charges to lighten their workload. The reciprocal perception of the participants was that when the ACTT investigators could not be influenced, the suspects pursued alternative means to influence the NPA's decision on the prosecution of these cases. There is a common perception that the NPA will firstly prolong the investigation by giving instruction to the investigating officer to conduct further investigations when it is not necessary or required. Sometimes even the appointed prosecutor will be replaced by the NPA without any logical reasoning other than the conclusion that it is merely a delaying tactic. These type of multi-faceted investigations into corruption cases are indeed complicated, with volumes of facts and documentary evidence to work through. Thus, when any new investigator or prosecutor is appointed at the tail end of the investigation it could take up to a year for the newly appointed investigator or prosecutor to familiarise themselves with the facts. This could also be seen as a delaying tactic by those in power. It does not make any sense to change a prosecutor or investigator when the investigation is close to being wrapped up. The continuation of investigation and prosecutorial processes is of the utmost importance to be effective in the investigation and prosecution of corruption cases.

5.5.2 Sub-Theme 3.2: Budget and Logistical Constraints of Resources

As noted in Section 3.10.1, Doig et al (2006:166) elaborate that sufficient resources are essential to attract and preserve proficient and adequate employees in methodical investigations and prosecutions. In addition, the International IDEA (2014) states that the creation of an effective ACA is costly, however, when corrupt activities are unrestrained the cost is even higher (see Section 3.10.1). A broad mandate of an ACA may result in resource restrictions if the resources are not allocated appropriately to address the broad mandate. When a budget is not congruently revised, it may result in insufficient resources and below average production. As observed in Section 3.10.1, the APEC (2014) motivates that before commencing an investigation it is imperative to accurately evaluate the required resources that will be needed to conduct the investigation. The investigator must compile a comprehensive investigation plan consisting of human, physical, financial,

or material resources that will be required before the commencing of the investigation. Great difficulty is experienced while investigating complex corruption; these cases have a tendency to be extremely time-consuming and costly. The investigation must be organised from the start. The well-organised use of allocated resources and investigative tools in conjunction with proficient team members is precarious. This was complemented by Risktec's (2008:6) statement, given in Section 3.10.1, that planning ensures that the investigation is organised and thorough. During this phase, the investigators need to determine the type of resources he/she will need, the experts that would be required, and the estimated timeframe of the investigation. In complex investigations, an investigative team will be more effective than a single investigator. Transparency International (2013) emphasises that in several countries around the world, ACAs lack the necessary personnel, technical capacity, and resources to conduct their tasks (see Section 3.10.18).

Participants identified that a lack of budget and logistical support prevent the team from being effective in the investigation of corruption cases. This resulted in unnecessary delays in the investigation. Participants specifically referred to a lack of administrative and technical support. The following selected excerpts illustrate this:

CS 1: *“Not enough resources are allocated to ACTT members. First of all, we face challenges as the ACTT members are not sufficiently equipped with logistical equipment and to conduct their activities. For example, some members do not have transport or even safe storage for evidence in these cases. If you need to have meetings they can't attend, because they don't have the resources, logistical resources. For example, even stupid things like paper, computers, or just storage facilities. In cases like this you need to have secure documentation and if you can't secure your documentation, there's obviously a problem in the system, because your evidential value is compromised and needs to rely on the evidence collected. We need to secure the evidence in order to, you know, present it to court and I often find that we do not have those essential resources.”*

- CS 2: *“This multi-faceted corruption cases cannot be investigated without money, without logistical support and managerial backing.”*
- CS 7: *“I just want to say as well, case administration also takes up much time and leaves little time for proper investigations, case management. Administration is left to the investigator who needs to interview witnesses, compile very long and time-consuming affidavits, copy, scan, file, transcribe, analyses, and bank statements are all left to the investigating officer. Beside this, there are numerous weekly and monthly reports which are time-consuming which put an additional burden on an investigator who is already under a lot of strain and pressure to effectively investigate in the time allocated to him.”*
- CS 10: *“The moment you start to investigate politicians, your budget is gone. That’s the way they kill you [the case], they just take away your budget or reduce your budget. So that’s one of the ways and then also the NPA doesn’t prosecute or they delay the drafting of the charge sheet, there are different delaying tactics...”*
- CS 13: *“Resources, that is the last thing, you know. Even cars now, one has to make sure that you will push the car every morning before coming to work and the mileage of the cars is very high. Imagine pushing starting your car after obtaining a witness statement or interview a suspect. It shows to the public the management is not serious about these cases.”*
- CS 15: *“I don’t think ACTT have enough human and physical resources currently to be effective.”*
- CS 17: *“At inception, of course, we were resourced, and the expertise was there and that’s what was really needed now.”*

Most of the participants view the budgetary constraints of the ACTT as the work of unscrupulous characters in the JCPS cluster who are trying to prevent the successful persecution of certain entities or individuals. The budget should be allocated to a totally independent body with public oversight if the ACTT cannot be moved to ensure its independence. A budget should be allocated and kept separate for each and every investigation to address the inadequacies of the ACTT. Management should not be able to control the budget after it has been allocated. Sufficient resources should be allocated to the ACTT so as not to unnecessarily

delay investigations. Blockages should be removed immediately to ensure that investigations are progressing swiftly.

5.5.3 Sub-Theme 3.3: The need for Independence/autonomy

Camerer (2008), as noted in Section 3.10.18, suggests that one way to achieve independence is through better, more formal coordination. Coordination does not suggest combination, centralisation, or even consolidation, as some of the talks of rationalisation would suggest. Rather, it recognises the reality of independent and complementary institutions, each of which has an important and unique role to play in effectively fighting corruption. This point has been made vividly by the Heath SIU (Camerer 2008):

We are dealing with a multi-headed dragon and various different kinds of swords are required to attack the different types of heads of this dragon. The Unit is therefore of the view that the various organisations all have a role to play in the fight against corruption and maladministration.

In addition, as stated in Section 3.2, Boucher et al (2007) observe that combatting this may involve strengthening the legal anti-corruption framework and building an effective criminal system, including an independent judiciary and effective law institutions. This is complemented by Schuchter's (2012) statement in Section 3.10.16 that the Public Prosecutor's independence during investigations is critical. Independence should be secured in the investigation of corruption cases. This is supported by Quah (2009) who explains that there are many expected benefits to the creation of centralised anti-corruption bodies and, although they can't be considered a silver bullet, they are largely perceived as having the potential to stimulate a more successful coordination of the local fight against corrupt practices by focused powers in a self-contained agency and to bring specialisation, independence, and self-governance to the battle against corrupt practices (see Section 4.11). Transparency International (2014) accentuates that the lack of autonomy and coordination between various agencies resulted in the inefficiency of formed ACAs. Many countries have established a dedicated agency to coordinate and monitor the implementation of the anti-corruption strategy (see Section 3.10.18). However, these agencies often lack the necessary power and authority to compel high-ranking officials to deliver on their responsibilities or the autonomy to report on any progress achieved.

A common theme that emerged was the autonomous functioning that directly impacts the team's ability to investigate. A prerequisite for effectiveness is the autonomous functioning of the ACTT. This will assist the multi-disciplinary team to effectively carry out its mandate. The independence/autonomy of the ACTT is imperative for its effective functioning and freedom to identify the cases which should be prioritised without political interference. This is essential for the effective operation of an ACA such as the ACTT. The following excerpts from the transcriptions illustrate and substantiate this sub-theme:

- CS 1: *“Corruption does not stop at low and intermediate and middle-level management. You need a total autonomous organisation to investigate corruption.”*
- CS 2: *“I do not think that the ACTT has adequate independence to investigate corruption. Where you have division heads, departmental heads, ministers and other team members which might be implicated, with their influence you cannot investigate. To answer the question, I do not think the ACTT had the required independence. The intent was there, however, later it turned out to be only a smokescreen. I doubt if we are effectively independent at ACTT when taking into consideration the interference with the investigation of our cases. I am sure every investigator are [sic] able to give you examples of interference, this is being done with the buy-in of the current management. So the major role player is the police and the others are for example the FIC, SIU, AFU and the NPA. The independence of this task team is, to me, lacking...”*
- CS 3: *“An agency, such as the ACTT, should investigate matters without any interference, without fear, without favour to anyone. When I say without interference, is it my view that some of the cases that are being investigated are being influenced by politicians. That is why they take so long. It is the result of interference and if I say... in this interference I say political interference.”*
- CS 4: *“There is not adequate independence to function effectively at ACTT... If a multi-disciplinary expert team is properly managed, working autonomously with vetted officials then it can still be effective.”*

- CS 5: *“Indeed correct, as it stands because of this interference of... because most cases that the ACTT investigate is high-profile businessmen or government officials that have connections with high-profile political people in and out of government. It should be a unit with their own resources, the human resources and physical resources... Own structures so they could manage their own budget and they need to account for their budget, not just a CARA [the Criminal Assets Recovery Account] fund. SARS obviously, we don’t involve them, not just because of their unwillingness to partake in our investigations but, because at this stage, the thing with SARS is they don’t play ball when it comes to exchanging of information. We give... from ACTT’s side, we give, they don’t give back, they withhold the information for themselves and we need to share with them.”*
- CS 6: *“There should not be any interference, because you are investigating the public service and a lot of the public service people are involved. There’s a need for the ACTT to be independent and there’s a need for more experienced people, like for instance consultants, where you can get the knowledge that you are looking for. But at the moment the ACTT is not structured for that because again when you get new management... they give us a lot of administrative duties to perform weekly or like FIC, SIU, the principles, then that principle can stop it like it was done by the SIU or they can delay payments and that will result into delaying the certain investigations. I think autonomy is a technical word which I believe is difficult to apply within the space of the ACTT. Remember, we are not talking about one unit which reports to one boss, but it’s constituted by personnel with different skills and expertise. We’re talking about a task team of different state institutions coming together to achieve one certain goal. As a result, it becomes difficult to even to talk about the autonomy of that institution. I suppose yes it should be independent...”*
- CS 7: *“Independence is crucial for a unit such as the ACTT to be effective. Integrity is the other main thing and at this stage, I feel we are infiltrated by some... Political influence is killing our investigations in this country and it is just allowing corruption to boom. I mean, if you look at them... People are transferred or they get fired or dismissed or put on disciplinary sanctions and on suspension they are passed when it is time for promotion.”*

- CS 8: *“To be most effective I think one must go back to the old DSO model. They were really independent and maybe once we look at the model where they even worked under the office of the Chief Justice. As we know the offices of the Chief Justice is, I would say, very independent, a very autonomous. It’s got its own budget and politicians could not have achieved any attempt to influence the office of the Chief Justice. So if you can either incorporate or look at a similar model, I think that would be the solution in South Africa. The main role player there is the police, because they are the only organ of state who have the mandate to investigate criminal offences.”*
- CS 9: *“Yes, I think they must function autonomously. I think it will be a good thing. I know not of any interference, so we were free to investigate as a normal case should be investigated. The ACTT need to be independent, everyone from another government department at ACTT should be seconded to the team, this is not happening reason being financial constraints.”*
- CS 10: *“The problem with or the challenge with corruption is that sometimes or many times you investigate them, as they say, the dog that feeds you and... ag, we are the dog and they feed us, the Parliament. So what they do is they cut your budget. So one of the big challenges. But again, in the South African context, it’s for me, I think it will be a good thing, that kind of model, but I doubt if it will ever happen in South Africa, that they will give one person that much power. But it may not just be one judge, it can be a panel of independent... like an independent board of reliable people to make that decision, in a sense of taking it away from the NDPP [the National Director of Public Prosecutions], when it comes to... not necessarily... I am not saying like in every case, I am saying like take the Zuma matter. Here is the President and now the former President, but when he was President, now he is one of the suspects, take away from the NPA that decision from the NDPP because he is a political appointee. Hawks head, political appointing. So take away that, that kind of cases go to this panel that... for that serious corruption and that can be done by that judge or then like a board or... that’s independent, to make the decision. First of all, to say investigate this matter, there’s enough proof and/or... and then also to make... decide... make a decision to prosecute or not. I believe we must have a totally independent*

kind of unit to investigate that, with a head that is not linked politically, like an independent judge that has been... something like that..."

CS 11: *"Well, yes, there's no question about that, because you will investigate the matter for an example. When you are at the final stage of, you know, investigating and you have to... or the matter is court ready, it's ready to be placed before court, you know, there will be a request from the senior managers that, you know, we need to see that docket and that would be the end of that matter. You'll never see it and it's not going to be easy to go to the authorities and question them as to I gave you a docket on this specific date and what happened to that matter. There are of course cases which just disappeared. Yes, it is important for us to be independent. Because then there cannot be any political influence or this one wants to cover that one..."*

CS 12: *"I think they should definitely be an independent agency because of the fact that if they function within the SAPS, the possibility of interference is so much more. So because of the fact that they also investigate corruption within government departments which also sometimes include police officials."*

CS 13: *"ACTT mostly investigates cases where, you know, high-profile people are involved. So the moving away of expertise, taking away like for an example vehicles and transferring people like the unit does not exist or the unit has just ceased to exist, that was a clear indication that it was a deliberate move that you know what, we have to make sure that we destroy this ACTT and make sure that they don't function effectively, thereby demoralising those members who are still within the unit... that is of course delaying tactics and that is deliberate, of course... Yes, that, of course, is a way of making sure that you win the fight against corruption. When we start it was like that, because I must say that even the prosecutors were engaged at that stage, at an early stage."*

CS 14: *"We should work autonomously, without political interference. We should have the independence to approach whomever we suspect or to approach witnesses involved in the cases. ACTT is currently not an independent unit with interference, we cannot reach our targets, we cannot reach the people that we're supposed to go to. A few of the cases where only certain people*

must be charged and the other people don't have to be charged and it's mostly the people that are on the ground level that must be charged. I think if the people on top can be charged, then the people on the ground can also not commit any crime because they don't have to. I think it's a thing of manipulation. If you don't do this, then you don't have a job."

CS 15: *"It is very, very important, that an agency like the ACTT or any other agency dealing with cases of this nature should function autonomously, because like I said previously, you know, the issue of influence. If you are not autonomous, you know, we have influence from other, you know, forces outside the agency, you know, like the departments, we have ministers, we have people, you know, who are powerful and connected, you know, interfering in the investigation. So indeed, there should be some autonomy."*

CS 16: *"I think it should be independent, not part of the NPA because there we know is also political interference going on. It should operate totally independent, as a body on its own. Not part of SAPS, not part of the NPA because there's then more chances of interference. If you cannot investigate corruption, money laundering, racketeering, it's obviously some of it... most of it happens across borders, international and so forth. But let's look at what happened in the past couple of years in South Africa. If you, for instance, look at the Nkandla matter, that could never have been investigated independently, without interference and that... we all know what's currently happening and what happened in parliament with reference to the Nkandla matter, what happened at the SIU, who also investigated the Nkandla matter and the story that was told to the public. So independence and autonomous, it runs together... it was mentioned that they've been chained to the ground, but independence of an independent anti-corruption agency as was seen by United Nations Convention against Corruption and the African Union this moment. I don't see it achieving the goals it really wants to achieve."*

CS 17: *"If it's separate from the police it will be better managed, because now you see how many components does the head of the police or the head of DPCI running. All those components are having their own problems and then it depends, people are attached to certain people that are attached to certain people and attached to a certain component, while you're failing the*

others... each and every department or stakeholder got its own problem because people are influenced easily by politics and people belongs to other people, seems they are owned by other people. They don't use their own mind to run certain things or how to do with certain things. So I think maybe Justice can do better for ACTT or ACTT be on its own, only get finances from Treasury. The ACTT was... a weapon of mass destruction in the fight against fraud and corruption, more especially, you know, within the high-ranking officials, but that is no longer the case. One should ask the question why there were so many changes at ACTT if we were effective. Or was it specifically because we were effective?"

