

**AN EVALUATION OF INTELLIGENCE ANALYSIS IN DETECTING CORRUPTION IN THE
JOHANNESBURG METROPOLITAN POLICE DEPARTMENT**

By

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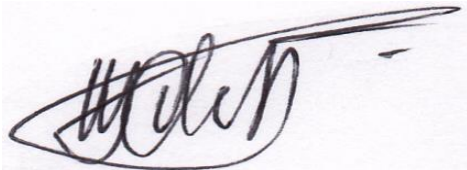
DECLARATION

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Exact wording of the title of the dissertation as appearing on the copies submitted for examination:

“An evaluation of intelligence analysis in detecting corruption in the Johannesburg Metropolitan Police Department”

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

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CONFIRMATION OF LANGUAGE EDITING

We, Sibongile Hatili and Lehlohonolo Phatudi, hereby declare that we have edited the Master's dissertation "**An evaluation of intelligence analysis in detecting corruption in the Johannesburg Metropolitan Police Department**" by Moses Thabo Katjisa Nkhoma as per **Appendix F**.

January 2019

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SUMMARY

The Johannesburg Metropolitan Police Department (JMPD) is one of the South African institutions with growing levels of corruption. This is despite the presence of several anti-corruption strategies as well as institutions implemented to deal with this epidemic. The ineffectiveness of these strategies and institutions is attributed to, amongst others, the application of ineffective detection methods.

The under-detection of corruption in the JMPD is affecting road safety, the economy, and the image of the JMPD itself. It is against this background that the researcher sought to establish how intelligence analysis could add value in detecting corruption in the JMPD. A qualitative research approach was applied to investigate this problem. As such, it has been proven that the use of hotlines and the over-reliance on whistleblowers is less effective in detecting corruption in the JMPD. The results have further shown that intelligence analysis may add value in detecting corruption in the JMPD.

Key Terms: Anti-corruption, Traffic Policing, Corruption, Intelligence, Intelligence Analysis, Extortion, Bribery, Detection, Public Service, Johannesburg Metropolitan Policing Department

SUMMARY

(ISIZULU TRANSLATION)

Umnyango wamaphoyisa edolobha elikhulu eGoli (JMPD) ungenye yezikhungo zaseNingizimu Afrika ezithola amazinga akhulayo enkohlakalo. Lokhu kungakhathaliseki ukuthi kukhona amasu amaningi okulwa nenkohlakalo kanye nezikhungo ezisetshenziselwa ukubhekana nesifo sobunkohlakalo. Ukungafezeki kwalawa masu kanye nezikhungo kubhekwa ukuthi, phakathi kwabanye, ukusetshenziswa kwezindlela ezingafenele zokuthola.

Ukutholakala kwezinkohlakalo ku-JMPD kuthinta ukuphepha komgwaqo, umnotho nomfanekiso we-JMPD uqobo. Kungokumelene nalesi sizinda ukuthi umcwaningi lufuna ukusungula ukuthi ukuhlaziywa ngobuhlakani kungasiza kanjani ekutholeni inkohlakalo ku-JMPD. Indlela yokucwaninga efanele yasetshenziswa ukuphenya le nkinga. Njengalokhu, kuye kwafakazelwa ukuthi ukusetshenziswa kwama-hotlines nokuxhaswa ngokweqile kwababika ngenkohlakalo akwanele ukuthola inkohlakalo ku-JMPD. Imiphumela ibonise ukuthi ukuhlaziywa kobuhlakani kungasiza ekutholeni inkohlakalo ku-JMPD.

Amagama asemqoka: Anti-corruption (Ukulwa nenkohlakalo), Traffic Policing (Ukupholisa komgwaqo), Corruption (Inkohlakalo), Intelligence (Ubuhlakani), Intelligence Analysis (Ukuhlaziywa kobuhlakani), Extortion (Ukuphanga), Bribery (Ukukhwabanisa), Detection (Ukuthola), Public Service (Umsebenzi womphakathi), Johannesburg Metropolitan Police Department (UMnyango wamaphoyisa edolobheni elikhulu eGoli)

SUMMARY

(SETSWANA TRANSLATION)

Lefapha la Sephodisa la Teropokgolo ya Johannesburg (JMPD) ke nngwe ya ditheo tsa Aforika Borwa tse di itemogelang maemo a a golang a bobodu. Seno ke kwa ntle ga go nna teng ga ditogamaano tse dingwe tse di kगतलhanong le bobodu ga mmogo le ditheo tse di diragadiwang go samagana le leroborobo la bobodu. Go se nne le nonofo ga ditogamaano tseno le ditheo e amana, mo go tse dingwe, le tiragatso ya mekgwa ya go lemoga go se nne le nonofo.

Go nna kwa tlase ga go lemoga bobodu mo go JMPD go ama pabalesego ya tsela, ikonomi le setshwantsho sa JMPD ka boyona. Ke mabapi le lemorago leno gore mmatlisisi o ne a batla go tlhomamisa gore tshetshereganyo ya tsa matlhale e ka thusa mo go lemogeng bobodu mo go JMPD. Boitlhagiso jwa patlisiso ya boleng bo ne jwa diragadiwa go tlhotlhomisa bothata jono. Fa go le jalo, go ne ga netefatswa gore tiriso ya megala ya tlhamalalo e e kgethegileng ya tshoganyetso le go ikaega thata ka batho ba ba tlaleyang ga go a lekana go lemoga bobodu mo go JMPD. Dipholo di bontshitse gape gore tshekatsheko ya tsa matlhale e ka thusa go lemoga bobodu mo go JMPD.

Mareo a Motheo: Go nna kगतलhanong le Bobodu, Sephodisa sa Pharakano, Bobodu, Tsa Matlhale, Tshetshereganyo ya Tsa Matlhale, Bosenyi jwa go fitlhela tshelete ka dikgoka, Boraebari, Temogo, Tirelo ya setshaba, Lefapha la Sephodisa la Teropokgolo ya Johannesburg

LIST OF ABBREVIATIONS

AFU:	Asset Forfeiture Unit
AGSA:	Auditor-General South Africa
APRM:	African Peer Review Mechanisms
AU:	African Union
AUCPCC:	African Union Convention on Preventing and Combating Corruption
CIC:	Corruption Intelligence Centre
CIR:	Centre for Investigative Reporting
CPIB:	Corrupt Practices Investigation Bureau
CSD:	Centre for the Study of Democracy
CSVR:	Centre for the Study of Violence and Reconciliation
CW:	Corruption Watch
DCEC:	Directorate on Corruption and Economic Crime
DOD:	Department of Defense
DPSA:	Department of Public Service and Administration
EICPC:	European Institute for Crime Prevention and Control
EU:	European Union
FIC:	Financial Intelligence Centre
HSRC:	Human Science Research Council
IAU:	Internal Affairs Unit
ICAC:	Independent Commission Against Corruption
ISS:	Institute for Security Studies
JMPD:	Johannesburg Metropolitan Police Department
JPSA:	Justice Project South Africa
MPO:	Metropolitan Police Officer
NACF:	National Anti-corruption Forum
NACH:	National Anti-corruption Hotline
NDP:	National Development Plan
NIA:	National Intelligence Agency
NICOC:	National Intelligence Coordinating Committee
NPA:	National Prosecuting Authority

NTACU:	National Traffic Anti-Corruption Unit
OECD:	Organisation for Economic Co-operation and Development
PCCAA:	Prevention and Combating of Corrupt Activities Act
PFMA:	Public Finance Management Act
PSC:	Public Service Commission
RTMC:	Road Traffic Management Corporation
SA:	South Africa
SACU:	Special Anti-corruption Unit
SADC:	Southern Africa Development Communities
SANDF:	South African National Defence Force
SAPS:	South African Police Service
SARS:	South African Revenue Services
SIU:	Special Investigating Unit
SSA:	State Security Agency
TI:	Transparency International
UNCAC:	The United Nations Convention against Corruption
UNISA:	University of South Africa
UNODC:	United Nations Office on Drug and Crime

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CHAPTER ONE

GENERAL ORIENTATION TO THE TOPIC AND DISSERTATION

1.1 INTRODUCTION

The consulted literature indicate that South Africa is amongst some of the countries in the world where there has been a notable increase in corruption in the Public Service despite the existence of adequate anti-corruption institutions, legislation, and standards to deal with it (Newham, 2013:np; Debalkie & Snyman, 2014:114). Corruption manifests itself in various forms, such as bribery and extortion to name a few, and has found itself to be a way of life in many Metropolitan Police Departments (MPDs) across South Africa. According to Corruption Watch (CW) (2012:13) bribery, also commonly referred to as “tjo-tjo” has become so common in traffic policing to an extent that it is not seen as unlawful. The Johannesburg Metropolitan Police Department (JMPD) which is the subject of this study is not immune from this epidemic. The prevalence of traffic policing corruption in the MPDs has dire consequences on road and traffic safety. In this regard, it becomes essential for anti-corruption agencies to devise appropriate means and strategies to detect and investigate this epidemic. These efforts are likely to improve the enforcement of traffic laws and regulations and also eradicate unethical and criminal behaviours associated with this scourge.