The predominant observation of the participants is that the ACTT is not functioning autonomously, which is having catastrophic consequences. There is no indication that management takes the issue of independence seriously. It seems that teams are merely assigned case dockets as a ploy to overburden them with high workloads. A common view of the participants is that they only serve as an intelligence unit for management with political agendas. There is a call for management to play a more active role during politically motivated investigations by means of support to the investigative team and not the assignment of additional cases. Often managers are not able to explain certain instructions, which is a clear sign that they are merely instruments of certain highly placed individuals. The majority of the participants are of the view that the ACTT does not have adequate autonomy to conduct corruption investigations. Most of the participants have personally encountered interference with their investigations, either through the NPA's delaying tactics or through budget cuts, which include cutting out resources essential to conducting such investigations, such as vehicles, expert services, stationery, IT equipment, photocopy paper, etc. Some even experienced more direct meddling when criminal cases were removed by ranking officials for no logical reason either than to prevent the investigator from arresting the suspects. The fourth theme illuminates the need for change and the best practices available to improve the effectiveness of the unit from the participants' perspectives.

5.6 THEME 4: SUGGESTIONS FOR IMPROVEMENT OF EFFECTIVENESS BASED ON LESSONS LEARNED

The participants' knowledge and experiences were pursued to determine what can be improved or changed at the ACTT to enhance the efficacy of the multi-disciplinary approach to assure the professional investigation of corruption cases. In some instances, the participants narrated their experiences with the implementation of multi-disciplinary approaches to investigate corruption in order to give the reader a clear picture of the environment at the ACTT. The answers to the following questions gave rise to this theme and its sub-themes:

- *“Have you learnt lessons as a member of the ACTT that could enhance the multi-disciplinary approach to investigate corruption in the public service?”*
- *“Do you have any additional comments or suggestions regarding the multi-disciplinary approach to investigate corruption in the South African public service that has not been discussed?”*

The ACTT members' knowledge and experiences were sought to understand their perspectives on whether the team can be more effective during the investigation of corruption cases. Suggestions were made for the improvement the team's effectiveness based on lessons learned and a structure that accommodates expert multi-disciplinary team members. The recruitment procedures and integrity testing of team members were suggested, as well as the ability of supportive staff to complement the team's investigation duties. Participants' suggestions for improvements towards effectiveness flow directly from the challenges identified in Theme 2 and 3. The central theme of the suggestions revolves around a relevant structure for a multi-disciplinary task team to investigate corruption. Some participants explicitly mentioned the need for appropriate structure, while others identified issues that implicitly point to elements that form part of such a structure. The following sub-themes emerged, substantiated by relevant excerpts from the transcripts. The statement by CS 1 in the sub-theme below summarises some of the requirements that participants identified, such as competent management and independence of the unit.

5.6.1 Sub-Theme 4.1: A Structure that Accommodates Expert Multi-Disciplinary Team Members

From the literature presented in Section 3.10.3, Pedneault et al (2012:134) illuminate that the forensic auditor must perform all of the actions in unity with the investigation plan, and gather all of the evidence required for a successful investigation. In addition, the APEC (2014) clarifies that the refined techniques needed to deal with the complexities of large-scale corruption cases and the utilisation of specialised experts are vital in the effective investigation of these cases (see Section 3.10.3). Forensic experts in electronic evidence are supplementary to the investigative team and will assist in tracking and analysing data, as well as discovering the metadata of a particular document and the author thereof. This is complemented by the OECD's (2011) suggestion, as mentioned in Section 3.10.3, that the assessment of expert witnesses should at all times be conducted to ensure that the selected expert has the necessary skills to add value to a specific investigation. As stated in Section 3.10.9, the CMTEDD (2004) suggests that in complex investigations the investigators should pay specific attention to the following: obtaining of witness statements; the inclusion of expert witnesses; the formal interview of suspects; handling of physical evidence, including exhibits; and the preparation of prosecution reports.

An effective ACA is a structure that accommodates expert multi-disciplinary team members, as well as coordination by expert management. All of the participants were of the opinion that the multi-disciplinary structure should continue and should be complemented by external experts on an ad hoc basis. The ACTT does not just need professional team members to conduct investigations, but also expert members of management who are steadfast and are able to make unpopular decisions on a regular basis. The following excerpts illustrate this:

CS 1: "I've dealt with quite a number of very experienced police officers, but also there's a number of police officers that are inexperienced. They do not understand the importance of cooperation between the public sector, forensic accounting firms, ACTT and the different team members. I think that is lacking at the moment where, if that can be addressed in order to

train staff to understand the working relationship and each one's roles and responsibilities in this multi-disciplinary approach."

- CS 2: *"If you want a multi-disciplinary agency to be utilised and to work, they should have a structure to fall back on and they should not write new laws, but they should be seconded with a specific goal and a specific instruction, because at ACTT you can't work independently from the other team members and you can't do civil and criminal, it should be focused on the criminal activities."*
- CS 3: *"In my view, the ACTT is an appropriate multi-disciplinary agency and approach. When such a unit is formed for a specific task, to investigate specific cases, these members should be seconded from their various departments for the duration of the investigation and released for the duration of such an investigation and work together on a daily basis. And all the necessary expertise, for instance, that ACTT should have people like accounting, forensic accounting people sitting with them to assist them with the investigations, specialists like that. Also, like data analytic people and even computer forensic people."*
- CS 4: *"So if maybe there is a structure that can accommodate the administration of the consultants of experienced people that you want to get on board, that will help because then one principal cannot interfere with them. I would ensure the independent appointment of number one. Number two, with derailing and therefore the investigation shall then continue and not just be terminated as felt by one principal."*
- CS 5: *"Expertise is probably the most important thing of all. When you have expert investigators that's positive and want to investigate, they can get around all the insufficient support personnel and equipment that's not available to conduct your investigation professionally."*
- CS 6: *"The fact that we are not reporting to the same boss, somewhere along the lines we talk past each other. They've got their targets in the NPA to achieve certain targets, the SIU has got their own targets in terms of their mandate to reach certain targets. So the work of the ACTT in that instance suffer in terms of achieving certain targets within certain specific times. So that is on its own an inhibiting factor."*

- CS 7: *“We need a project manager who can manage the investigation, everything that comes in. That manager needs to... and that’s per investigation, that’s not per unit, it’s per investigation, a project manager that can properly manage that project, the investigators, the analysts and the admin team.”*
- CS 8: *“I can see that the shortcoming of having different state institutions coming together to achieve a particular goal. The shortcoming is that somewhere we talk past each other and that is caused by the fact that besides the work that we do for the ACTT, the institutions have got other work to do in respect of their mandate. I will give you an example of a case where, you know, with a prosecutor you couldn’t agree on something and that has affected the timeframes on when certain things had to be done because of this hustle between the prosecutor and the investigator and these two people, they report to different bosses. I believe if these two people, the investigator who’s got the investigating skills, the prosecutor whose legal skills were reporting to the same boss, it was going to be easy to resolve the matter. But now the fact that we are two different institutions, the cases suffer because of the differences between these two individuals. So coming from that background that I had with the Scorpions, I believe the ACTT strategy is good, but it is somehow lacking if you are to compare it to the Scorpions.”*
- CS 9: *“Cases here needs to be investigated by groups, not an individual because these are big, complex cases. We need minds in a case.”*
- CS 10: *“Due to inexperience, there in the ACTT what we are lacking is people to give guidance because of the workload, people that... senior people, experienced people that should be there to give guidance, they are themselves, investigating matters. So they don’t really have time to give guidance. We are overloaded with the cases, now you are all alone in a case and it’s in a way unfair to an inexperienced person. So it’s important that you know where you are going to from the start, what you need to prove, that you stay focus [sic] on that specific section. So everyone has a job to do.”*
- CS 11: *“We really need better management, people that can communicate with us, people that are there for us that we can go to for advice. At this stage, I don’t see that there’s anybody that can assist us if we need to consult or discuss a matter with them.”*

- CS 12: *“The management team should be of such a calibre that they know what to do and they could give the instructions to the people. Yes, all the stakeholders of ACTT which would form part of a particular investigation, the thing is that the South African Police or Hawks were the leading stakeholders in this ACTT environment and a lot of the investigation and the going forward depended on the obtaining of section 205’s to be done, statements, etcetera and telephone conversations or new telephone data calls and that. So a lot depended on the Hawks to do the investigation whereas you have the money laundering and asset forfeiture, they had to go hand in hand because of the nature of the investigations, but that didn’t always happen.”*
- CS 13: *“Expertise is needed, people who know and understand this environment. I think going back is not a problem, the people who introduced this model of ACTT initially should be approach and consulted on the way forward if they are still approachable.”*
- CS 15: *“A multi-disciplinary approach to investigate corruption is the best approach. This is also the approach I’m currently involved in, the United Nations office for drugs and crimes and I’ve access to other countries and investigations similar to ACTT in other countries and in Namibia, in Botswana. All of these countries aim to go to multi-disciplinary investigations, because that is the best way to do it. If you have a system that works, people that trust each other...”*
- CS 16: *“You can’t do anything without manpower, but if I had the necessary manpower, I would actually just like to promote cooperation with each other, share information and also in-house training. Put inexperienced members with experienced members, in a team on each case to actually... so that less experienced members can learn from the more experienced ones and work as a team on a project, not individually. That is in a perfect world if we had the necessary resources, manpower, and vehicles.”*
- CS 17: *“ACTT itself needs new leaders who can go and revisit the mandate of ACTT during 2011 and from all stakeholders that are involved, have people that they go and revisit what was the purpose of ACTT when it was started... It seems people had forgotten what the purpose of ACTT was.”*

The staff complement of the ACTT feels that there has been a deviation from the multi-disciplinary approach and that the approach should be followed, as it yielded prompt results. The multi-disciplinary structure is one where team members are able to bring their respective expertise and focus on specific roles to the team. This approach is one of the more successful approaches, as it limits duplication and allows members to put their expertise to use. The lack of adequate competent manpower will inadvertently hamper and unduly delay the investigation processes. Following these suggestions, there was a strong theme for the need to supplement the teams with external experts. The secondment process which is available should be simplified and the ACTT members should be encouraged to make use of it. This will assist in streamlining the reporting structures of the ACTT. A shared view of the participants was that of a single reporting structure. The secondment of individuals will assist in alleviating some of the workload pressures endured by team members, albeit only for the duration of a specific project/case. The private sector does not experience the same challenges, as they assist explicitly according to a specific mandate.

5.6.2 Sub-Theme 4.2: Recruitment and Integrity Testing of Team Members

From the literature presented in Section 2.6, the UNDP (2005) discusses that the sophistication of corruption implies that conventional law enforcement agencies do not always have the technical expertise and capacity to detect, investigate, and prosecute complex corruption cases. One of the major arguments supporting the creation of specialised anti-corruption bodies is that the growing complexity of corruption cases and related financial transactions require a high level of expertise and specialisation of knowledge that can be best achieved through recruitment, training, and centralisation of expertise in a single-issue agency. As the Government of the UK (2017) explains, preventing members from engaging in corrupt practices, including professional integrity testing, is fundamental for an ACA (see Section 4.12.18). This is complemented by Velez (2006:71) who explains that ACA members are only human and are susceptible to temptation (see Section 2.5.5). When members lack integrity, they are more likely to act in an inappropriate manner. In addition, Nino (2013) concludes that combatting corruption is vital to change the norm of unlawfulness that reaches out all over the country without any exceptions (see Section 4.10). Without a versatile message from justice institutions, individuals

will keep on taking for granted the example of numerous public officials who exploit their powerful positions.

The participants made it clear that additional competent members are desperately needed to complement investigative teams. Integrity testing is another valuable tool available to management to assist in ensuring that the members' integrity is in-tact. There was a nearly unanimous suggestion for recruiting and integrity testing of selected members. The exception was participant CS 9, who said the following:

"I think the people at the ACTT I can trust. It is important to vet them, but I don't think there's any problem of not trusting them. I think they are really dedicated to complete their task."

The statements below by participants represent the main opinion voiced:

CS 2: *"Dealing with this kind of cases, one has to be, you know, 100% clean. Integrity testing is very much important for each and every member who is part of the ACTT."*

CS 4: *"I think things like a polygraph testing on a regular basis will enhance the multi-disciplinary approach to ensure that we can trust one another or the team members inside. I am of the view that at some stage, you know, you will have to trust each other in a multi-discipline approach. The main thing is if you have... let's say from management point if you recruit people that you trust and that have the skills, then you would eliminate a large part of the trust that might not exist between people. But polygraph testing can help and everybody and should be tested once in three months or something like that. By doing this everybody knows that testing is going to happen and that's the way it's going to be. Then you will have more secure information and your physical security with regard to the building access and the storage of evidence and things like that."*

CS 5: *"Well, first of all, polygraph, we can use polygraphs as an investigative tool, we can use polygraphs to... for our recruitment processes, so why don't we?"*

- CS 6: *“We are institutions of government, each with its own mandate... an element of mistrust will be there because we don’t know, the integrity testing or the integrity status of that person. So the integrity testing would certainly be advisable.”*
- CS 7: *“It’s crucial to have a top secret clearance, to have people that are trustworthy working here... the work that we do involves top government people, top people in state departments, DGs, ministers, and to have that kind of information, to have their bank statements available and have someone looking at them without having the proper integrity testing is a risk, it’s a major risk. That person may not even go to the minister or to the DG himself, but he can go and just talk nonsense outside of the ACTT and people will believe it and you’ll say aah, you know, that minister is getting this and these kinds of money and he talks amongst his friends and that is a serious, serious risk to the integrity.”*
- CS 8: *“You must have a proper recruitment process and experts from the private sector who sit on the panel which selects the candidates and of course, the very important things, and the single code of conduct and disciplinary code that must be enforced. The moment the guy applies, the integrity testing process must start immediately and unfortunately, there was a lack of communication.”*
- CS 10: *“The reasons the Scorpions were closed down is because they weren’t vetted properly and some of the guys were now under DPCI since 2009, it’s 2018 and I still have the confidential... since the Scorpion days, 10 years and expires now and believe me, it’s still a problem. There are many people that don’t have integrity testing or clearance. It’s not always necessary for a top secret, but I would say it’s not wrong to go for a top secret, especially when you’re working with complicated cases or high-profile. So I would say yes, it’s necessary, the integrity testing, but at the moment it’s not effective. I understand I don’t have to proof of that, but I hear that even in the DPCI there are members with criminal records or are under investigation, which is busy with the sensitive investigation while they are under investigation... Testing should be done on a yearly basis, a polygraph or something, just to ask you simple questions. ‘Have you received a bribe?’, ‘were you offered*

a bribe?’, ‘were you involved in anything that you shouldn’t be?’, you know, or ‘did you sell information?’, that kind of questions.”