This study seeks to explore the dimension of traffic policing corruption in the JMPD by assessing anti-corruption measures applied by the JMPD Internal Affairs Unit (IAU), looking at the latter’s strength and weaknesses. The study also evaluates how the use of intelligence analysis could be of value in detecting traffic policing corruption in the JMPD.

In this chapter, the researcher identifies and presents the research problem; spells out the demarcation of the study; discusses the aims and objectives of the study; defines key theoretical concepts relevant to the study; and highlights the envisaged value of the study. The researcher also presents the challenges encountered during the course of the study; as well as the research structure.

1.2 PROBLEM STATEMENT

A research begins with the proper identification and understanding of a research problem. This allows the researcher to properly formulate research means to solve the problem that the paper is concerned with (Welman, Kruger, & Mitchel, 2005:15). In this light, an analysis of reports compiled by the Statistics South Africa (StatsSA) for the following financial years, 2013/14, 2014/15, 2015/16, and 2016/17 clearly collaborate that corruption within the traffic-law enforcement fraternity in South Africa is relatively higher than in other sectors of government (South Africa, 2014d: 3; South Africa, 2015f:56; South Africa, 2016b:59; & South Africa, 2017d: 62).

In corroboration to the reports above, the majority of respondents in surveys conducted by the Corruption Watch (CW), South Africa, in the years 2014, 2015, 2016, and 2017 have cited that they have paid bribes to traffic officials in respect of traffic fines and driver's licenses (CW, 2015a:np; CW, 2016:np; and CW, 2017:13, CW, 2018b:32). Moreover, the City of Johannesburg (CoJ) tops the list and accounts for 20.1% of corruption cases received by South African municipalities in the year 2018 compared to the previous year's 19.5% (CW, 2018c:14). Various news agencies have also reported on instances of corruption in the MPDs of South Africa (South African Broadcasting Authority (SABC), 2015: online); Mail and Guardian (MG), 2015a:online; News24, 2016:online; & ENews Channel Africa [eNCA], 2017:online).

In light of the statistics presented above by the StatsSA and CW, and the various news reports on corruption; the Justice Project South Africa (JPSA) 2010:np) and Lead SA (2015:np) suggest that the high population rate, wealth, high vehicle congestions, and high economic activities in the CoJ contribute to the high levels of traffic policing corruption in the City. Against these assertions, StatsSA estimates that the CoJ has a population size of approximately 4.4 million people and stretches over an area of 1 645 square kilometers as depicted in Figure 1.1 below (South Africa, 2017e:online). Moreover, the total road network spans across 15000 kilometers with more than 800 bridge structure; whilst the motor vehicle population is at 1 698 607 for licensed vehicles and 77511 for unlicensed vehicles

(Naidoo, 2017:online; & The National Traffic Information System [eNatIS], 2017:online). Additionally, a total of approximately 2300 operational staff members are employed by the JMPD (CoJ 2017:online).

The fact that the JMPD has an extended interaction with motorists on the CoJ roads as compared to National and Provincial traffic authorities whose interaction is limited also renders them more susceptible to corruption (Faull, 2008:24). Various authors further link the causes of corruption in the JMPD to a number of factors such as entrenched corrupt relationship between traffic officials and members of the public, greed, the discretionary powers of traffic officials, unsupervised operational work environment, and minimal chances of detection (Benson, 1988:140; Newburn, 1999:16; Faull, 2009:4; & Snyman, 2012:22). The presence of these factors makes it difficult to detect traffic policing corruption through reactive measures such as whistleblowing and management reviews, and render it necessary for anti-corruption agencies to formulate effective and proactive measures to detect and investigate this phenomenon (Man-Wai, 2009:140; & Mashiloane, 2014:117-118).

Figure 1.1 City of Johannesburg map



(City of Johannesburg, 2017:online)

Operationally, the JMPD is mandated to enforce traffic laws, enhance traffic-law compliance in terms of the Road Traffic Act (Act No. 93 of 1996), and reduce road fatalities within the CoJ. However, the presence and the under-detection of corruption in the JMPD undermines the rule of law and result in the ineffective and inconsistent execution of this mandate thus affecting road and traffic safety (South Africa, 2012a:np; Fantaye, 2004:170; Loughman & Siberg, 2012:3-4). The nature and extent of traffic police corruption in the JMPD is discussed in detail in chapter four, section 4.3 of this study.

This study is driven by the need to understand the various manifestations of traffic policing corruption in the JMPD; the challenges associated with detecting these manifestations; and their effect on road and traffic safety. This study further seeks to evaluate how the use of intelligence analysis could be of value in detecting traffic policing in the JMPD. With that said the study could assist the research to understand the cause of traffic policing corruption and help the researcher to identify effective techniques to detect this criminal act. The study could also be beneficial to the IAU; and other anti-corruption agencies tasked with the detection and investigation of traffic policing corruption within the JMPD. Furthermore, the findings may be beneficial when developing effective strategies for combating traffic policing corruption in the JMPD.

1.3 DEMARCATION OF THE STUDY

Goddard and Melville (1996:14) mention that the process of demarcation in a study involves determining what the scope of the study is, what variables are involved, how the researcher intends to pursue the study, and the identification of practical constraints that might hinder the process of the study. This study focused on the current measures applied by the JMPD to detect traffic policing corruption in the JMPD. It also sought to understand as to which extent intelligence analysis can be used by the IAU to detect traffic policing corruption in the JMPD.

The researcher chose the IAU for the empirical component of the study as it has the mandate to address corruption and unethical conduct within the JMPD. The IAU is responsible for investigating cases of alleged corruption within the JMPD,

and also cooperates with other law enforcement agencies such as the South African Police Services (SAPS) (CoJ, 2017:online). In this study, the researcher used semi-structured interviews for collecting data. Moreover, the researcher consulted academic and non-academic literature; official government reports; media reports; the CoJ reports and statements; and reports by Non-governmental organisations (NGO's) to further understand the topic at hand. In chapter six, the researcher describes in detail the target population and the sampling procedure applied in this study.

1.4 RESEARCH AIM AND OBJECTIVE

Klopper (2008:65) and Mouton (1996:103) indicate that the aim of the research gives a broad indication of what the researcher wishes to achieve in the research conducted. The authors mentioned above continue to state that the research allows the researcher to establish facts about the topic at hand, gather relevant information and data, and also determine whether there are any interesting patterns in the data collected. Considering this, the aim and objective of this study is to evaluate the extent to which intelligence analysis could be applied by the IAU to detect traffic policing corruption in the JMPD. The researcher achieved the aim and objective of this study by exploring the general dimensions of corruption in South Africa; assessing the extent of traffic policing corruption in the JMPD; and further assessing the effectiveness of the various anti-corruption strategies applied by the IAU in trying to combat corruption in the JMPD.

1.5 RESEARCH QUESTION

Denscombe (2002:31) comments that research questions are aimed at specifying exactly what is to be investigated by the researcher. They represent things that are to be observed, measured, and most importantly, interrogated in order to shed light on the topic that is investigated. Mouton (1996:53); David and Sutton (2011:8) also emphasise that research questions must be formulated to focus on the research problem that has been identified and should also be posed in such a way that it would be possible to be answered by the data collected.

In order to investigate the extent to which intelligence analysis could be applied by the IAU to detect traffic policing corruption in the JMPD, this research aims to provide an answer to the following research question:

- To what extent can intelligence analysis be used to detect corruption in the JMPD?