- CS 11: *“Before you even get involved in an ACTT matter, you should go through the integrity checks by this very institution that is governed by the policy within the ACTT. I think that could create a more conducive environment for all of us.”*
- CS 12: *“I’ve been involved here since 2011, I’ve not been vetted. I had a top secret clearance previously, but it expired.”*
- CS 13: *“Every member should, before becoming a member of the ACTT, be cleared, because remember, as a team, you need to know the person that you are working with... if you are cleared security wise, then I think, you know, we have more confidence, you’ll never doubt the person sitting next to you.”*
- CS 14: *“I would suggest [integrity testing] on a monthly basis. If and whenever they see fit, they should come and test us, if a docket gets missing, we should be tested immediately.”*
- CS 15: *“Regular integrity testing would be paramount in having, you know, the people’s integrity not to be questioned. I, for one, have never been vetted since I joined the ACTT. You know, I filled in the necessary forms for more than five times and nothing has happened as yet. So, even in the ACTT, we know of people who were, you know, compromised.”*
- CS 16: *“Integrity testing is definitely necessary, because I think ACTT members should be experienced members and then obviously their integrity must be above board. So, a top-secret clearance would be a necessity and also make sure that there are no criminal investigations pending or that everyone has a clean criminal record. That would definitely help... a drug test can also be done, because if a member has any substance abuse issue, which might also influence the investigation of their cases. So random tests each year as well a five-year top secret clearance would, I think, be of value.”*
- CS 17: *“I think it must be a priority, to say each and every member must start at ACTT having an integrity testing. We’re working with sensitive information. But now if you stay three years in a unit, you applied for the Integrity testing and that doesn’t come, you know there might be some ulterior motives. For*

instance, some individuals working at the unit that will not pass the integrity testings... Even now I don't have the integrity testing."

The greater part of the participants does not have absolute conviction in each other's integrity. There seems to be some trust concerns amongst participants. However, it became clear that the commencement of compulsory integrity testing would undeniably alleviate some of these concerns. The fact that the participants deal with top secret information of highly placed individuals in government and the private sector should be reason enough to expedite this process for the ACTT. The perception that integrity testing instils confidence amongst members was shared by the participants.

5.6.3 Sub-Theme 4.3: Supportive staff, Resources, and Lessons Learnt

As presented in Section 3.10.1, Doig et al (2006:166) states that the ACA head should have the ability to hire and dismiss employees independently and not have employees imposed the ACA. In addition, the UNIDO (2012) points out that the relevant resources should be readily available to ensure that the investigations are conducted in the most efficient and effective manner and are completed in the shortest possible time (Section 3.10.6). As stated in Section 2.6, Brand South Africa (2012) states that South Africa has a robust anti-corruption structure in which the agencies fighting against corrupt activities have the resources, trustworthiness, and power to investigate corrupt activities, as well as to prosecute. This is complemented by the UNIDO's (2012) statement given in Section 3.10 that lessons learned from a variety of organisations should be examined to discover the best possible solutions, as well as the generally accepted investigation standards in the UGI. The investigators have consequently officially implemented these guidelines for their work since January 2012. According to Risktec (2008:6), as revealed in Section 3.10.17, reporting the outcome of an investigation should only commence after its completion. The investigation is completed when every single outstanding issue has been explored and the unearthing has been communicated to the complainant along with the goal, so that lessons can be shared. In addition, Olaniyan (2014:30) explains that for an effective multi-faceted corruption investigation process to occur, the following basics should form part of such an investigative methodology: impartiality and trustworthiness of detectives and prosecutors; sufficient education

and resources for investigative duties; and accessibility of monetary, human, and technical assets (see Section 4.13). The following are some of the reasons for their failure: a weak political will; lack of resources; and political interference and selectivity in investigations. As Schuchter (2012) concludes, the best practice against corrupt activities is the investigation of corruption cases. Surely there are other best practices in countries participating in good governance. The best practices on successful detection, investigation, and prosecution of corruption cases should be shared, which will cultivate strong ties of international cooperation.

The participants in this study consistently agreed that effective support staff is a valuable resource for the ACTT which is absent, along with essential resources such as vehicles, stationery, office space, etc. The participants feel very strongly that mistakes should not be repeated every time management changes. The team should keep a record of what worked previously, and then it should be implemented. Their quotations on this matter are shared below:

- CS 1: *“The fact that we are not reporting to the same boss, somewhere along the lines we talk past each other. They’ve got their targets in the NPA to achieve certain targets, the SIU has got their own targets in terms of their mandate to reach certain targets. So the work of the ACTT in that instance suffer in terms of achieving certain targets within certain specific times. So that is on its own an inhibiting factor.”*
- CS 2: *“An independent line of command, an independent line of accountability and proper selection of teams, in the multi-disciplinary approach, is essential. You’ve got to have your skilled investigators, you’ve got to have your cyber forensic guys, you’ve got to have your analysts, your charter accounts, you’ve got to have your corporate environment members allocated to the teams. Because public sector corruption is not only internally, it’s also externally. It goes all over the spectrum of financial business and business as such throughout the whole of South Africa.”*
- CS 3: *“A good example, an institution like the former Scorpions, it was better set up because the NPA took charge, there was only one boss which is not currently the case at ACTT. The prosecutor and the person with investigative skills, which is the investigator, are both reporting to the same*

boss. It becomes easy for those persons to work together in a case and if now that unit is reporting to a particular institution, that is where we can talk about autonomy, whether there is limited control by outsiders of that unit...

- CS 4: *"I really do agree with that; we need more and internal quality control. There is currently inadequate support for investigative personnel."*
- CS 5: *"The private model, of course, the different teams will have different investigations, but the main goal, at the top, at the top of the triangle, will be achieving the goal of a multi-disciplinary unit and that is why they have to have a commander or a ship captain that is properly communicating what the aims are and manage it, the senior and the middle management teams, to such an extent that no duplication happens and that they achieve goals and targets in time without duplication."*
- CS 6: *"From the backdrop of the decommissioning of the previously DSO or Scorpions which was an effective unit. If you check the methodology used by the ACTT, it is actually walking in the footsteps of what the Scorpions did, their approaches are similar. It is currently the best way to deal with serious corruption. The cooperation from different disciplines is incorporated into this approach in dealing with serious corruption."*
- CS 7: *"Each investigation team needs one admin assistant, at least, to assist with copying of files or to assist with scanning, to assist with capturing data. We do a lot of capturing data, data capturing and it takes up a lot of time, a lot of time. That is the one more or suggestion that I can make, is do that. Another one is just to have a pool of analysts, or not analysts, a pool of admin people who know their duty is to file, to scan, to copy and to capture data, bank statements and do it properly. There should be an admin manager who was taught about what is expected from such a manager. Excel spreadsheet should look like when they go to court and that the manager should manage the admin team and see to it that all the captured data is court ready."*
- CS 8: *"The ACTT is currently understaffed and what happened, as I've mentioned, persons requested or applied for posts and applied for the promotions, they got the promotion, got the posts, and after a couple of months they went back where they came from with the promotion. Now, each and every time, say your reasoning... your staff complement is decreasing all the time, but*

the workload taken up is increasing. So what is happening now, we're sitting with a small number of investigators and with this massive caseload."

CS 9: *"More resources needed, that is including the investigators."*

CS 10: *"The biggest problem is a proper structure, proper leadership, a single hierarchy and what I mean by a single hierarchy is that if you have the ACTT as a structure, you have one single structure."*

CS 11: *"I will implement better structures, I will do recruitment on a bare scale and I would make sure... I would do the recruiting, I mean, it's not difficult recruiting and from there, with the structures put in place, you will get your stronger workers. You would send them on better training courses which obviously enhance your unit's effectiveness."*

CS 12: *"I would say having five investigating officers, to go out and gathering the evidence, doing interviews, doing the affidavits in a team. Then you need an analyst that can look at all those affidavits, analysts, not someone sitting down on a computer and drawing... pulling some information from a database, that's not an analyst. An analyst is someone who can read and understand affidavits, look at bank statements, look at cell phone statements, all your evidence put together and he can put a nice and comprehensive spider chart, put it on the wall and explain to the people and to the judge what is going where, who is the main culprit and how everyone fits in to the picture."*

CS 13: *"My comment would be, you know, we really need to go back to basics in terms of this multi-disciplinary approach and enhance it and make a success out of the investigations that we conducted."*

CS 14: *"I will definitely bring back a multi-disciplinary approach and I wouldn't allow any person to interfere with the functioning of the unit."*

CS 15: *"If you have all the stakeholders, you know, participating actively in the organisation or in the investigations, it makes the investigation easy because you know, like I said the turnaround time will be shorter and different people come with different strategies and expertise, you know, in the investigation. So yes, the lesson that I learned is that the system is very effective, the multi-disciplinary is very effective. If we have a good leader, we can bring everybody together like it used to be."*

CS 16: *“We need bigger teams to investigate. We need external expertise. We had the capacity, but the capacity was watered down and there’s no capacity currently. There is some capacity, but it holds the investigation back. If you look at cyber forensics within the police, they don’t provide the information timeously, so there’s a backlog. If you look at forensics, in the forensics laboratory in other fields, they just are overwhelmed with the work. I’m not even talking... we don’t have accountants, we need accountants. We need them to be in-house, but we don’t have them... So no, the government is not enough to investigate, we need outside help.”*

CS 17: *“We’re having more workload, that is the cases are, and as complex, as they are, I’m alone on each case. So it’s tough, it’s tough.”*

The participants are of the view that professional support staff would alleviate some of the pressure on team members. They could fill the role of scanning, indexing, the filing of documents, etc. There is a concern that support personnel currently do not perform any quality control over their work, which means that this too is left up to the investigating officer. This in return places unnecessary pressure on the team to verify work done by support personnel. As expected in a multi-disciplinary team, each member should have a specific set of skills to enhance the productivity of the team. There does seem to be an effective retention strategy in place to retain trained members. This inadvertently resulted in members leaving the ACTT without replacements, thus the human resources are dwindling each year. Presently the situation makes it almost impossible to be effective in combatting corruption. All team members from the government should function under one umbrella with a clear, common goal. The mutual view of participants is that all members of the ACTT should have one reporting structure, as the former Scorpions did.

5.7 CHAPTER SUMMARY

This chapter explained the essence of the themes and categories that emerged from the transcribed data of the raw interviews. It consisted of descriptions of the themes and categories, and the verbatim quotes were presented with a clarification of the heading of each section. The responses of the participants clearly state that the ACTT is currently in a predicament. An intervention from NGOs and ethical political

leaders is desperately needed to turn the tide on corruption. The ACTT is a vital tool which must be resuscitated to save the country from this devastating path of corruption. There is still enough expertise and enthusiasm on ground level to turn the tide.

Data was gathered by means of in-depth interviews with a digital voice recorder. All the participants were active role players in the ACTT with specific areas of expertise. The data obtained from the participants are also interpreted in order to obtain the meaning of certain terms and situations. In some instances, the participants narrated their experiences of the implementation of the multi-disciplinary approach to investigate corruption in order to give the reader a clear picture of the situation at the ACTT. From their responses, it is clear that the ACTT was on the right track until there was a change in management. The next chapter will present a summary and recommendations regarding the findings, as well as a conclusion. In addition, the research findings derived from the in-depth interviews conducted with participants will be discussed and interpreted. Literature applicable to each theme will be integrated and discussed as per the literature study presented in Chapter 2, 3 and 4 of this study. The findings of the results will be presented and discussed in various identified themes. The results of the in-depth interviews will further be summarised and discussed in Chapter 6. In addition, the researcher's findings from the responses of the participants in comparison to the literature studied drew attention to the significance, challenges, and best practices of a multi-disciplinary approach in the investigation of corruption within the public service.

The following chapter summarises the study, after which recommendations and conclusions are made.

CHAPTER 6: SUMMARY, RECOMMENDATIONS, AND CONCLUSIONS

6.1 INTRODUCTION

The purpose of this chapter is to establish whether the research aim and objectives which were set in Chapter 1 have been met. In order to ensure that the aim and objectives have been met, the research findings will be presented in the sections that follow and, in addition, the recommendations will be made. This chapter provides a summary of the thesis from Chapter 1 to Chapter 5 and the recommendations resulting from the findings in Chapter 5, and conclusions will be drawn. The subsequent recommendations are based on the main findings as derived from the presented themes that emerged in Chapter 5. This study is of importance, because corruption in public service affects all citizens. The recommendations made focus on the effective management of the investigation of corruption following a multi-disciplinary approach.

6.2 RESEARCH OVERVIEW

Section 205(3) of the Constitution (South Africa 1996b) states the functions of the SAPS in sequential order as follows: (1) to prevent crime; (2) to combat crime; (3) to investigate crime; (3) to maintain public order; (4) to protect and secure the inhabitants of the Republic and their property; and (5) to uphold and enforce the law. The main focus of this research project was on the third function, which is the core function of the DPCI, which the researcher investigated by interacting with commanders and members whose primary responsibility is the investigation and prevention of crime. These are men and women who worked in or with teams in the ACTT environment, generally referred to as the Hawks, which deal with complex investigations on a national level.

The DPCI, which is a division of the SAPS, formed the Serious Corruption Investigation (SCI) unit which is responsible for preventing, combatting, and investigating national priority crimes relating to serious corrupt activities and related

crimes within the public and private sectors. From the SCI, specific investigators were selected to form part of the ACTT to combat corruption. The ACTT was established in an attempt to have an effective, independent, and centralised anti-corruption approach. This came about after the DSO in South Africa was dissolved. The ACTT was established to concentrate on individuals who involved themselves with serious fraud and serious corruption-related activities, with a threshold exceeding R5 million per individual.

6.2.1 Research Aim

The aim of this study was to assess the multi-disciplinary approach in the investigation of corruption cases in the South African public service. The researcher has achieved this aim by conducting research into the literature on multi-disciplinary approaches to investigate corruption internationally, as well as in South Africa (see Chapter 3 and 4). In addition to this, the South African implementation of the concept was also studied by conducting in-depth interviews with the role players at the ACTT who follow this approach in the fight against corruption in the public service. Their perceptions and observations on the approach were studied (see Chapter 5).

6.2.2 First Research Question

The first research question was: *“Is the current multi-disciplinary approach to investigate corruption in the South African public service effective?”* The researcher answered this research question by conducting in-depth interviews with role players at the ACTT to gain their understanding and perspectives of the effectiveness of the multi-disciplinary approach in the investigation of corruption in the public service (see Chapter 5 and Section 6.5).

6.2.3 Second Research Question

The second research question was: *“Are there any factors experienced by DPCI investigators or external service providers/consultants who are attached to the ACTT that inhibit them from effectively investigating corruption within the public service?”* The researcher has answered this research question by conducting research into the literature on the reasons why the ACTT is not as effective as initially intended to be in combatting corruption (see Chapter 2, 3, 4, and 5), and

developed an effective multi-disciplinary approach for the proficient investigation of corruption in the public service of South Africa (see Section 6.5).

6.3 OVERVIEW OF RESEARCH CHAPTERS

The formal structure of the research was presented in six chapters, to enable the reader to comprehend the chronological sequence of the research conducted. Each chapter of this study was written to proficiently address the research outcome. The chapters were composed according to relevant research conducted in the multi-disciplinary approach in the investigation of corruption in the South African public service.

6.3.1 Chapter 1

This chapter commenced with an introduction along with the rationale for conducting the research, namely to assess the multi-disciplinary approach in the investigation of corruption in the South African public service. An all-encompassing problem statement was presented along with the resolve and significance of the research problem. This was followed by the formulation of the presented research aim along with the research questions. The research methodology applied was supplemented with steps taken to address the research problem. The definitions which were formulated by authors, legislature, and renowned experts pertaining to the relevant field of research on all key theoretical concepts were presented to enable the reader to acquire an inclusive comprehension of the respective significance of concepts in the research. This was supplemented with the research design and approach followed by the research sampling and data collection and the analysis thereof. The meticulously premeditated actions of the researcher to ensure the trustworthiness of the study were subsequently presented. This was complemented by the ethical considerations applied by the researcher during the collection, recording, analysing, and interpretation of the data presented.

6.3.2 Chapter 2

Chapter 2 presented a review of the literature to gain an understanding of corruption in South Africa and the international arena. The relevant legislation governing corruption in South Africa and abroad were briefly discussed to gain insight into

relevant legislation to combat corrupt practices. Specific sections of relevant legislation within South Africa were highlighted to illustrate the value of current laws in combatting corrupt activities. The common theories on the manifestation of corruption were succinctly discussed. A study of the relevant legislation of some African countries was included to gain insight into how Africa combats corrupt practices.

6.3.3 Chapter 3

Chapter 3 provided a holistic overview of the investigation processes into multi-faceted corrupt activities. This was supplemented with a compilation of numerous renowned authors that specifically relate to the research conducted on multi-faceted corruption investigations. A discussion followed on the significance of evidence, along with the type and principles of evidence required during an effective investigation process. In addition, a synopsis was provided on the elements of proof in a corruption investigation, including the manner in which evidence is presented during court proceedings. The chapter concluded with five case studies, to denote from a practical perspective the manner in which corruption cases are investigated.

6.3.4 Chapter 4

Chapter 4 commenced with an exploration of multi-disciplinary approaches with specific reference to their impediments and adeptness. In addition, a discussion on the internationally renowned multi-disciplinary approaches was presented to the reader. A discussion followed on the rationale of the commencement of ACAs supplemented with nine practical examples for both the international arena and South Africa. A literature overview of the significance of ACAs in combatting corruption, with specific references to 18 countries and the manner the ACAs are being utilised, was provided. In addition, the discussion included the functional operations of the ACAs around the globe that were relevant to the research problem. These various multi-disciplinary approaches, as well as compilations, specifically addressed the proficiency of the investigation processes of multi-faceted corruption cases which could be useful for addressing the research problem. The chapter concluded with a number of lessons learned, as well as the relevant safeguards for multi-disciplinary approaches. The multi-disciplinary approaches illustrated best practices in order to gain insight into the importance of the topic, as well as how to

utilise the information obtained from the literature to assist in addressing the research problem.

6.3.5 Chapter 5

Chapter 5 conceptualised the perceptions and experiences of the participants utilising the multi-disciplinary approach to investigate corruption in the South African Public Service. A clear understanding was obtained of the gathered data derived from the in-depth, personal interviews conducted with specific experts in the environment. The in-depth interviews were digitally recorded and transcribed by an external expert. The verbatim transcribed recordings were provided to an external professional decoder. The decoder analysed the data gathered during the interviews and presented the identified themes and sub-themes that emerged from these interviews. The researcher adopted the “going out into the field” approach and engaged with participants personally who were or still are part of the ACTT. Elucidations for each theme as well as sub-themes were presented and the verbatim quotes were used to illustrate each theme and sub-theme. After the discussion of a theme, an interpretation of that theme and its sub-themes was provided.

6.3.6 Chapter 6

Chapter 6 will present the interpretation of the findings. The foundation of this chapter is based on the themes and sub-themes that emerged during the in-depth, personal interviews conducted, based on the research topic: The assessment of the multi-disciplinary approach to investigate corruption in the South African Public Service. Each identified theme, as discussed in Chapter 5, was presented and supported by the inclusion of relevant literature, found respectively in Chapter 2, Chapter 3 and Chapter 4, to assess the multi-disciplinary approach in the investigation of corruption cases in the South African Public Service. In Chapter 2, reference was made to legislation governing corruption in South Africa and abroad, along with a specific reference to the concept of corruption. In Chapter 3, reference was made to the various investigative processes utilised in multi-faceted corruption cases. In Chapter 4, multi-disciplinary approaches were discussed with reference to local and international best practices from more than 18 countries that can be utilised to achieve the desired outcome.

6.4 RECOMMENDATIONS DERIVED FROM THE FINDINGS

A study on the functioning, proficiency, impediments, and lessons learnt was conducted on ACAs to find possible solutions for some of the challenges faced by the ACTT. The countries which formed part of the study are summarised as follows: the SADC Countries on the African continent, five prominent Asian countries, and various prominent countries in the West were examined during this research. After analysing numerous multi-disciplinary approaches utilised by ACAs during the investigation of multi-faceted corruption cases in the public sector, it became clear what makes an ACA effective or unsuccessful. In order to improve and implement an effective multi-disciplinary approach for the investigation of corruption cases in the South African Public Sector, the following recommendations are proposed by the researcher. The themes and sub-themes that emerged during the in-depth personal interviews with the participants were summarised in Table 5.1 and are again presented in Table 6.1 below.

Table 6.1: Themes and sub-themes that emerged from the findings

THEME 1: PARTICIPANTS' PERCEPTIONS OF THE EFFECTIVE FUNCTIONING OF THE ACTT
1.3 Task team's effectiveness 1.4 Attaining objectives
THEME 2: THE MULTI-DISCIPLINARY APPROACH AND CHALLENGES EXPERIENCED DURING INVESTIGATIONS
2.5 Communication in the ACTT as a multi-disciplinary team 2.6 High workloads and insufficient resources 2.7 Competency levels of manpower 2.8 Role of management
THEME 3: CHALLENGES FOR INDEPENDENCE AND EFFECTIVE FUNCTIONING OF THE ACTT
3.4 Political interference and political will 3.5 Budget and logistical constraints of resources 3.6 The need for independence/autonomy
THEME 4: SUGGESTIONS FOR IMPROVEMENT OF EFFECTIVENESS BASED ON LESSONS LEARNED
4.4 A structure that accommodates expert multi-disciplinary team members 4.5 Recruitment and integrity testing of team members 4.6 Supportive staff, resources, and lessons learnt

6.4.1 Effective Functioning of the Anti-Corruption Task Team

The ACTT is a government structure established to effectively combat corruption. Since the inception of the team in 2010, there were great expectations for the team. The ACTT is currently experiencing a crisis, but this was not always the case; they were on the right track until there was a change in management during 2015. An intervention from NGOs and ethical political leaders is desperately needed to turn the tide on corruption. The ACTT is a vital tool which must be resuscitated if our country is to be saved from this devastating path of corruption. The team still has members with expertise who are motivated to turn the tide on corruption. The rationale for founding the ACTT in 2010 should be revisited to understand precisely what was envisioned. Successful agencies need to have rapid access to information held by a wide variety of national authorities (customs, tax departments, police, courts, etc.) and, as such, effective coordination mechanisms need to be in place. The compartmentalisation of departments (customs, tax, judiciary, etc.) is detrimental, and there is an absolute need for such mechanisms to be established at the ACTT.

Even when an investigation is concluded efficaciously, the impact is limited without the effective continuation of the prosecution process, whereby a convicted criminal is sentenced. The fact is that corruption needs specialised responses for a successful investigation process. In addressing the structures of an effective anti-corruption strategy, it is, therefore, crucial to focus on the prosecution stage of the criminal justice process. It is recommended that a specialised anti-corruption court be established, comprising retired magistrates and prosecutors, to increase the speed with which criminal matters closely related to corruption are handled. The above-mentioned are vital components if the ACTT is to be effective in the execution of its mandate. The components of an effective ACA strategy identified during the research conducted were summarised and a figure was generated, as illustrated in Figure 6.1 below.

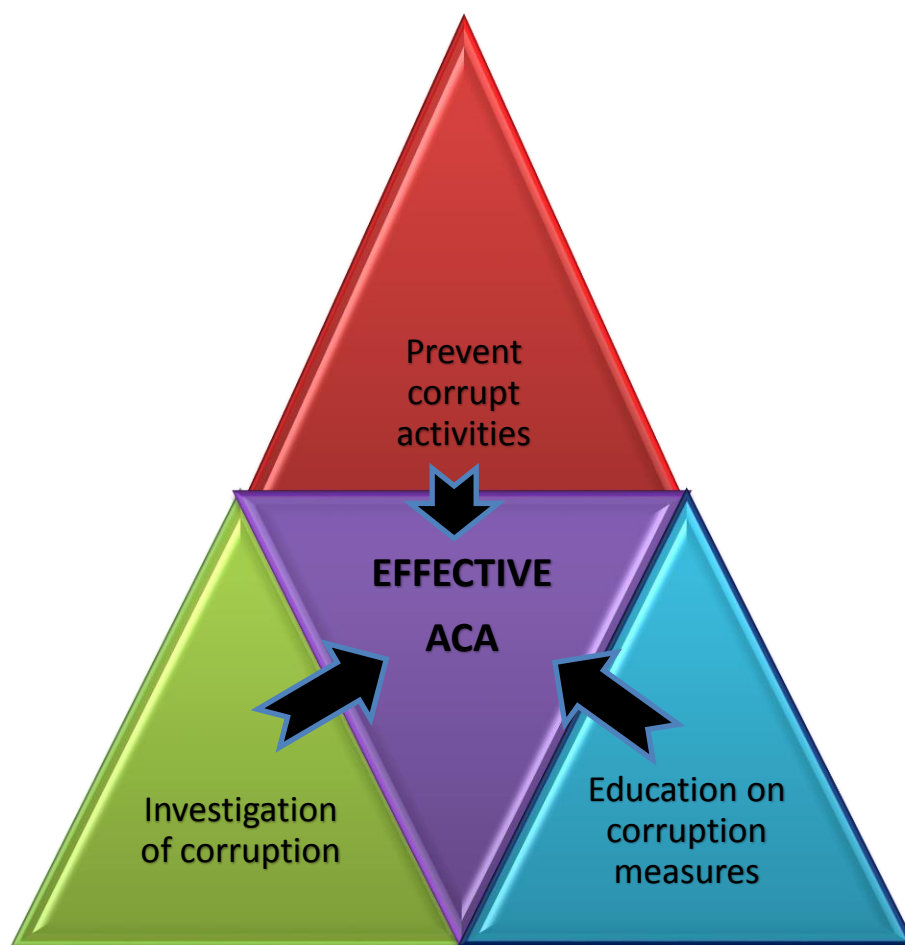


Figure 6.1: Effective Anti-Corruption Agency Strategy

6.4.2 The Multi-Disciplinary Approach and Challenges Experienced During Investigations

The standard operating procedures for the ACTT after the allocation of a case are summarised in the example given below.

After the lead investigator is assigned cases for further investigation, a group of individuals is allocated to assist with the investigative duties. Each of the members ordinarily allocated is from a specific discipline (e.g. electronic experts, auditors, financial investigators, prosecutors, NT analysis, asset forfeiture investigators, analyst, etc.) and is responsible for those functions within the group. They function under the leadership of the lead investigator, while the facts are being determined and evidence is being gathered. Once sufficient evidence is obtained for the

prosecutor to draw up a draft charge sheet, the leadership roles are shared between the lead investigator and prosecutor. Upon the finalisation of the investigation process, the prosecutor takes over the leadership role, as the case is being prepared for court proceedings. The most prevalent challenges during this process are twofold and will be discussed briefly. The first challenge is that the members allocated to assist with the investigation are also allocated to various other investigations. These members perform functions allocated to them from their respective departments, whilst they are assigned to a specific investigation at the ACTT. The second challenge is that there is not a single command structure to be followed, thus it is difficult to prioritise certain cases as this might not be seen as a priority by another department. The main reason for this is that the SAPS official is focussed on a criminal investigation and does not necessarily focus on asset recovery. The investigator allocated from asset forfeiture, for example, is not interested in identifying assets if the civil process to obtain restraining orders is not an immediate focus of the investigation. It is recommended that a selected group of individuals from government departments is placed at a centralised and newly-formed ACA. This would address the first challenge that members are allocated various tasks other than a specific investigation, thus allowing them to focus on a particular investigation which will bring about a swift investigation process. As for the second challenge, the members should have a single reporting structure, which will afford them the opportunity to prioritise according to the ACA's objectives. Therefore, a centralised and newly-formed ACA where all challenges of the ACTT can be factored in is recommended. This will result in a collaborated response to the challenge posed by each function and discipline, thus ensuring an efficient and effective anti-corruption investigation.

After studying various ACAs' strategies, locally and abroad, in the manner evidence is identified, acquired, handled, recorded, preserved, and presented during court proceedings of a criminal investigation into corrupt practices, it became clear what makes an ACA successful or what causes it fail in its mandate to combat corrupt practices. A comprehensive understanding around the basic principles of evidence, various types of evidence, and the collection method of evidence (which is complemented by the chain of evidence) that an investigator might encounter in preparing a case for criminal court proceedings are essential. Specific reference

ought to be made to what exactly is expected of the investigators and team members, and what they should bear in mind during the investigation process. This should be complemented by some of the most prevalent theories on corruption. Furthermore, the relevant parties in a corrupt relationship must clearly be understood by all team members. Moreover, the necessity of utilising special investigation techniques during the investigation process should be emphasised. It is recommended that investigators be proficiently trained and kept abreast with the latest developments internationally in relation to evidence.

There is little doubt that resources are scarce at the ACTT; a fact which was confirmed by the participants during the in-depth interviews. As a result, duplication in any form cannot be tolerated, as it will only compound or prolong the investigative process. However, the recurrent theme of streamlining existing ACAs to improve their effectiveness and speed up prosecutions is of the utmost significance. Most roleplayers of the ACTT have a purely investigative mandate. Thus, it is important to ensure the effective coordination of intelligence, as well as the sharing of information between team members. It is recommended that the coordinated decision on which role player is more suitable to commence with a specific aspect of the investigation be predetermined.

The effectiveness of turning the tide against corruption involves an approach on various levels, by using specific knowledge and skills from diverse fields (e.g. law, finance, economics, accounting, assets, etc.). The majority of nations, consequently, have experts which are dedicated to fighting corruption. These ACAs should have adequate human and appropriate material resources with adequate independence. During the process of conducting interviews, the lack of appropriate resource allocation to the ACTT was emphasised by all of the participants. It is recommended that adequate resources are allocated to the ACTT, to enable them to effectively investigate allegations of corrupt practices. As Olaniyan (2014:21) points out, one of the persistent problems of governance in multi-faceted corruption investigations is to determine the effect on human rights. The challenge is to find an all-inclusive and universal legal framework for addressing some of the root causes.