1.6 KEY THEORETICAL CONCEPTS

Denscombe (2002:324) points out those key concepts attach a meaning to a research. Literature in this study was gathered around the concepts below:

- **Corruption**

Corruption is any direct or indirect acceptance, or an inclination to offer any gratification to another person, whether for the benefit of that person or for the benefit of another person (South Africa, 2004a; &Interpol, 2001:np). Vorster (2013:2) also indicates that corruption entails the misuse of entrusted authority; omitting to perform an appointed task; or carrying out an appointed task for wrongful private benefit. A more detailed definition of corruption will be discussed in section 2.2 of this study.

- **Intelligence analysis**

Intelligence analysis is “a process whereby one seeks to make sense of a diverse array of information about crime problems created by offender groups, with the goal of reducing crime” (Eck & Clarke, 2013:5). Boba (2005:3) also defines intelligence analysis as a set of systematic, analytical processes that provides timely and pertinent information about crime patterns and criminal trend correlation. Section 5.7.1 of this study provides a more detailed discussion of intelligence analysis.

- **Detection**

Detection is the process of detecting the violation of rules should the prevention aspects fail (South Africa, 2011a:7; & Newburn, 1999:34). “The term detection is also used to mean to find or make a discovery, find a criminal act and to bring out any facts that have been hidden” (The Law Dictionary, 2018:online).

The key concepts discussed above provided some guidance during the review of literature and assisted the researcher to understand what traffic policing corruption is in terms of available literature. Furthermore, the researcher was able to explore the concept of intelligence and its related processes; and intelligence analysis and its use in detecting corruption.

1.7 VALUE OF RESEARCH

Denscombe (2002:43) argues that a good research study is the one that contributes to existing knowledge, addresses real problems or issues, is relevant to contemporary issues, and lastly, fulfills the researcher's personal agenda. An analysis of a bibliography on policing and police research in South Africa by Banchani and Van der Spuy (2013) for the period 2000-2012 indicates that ample research has been conducted on corruption in the South African Polices Services (SAPS) in the past decade. Such research includes amongst others "Analysing police corruption and its possible causes" (Benson, 2008); "Risk factors contributing to police criminality" (Grobler & Prinsloo, 2012); and "Protector or predator: tackling policing corruption in South Africa" (Faull & Newham, 2011). Nonetheless, corruption in the MPDs has relatively remained outside the scope in the field of humanities and related research areas. In corroboration, the search for literature by the researcher on corruption in the MPDs using electronically based search engines and scanning for South African journals yielded relatively lower results than the search for corruption in the SAPS.

Considering the above, it is envisaged that this study will be of value to the citizens of Johannesburg in that it will provide for measures of reducing corruption within the JMPD, thus contributing positively to road safety. In addition, the study will attempt to transfer knowledge to the IAU, anti-corruption agencies in South Africa, the University of South Africa, and the academic community. The findings and recommendations of the study have the potential to add value in the IAU's attempts to combat corruption within the JMPD. Anti-corruption agencies such as the SAPS and National Traffic Anti-Corruption Unit (NACTU) could also make use of the findings and recommendations of this study to formulate improved strategies to combat corruption. It is further expected that this research may be beneficial to

the University of South Africa (UNISA) by contributing to the current discussions on corruption, and may further serve as a basis for future research on traffic policing corruption, its various forms and manifestations. Moreover, the research report may be beneficial to scholars and the academic community in terms of knowledge and understanding of the manifestation of traffic policing corruption in the MPDs in South Africa.

This study was conducted with the main purpose of assessing the strengths and weaknesses of the various anti-corruption strategies; identifying measures to address the weaknesses; and further evaluate to what extent intelligence analysis can be used to detect corruption in the JMPD. The study could be of value when developing anti-corruption policies and strategies for the JMPD, and assist in achieving specific daily anti-corruption efforts within the JMPD. Furthermore, the research findings will not only be shared with the Internal Affairs Unit but with other anti-corruption agencies as well. This will be done through workshops, journals, and lectures.

1.8 CHALLENGES ENCOUNTERED DURING THE STUDY

The researcher did not experience any major challenges in the first stage of the study. For instance the researcher did not encounter any challenge in obtaining permission from the CoJ to conduct the research. The request and approval process went smoothly. The researcher only encountered minimal obstacles during the data collection phase such as securing the maximum participation of the participants; and having to put the participants at ease that their participation is voluntary and confidential. One more challenge was in relation to the use of the language where the preferred media of communication was English. Some participants expressed themselves in the language that they understood well such as in isiZulu. The latter became problematic during the transcribing and data analysis phase. However, these obstacles did not have a significant impact on the study.

This study focused only on one MPD in South Africa. It excluded the other five MPDs as listed in section 4.2 of this study. This site of the study was selected

because the CoJroads are the busiest and have the most motor vehicle volumes (South Africa, 2017e:online; Naidoo, 2017:online; & eNatIS, 2017:online). Furthermore, available statistics and literature suggest that the JMPD is the most corrupt MPD in South Africa as discussed in detail in section 4.3 of this study. In terms of the research participants, the researcher only interviewed seven members of the IAU as they are tasked with the investigation of traffic policing corruption in the JMPD. The study excluded other anti-corruption agencies tasked with the detection and investigation of corruption in the JMPD such as the SAPS and the NTACU.

1.9 RESEARCH STRUCTURE

This dissertation is organised according to the following chapters:

Chapter One: General orientation to the topic and dissertation

This chapter presents information on the research methodology and indicates the exact steps that were followed by the researcher to address the research problem.

Chapter Two: General overview of corruption in the public service in South Africa

This chapter discusses the various definitions of corruption, its causes, and the impact it has on the country. It further explores the dimension of public sector corruption in South Africa and international anti-corruption models as they may be of value in combating corruption in South Africa.

Chapter Three: Legislative framework and institutional mechanisms for combating corruption in South Africa

This chapter discusses the legislative and institutional mechanisms for combating corruption in South Africa. It further explores the general impact of corruption in South Africa.

Chapter Four: Traffic policing corruption in the Johannesburg Metropolitan Police Department

This chapter begins with the discussion of the mandate of the JMPD. It further provides an overview of corruption in the JMPD; the wide-ranging anti-corruption

measures; and specific measures applied by the Internal Affairs Unit to combat traffic policing corruption.

Chapter Five: Intelligence analysis as a technique to detect traffic policing corruption

In this chapter, the researcher explores the concept of intelligence, how intelligence is formed, its contribution in different levels of decision making, and its value in combating organised crime. The researcher further explores intelligence analysis and the extent to which it can be used to detect corruption in the JMPD.

Chapter Six: Research methodology

In this chapter the researcher discusses the research methodology applied in this study. It discusses aspects such as the philosophical world view of the study, the research design and approach, the target population, and ethical considerations. It also discusses the value with which this study could contribute to the body of knowledge and the challenges encountered during the course of the study.

Chapter Seven: Presentation of research findings

In this chapter the researcher presents the findings of the semi-structured interviews conducted. The researcher uses content analysis to identify key themes and further presents the meanings the research participants attach to the phenomenon under scrutiny.

Chapter Eight: Interpretation of research findings

In this chapter, the researcher interprets the findings of the study in line with the available literature on corruption, anti-corruption measures, and intelligence. This study seeks to compare the current measures of combating corruption in the JMPD against industry-best-practices. It also establishes if intelligence analysis is applied to detect corruption in the JMPD.

Chapter Nine: Summary, recommendations, and conclusion

In this chapter, the researcher presents a summary of each chapter. Furthermore, the researcher makes the necessary recommendations and conclusions based on the findings of the study.

1.10 SUMMARY

In this chapter the researcher unpacked the problem statement, the demarcation of the study, and the research aim. This chapter also provided an overview of the key theoretical concepts to be used in this study, the value of the research and the challenges encountered during the course of the study. The next chapter looks at the general overview of corruption in the public service in South Africa.

CHAPTER TWO
GENERAL OVERVIEW OF CORRUPTION IN THE PUBLIC SERVICE IN SOUTH
AFRICA

2.1 INTRODUCTION

This chapter explores the general overview of corruption in the public service in South Africa. The key objective of this chapter is to explore to what extent corruption manifests itself in the public service in South Africa and also compares the South African approach to combating corruption to international best standards.

This chapter is divided into a number of sections such as the universal definition of corruption; the South African legal definition of corruption; methods of measuring corruption; international best practices to combat corruption; South Africa's position in combating corruption; the South African legislative and institutional framework to combat corruption; and further explores the impact and cost of corruption.