A criminal investigation into a multi-faceted corruption case requires the engagement of team members which are highly skilled and experienced in available techniques. They need to demonstrate a comprehension of applicable legislation that must be taken into account during the investigation process. The investigation is probably going to ultimately lead to legal proceedings against one or several suspects. The members of the investigative team must be comfortable with appearing in court to clarify how the investigation was conducted and how the evidence has been collected. The investigator must exude confidence in matters relating to the investigation process, to guarantee that their credibility and professionalism are confirmed amid the criminal procedure. Therefore, it is recommended that personnel be appointed to the ACTT with the necessary skill, experience, knowledge, and aptitude to investigate multi-faceted corruption in the public sector.

The following are recommendations of essential elements for an effective multi-disciplinary response team:

- Identification of the scope of the problem under investigation.
- Identification of the resources, human and physical, available to the investigation.
- Establishment of clear communication guidelines for each team member.
- Establishment of clearly defined roles and responsibilities for each team member according to their expertise.
- Establishment of clearly defined criteria for the types of cases with which the team will become involved according to national priority or threats posed.

The elements of an effective multi-disciplinary approach identified during the research conducted were summarised and a figure was generated out of the research conducted, as illustrated in Figure 6.2 below.



Figure 6.2: Effective Multi-Disciplinary Approach

6.4.3 Challenges for Independency and Effective Functioning of the ACTT

The powers available to an ACA or its members must be relatively broad and include the right of access to all information and files which could be of value in the fight against corruption. It is also essential that the organisations, institutions, and entities who are responsible for investigating corruption cases have the appropriate resources. This will assist in acquiring the legal instruments that will enable them to seize relevant evidence and obtain preservation orders on the proceeds of corrupt activities. It is recommended that a dedicated, competent analyst is appointed at the ACTT. This would enable investigators to have instant access to various databases and intelligence sources during their investigation process.

All officers responsible for the fight against corruption must be shielded from political, economic, or personal pressures. In particular, the operational independence of an agency, within its specific parameters, must be guaranteed. However, the fact that anti-corruption structures need to be made more effective, both at the investigative and prosecution levels, is a reality no one can deny. The

threat of interference either during the investigation or the prosecution process was accentuated by the majority of the participants. As a consequence, it is recommended that the ACTT's independence is reviewed as a matter of urgency. The reporting structure and the type of cases assigned to the unit for investigation need to be revisited and aligned to national priorities or threats posed to South Africa.

Lenneberg and Lenneberg (2014:44) reveal that a multi-disciplinary approach includes drawing properly from multiple disciplines to rethink issues outside of ordinary limits and achieve solutions in view of looking at multi-faceted circumstances in a different way. Multi-disciplinary investigations are frequently observed as progressive by some investigators. Nevertheless, it is essential for the successful operation of an ACA. Some of the significant obstructions to the multi-disciplinary approach are the lengthy investigative processes that are common to the cases allocated. The investigations are prolonged due to the volume of information and the complexity of such investigations. It is however in the interests of the public that these cases be investigated to bring about justice for all. The multi-disciplinary approach has as of late encouraged more zest in accomplishing a swift multi-faceted investigation into corruption.

Research by Katz, Halánek, Halámková, Bakshi, Agudelo and Huynh (2016:151) suggests that present-day improvements depend on multi-disciplinary methodologies and physical procedures, as well as computational strategies. Through incorporating different databases (e.g. fingerprints, relatives, corrupt activities in government, financial disclosures, SARS returns, etc.) in a computerised database, it will enable the ACTT to speed up the screening process by utilising these various databases, as well as assisting the investigating officer with information gathering during the criminal investigation process. Computerised facial recognition, for instance, is required for an automated pursuit of suspects out in open areas outfitted with video reconnaissance facilities. This could be vital not just to find criminal suspects (corrupt activities and racketeering syndicates), but also for crime prevention activities and security measures through identifying relationships of influential private individuals with highly placed government officials. This view is supported by a supplementary study by Katz, Halánek and Halá (2016:46) who

report that, overall, the multi-disciplinary approach is a very important component of a well-organised, multi-faceted corruption investigation. Thus, the collaborative work of experts with different backgrounds is necessary for effective investigations which will benefit society. The majority of the time, the corresponding mandates hamper the adequacy of these agencies during multi-faceted corruption investigations. There is likewise no ACA in South Africa with a particular mandate to teach and generate civic awareness about corrupt activities. It is recommended that the South African approaches to anti-corruption activities are streamlined, to complement the investigative functions of the ACTT. A centralised CCTV database needs to be established for the investigation of national priorities and threats. It is further recommended that the database consists of all footage recorded in the public and private sector which should be complemented by IP mapping of laptops, tablets, smartphones, vehicle tracking devices, etc. Such a database would be advantageous to investigators during the intelligence gathering process of an investigation. The impediments to an effective multi-disciplinary approach, identified during the research conducted, were summarised and a figure was generated out of the research conducted, as illustrated in Figure 6.3 below.

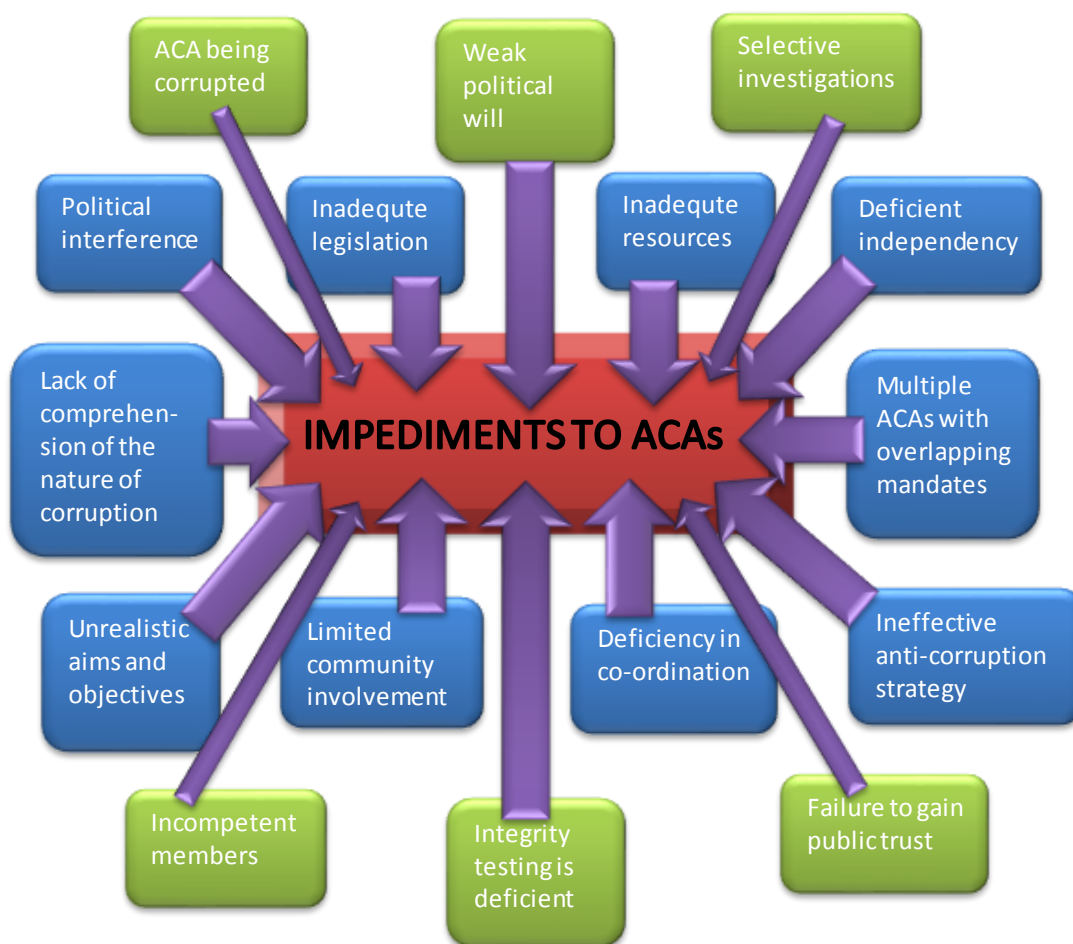


Figure 6.3: Impediments to the effective functioning of ACAs

6.4.4 Suggestions for the Improvement in Effectiveness

The efficacy of an ACA depends on some key aspects as summarised below:

- An effective complaint system to invite the reporting of corrupt practices.
- An intelligence framework which supplements the complaint system to provide intelligence support to investigators.
- Professional, dedicated, and competent investigators, with enhanced proficiency in interviewing techniques and financial investigation.
- Members' aptitude to utilise special investigative techniques, for example entrapment operations, covert operations, communication interception, etc.
- A high level of confidentiality during the investigation processes, especially regarding the identities of the alleged suspect(s) or entities.
- The ability to provide protection to whistle-blowers and key witnesses of multi-faceted corruption cases.

- Effective international cooperation and information sharing of cross-border corrupt activities.

Olaniyan (2014:362) clarifies that corrupt activities are not victimless. The party that suffers in the majority of these cases is the general public, but they are mostly not even conscious that this crime has been committed and therefore are seldom in a position to lay a complaint. Regular integrity testing of team members is valuable, as it takes integrity to fight corruption. Any successful ACA must be based on sound and credible processes for the members, as well as the operation of the agency. Where there is a lack of integrity in the very system that is designed to investigate and combat corruption, the effective investigation and prosecution of multi-faceted corruption cases will diminish. The type and number of cases reported to an ACA will likely decrease when it is perceived that by reporting a corrupt activity, they will be exposed by the ACA. When the information is leaked to the suspects involved in the report, it might lead to personal peril for the reporter as well as the demise of trust in the ACA. When there is a lack of trust between team members of an ACA, the utilisation of the multi-disciplinary approach is hampered. This will bring about the members of an ACA duplicating each other's work to ensure the credibility of investigations conducted by a particular member. This will inadvertently unnecessarily prolong the investigation process. It is recommended that the trust between ACTT members be augmented by updating security clearances frequently. This process should be transparent and implemented uniformly with all members attached to the ACTT. The members which are not able to obtain the relevant security clearance through integrity testing should be removed from the ACTT immediately. Regular integrity testing will enhance trust between team members. The fact the members deal with top secret information of individuals, government departments, and private institutions ought to be reason enough to expedite integrity testing for ACTT members. The perspective that "integrity testing instils confidence amongst cleared members" was shared by the participants.

Graycar and Prenzler (2013:75) express that each effective criminal investigation into multi-faceted corruption goes together with both advantages and detriments which ought to be well-assessed prior to completion. For instance, closing down a corrupt company may bring about stark hardship through unemployment and the

unavailability of a certain product or service. One-sided anti-corruption measures should be avoided, as it might inadvertently provoke resistance. The lack of professional support staff at an ACA places undue pressure on the investigative team. For example, the lead investigator attends to administrative duties such as scanning and photocopying documents, whilst he could have conducted his investigative duties. The quality of the support staff's work should undergo quality control by a supervisor, and not just the requesting member. As expected in a multi-disciplinary team, each member should have a specific set of skills to enhance the productivity of the team. An ACA should have an effective retention policy in place for their members, to ensure that expertise is not lost and the agency's manpower is not depleted up to a point where they are no longer able to operate effectively. When manpower is dwindling, workloads will inadvertently increase as the cases need to be re-distributed within the ACA, to ensure its effectiveness. International experience of the effective combatting of corruption confirms that a single, specialised ACA is a prerequisite of successful agencies, for example in Hong Kong, Singapore, Malaysia, and New South Wales in Australia. Other characteristics of successful models are operational, financial, and administrative independence and adequate resources. Thus, the functions of corruption prevention and awareness have been included in ACAs' mandates to assist in controlling the threat in societies with endemic corruption. Hong Kong has one of the most celebrated models and owes its success to the functions mentioned above. It is highly recommended that the following changes are made to the ACTT to ensure its effectiveness: the independence of the ACTT must be protected in the execution of their duties; adequate resources must be allocated; the functions of corruption prevention and awareness should form part of the ACTT's activities; South Africa should establish a single ACA to have a comprehensive approach to fighting corruption; and the three-pronged approach, namely prevention, investigation, and education, should be adopted to win the battle against corruption.

The PSC (2011) states that the DSO was and the ACTT is committed to the fight against corrupt activities, both having significantly comprehensive mandates. Therefore, it is not attainable for South Africa to have a solo ACA that is responsible for the majority of the functions expected to combat corrupt activities, as the nation does not have the imperative institutional structure which is required. The

components of effective ACAs, identified during the research conducted, were summarised and a figure was generated out of the research conducted, as illustrated in Figure 6.4 below.



Figure 6.4: Components of Effective Anti-Corruption Agencies

6.5 RECOMMENDED MULTI-DISCIPLINARY INVESTIGATION APPROACH

As stated by Graycar and Prenzler (2013:32), ACAs, political groups, media, civil society, and businesses are all role players in a comprehensive anti-corruption strategy. These role players reinforce the quality of life, the rule of law, and sustainable development within a country. When all of the role players work together in partnership, corrupt activities will be combatted effectively. However, when some of the role players are not committed to the fight against corruption, it could have a detrimental effect, which could bring about an upsurge in corrupt activities. Brand South Africa (2012) reveals that combatting corruption is one of the state's key objectives. To this end, endeavours to eradicate corrupt activities need to incorporate private and public sector organisations to manage the fight against corrupt activities on all fronts. It is against this background that a Corruption Intelligence Centre ought to be established in accordance with the effective multi-disciplinary approach. It is supposed to centralise the information received in an information hub that receives data from every single conceivable source. The data can then be centrally dissected and disseminated to appropriate enforcement agencies, with due dates for their progress reports. Upon receiving a complaint, enquiry, case docket, or project-driven investigation, it is essential to compile a comprehensive investigation plan, especially when dealing with multi-faceted corruption cases. Although there are multitudes of templates and best practices available internationally on the subject, each department or agency needs to develop an investigation plan which will address their specific requirements and impediments as identified from commencement.

6.5.1 Recommended Investigation Plan

An investigation plan is not merely additional administration for the investigative team, but serves as a valuable tool during multi-faceted investigations. The investigation will assist the team with the following: the scope of the investigation, what evidence is available, what evidence is outstanding, task allocation for members with completion dates, the type of investigative process required, special investigation techniques applied, identified suspects, a witness interviewed, risks, etc. With the compilation and persistent update of a comprehensive investigation plan, the following can easily be obtained: a timeline of events as uncovered to date

in the investigation, evidence obtained, progress made, documents seized, special operations conducted, experts utilised, list of the task completed and remaining, etc.

The investigation plan needs to be kept confidential, as it entails specific information (such as banking records, company records, suspects' details, witness's details, etc.) which could jeopardise an investigation or be used to intimidate witnesses. It is imperative that the investigation plan is circulated between team members and updated frequently by each member. This will enable the team members to make the plan their own and acknowledge the importance of their role during the investigation process. The researcher recommends the use of an index to the investigation plan as presented in Figure 6.5.