2.2 DEFINITIONS OF CORRUPTION

People define corruption differently. Some view corruption as a mere misuse of public authority and moral decline while others view it as an act of criminality involving public servants (Peurala, 2011:325). The absence of universal consensus on what constitute corruption may be attributed to the mixed conceptions amongst communities on what is right or wrong, and what may be regarded as corruption or normal honest practice (UNODC, 2004:09; Rohmer, 2009:43; & Vorster, 2013:2).

2.2.1 Universal definition of corruption

Although there is a lack of international consensus on what constitute corruption as stated above, authors such as Seldayo and de Haan (2006:2); Gottschalk (2009:31); and Vorster (2013:2) agree that corruption entails the misuse of entrusted authority; omitting to carry out an appointed task; or carrying out an appointed task for wrongful private benefit. In addition, INTERPOL (2001:np)

defines corruption as the direct or indirect solicitation or acceptance by police officers or other employees of a police service of any money, article of value, gift, favour, promise, reward or advantage for themselves or other persons. This may occur in return for any past, present, or future act or omission connected with the performance of any function of or connected with policing. The misuse of entrusted authority is said to be popular amongst officials employed within public service sectors (Seldayo & de Haan, 2006:2). However, Amundsen (1999:3) argues that corruption is not limited to public officials as it also exists within and between private businesses; within Non-Governmental Organisations (NGOs); and between individuals in their personal dealings without any state agency or state official being involved.

Ferreira and Bayat (2005:21) also offer a detailed definition of corruption by distinguishing amongst the various types of corrupt activities. These types of corrupt activities include criminal corruption, corruption in the ethical sense, and corruption in the sense of a dysfunctional or disintegrated system. Criminal corruption exists where the official is liable for prosecution for crimes which includes the taking of bribes, fraud, or theft. In the context of traffic policing corruption, demanding and taking bribes from motorists to allow a problem free passage constitutes a criminal offence and is punishable by law. On the other hand, corruption in the ethical sense refers to actions that do not constitute a crime but are nevertheless unethical or in contravention of certain organisational rules. This may relate to aspects such as the misuse of state resources for private gains. Lastly, corruption in the sense of a dysfunctional or disintegrated system refers to factors such as incompetence or negligence within the organisation. While employees continue to receive remuneration, the society continues to suffer as a result of this incompetence or negligence within the organisation.

Whilst the United Nations Office on Drugs and Crime (UNODC) (2004:09); Rohmer (2009:43); and Vorster (2013:2) agree that there is no universal definition of corruption, the various definitions above clearly indicate that corruption entails gaining undue benefits as a result of omitting to carry out an authorised task or carrying out an authorised task for the benefit of oneself and this is more visible in

the public sector. Thus, it becomes important to explore the South African definition of corruption in accordance to the applicable legislative framework.

2.2.2 South African legal definition of corruption

The South African definition of corruption is found in Section 3 of the Prevention and Combating of Corrupt Activities Act (PCCAA), Act 12 of 2004 where corruption is defined as: “any direct or indirect acceptance or willingness to offer any gratification from any other person whether for the benefit of himself or herself or for the benefit of another person”. Section 5 of the PCCAA further distinguishes corruption in relation to public officials as the acceptance or an agreement to accept any form of gratification directly or indirectly from any person for personal gain or for the benefit of another person (South Africa, 2004a). The PCCAA also makes it an offence to directly or indirectly give or agree to offer any gratification to a public official regardless whether such gratification will benefit such public official or another person, and for a person in position of authority not to report corrupt activities and the suspicion of corrupt activities. In collaboration with this, Snyman (2008:412) distinguishes two types of corruption in terms of the PCCAA, namely, corruption by the giver and corruption by the recipient. Corruption by the giver is committed if one person gives a gratification to another party and the latter accepts it as inducement to act in a certain way. In line with traffic policing corruption in the JMPD, corruption by the giver is usually perpetuated by a motorist who has violated traffic rules and offers a gratification to a JMPD official to avoid a fine or an arrest. The legislative framework applicable to the prevention, detection, and investigation of corruption in South Africa is discussed in detail in chapter three of this study.

In another way, corruption by the recipient refers to the acceptance of a gratification in order to act in a certain way. Snyman (2008:412) further mentions that corruption by the giver is in principle, merely a mirror image of corruption by the recipient. When compared to corruption in the JMPD, this activity entails the acceptance of a gratification by JMPD officials from motorists so as to ignore the enforcement of traffic laws. The difference between corruption by the giver and corruption by the recipient is that the former seeks to criminalise the offering of a

gratification whereas the latter seeks to criminalise the receipt of gratification. In view of the South African legal definition of corruption, corruption in this study refers to the demand and acceptance of any form of gratification by JMPD officials from a motorist who has violated a traffic rule or rules in order to avoid a traffic fine or an arrest.

In light of the above, Klockars, Ivkovic, and Haberfield (2004:20) define police corruption as the abuse of power for private gain. Police corruption may further be defined as acts of misconduct by police officers aimed at obtaining financial benefits or other personal gains in exchange for selectively enforcing or manipulating laws, as well as manipulating the conduct of investigation and arrests (Chene, 2010b:1). Similarly, Hope (2017:3) defines police corruption as any action or omission or an attempt or promise to carry out any action or omission by a police officer in his or her official capacity in order to achieve personal or private gains. Moreover, Barker and Roebuck (1974:423) define police corruption as deviant, dishonest, improper, unethical, or criminal behavior by a police officer. Unethical behaviour by police officials relates to acts whereby police officers violate formal departmental rules, laws, regulations, policies, and criminal laws (Barker & Roebuck, 1974:423). These definitions of police corruption are similar those found in the legal definition of corruption in terms of the PCCA Act and are applicable to acts of corruption perpetuated by JMPD officials. Taking into account of the different definitions of corruption herein, Klockars, et al (2004:21) comment that an all-encompassing definition of police corruption contains two essential elements. Firstly, police officers gain direct or indirect advantage in exchange for official action or omission. Secondly police officers misuse their authority by providing services or omit to render services required of them in exchange of a gratification.

Police corruption falls into the categories of internal and external corruption. Internal corruption involves the relationships amongst policemen with the police department. On the other hand, external corruption involves police contacts with members of the public. Acts of external police corruption may include overlooking a violation of the law in exchange of some form of aid or service. Whereas, internal

acts of corruption may include non-prosecutable acts such as adherence to the code of silence (Beigel, 1973:135-136).

2.3 FORMS AND ACTS OF CORRUPTION IN THE PUBLIC SERVICE

Despite the absence of any agreement on what constitutes corruption as discussed earlier in this chapter, available data suggests that public institutions are the most affected by corruption. This is a result of the involvement of someone who represents a public institution during most the corrupt transaction, or the misuse of public resources by public officials for private gains (Amundsen, 1999:2; TI, 2017:online). Transparency International further indicates that over two-thirds of the 176 countries fell below the midpoint of scale of 0 (highly corrupt) to 100 (very clean). In this regard, the global average score is a forty-three which indicates endemic corruption in the public sector (TI, 2017:online).

2.3.1 Forms of corruption

Morris (2011:10) makes a distinction between two forms of corruption, namely, grand corruption and administrative corruption. Grand corruption is said to be corruption that pervades the highest level of national government and has the potential to erode confidence in good governance Centre for the Study of Democracy (CSD) (CSD, 2012:22). Political corruption entails the abuse of political power by government officials for the purpose of accumulating personal wealth and also for the purpose of holding onto power. Accumulating personal wealth may be achieved by unduly taking out from the private sector, government revenues, and the economy in general. The researcher is of a view that this form of corruption is less prevalent or non-existent within the operational level of the JMPD.

On the other hand, administrative corruption is a form of corruption which occurs at the operational level (Amundsen, 1999:3). Administrative corruption is also referred to as petty corruption and can involve the exchange of small amounts of money and the granting of minor favours by those seeking preferential treatment (CSD, 2012:23). Corruption at this level relates to daily abuse of entrusted authority by public officials in their interaction with persons seeking some form of service.

2.3.2 Acts of corruption

Below are the meanings of some of the acts of corruption perpetrated by public servants in South Africa as provided by the Department of Public Service and Administration (DPSA) (South Africa, 2002:7-8):

- **Bribery**

Bribery may be regarded as the promise, offering or giving of a benefit that improperly affects the actions or decisions of a public official such as a traffic officer accepting a cash payment in order not to issue a speeding fine or a police officer not arresting a person who has committed an offence. Therefore, bribery is a form of victimless crime with which the captured offender offers a gratification to a police officer and the police officer lets the offender go free (Sisk, 1982:396).