CONFIDENTIAL	
ANTI-CORRUPTION TASK TEAM (ACTT)	
PROJECT NAME:	
LEAD INVESTIGATOR: _____ (Name) _____ (Unit) _____ (Contact details)	
STATION:	SANDTON
CAS NO:	_____ / _____ / _____
Charge(s)	1) _____
	2) _____
	3) _____
	4) _____
	5) _____
DEPARTMENT / COMPANY INVOLVED (Victim):	
VALUE OF OFFENCE COMMITTED: R _____	
OFFENCE STATUS: Planned _____ Current _____ Past _____	
TABLE OF CONTENTS	
1) CASE SUMMARY	
2) TEAM MEMBERS	
3) IDENTIFIED SUSPECTS AND ENTITIES	
4) EXTERNAL EXPERTS REQUIRED	
5) LEGS OF INVESTIGATION	
6) ASSET FORFEITURE TARGETS	
7) OPPORTUNITY AND THREADS	
8) INVESTIGATION ACTIVITIES	
9) RESOURCES AND BUDGET	
CASE DOCKET INDEX	
A1	All dockets reported and linked to the investigation filed in sequence
AA1	Application i. t. o section 205 for banks, cellular phones, travel, etc.
AB1	Banking records with section 236 affidavit, e.g. ABSA, FNB, Nedbank, STD, Investec, etc. Include opening docs and contra account details
AC1	CIPC records on Individuals and Entities with section 212 affidavits
AD1	Department or Entity affidavits obtained, e.g. process affidavit, policies, bid docs, personnel files, etc.
AE1	Exhibits: search and seizure operations, whistle-blower affidavits, electronic devices, etc.
AF1	Forensic Reports, e.g. chartered accountant, cyber forensics, CRC, forensic lab, question documents, etc.
AG1	Gratification Identified during the investigation, e.g. bank deposits, property, vehicles, holidays, education fees, etc.
AH1	All other witness affidavits, e.g. secretary, personal assistant, drivers, E-natis on vehicles, property deeds office, etc.
B1	All intelligences reports, e.g. FIC, SABRIC, Intelligence Agencies, Movement Control, etc.
C1	Investigation Diary SAPS 5 of Docket

Figure 6.5: Index of Investigation Plan

By utilising a Microsoft Excel worksheet for the index, the investigator will be able to link activities of the investigation process. The index will provide the reader with a brief description of the merits of the case and provide a table of contents for the applicable evidence and activities or tasks being recorded. The benefit of utilising an electronic platform to capture relevant information is that it assists in organising the investigation process. The simplicity of access to and control over data captured is an obvious benefit. The main reason for selecting the Microsoft Excel platform is for the user-friendly operation and integration with Microsoft Publisher, Microsoft PowerPoint, Microsoft Word, and Microsoft Access. A multitude of documents can be scanned and hyperlinked to Excel worksheets, which enables the reader to view a scanned version of a specific document (e.g. a contract, affidavit, bank statement, cell phone records, photos, etc.). During the compilation of the investigation plan, an Excel workbook should be utilised. The investigating team will now be in a position to create Excel worksheets pertinent to the planned activities of the investigation process within the Excel workbook. This assists all team members in generating a database on the progressions of a particular investigation.

6.5.2 Generation of an Investigative Database

The researcher recommends the generation of a database pertinent to all documents, evidence, and/or any other related items. These items should be recorded within the Excel workbook of a particular investigation. This allows all team members access to information, tasks, and evidence of the investigation. Once an affidavit is obtained, the investigator should scan the affidavit, with the relevant annexures thereto. This affidavit should then be indexed in the relevant worksheet of the investigation plans workbook (Excel format as illustrated in Figure 6.5). The scanned version of the affidavit with annexures is then hyperlinked to the specific entry in a worksheet within a particular investigation workbook. The investigator is thus able to file the affidavit obtained in a secure place which in return is consistent with the “chain of custody”. A copy of the investigation plan workbook should be provided to the appointed prosecutor. This will afford the prosecutor the opportunity to review the evidence collected and determine the status of the investigation conducted. The investigator will only access the original document (affidavit) upon the request of the prosecutor for authentication purposes and criminal proceedings.

A further advantage is that this process permits the investigator to always have immediate access to documents, affidavits, and evidence captured, which is convenient during interviews or when specific information needs to be substantiated. It is recommended that the same process be followed for all documents, affidavits, evidence, and exhibits to ensure that a complete set of all evidence is safeguarded. In addition, the investigator is able to obtain photos of exhibits and similarly hyperlink these photos to a specific entry in the relevant worksheet. The only caution is that the affidavit, document, and evidence should be filed in the same sequence with references as in the docket of the corresponding case. The references should be an exact copy of the actual references in the criminal case docket. This should be recorded in the applicable investigation plan worksheet, as well as in the investigation diary (SAPS 5) of the docket under investigation. This process is imperative for any multi-faceted corruption investigation, as great volumes of documents are collected during the investigation process. This will enable any team member to trace and point out, for example, where and when specific evidence was found and by whom. Furthermore, the prosecution will be in a position during the ensuing criminal proceeding to disclose a copy of the completed investigation should it be requested by the defence. This use of a database is increasingly advantageous during court proceedings, for example, when the team is confronted with the authenticity of a particular document. The document can be easily located within the generated database by utilising specific keywords to determine whether the document is known to the prosecution or not. The team is placed in a position to refute or confirm the existence of a particular document as presented by the defence. The researcher is certain that once investigators have familiarised themselves with this method of indexing in their criminal investigations, the benefits will come to the fore. Some of the more frequently used worksheets will be discussed briefly below to illustrate the simplicity of this method.

In addition, the researcher recommends the application of a worksheet within the same workbook of the investigation plan as presented in Table 6.2.

Table 6.2: A-Clip of Docket: Complaints received

No	Inventory	Reference of document	Source of document	Description of the type of document	Individual from whom the document was obtained	Date obtained	Copy / Original	Comment
Station: BRITS CAS 123/07/2018								
1	00001-00010	A1.	Complainant	Affidavit	Affidavit: Mr ABC Storms	04 July 2018	Original	W/O Leeu reside in House 123 Menlyn
2	00011-00028	A2	Witness	Photos of event	Confirmatory affidavit, Mr ADC Sharks	20 July 2018	Copy	Obtain photos of House 123 Menlyn
3	00029-00039	A3	Attorney	Letter: Power of Attorney	Mr M from ABC suppliers, payment towards House 123 Menlyn	15 October 2018	Original	Instruction to transferring Attorney, House 123 Menlyn

6.5.3 Investigation Process

During the investigation process of multi-faceted corruption in the public sector, the investigative team has to determine whether the elements of corruption were present. Snyman (2014:404) states that the elements of corruption in a South African context are when a person:

- directly or indirectly accepts, offers, gives, receives, or solicits (the act),
- a gratification (anything of value);
- unlawfulness (the PRECCA prohibits corrupt activities);
- to improperly influence (inducement) the actions of another person (intention).

A simplified example of a corruption investigation case will be briefly explained. This is to demonstrate some of the investigation activities which need to be conducted during the investigation process. The example follows below.

A service provider (Company A) made a financial contribution to a vacation during August 2018 for the CFO (Mr B) of a Government Department (Department C) in return for Mr B favourably awarding a tender to Company A. The investigator will make use of intelligence reports requested from relevant departments, agencies, and companies. These reports could be generated in various fields. For the purpose of this discussion, an intelligence report on movement control, for example, would

assist the investigator to verify the initial allegation of Mr B's trip to Italy. This intelligence should still be converted into evidence by approaching the source of the information to establish whether the intelligence can be authenticated. The investigator needs to determine whether the CFO, Mr B, was in Italy as presented in the scenario above. After confirmation that Mr B was in Italy during August 2018, the investigator needs to establish the legitimacy and purpose of, as well as payments made for such a journey. This could be done in various ways, one of which will be briefly discussed.

The relevant Department C which employs Mr B as the CFO is approached to confirm by means of relevant documentary evidence (e.g. an application for leave) that Mr B was on leave during August 2018 to be able to go to Italy. This evidence is obtained in an affidavit under oath from the custodian of the records. These records, namely his original application for leave and a printout of Mr B's leave application, are captured on the database and an affidavit by Mr D, the custodian of leave records at Department C, is attached thereto. During the execution of certain tasks in the investigation process, records of activities are kept. The tasks are performed in relation to the investigation plan compiled by the team. The multi-disciplinary approach can only work when members perform a task according to their expertise. The researcher recommends that all investigation activities are undertaken by the various members of the team be recorded. This will avoid any duplication of tasks and members are able to realise the importance of the tasks they are performing. This should be done by allocating tasks with completion dates to each member of the investigative team. An example of such an Excel worksheet is illustrated in Table 6.3 below.

Table 6.3: Task Allocation of Investigation Activities

Colour Green = Finalised.						
No	Task	Responsible Person	Scheduled start	Scheduled finish	Notes	Project
1	Obtain procurement records, consult with Mr E	I/O Smit	2018-09-10	2018-09-12	Finalised	
2	Compile section 205 Financial records, Mr B and Company A	I/O Homan	2018-09-11	2018-09-13	Finalised	
3	Visit Travel 123 to obtain records of trip to Italy	Mr Mawela	2018-09-10		Principle agent Mr G at Travel 123 requires a court order to provide records	
4	Obtain CIPC records Ms K	Ms Singo	2018-09-12		2018-09-10 E-mail sent. Awaiting response.	
5	Consult with Ms F, screening of tenders Department C	I/O Smit	2018-09-11	2018-09-17	Finalised	
6	Compile section 205 Consult with Mr E PMs F Department C	Adv Vogel	2018-09-14	2018-09-18	Finalised	

After capturing tasks or activities during the investigation process as illustrated in Table 6.3 above, the finalised task is highlighted for ease of reference in the investigation progress. A supplementary affidavit is obtained under oath from Mr E, the custodian of all procurement documents at Department C. The documents attached to the affidavit consist of the tender process followed and the subsequent awarding of the tender to Company A. These documents indicate that Mr B awarded the tender to Company A by manipulating specific tender processes. Mr B excluded other competitive tenders from the process by rejecting them personally during the screening process at Department C. A further affidavit from the office manager (Ms F) of tenders at Department C is obtained under oath. Ms F explicitly states that the CFO never formed part of any screening processes in respect of tenders, as a result of his position in Department C. Mr B is a senior manager and screening of tenders is not the function of senior managers. The screening of tenders is the function of the Tender Office in Department C. Ms F explained the process comprehensively in her affidavit and that Mr B is the CFO, and as such he usually does not take part in the evaluation process, even though in this instance he did. This process unfolds as the DG appoints senior managers to perform duties in the Bid Evaluation Committee or Bid Adjudication Committee at the department. After analysing the procurement documents, annexed to Mr E’s affidavit, the investigator discovers that Mr B has made an inscription on various tenders: “Rejected Incomplete Documents”. The researcher recommends that all affidavits are recorded in the investigation plan as

illustrated in Table 6.3 above. A supplementary affidavit of Ms F was obtained, in which she explicitly stated that Mr B made the inscriptions on the tender documents in her presence. She explained that she did not verify the inscription made by Mr B at the time, as he was her manager and well-respected within Department C. Upon review of the documents annexed to Ms F's affidavit, it is confirmed that the inscription made by Mr B was incorrect as all the required documents were attached as requested in the advertised tender. An official request is then made to the FIC to furnish a report in terms of section 27 of the FICA (South Africa 2001). The intelligence report of the accounts which were identified for Mr B and Company C and a suspicious transaction report with additional information are used for further investigations. When the investigator approaches Mr G, the principal agent at Travel 123, he indicates that he has a confidentiality clause with his clients, therefore he would require a court order before any information could be provided.

The investigator has now uncovered sufficient evidence to warrant further investigation. He compiles an affidavit under oath, containing all the facts and evidence discovered during the investigation process to enable the prosecutor to present it as evidence in court. An application in terms of section 205 of the CPA (South Africa 1977) is made to gain access to the accounting records of Company A and Mr B. In addition, a further section 205 application is presented to the court in respect of Travel 123 that allegedly made the travel arrangements for the CFO's journey to Italy. The designated magistrate is approached and the applications with relevant documentary evidence are presented. Upon the authorisation of the section 205 applications (South Africa 1977) the magistrate issues a court order, which is served by the investigator to the respective banks as well as the travel agent to provide certain detailed information as per the application in court.

In response to the court order issued, Mr G complies and provides the relevant documents in his possession. Amongst the documents, the investigator finds proof that Mr B made use of Travel 123's services.

The investigator obtains an affidavit under oath from Mr G, the custodian of all the records at Travel 123, to which the following documentary evidence is annexed:

- Mr B requested a travel package from Travel 123 via email for a vacation in Italy on 01 May 2018.
- Mr G sent email correspondence regarding the available travel packages with dates and amounts to Mr B.
- Mr B confirmed that he will be travelling with his wife and provided copies of their identification booklets and official passports to Mr G.
- Email correspondence between Mr B and Mr G on the itinerary for Italy was provided.
- Confirmation was sent via email to Mr B of their flight tickets, hotel reservation, and vehicle rental services.
- The accounting records at Travel 123 reveal that an R5,000 deposit was made 10 May 2018 by means of an EFT into an ABSA account.
- An additional payment of R80,000 was made on 25 July 2018 by means of an EFT.
- The sum of the invoice was R85,000 and it was paid in full.

This affidavit is scanned and indexed accordingly as illustrated in Table 6.2. It is recommended that a similar process be followed throughout the investigation process. The investigative team is of the view that Mr B will refute that it is his handwriting in the declined tender documents. A decision was taken to utilise “Question Documents”, a section within the Forensic Science Laboratory (FSL), to determine the authenticity of the inscriptions on the tender documents. The signature on the application for leave and relevant documents in the procurement process in the awarding of the tender to Company A is provided. This includes the Service Level Agreement (SLA) between Company A and Department C, which was signed on 25 July 2018 by Mr H and Mr B as the delegated official at Department C. An expert affidavit in terms of section 212 of the CPA (South Africa 1977) is obtained under oath from Mr J at the FSL, wherein Mr J states that the specimen signatures provided were compared with the signatures on the documents obtained in the procurement process and that the signatures are that of Mr B and Mr H respectively.

6.5.4 Company Records CIPC

The company records of Company A are obtained from the Companies and Intellectual Property Commission (CIPC) with a relevant section 212 (South Africa 1977) affidavit under oath from Ms K. These records are valuable to determine when a company was formed and what their core business is. The records further reveal the directors appointed and their time served at a particular company, along with the details of their appointed accounting firm. The record of issued shares of a company may assist an investigator to determine whether gratification was given to a particular individual. The researcher recommends that all company, entity, closed corporation, and Trust records obtained be captured, scanned, indexed, and hyperlinked accordingly. An example of such an Excel worksheet is illustrated in Table 6.4 on the next page.

Table 6.4: CIPC Records: Entities

CONFIDENTIAL												
ANTI-CORRUPTION TASK TEAM (ACTT)												
PROJECT NAME:												
File AC: CIPC Records: Entities												
No	Entity Name	Registration No.	VAT No.	Tax No.	Business Address	Auditor	Holding Company	Name	ID No.	Address	Appointment Date	Status
1	Company A	2015/014393/07	N/A	9331444145	106 Avengers Road, Sandton, 1685	Mr QN of Chartered Forensics	N/A	Mr Hand Over	7112175012083	12 Rooiels Street, Brits, 0157	27 June 2008	ACTIVE

After capturing the documents as illustrated in Table 6.4 above, a copy thereof is provided to the forensic accountant to commence with his analysis.