- **Extortion**

Extortion is an act of coercing a person or entity to deliver a benefit to public officials, another person or an entity in exchange for acting or omitting to act in a particular manner (South Africa, 2002:7-8).

- **Embezzlement**

This refers to the theft of resources by persons entrusted with the authority and control of such resources (South Africa, 2002:7-8).

- **Fraud**

This involves actions by a public official, or any other person or entity that deceives others into providing a benefit that would not normally accrue to the public official, other persons or entity (South Africa, 2002:7-8).

- **Abuse of power**

Abuse of power occurs when a public servant uses his or her vested authority to improperly benefit himself or herself, or any other person or entity (South Africa, 2002:7-8). In support of this definition, Barker and Roebuck (1974:428) comment that a police officer's authority is corrupted when he receives in his official capacity, unauthorised, and unearned material gain. Material gain may involve amongst others, but not limited to services, free meals, alcohol, sexual favours, free entertainment admissions, and police discounts on merchandise.

- **Conflict of interest**

Conflict of interest occurs when a public official act or fail to act on a matter where he or she has an interest (South Africa, 2002:7-8).

- **Favouritism**

Favouritism involves the provision of services or resources according to personal preferences or affiliations of a public servant (South Africa, 2002:7-8).

- **Nepotism**

Nepotism is an act of ensuring that family members are appointed to public service positions or receive contracts from State resources (South Africa, 2002:7-8).

In validation of the general acts of corruption above, Barker and Roebuck (1974:425) and Ivkovic (2005:8) categorise acts of police corruption in terms of the abuse of authority; receipt of kickbacks; opportunistic theft; ¹shakedowns; protection of illegal activities; direct criminal activities; and internal payoffs.

Taking into account the forms and acts of corruption discussed above, this study focused on administrative corruption which relates to daily functions of JMPD traffic police officials when executing traffic law enforcement functions. This entails demanding and taking bribes from motorists who have violated traffic laws. Bribes may be in any form, such as money, valuable items, and at times, the demand for sexual favours from female motorists.

2.4 METHODS OF MEASURING THE EXTENT OF CORRUPTION

Measuring corruption is a critical factor in any attempt to combat it. The measurement of corruption will provide some benchmark of progress against its extent; assist in identifying some effective factors that have played a role in reducing its ratings of incidents; and also help to develop theoretical explanations

¹ *The acceptance of a bribe by police officers in order not to make an arrest after discovering a criminal violation (Barker & Roebuck, 1973:27).*

for its occurrences (Brooks, Walsh, & Kim, 2013:27). Furthermore, a credible assessment of the prevalence of corruption; where it frequently occurs; and the knowledge of areas of vulnerability will assist anti-corruption agencies to commit limited resources to a specific objective (Camerer, 2008:4).

While it is important to measure the extent of corruption, Rohmer (2009:42) indicates that corruption is a variable that cannot be measured directly. This may be attributed to the challenges of defining its transactions. Seligson (2006:383) holds similar views and goes on to state that corruption is inherently an extremely difficult phenomenon to measure thus hampering any attempts by researchers to study it. The author further explains that it cannot be expected for example, to ask police officers to report on the number of bribes they take in a given week or for customs officials to report on how much duty goes uncollected. Moreover, police officials and court records can only produce a corruption index that is almost completely independent of the corruption level itself. Rohmer (2009:43) also emphasises that objective data on corruption are difficult to obtain and there is still no measurement system designed to accurately account for actual levels of corruption within a country, and by extension, at the global level. On the other hand, Klockars, Ivkovic, and Harberfeld (2006:7) propose that it may be prudent to use integrity which is the mirror image of corruption to measure the levels of corruption in an organisation. These authors indicate that the higher the level of integrity within an organisation the less corrupt the organisation is.

As a result of limitations in measuring corruption, a multitude of methods are used to measure it and many of them have been criticised and problematised. The measure of corruption may be focused on measuring its frequency of occurrence, types, cost and effect, contributing factors, and the public perceptions. The methods used in measuring corruption may range from focus groups; case studies; field observations; survey of businesses, experts, and the general population; and the assessment of institutions, provisions and practices (CSD, 2012:19).

According to Seligson (2006:384) and Rohmer (2009:42) the most common and highly respected methods of measuring perceptions of corruption are the Berlin's

Transparency International (TI), Corruption-Perception Index (CPI), the World Bank's Governance Indicators, and the TI Global Barometer and Global Integrity Index. These authors' publications further mention that the reliability of these indices has in recent years been greatly strengthened by using multiple sources of data and multiple-year averages. In this study, the researcher measured the general extent of corruption within the public service in South Africa and the traffic law enforcement fraternity in South Africa by analysing reports by StatsSA, PSC, and perception indices by civil society organisations. The researcher further consulted the CoJ annual reports for the financial years 2013/14, 2014/15, 2015/16, and 2016/17 which reflected a relatively smaller detection rate of corruption. This is discussed in detail in section 4.3 of this study.

2.5 INTERNATIONAL BEST PRACTICES FOR COMBATING CORRUPTION

Fantaye (2004:174) believes that fighting corruption requires a complex approach that addresses the many causes, facets, or structural issues that corruption entails. The author further believes that combating corruption requires an active participation and a long term commitment by a variety of anti-corruption actors inclusive of government leaders, civil society, academics, the private sector, and international organisations. The United Nations Convention Against Corruption convened by the United Nations Office on Drugs and Crime (UNODC) (2004:9) also prescribes that states ought to develop and implement effective, coordinated anti-corruption policies that promote the participation of society and reflect the principle of rule of law, proper management of public affairs and public property, integrity, transparency and accountability. Such policies have to be done in line with the fundamental principles of the legal systems of those states.

States and law enforcement agencies rely on the broader anti-corruption infrastructure such as regulations related to public procurement, civil servants policies, penal codes, criminal assets forfeiture, and money laundering legislation to combat corruption (CSD, 2012:8). These anti-corruption measures can either be preventative or reactive, or be punitive or persuasive. Therefore, any attempts to combat corruption require a total assessment of risks to corruption at all levels of a particular organisation, the identification of its existing vulnerabilities to

corruption, and the development of appropriate risk mitigation strategy (UNODC, 2013:24). The UNODC (2013:8) further alerts us to the fact that anti-corruption measures should correspond to the specific nature of corruption within the organisation.

In light of the organisations' assertions above, strategies to combat traffic policing corruption should be designed to deal specifically with such manifestation within the JMPD. Graycer and Smith (2011:7) also agree that the analysis of corruption and strategy to prevent or control it can take place on a sector-by-sector basis. Van Niekerk and Olivier (2012:133) also indicate that in an effort to stem the tide of corrupt activities different models have been developed and implemented, although with mixed success. One of such anti-corruption models is the multipurpose agencies using law enforcement powers. These anti-corruption agencies with a single-agency approach have the prevention and investigation of corruption as their main aim, and prosecution as a separate function. An alternative model entails the use of law enforcement agencies. This model is commonly applied in Western Europe with a focus on the detection, investigation, and prosecution of corruption. An additional model entails the use of preventative, policy development, and coordinated agencies. The fundamental focus of this model is on the prevention of corruption through monitoring and coordination; the implementation of anti-corruption strategies; research on corruption; and the establishment of codes of ethics.

Considering the above, Stapenhurst and Sedign (1999:4) emphasise that no single approach can result in the success of anti-corruption efforts. Stapenhurst and Sedign (1999:4) further mention that the success of anti-corruption efforts is dependent on a wide range of integrated strategies and those strategies should include measures aimed at reducing the opportunity for corruption, increasing the likelihood of detection, and making punishment for transgression likely. The researcher explored, as in section 2.5.1 to 2.5.6, the different international models which have been successful in combating corruption namely, the Hong Kong anti-corruption model, the Botswana model, the Singapore anti-corruption model, the

African Union Convention on Preventing and Combating Corruption (AUCPCC), and the The International Criminal Police Organisation (INTERPOL).

2.5.1 The African Union Convention on Preventing and Combating Corruption

The AUCPCC was launched with the objective of promoting and strengthening mechanisms necessary to prevent, detect, punish, and eradicate corruption and related offences both in the public and the private sector. The Convention further seeks to foster cooperation and coordination of policies and legislation amongst Member States in order to ensure the effectiveness of measures and mechanisms aimed at combating corruption (AUCPCC, 2003:1).

Similar to the acts of corruption discussed earlier in this chapter, the Convention is applicable to acts of corruption such as the direct and indirect solicitation and acceptance of gratification by public or private officials in exchange for any act or omission in the performance of his or her functions.

In terms of the AUCPCC Member States are further required to amongst others, adopt legislative and other measures that seeks to criminalise acts of corruption; establish, maintain and strengthen independent national anti-corruption authorities or agencies. Moreover, Member States are required to adopt legislative and other measures to protect informants and witnesses in corruption and related offences. They are also required to adopt measures that ensure citizens report instances of corruption without fear of victimisation as well as adopt and strengthen awareness and education programmes in respect of corruption (AUCPCC, 2003:9-10). The Convention also require public institutions to develop conflict of interest and ethics management policies; adopt effective disciplinary management programmes; and ensure transparency, equity and efficiency in the management of tendering and hiring procedures in the public service (AUCPCC, 2003:11-12).

Transparency, access to information, and the participation of the civil society and the media are important elements in the quest to combat corruption. In this regard, Member States are required to device legislation and measures that promote transparency; the right of access to any information necessary to assist in

the fight against corruption and related offences; and to encourage the participation of the civil society and the media (AUCPCC, 2003:12-14). It is also equally important for law enforcement authorities to be able to search, identify, trace, administer and freeze or seize the instrumentalities and proceeds of corruption pending a final judgement. This will also require Member States to develop legislation and measures to give effect to this process; and should an offence be committed in more than one Member State such States ought to provide each other with technical cooperation and assistance in investigating and punishing such acts of corruption (AUCPCC, 2003:18-20).

In addition, the African Union Advisory Board on Corruption (AUABC) was established in 2009 as an autonomous African Union organ to give full effect to the provisions of the AUCPCC. The main mandate of the Board is to promote and encourage the adoption of measures and actions by Member States to prevent, detect, punish and eradicate corruption and related offences in Africa as well as to follow-up on the application of those measures and submit a report to the Executive Council on a regular basis on the progress made by each State Party in complying with the provisions of the Convention (AUABC, 2013:2).

Apart from the policy and political frameworks of the AUCPCC and AUABC, a Regional Anti-Corruption Programme for Africa (RACP) was launched by the United Nations Economic Commission for Africa (UNECA) in collaboration with the AUABC. The aim of the RACP is to increase the fight against corruption on the continent with a view to ensuring a corruption free, better governed and economically prosperous continent (AUABC & UNECA, 2011:1). The programme is built against the pillars of policy research and analysis; training and capacity development; peer learning and knowledge; and information sharing and documentation of best practices on anti-corruption, policy dialogue and special events on corruption in Africa. The programme further provides support to national, sub-regional, and regional anti-corruption bodies and incorporates non-state actors into the anti-corruption agenda (AUABC & UNECA, 2011:1). The discussion herein indicates Africa's keenness in combating corruption and further highlights the importance of establishing effective legal and institutional mechanism at a national level to deal

with the scourge of corruption. Furthermore, cooperation amongst member states and the sharing of knowledge and information becomes crucial in an attempt to combat corruption in Africa.

2.5.2 The Southern African Development Community protocol on corruption

A number of anti-corruption conventions have been adopted since the 1990s due to pressures from international financial institutions, donor countries, and governments of major industrialised nations. One of the conventions which arose out of such pressures is the Southern African Development Community (SADC) protocol on corruption adopted by the SADC (Carr, 2009:147). Article 6 of the UNCAC also requires State Parties to ensure the existence of an independent body or bodies to prevent corruption. The UNCAC also requires State Parties to implement, coordinate and supervise anti-corruption policies as well as facilitate the dissemination of knowledge about the prevention of corruption, and allow the bodies' access to the necessary resources (Hussman, Hechler, & Penaililo 2009:7).

Fourteen States are a signatory to the SADC protocol on corruption. Member States that are signatories to this protocol are Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe. Nonetheless, Madagascar which forms part of the SADC is not a signatory to the convention. The Protocol was established on the basis of Article 21 of the Treaty establishing the SADC which directs Member States to cooperate in all areas which fosters regional development, integration, and cooperation. The Protocol also concerns itself with the adverse and destabilising effects of corruption (SADC Protocol, 2001:1).

The purpose of the Protocol is to promote and strengthen the development of mechanisms necessary to prevent, detect, punish, and eradicate corruption both in the public and private sector. Secondly, it seeks to promote, facilitate and regulate cooperation amongst Member States to ensure the effectiveness of measures aimed at preventing, detecting, punishing, and eradicating private and public sector corruption. Thirdly, the Protocol seeks to foster the coordination of policies and

domestic legislation of Member States which seeks to prevent, detect, punish, and eradicate corruption in the public and private sectors (SADC Protocol, 2001:4).

Similar to the acts of corruption discussed earlier in this study, the Protocol also recognises act such as bribery, extortion, embezzlement, nepotisms, fraud, and the abuse of power as acts of corruption. The enactment of anti-corruption legislative frameworks and the establishment of a number of anti-corruption agencies in South Africa may be seen as an adherence to Article 4 of the Protocol which sets minimum standards for the prevention of corruption. The Protocol also provides for matters of jurisdiction, extraditions, and mutual assistance where an act of corruption is committed within the territories of Member States and further makes provision for the confiscation and seizure of proceeds and instrumentalities of offences of corruption (SADC Protocol, 2001:7-11).

2.5.3 The Hong Kong anti-corruption model

Since the inception of the Hong Kong Independent Commission Against Corruption (ICAC) in 1974, Hong Kong has gone from being pervasively corrupt to being a country with the best example of an effective anti-corruption architecture. The inception of the Hong Kong ICAC model resulted in Hong Kong being ranked as one of the least corrupt jurisdictions in Asia (Van Niekerk & Olivier, 2012:135; Quah, 2017:7; & Smart, 2018:37). In its latest CPI ratings, TI (2019a:online) continued to rate Hong Kong as the least corrupt country in Asia followed by Japan and Taiwan. The ICAC was introduced as a recommendation by the Blair-Kers Commission to investigate allegations of corruption; prevent bribery in business and government; and educate citizens about corruption (Heilbrunn, 2004:3).

The Hong Kong ICAC control corruption through investigation, prevention, and community relations. Scott (2013:78) adds that measures to fight corruption in Hong Kong are designed to include sanctions, public education and the formulation of administrative systems within government departments that have, as a main, to eliminate opportunities for corruption. The Hong Kong ICAC has extensive powers and has in place very tightly controlled and rule-based administrative subsystem with three functional departments. These functional departments are the:

- Operations Department responsible for corruption investigations;
- Corruption Prevention Department which is responsible for the provision of anti-corruption related advice and consultation to both the public and private sector; and
- Community Relations Department which is responsible for educating and campaigning to the society to increase awareness on the impact of corruption and to enhance public support for the Hong Kong ICAC (Choi, 2009:200-201).

Further to its effective three pronged anti-corruption model, Hong Kong's success against corruption has largely being dependent on its effective policy decisions, and the approach that all credible allegations of corruption would be investigated with a view of prosecution (de Speville, 2010:53). Scott (2013:90-91) further highlights that the success of Hong Kong in combating corruption is due to its use of the rule-based system as a corruption prevention strategy; the provision of adequate resources which included all the administrative time and money; and support from everyone including those in the central institutions and those who deal with corruption prevention on a day-to-day basis. Moreover, in their study which sought to identify and explain factors that influence citizens' appetite to report corruption in Hong Kong, Gong and Xiao (2017:185) found that factors such as the effectiveness of the ICAC model and low social tolerance of corruption encourages citizens to report incidents of corruption. The presence of a strong political will; provision of the necessary legal powers to the ICAC; and impartiality in the enforcement of the anti-corruption laws also contributed to the success of the Hong Kong's ICAC (Quah, 2017:9-12; Awopeju, Olowu, & Jegede, 2018:5).