6.5.5 Financial Records of Suspects and Entities

The accounting records of Company A and Mr B are obtained from the respective banks. The financial records of a company are utilised to determine the flow of funds once corruption is identified. These records are often used by investigating officers to compile lifestyle audit on suspects under investigation to determine whether they received any illicit funds, and the origin of such funds. This is essential in a money laundering case, to illustrate to the court the manner in which illicit funds were transferred between accounts of various banks in an attempt to avoid detection and to introduce the money back into an entity or individuals' account that would appear to be from a legitimate origin. All of the financial statements and account opening documents in terms of the FICA (South Africa 2001) are obtained with separate affidavits under oath in terms of section 236 of the CPA (South Africa 1977) from Ms L and Mr M from the respective banks. The researcher recommends that all financial and/or accounting records of entities and individuals be captured, scanned, indexed, and hyperlinked accordingly. An example of such an excel worksheet is illustrated in Table 6.5 on the following page.

Table 6.5: Bank/Financial Records

File AB: BANK Records: ABSA, FNB, Nedbank, STD, Investec													
No	Bank documents obtained												
	Individual / Entity Name	File No. AB	BANK: ABSA, FNB, Nedbank, STD, Investec	Type of Account	Account	Complete of Bank Statements obtained Yes/No	Start Date	End Date	Account Application/ Opening Documents	Signatories to Account	Section 236	Comment	Outstanding Statements
1	ABS	AB1.1	ABSA	Cheque	122548	Yes	02/01/2011	01/03/2016	Yes		Yes		
2	ASD	AB1.2	ABSA	Cheque	224558	Yes	01/01/2011	14/09/2017	Yes		Yes		
3	BKL	AB2.1	ABSA	Cheque	408954	Yes	10/05/2012	10/08/2016	Yes		Yes		
4	DFR	AB2.2	ABSA	Vehicle and Asset Finance	10256	Yes	01/08/2010	01/08/2014	Yes		Yes		
5													
6													
7													
8													
9													
10													
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23													

After capturing the documents as illustrated in Table 6.5 above, a copy is provided to the forensic accountant to commence with his analysis. The forensic auditor, Mr N, records and analyses the accounting records presented to him by the investigator. Mr N compiles a report on his analysis of all financial statements and accounting records. The following is an illustration of some of the findings in Mr N's report:

- Mr H is the sole signatory to the business account of Company A as per account opening records held at the bank.
- Mr H is the sole director of Company A as per CIPC records.
- Mr B was not in a sound financial position, as he was overdrawn to the extent of R20,000 on his current account.
- Mr B's application for a personal loan on 02 May 2018 was declined as a result of his financial position.
- Mr B did not make any transfers from his account to Travel 123 for the trip undertaken in Italy.
- Mr H is the individual that made payments on behalf of Mr B to Travel 123, via an EFT.
- Company A's account at Standard bank was used to generate two transfers by means of EFT from Bank X to Bank Y, which is the account of Travel 123.
- The first transaction occurred on 10 May 2018 for R5,000 with the description "Mr B" on the ABSA bank statements. This was confirmed by ABSA bank with the presentation of contra account details in a section 236 affidavit by Ms L.
- The second transaction occurred on 25 July 2018 for R80,000 with the description "Mr B" on the bank statements. This was confirmed by the bank with the presentation of contra account details in a section 236 affidavit by Ms L.
- Mr N made certain findings on the analysis he had conducted on the financial records that show Mr H paid for Mr B (and his wife) to take a trip to Italy during August 2018. On the same day that the SLA was signed between Company A and Department C, the outstanding R80,000 was paid to Travel 123 by Mr H.

After providing the extract of evidence that will be used during the court proceedings, the following section contains information which should be kept in mind whilst preparing to go to court.

6.5.6 Preparing for Court

The investigative team needs to present a criminal case in court and prove beyond reasonable doubt that the offence of corruption was committed by the parties involved. The evidence needed to prove a case of corruption is not contained in gossip and speculation. The court depends on actual evidence which needs to be presented during the criminal proceedings.

The appointed prosecutor in the matter under investigation will be responsible for compiling the charge sheet. It should be noted that the prosecutor should be part of the team from the onset, and assist with the drafting of the investigation plan. The investigator should provide a copy of all evidence once obtained and filed as the investigation progresses. This will result in the prosecutor having an up to date draft charge sheet of evidence in the criminal case. By following this process, the charge sheet on the criminal case investigation will be finalised shortly after the investigation is completed. This leads to swift justice and sends a message to perpetrators that they will be prosecuted when found to be a party to corrupt activities. Currently, this is not realised as there are no dedicated prosecutors for corruption cases. The prosecutors and investigators report to different managers who might allocate different priorities to them. Therefore, it is important to establish a solo ACA to combat corrupt activities in South Africa.

6.5.6 The Complexity in Corruption Cases

As illustrated in the simplified scenario in Section 6.5.3 to 6.5.5, a corruption investigation is not as straightforward as some might expect. In relation to the scenario, a short list of possible witnesses which need to be approached during the first phase of the investigation process is presented below:

- Mr D (custodian of leave records at Department C) in relation to the leave records of Mr B.

- Mr E (custodian of the procurement process at Department C) to establish the role of Mr B during the process.
- Ms F (who screens all bids at Department C) to explain the process and the role Mr B played.
- Investigator's affidavit for the section 205 of the CPA (South Africa 1977) application to the court regarding banking records of Company A.
- Investigator's affidavit for the section 205 of the CPA (South Africa 1977) application to the court regarding banking records Mr B.
- Investigator's affidavit for the section 205 of the CPA (South Africa 1977) application to the court for Mr G of Travel 123. He is a compellable witness regarding the travel plans of Mr B and his wife.
- Mr Z (custodian of accounting records at Department C with direct access to accounting records at Department C) regarding the payment made by Department C to Company A as a result of the SLA being signed between the parties.
- Ms L's section 236 affidavit (South Africa 1977) in the matter of Company A's financial records.
- Ms M's section 236 affidavit (South Africa 1977) in the matter of Mr B's financial records.
- Ms K (custodian of CIPC records) in the matter of the official records of Company A.
- Mr G (custodian of records at Travel 123) in the matter of the travel itinerary and correspondence with Mr B, and regarding the payments made by Mr H. This was the gratification that Mr B received for his assistance during the procurement process.
- Mr J's section 212 affidavit (South Africa 1977) in the matter of the handwriting analysis.
- Mr N, the forensic auditor, regarding the report on finances and flow of funds.

As indicated above, this is merely a sample of the investigation that needs to be conducted. Additional affidavits will be obtained and will serve as corroborating evidence. The avenues of cyber forensics, cell phone analysis, and the investigation

of companies that provided services for Mr B and his wife are but some of the activities to be performed.

A common mistake is to think that evidence can present itself in court. Each piece of evidence must, in general, be presented in court by a person. This can be either by the person who found the item, or confiscated the item, or has specific knowledge about the item. An important measurement during the investigation process when witnesses are being identified is to ask oneself what the witness will testify about and what the prosecution will be able to prove with the evidence. The evidence presented should be relevant, have weight, and be and presented by a credible witness. The investigator should aim to authenticate and corroborate evidence.

Investigators should not focus their investigation on an individual, but rather investigate the identified crime. Then the investigator will be in a position to correctly identify the perpetrator of the crime. An investigation must always be an objective process conducted impartially during the collection of evidence.

6.6 SUGGESTIONS FOR FUTURE RESEARCH

This research has suggested several possible areas for further investigation. The focus of this research has mostly been on the ACTT's effectiveness in utilising the multi-disciplinary approach to investigate corruption in the South African Public Service. A further study could assess the individuals convicted of corruption, to ascertain their motivations and experiences of being party to the corruption process. Further research is essential to determine whether the independence of the DPCI, or lack thereof, is sufficient to fulfil its mandate as initially intended. This should be complemented by a specific reference to the ACTT, to gain a comprehensive understanding of its sovereignty during case selection and the investigation processes. The present study found that the independence of the ACTT has been severely threatened by certain political appointments since 2015.

The efficacy of various ACAs globally and the best practices employed by them were presented in this study. The single ACA came to fore; it is fundamental that such a solo approach be complemented by a comprehensive mandate to prevent,

investigate, and educate in the fight against corruption. Therefore, further research is important to determine the viability of establishing a single ACA to investigate multi-faceted corruption with specific reference to the Hong Kong ICAC and its functions in effectively fighting corruption. There is an urgent need for further investigation into this issue, which falls beyond the scope of this thesis.

6.7 CONCLUSION

The multi-disciplinary approach to the investigation of corruption is the most common approach by proficient ACAs internationally in the fight to curb corrupt practices. Although some parts of the multi-disciplinary approach were implemented since the commencement of the ACTT, but not the most important one. The current level of independence of the ACTT, and the command structure, budget, resources, and personnel were inadequate to deal with the multitude of cases allocated to the ACTT. The success of any ACA is mostly dependent upon political will to root out corruption. As the political leaders decided upon the reporting structure, mandate, and budget of an ACA it is imperative to have political backing for the efficacy of an ACA. It is necessary to involve NGOs, the opposition party, and government to play an equal role in the oversight of an ACA, to ensure that cases are dealt with on merit and not by political agendas.

After researching numerous international countries and organisations, as well as the forming of ACAs, it is abundantly clear that corrupt activities are a curse that afflicts most countries around the world. It has turned into the predominant reason for concern globally, particularly in the developing and underdeveloped countries. The mandate, aims, objectives, structure, independence, and selection criteria for the ACTT's cases should be aligned with the allocation of resources, logistical support, and budget. Serious thought should be given to establishing a single specialised ACA to combat corruption.

Broad destitution and financial hardship in South Africa and several other countries prompted corruption. The corrupt activities of public officials have encroached upon each aspect of society, government, business, and military. Indeed, even legislation

has been futile in the battle against corruption, as in some cases even the criminal justice system is seen by the public as being corrupt.

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ANNEXURE A: ETHICS APPROVAL FROM THE COLLEGE OF LAW, UNISA RESEARCH ETHICS REVIEW COMMITTEE



COLLEGE OF LAW RESEARCH ETHICS REVIEW COMMITTEE

Date: 26/06/2016

Reference: ST 11

Applicant: C. J. Smit

Dear C. J. Smit
(Supervisor: Prof J. van Graan)

DECISION: ETHICS APPROVAL

Name	C. J. Smit
Proposal	An assessment of the multi-disciplinary approach to investigate corruption in the South African Public Service
Qualification	MTech

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

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.*



Open Rubric

University of South Africa
Pretorius Street, Muckleneuk Ridge, City of Tshwane
PO Box 392, Unisa, 0003, South Africa
www.unisa.ac.za/law

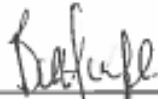
An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants

- 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



PROF B W H EFELE
CHAIR PERSON: RESEARCH ETHICS
REVIEW COMMITTEE
COLLEGE OF LAW



PROF R SONGCA
EXECUTIVE DEAN:
COLLEGE OF LAW

ANNEXURE B: APPLICATION TO CONDUCT RESEARCH IN THE SOUTH AFRICAN POLICE SERVICE

Tel 012 843 0135
Cell: 082 373 7596

Lt Col CJ Smit
74 Watermeyer Street
Meyers

Park, 0128

23 November 2016

The Head
Strategic Management
Head Office
South African Police Service
Private Bag X94
PRETORIA
0001

REQUEST FOR PERMISSION TO CONDUCT RESEARCH IN THE SOUTH AFRICAN POLICE SERVICE: AN ASSESSMENT OF THE MULTI-DISCIPLINARY APPROACH TO INVESTIGATE CORRUPTION IN THE SOUTH AFRICAN PUBLIC SERVICE: POST GRADUATE STUDY: 0445503-7: LT-COL CJ SMIT

1. I am currently employed at the South African Police Service, Directorate for Priority Crime Investigation (DPCI), Head Office, at Pretoria as a Lieutenant Colonel.
2. Hereby my application to conduct research in the Service on: An assessment of the multi-disciplinary approach to investigate corruption in the South African public service.
3. Information in terms of National Instruction 1 of 2006: Research in the Service:

3.1. Name and surname of the researcher

Christoffel Johannes Smit

3.2. Identification number

710506 5037 087

3.3. Residential address

68B Joseph Street, Lynnwood Glen, Pretoria, 0081

3.4. Work address

74 Watermeyer Street, Rentmeester Building, Meyerspark, Pretoria, 0128

3.5. Telephonic contact details

Cell: 082 373 7596 and Work: 012 843 0135

3.6. Academic qualifications

- 2013 - Magister Technologiae (Master's Degree – (NQF level 9)) – in Policing - Safety and Security: Dissertation “The informal community justice system: a study of the Atteridgeville policing area” Tshwane University of Technology (TUT);
- 2003 - Baccalaureas Technologiae Degree (Honours - NQF level 8) in Policing – Tshwane University of Technology (TUT);
- 2003 - National Diploma in Human Resource Management - University of South Africa (UNISA); and
- 1997 - National Diploma in Police Administration – Technikon SA.

3.7. Relevant experience in conducting this research

I am employed by the SAPS, Anti-Corruption Task Team (ACTT) within DPCI where I investigate high profile cases of involving serious fraud, serious corruption and money laundering in a multi discipline approach, Head Office, Pretoria. I have been investigating the mentioned cases from 2 February 2011 and still, my work responsibility includes the investigation of high profile commercial crime cases and priority offences in terms of serious corruption and serious commercial crime in the Public service.

With my exposure, involvement and experience in a multi discipline approach at ACTT job descriptions, the seriousness and evaluation the multi discipline approach to achieve fast and effective outcomes which impact on the public perception of the professionalism in SAPS became a burning issue to me. This study will not evaluate any individual in particular but only the overall multi discipline approach and practices currently used at ACTT and there is therefore no conflict of interest embedded in this study.

3.8. Study Institution / Affiliation

University of South Africa: Department of Police Practice, School of Criminal Justice, College of Law. I completed my Magister Technology Degree in Policing and currently registered at UNISA at the Department of Police Practice in order to complete my Doctoral Studies (Appendix A). I am conducting my research study under supervision of Professor Johan van Graan. Information obtained from this research study will be reported to the College of Law Ethics Review Committee with my confirmation that this research study complied with all the relevant obligations imposed by the UNISA Ethics Policy.

3.9. Goal /Purpose of the research study

The purpose of this study is to evaluate whether the multi-disciplinary approach in the investigation of serious corruption in the South African public service is accomplishing its proposed targets and intentions with professionalism at ACTT.

It is therefore imperative to explore the opinions and viewpoints of individual members and managers associated within the ACTT with regard to multi-disciplinary approach and police professionalism. To discover by what manner the multi-disciplinary approach are used and viewed within the ACTT environment. Establish how the approach could be used more proficiently to enhance the multi-disciplinary investigative

approach into serious corruption and reduce the reoccurrences serious corruption incidents in the Public Service.

3.10. Approved research proposal

Attached as per Appendix B

3.11. Research instruments

Attached as per Appendix C, D, E and F.

3.12. Ethical Committee approval

In terms of the research protocol, the study has received ethical approval from the Research Ethics Committee of UNISA – attached as per Appendix G.

3.13. Estimate time frame necessary for this research

Proposed time frame and any unanticipated issues that may arise, my intention is to submit my thesis by 16 May 2017.