The success of the Hong Kong ICAC model in combating corruption and its success in registering public support for combating corruption have made this model the most recognisable model (Gong & Xiao, 2017:186). It is clear from the discussion herein that the success of any anti-corruption strategy is largely dependent on, to mention but a few, the adoption of a proper strategy, the political will, support from every level of the organisation, and buy-in from the society. Against this background, Sewpersadh and Mubangizi (2017:3) comment that South Africa has a

lot to learn from the ICAC model, more specifically on the aspect of support by the legislature, and on the issue of the enhancement of procurement laws in the public sector. These sentiments are further echoed by Majila, Taylor, and Raga (2017:97) who comment that South Africa should emulate the Hong Kong's ICAC model with similar anti-corruption functions such as deterrence, prevention, and education. The authors further recommend that a single agency that would be responsible for combating corruption in South Africa should amongst others; be well resourced, have a skilled workforce, have an effective complaints system, and have adequate investigative powers.

Against the successes registered by the Hong Kong ICAC model, the establishment of the United Nation's backed International Commission Against Impunity in Guatemala (CICIG) was also seen as an effective mechanism to deal with organised crime, impunity, and corruption in Guatemala (Donovan, 2008:815; Nyberg, 2015: 159; & Mainhold, 2016:5). However, it is regrettable to note that the recent interference by the Guatemala's government and the subsequent removal of the UN investigators from the CICIG begs the question of the independence of the CICIG; its ability to effectively fight corruption without interference from the political and business elites; and the political will of the political elites to fight corruption in Guatemala (Stimpson, 2019:online; New York Times, 2019:online; & TI, 2019b:online). Against this background, the researcher is of a view that the Hong Kong ICAC model has been proven to be one of the most effective anti-corruption models in existence.

2.5.4 The Botswana anti-corruption model

The Hong Kong anti-corruption model paved a way for other countries such as Botswana to follow suit (Heilbrunn, 2004:10). Doig and Riley (1998:45) mention that Botswana is one of the countries with relatively low levels of corruption in the African continent. In 1994 the Botswana government created an agency with its main focus being the investigation of corruption. The Botswana government further restructured its police department to create a structure responsible for investigating corruption (Sebudubudu, 2013:11). The establishment of the agency required the establishment of the legislation to support its activities.

In light of the above, the Corruption and Economic Crime Act was enacted in 1994 with the hope of empowering the Director responsible for Corruption and Economic Crime (DCEC) to conduct inquiries or investigations into any allegations or suspected offences, and further demand that records held by any public or private agency or public official (Olowu, 1999:4). The DCEC was modeled around the Hong Kong ICAC with the objectives of receiving and investigating any corruption complaint, to investigate any alleged or suspected offences under the Act or in contravention of any revenue laws of Botswana, and to educate the public on the negative impact of corruption and garner public support in combating corruption.

The DCEC comprises of four core divisions namely; the corporate division, public education division, corruption prevention, and the investigation division. The corporate division is responsible for the overall day to day running of the Directorate. It is mandated to ensure the effective and efficient management of the DCEC's human, physical and financial resources and also to provide the necessary support to the core functions (Botswana, 2017:online).

The public education division is mandated to make the public aware about corruption and soliciting public support. The Public Education division is further mandated to mobilise the public by educating them through various initiatives and programmes and to enlist and foster public support in combating corruption. The corruption prevention division on the other hand assists government and parastatal institutions with the necessary audits to detect loopholes that influence corruption (Botswana, 2017:online).

Moreover, the investigation division is responsible for investigating all received allegations of corruption and economic crime and any suspicious transactions. Once sufficient evidence has been collected, the case is transferred to Directorate of Public Prosecutions for a further assessment and prosecution. The DCEC's investigation division is dependent on the Intelligence Unit, Legal Services unit, and Technical Support unit to carry out its investigation mandate. The Intelligence unit maintains the DCEC's case management system which stores data and intelligence

on corruption, money laundering, and other economic crimes. The Intelligence unit is further responsible for receiving and collecting information from the public and other sources of information, and disseminating intelligence on corruption, money laundering, and economic crimes to other divisions within the DCEC. The Intelligence unit plays a critical role in combating corruption and other economic crimes by turning available information into intelligence which is used by decision makers at the tactical, operational and strategic levels (Botswana, 2017:online).

The key to the process above is the anti-corruption agencies' ability to collect and analyse information pertaining to corruption. To give effect to this, intelligence that is provided by the Intelligence unit assists anti-corruption agencies with useful information to identify targets and conduct investigations on corruption related activities. The investigation division further houses two sub-divisions named the Technical Support Unit (TSU) which is responsible for assisting and supporting the operations of the DCEC through the use of technical equipment to augment collection of evidence. The other sub-division unit under the TSU is the Legal Services which is mandated to analyse evidence contained in dossiers forwarded to them on completion of investigations and then send the files to the Directorate of Public Prosecutions (DPS) (Sebudubudu, 2013:11-13).

2.5.5 The Singapore anti-corruption model

When Singapore attained self-governance in 1959, corruption was rife throughout all the sectors of public service, and syndicated corruption was common amongst law enforcement officials (Leak, 1999:59). Leak (1999:60) mentions that several factors including weak prevention laws, the difficulties in obtaining evidence, and the fact that people were poorly educated contributed to a high level of corruption in Singapore. Corruption in Singapore is dealt with under the Prevention of Corruption Act (POCA) which seeks to minimise or remove the conditions of both the incentives and opportunities for corrupt activities (Quah, 2007:17). The Corrupt Practices Investigation Bureau (CPIB) was established during the 1950s and reorganised in the 1970s as single anti-corruption agency responsible for the investigation of corruption related offences, and the enforcement of anti-corruption initiatives (Van Niekerk & Olivier 2012:136). Similar to the ICAC, the

CPIB follows a three pronged anti-corruption strategy with the function to receive and investigate complaints concerning corruption in the public and private sectors; investigate malpractices and misconduct by public officials; and examine the practices and procedures in the public services to minimise opportunities for corrupt practices (Quah, 2007:21).

The CPIB organisational structure is divided into three departments namely; the Operation Department, the Corporate Affairs Department, and the Investigation Department. The Intelligence Division falls under the Operations Department and is responsible for gathering and collating intelligence in support of investigation needs of the Investigation Department. The Investigation Department executes the main function of the bureau by investigating allegations of corruption in both public and the private sector, and once an investigation is complete, the investigation papers are submitted to the Public Prosecutor based on the available evidence. According to Quah (2007:31) Singapore's effectiveness in combating corruption is attributed to the CPIB's effectiveness in impartially enforcing the POCA. Furthermore, the success of Singapore in minimising corruption was a result of the political will of the government to combat corruption through the implementation of appropriate legislative frameworks, policies, and the provision of the necessary resources (Quah, 2007:36).

2.5.6 The International Criminal Police Organisation's anti-corruption initiative

The INTERPOL is the world's largest and oldest international law enforcement network with about 192 Member States (INTERPOL, 2018:np). INTERPOL commits itself with combating and investigating corruption and more specifically transnational corruption which has been exacerbated by transnational trends and instruments; financial transactions across borders; and the ease with which the proceeds of corruption are transferred to other foreign jurisdictions.

INTERPOL recognises that this unique and complex situation requires concerted efforts from the international law enforcement arena. Such efforts should include the ability to recognise the various causes of corruption; the adoption of laws; and the implementation of measures to thwart the scourge of corruption. However,

INTERPOL endorses that such international efforts should not compromise the democratic principles of the Member States (INTERPOL, 2012:np).

INTERPOL initiatives to combat corruption include rendering assistance with international assets recovery by assisting law enforcement agencies in returning public funds to victim countries; operational support which is achieved by coordinating working meetings between Member States for investigations that cover more than one jurisdiction; and regional training workshops to investigators and prosecutors (INTERPOL, 2017:np).

In order to intensify efforts to combat corruption, the INTERPOL General Assembly Resolutions (2009) were adopted. The Resolutions acknowledges that the fight against corruption requires the full support of INTERPOL and the international community; requires Member States to exchange information on corruption and anti-corruption best practice; and further requires the development of a network of specialists contact points in each Member State (INTERPOL, 2009:1).

The highest level of integrity and ethics within the police services is also essential in combating corruption effectively; and for police services to be able to combat corruption successfully they ought to be incorruptible. In this regard, INTERPOL has commissioned the Global Standards to Combat Corruption in the Police Services with the purpose of ensuring that police services in each Member State has the highest standard of honesty, integrity, and ethical behaviour in line with the execution of policing functions. Furthermore, the Standards seek to promote and strengthen the development of each Member State's ability to prevent, detect, and eradicate corruption in their police services (INTERPOL, 2001:np).