3.14. Method of Publication

A Thesis by publication.

3.15. Possible research interests for the benefit of the SAPS

Successful completion of this research and its results could have benefits for prospective students researching similar phenomena. The academic community and larger society can obtain valuable guidance and opinions from this study that can enhance the research institution's quantum/significance. The SAPS, parastatal's/state-owned enterprises and governmental department could add value to the development of a more effective multi-discipline approach and to implement effective and efficient criteria with multi-discipline approach investigations in the Public Service and in line with the vision, mission and organisational strategic goals and priorities with appropriate emphasis on professionalism. Furthermore, new skills and knowledge can be obtained in everyday

approach to investigate serious corruption. Credit will be provided to the viewpoints of other authors.

4. The participants rights in this research study includes, the participants being entirely voluntary, and may withdraw at any time during the process should they feel so. Inform consent and participation form, setting out the participant's rights, will be supplied to each participant.
5. It is standard procedure that the participant's and the Service confidentiality and anonymity are guaranteed. All information obtained during the course of this study will be treated with the utmost confidentiality. All the data collected will be treated anonymously.
6. The study will not in any way hinder or interfere with the duties of the SAPS personnel.
7. Your approval would assist me largely in achieving the aim and objectives of this study. Hoping that my application meets your favourable response.

.....: **Lt Col**

CJ SMIT

DATE: 23 November 2016

ANNEXURE C: RESEARCH PERMISSION GRANTED TO CONDUCT RESEARCH



Prof. J.G van Graan
Department of Police Practice
University of South Africa
012 433 9471
E-mail: vgraajg@unisa.ac.za

The Research Institute
South African Police Service

28 November 2016

MR C.J SMIT: STUDENT NUMBER: 380 9005 8: DLITT ET PHIL (POLICE SCIENCE)

This letter serves to confirm that Mr C.J Smit is a registered student at the Department of Police Practice, University of South Africa for the 2016 academic year and fully complied with the requirements of the research proposal.

I further confirm that I am Mr Smit's promoter for his thesis entitled: *An assessment of the multi-disciplinary approach to investigate corruption in the South African public service*. The research proposal and title was approved by the University and ethical clearance was obtained by the College of Law Ethical Sub-Committee.

Best regards

J. G van Graan

Prof J.G van Graan



ANNEXURE D: DPCI PERMISSION GRANTED TO CONDUCT RESEARCH



1 CRESSWELL ROAD, SILVERTON, 0127
PRIVATE BAG X1500, SILVERTON, 0127
TEL: (012) 846-4315/4356
FAX: (012) 846-4442
E-MAIL: matthewsr@saps.gov.za
SehumeB@saps.gov.za

Dear CJ Smit

RE: FORMAL RESEARCH APPLICATION: RE: AN ASSESSMENT OF THE MULTI-DISCIPLINARY APPROACH TO INVESTIGATE CORRUPTION IN THE SOUTH AFRICAN PUBLIC SERVICE: DIRECTORATE FOR PRIORITY CRIME INVESTIGATION: CJ SMIT

1. Your application dated 23 November 2016 refers
2. Approval has been granted for you to conduct research in the Directorate for Priority Crime Investigation with the following conditions:
 - a. The research will be limited to the ethical considerations provided by yourself unless otherwise agreed with Brigadier Basi who will be your contact Senior Officer.
 - Email address: ZamaB@saps.gov.za
 - Telephone Number: 012 407- 0502
 - b. The final draft will be tested with the Acting National Head: DPCI Lt General Matakata to confirm that the research conditions have been adhered to.
3. A copy of your final research document should be submitted to this office for record purposes.


SECTION HEAD: QUALITY ASSURANCE: DIRECTORATE FOR PRIORITY
CRIME INVESTIGATION
RM MATTHEWS

BRIGADIER

Date: 2018-01-30

ANNEXURE E: INFORMED CONSENT FORM

Affiliation: University of South Africa: Department of Police Practice,
School of Criminal Justice, College of Law

Title of the Study: An Assessment of the Multi-Disciplinary Approach to
Investigate Corruption in the South African Public Service

Researcher: Mr CJ Smit

Promoter: Prof JG van Graan

Cell Number: 082 373 7596

E-mail: 38090058@Unisa.ac.za

I completed my Magister Technology Degree in Policing and currently registered at the University of South Africa (UNISA) at the Department of Police Practice in order to complete my Doctoral Studies. Part of my studies includes researching and writing a doctoral thesis. I am conducting my research study under the supervision of Professor van Graan and the approved research title of the study is, An Assessment of the Multi-Disciplinary Approach to Investigate Corruption in the South African Public Service. Information obtained from this research study will be reported to the College of Law Ethics Review Committee with my confirmation that this research study complied with all the relevant obligations imposed by the UNISA Ethics Policy.

I am inviting you to participate in my study. Taking part in this study is voluntary. You may withdraw from the study at any time. The study is described below to inform you about the purpose of the study, procedures of the study, inconvenience and discomforts, potential benefits, potential conflict of interest, anonymity and confidentiality, data records of interviews, results and findings of the study and participants' rights. As SAPS employees your performance evaluation will not be affected if you don't want to participate in this study.

Purpose of the Research

The purpose of this study is to determine whether the multi-disciplinary approach in the investigation of serious corruption in the South African public service is achieving its proposed aims and objectives. The Anti-Corruption Task Team (ACTT) was formed to perform this task. Therefore an evaluation on whether the multi-disciplinary approach in the investigation of serious corruption in the South African public service is accomplishing its proposed targets and intentions with professionalism at ACTT. It is, therefore, imperative to explore the opinions viewpoints and statistical data of individual Principals / Managers, the operational personnel at ACTT and interviews with contracted external expert witnesses associated with ACTT to gain their insights with regards to the multi-disciplinary approach in serious corruption investigation(s). Further, to explore how the multi-disciplinary approach is used and viewed within the ACTT environment and if the method could be used more proficiently to enhance the approach towards serious corruption investigation(s) and reduce serious corruption in the public service within South Africa.

Procedures of the Study

The study will include in-depth interviews with individual ACTT Principals / Managers, interviews with focus groups for ACTT operational personnel and interviews with contracted external expert witnesses to gain their insights and viewpoints on the value of the multi-disciplinary approach in the investigation of serious corruption in the South African public service. The principals/managers of ACTT have knowledge and skills pertaining to the management and monitoring of the unit performance. The operational personnel in the ACTT environment have the knowledge and skills in the investigation of serious corruption cases, whereas the external expert witnesses interact directly with the operational members to ensure an independent professional opinion on the facts of the investigation conducted. The identified participants are principals/managers of ACTT from the various government departments, members from DPCI National offices as well as operational personnel in the ACTT environment and external expert witnesses appointed as per the criteria of each separate investigation necessity. The ACTT is a multi-disciplinary team comprises of government departments and parastatals. The research will include, South African

Police Service (SAPS), the National Prosecuting Authority (NPA), Asset Forfeiture Unit (AFU), South African Revenue Service (SARS), Special Investigating Unit (SIU), Financial Intelligence Centre (FIC) and the National Treasury (NT) to fast-track investigations of high-priority and high-profile serious corruption cases. Interviews will be conducted with the help of an interview schedule. The researcher wants to probe deeper; therefore, the purposive sampling is identified in order to identify information-rich individuals as participants. A tape recorder may be used to record conversations. The interviews will not be longer than three hours but may end sooner by natural process or on request of the respondent or researcher, depending on the circumstances.

Inconvenience and Discomforts

The researcher will make every effort to ensure the comfort and minimise the risks of for the respondents. When you feel some discomfort at responding some questions, please feel free to ask to skip the question. The respondent may become tired or feel emotional discomfort at which point a break may be requested or the interview may be postponed to a later date or terminated if so desired.

Potential Benefits

It is my hope that the respondents partaking in this study will feel the satisfaction of contributing to solving a social problem and facilitating in illuminating the problem. Participant's information will assist in providing insights and a better understanding of the problem, which can stimulate future research. Successful completion of this research and its results could have benefits for prospective students researching similar information. The academic community and larger society can obtain valuable guidance and opinions from this study that can lead to enhance the research institution quantum. Successful completion of this research and its results could have benefits for prospective students researching similar phenomena. The academic community and larger society can obtain valuable guidance and opinions from this study that can enhance the research institution's quantum/significance. The SAPS, parastatal's/state-owned enterprises and the governmental department could add value to the development of a more effective multi-discipline approach and to

implement effective and efficient criteria with multi-discipline approach investigations in the Public Service and in line with the vision, mission and organisational strategic goals and priorities with the appropriate emphasis on professionalism. Furthermore, new skills and knowledge can be obtained in everyday approach to investigate serious corruption. Credit will be provided to the viewpoints of other authors. On a personal level, it is the hope of the researcher that the participants will obtain personal satisfaction once they have discussed certain issues with the researcher and thus gaining personal insights that were not gained prior to the interviews.

Potential Conflict of Interest

It is important to mention the researcher is employed by the SAPS an operational member at ACTT and the researcher's work responsibility includes the investigation of serious corruption cases in a multi-disciplinary approach. With the researcher's exposure, involvement and experience of a serious corruption investigation in a multi-disciplinary approach, the seriousness and impact of corruption in the Public service became a burning issue to the researcher. This study will not evaluate any individual member in particular but only the overall investigation process and practices currently at ACTT and there is, therefore, no conflict of interest embedded in this study.

Anonymity and Confidentiality

Participation in this study is voluntary and can choose whether to be part of this study or not. If a participant volunteer to be part of this research study, they have the right to withdraw from the study at any time without any negative consequences or penalties. In the event where respondents choose not to participate in the study or to withdraw at any time during the interview, they have no obligation to explain the reason therefor and the data shall be destroyed. Based on UNISA Ethics Policy the researcher will respect and protect the dignity, privacy and confidentiality of participants. All information will be kept and treated as confidential and anonymity is assured by the researcher. Interview schedules will be scanned, safely stored on a computer with a protected password and sealed in an envelope separately to protect individual identities of each consent form. These envelopes will be locked in a file cabinet. The researcher will report back to the College of Law Ethics Review Committee to confirm

that she has complied with all the relevant obligations imposed by the UNISA Ethics Policy.

Data Records of Interviews

The data records/recordings collected will be coded using a fake name (pseudonym) or initial and numbers. As previously mentioned to gather information, an audio tape recorder may be used to record the conversations. Therefore, it is requested to voluntarily agree to be audiotaped. The researcher shall transcript the audiotaped information and may provide a copy of the transcripts upon request. Participants have the right to review and edit the audiotaped information. Sentences that participants ask to leave out will not be used and they will be erased from all relevant records and documents. When the results of the research are published or discussed, no information will be included that will reveal your identity and will be protected or disguised. The data records/recordings will be stored for approximately three years after the study has been completed and then destroyed.

Results / Findings of the Study

Results/findings of this study will be shared with the participants and be presented as a group and no individual participant will be identified. The researcher (and her study leader) is the only individuals who will have access to raw data from interviews, and hereby ensure that data will be treated as stipulated above. The results of this study will be reflected in the researcher's thesis, which will be hosted on UNISA's library site and an article will be published from it. The researcher will also publish the research findings in the SAPS Police magazine, where the participants will have free access to it.

Right not to be Participating and to withdraw

You may also refuse to answer any questions you are reluctant to answer and still remain in the study. You will not be treated any differently and no penalty or victimisation will be involved if you decide not to participate in the study or if you stop once you have started.

Termination of Participation

The researcher may withdraw a participant from this research if circumstances arise which warrant doing so. Participation in this research may be terminated without the respondent consent if the investigator(s) believe that any part of the study may put the researcher at undue risk. The researcher participation may also be terminated if she does not adhere to the study protocol of UNISA Ethics Policy.

Right of Access to Researcher

Respondents are free to contact the researcher on her cell phone number or e-mail address as stipulated on this form, at a reasonable hour, in connection with interview particulars, if they so wish.

Consent and Participation

I, the undersigned, certify that I have read all the information in this consent form. I agree to be audiotaped during the interview and to participate in this study voluntarily without duress.

Signed aton this.....day of2018.

Signature: (Print Name.....)

THANK YOU FOR YOUR PARTICIPATION IN THIS STUDY.

ANNEXURE F: IN-DEPTH INTERVIEW SCHEDULE

1. From your experience, does the ACTT achieve its aims and objectives to investigate corruption in the South African public service?
2. In your opinion, is the ACTT an appropriate multi-disciplinary approach to investigate corruption in the South African public service?
3. From your experience, is the ACTT effective in the investigation of corruption in the South African public service?
4. From your experience, does the ACTT, comprising of governmental and non-governmental role players, co-operate and communicate during corruption investigations?
5. From your point of view, should an anti-corruption agency, such as the ACTT, function autonomously to investigate corruption in the South African public service?
6. Have you learnt lessons as a member of the ACTT that could enhance the multi-disciplinary approach to investigate corruption in the public service?
7. Do you have any additional comments or suggestions regarding the multi-disciplinary approach to investigate corruption in the South African public service that have not been discussed?

ANNEXURE G: TRANSCRIBER'S CERTIFICATE

TRANSCRIBER'S CERTIFICATE

I, the undersigned, hereby certify that insofar as it is audible, the foregoing is a true and correct verbatim transcription of the proceedings recorded by means of a digital recorder.

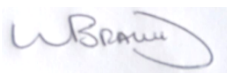
DATE OF RECORD: 2018-02-11

DATE COMPLETED: 2018-04-09

TRANSCRIBER'S NOTES

1. Transcripts are typed verbatim.
2. In distinct words and or phrases are indicated with sound system timestamps.

SIGNED BY:



SWORN TRANSCRIBER: WILNA BRAND

DATE: 2018-11-02

ANNEXURE H: INDEPENDENT CO-CODER CERTIFICATE FOR DATA ANALYSIS

DECLARATION BY INDEPENDENT CODER

I, Susan S Terbrauche, confirm that I

- had access to the transcripts of the data obtained through this study;
- I did not have access to any information that could enable me to identify the participants; and
- I will adhere to the agreement of confidentiality relating to the data obtained.

Signed at Somerset-West on

(place)

6 June 2018

(date)

S. Terbrauche

Signature of independent coder

J. Louw

Signature of witness

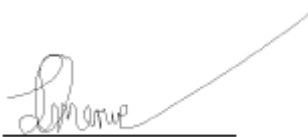
ANNEXURE I: EDITOR'S STATEMENT

EDITOR'S STATEMENT

16 January 2019

I hereby declare that I have edited this document entitled *An Assessment Of The Multi-Disciplinary Approach To Investigate Corruption In The South African Public Service* by Christoffel Johannes Smit. The edit entailed correcting spelling and grammar where necessary, and checking for consistencies in style and reference method used, according to guidelines provided by the student. I have not helped to write this document or altered the student's work in any significant way. I will not be held accountable for bad spelling or grammar where the student has rejected my editing or made changes after I had completed my edit.

It was not my responsibility to check for any instances of plagiarism and I will not be held accountable should the student commit plagiarism. I did not check the validity of the student's statements/research/arguments.



Lindi De Beer

Contact Details:

☎ 083 456 4358

✉ lindi@grammarsmith.co.za



GRAMMAR
SMITH