There are several commonalities amongst the international best practices discussed above. These commonalities comprise the establishment of effective laws to criminalise the act of corruption; the establishment of effective prevention and detection measures; the establishment of structures to investigate and punish corrupt activities; and the ability to collect and share information and knowledge across local, regional, and international jurisdictions. The analysis of international best practices on combating corruption as discussed above has provided some

benchmark with which the South African government may be measured against in its fight against corruption. Moreover, the various aspects of international models discussed above have provided some lessons which South African anti-corruption agencies may take lessons from. Some of the recommendations comprise establishing legal, policy, and institutional frameworks to combat corruption; the centralisation of anti-corruption efforts; and the use of intelligence.

In light of the recommendation above, the JMPD may also adopt best practices such as the use of intelligence; extensive anti-corruption public awareness campaigns; and the establishment of stronger and effective structures to identify and punish corrupt activities within the JMPD. The use of intelligence could be of value in assisting the IAU to have a better understanding of the corruption environment within the JMPD. A detailed discussion on the use of intelligence is contained in Chapter five of this study and the recommendations for its application in the JMPD are contained in section 9.4.12 of this study. Extensive public awareness will also ensure that the public is aware of what constitute acts of corruption and the mechanisms available to them to report corruption perpetrated by JMPD members. Furthermore, the establishment of stronger and effective structures to punish corrupt activities is likely to send a strong message that the JMPD is serious about combating corruption and would further serve as deterrence to those who want to engage in corrupt activities. As with INTERPOL, the JMPD also ought to create the highest level of integrity and ethics within itself and also develop the ability to prevent, detect, and eradicate corruption.

2.6 SOUTH AFRICA'S GLOBAL POSITION IN COMBATING CORRUPTION

The discussion above has provided some benchmark with which South Africa has to be measured against in its fight against corruption. The discussion has made several recommendations such as establishing legal, policy, and institutional frameworks to combat corruption. To this end, the South African government has formulated a number of legislative frameworks and institutional mechanisms to combat corruption in South Africa which will be discussed in detail in section 3.7 and 3.8 in chapter three. This section seeks to establish the magnitude of

corruption in South Africa by analysing a number of surveys, reports, and views pointed out by different authors.

There has been a notable increase in the perceptions that corruption in South Africa is on the rise. According to the Open Society Initiative for Southern Africa (OSISA) (2017:1) most of the African countries including South Africa occupy the lower part of the global index rankings with the exception of Botswana which occupies the top third of the rankings. The organisation further indicate that South Africa is experiencing a significant rise in corruption and more particularly so in the public sector. This sentiment is further echoed by TI (2018:online) and Isbel (2017:1-2) where it is stated that South Africa has performed significantly worse in its fight against corruption in recent years. Corruption continues to increase in South Africa despite the government's establishment of adequate public finance, justice and administrative systems tasked with combating it in the country (African Peer Review Mechanisms [APRM], 2007:258; Newham, 2013:np; Debalkie & Snyman, 2014:114;& OSISA, 2017:222). Impartiality in exercising anti-corruption responsibilities and capacity constraints within many anti-corruption agencies in South Africa hinder the total effectiveness of such agencies (APRM, 2007:25; & OSISA, 2017:222). Van Niekerk and Olivier (2012:145), and Bruce (2014b:50) also acknowledge that South Africa has extensive regulatory framework to combat corruption but the success of such regulatory framework is hampered by a variety of factors. These inhibiting factors will be discussed in detail in section 3.7 of this study. However, Louw-Vaudran (2018:online), CW (2018a:online), and Kane-Berman (2018:online) argue that the recent changes in the political leadership of South Africa will have a positive impact towards the fight against corruption.

In light of the above, an analysis of various corruption statistics and trends between the years 2015 and 2017 indicates a growing trend of corruption in South Africa. According to a report by Afrobarometer published in the year 2017, 83% of respondents in South Africa think that the South African government is not doing well in fighting corruption (Afrobarometer, 2017:2). A further analysis of TI annual corruption perception indices for the years 2015, 2016, and 2017 shows that South Africa occupied the lower rankings of the global index rating, which signals endemic

corruption in the public sector in South Africa(TI, 2015:online; TI, 2016:online; & TI, 2017:online).A report by Statistics South Africa's Victims of Crime Survey also shows that most of the respondents in South African believe that corruption in South Africa has been on the rise between the year 2014 and 2016(South Africa, 2017c:59). Apart from these statistic, Newham (2013:np), Vorster (2013:2), Sebake and Sebola (2014:751), and Kilian (2017:online) also hold a similar view that corruption is generally on the rise in South Africa and has grown into a major problem particularly in the public sector.

Notwithstanding the statistics of corruption presented herein and the views of various authors, Dintwe (2013:558) argues that the level of corruption in South Africa cannot be easily measured with a claim of accuracy as some of the reports were taken from the perception indexes which may not provide real statistics of corrupt activities. This is supported by Prinsloo and Naude (2001:42) and United Nations Economic Commission for Africa(UNECC) (2016:29) when they mention that the extent of corruption is difficult to determine as many activities of corruption remain undetected, occur behind closed doors away from the public, and are not separately recognised as crime statistics. Even in the absence of accurate objective statistics of corruption in South Africa and limitations posed by different methods of measuring corruption, the researcher is of a view that from sources consulted above, corruption in South Africa is on the rise and a lot still needs to be done to successfully combat this epidemic in South Africa.

Against the background of marginal success of the South African government in combating corruption as discussed in section 2.6 of this study; the successes of anti-corruption best-practices of Hong Kong, Singapore, and Botswana have been as a result of a number of factors which includes amongst others; public awareness, the presence of a strong political will to combat corruption, and a competent anti-corruption agency. Furthermore, the use of intelligence has played a significant role in the success of the three models discussed in section 2.5 of this study. Intelligence can assist anti-corruption agencies with daily information on corrupt activities, the identification of targets for investigation, and devising appropriate investigation strategies. A proper integration of intelligence strategies and other

methods of detecting corruption can add value in any attempt to combat corruption in the broader public services in South Africa, and the traffic law enforcement fraternity in particular.

2.7 SUMMARY

While there are different definitions of corruption, most authors agree that corruption entails the misuse of entrusted authority for the benefit of the individual or individuals concerned. It has also been established in this chapter that it is difficult to measure the extent of corruption in a country or organisation. The chapter further explored various anti-corruption models based on international practices and found that the model applied in Hong Kong, Botswana, and Singapore has proven to be effective in combating corruption. The chapter also explored South Africa's global position in combating corruption. The next chapter will look at the legislative framework applicable in combating corruption in South Africa.

CHAPTER THREE

LEGISLATIVE FRAMEWORK AND INSTITUTIONAL MECHANISMS FOR COMBATING CORRUPTION IN SOUTH AFRICA

3.1 INTRODUCTION

In the previous chapter, the researcher presented the general overview of corruption in the public service in South Africa. In this chapter, the researcher discusses the legislative framework applicable to the prevention, detection, investigation, and criminalisation of acts of corruption in South Africa. This chapter also looks at the institutional mechanisms that are in place to combat corruption in South Africa.

The researcher also looks at the ten legislative frameworks that are applicable in combating corruption in South Africa such as the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004 and the Protected Disclosure Act, Act 26 of 2000. Institutional mechanisms that are applicable in combating corruption are to be discussed in this chapter and they will include entities such as the National Anti-Corruption forum and Corruption Watch.

3.2 AN OVERVIEW OF THE LEGAL FRAMEWORK TO COMBAT CORRUPTION IN SOUTH AFRICA

Corruption is a major concern across various government institutions in South Africa. Various organisations, including the public media, have concerned themselves and reported on corrupt activities in government departments throughout all the provinces (Ferreira & Bayat, 2005:6). Over the past 13 years the concerns of corruption have grown as the media, governmental institutions, and non-governmental organisations continue to report and raise their concerns on the issue of corruption in South Africa (News24, 2018:online; & IOL, 2018:online).

It is against this background that it becomes necessary for the South African government to make every effort to devise effective strategies to combat corruption in South Africa. Smith (2011:11) points out that the legislative

framework for combating corruption in South Africa is of a generally high standard and the government has been proactive in establishing structures to deal with corruption and economic crime. The South African government has established structures such as the Directorate of Priority Crimes Investigations (DPCI) also known as the “Hawks”, the South African Revenue Services (SARS), the Special Investigative Unit (SIU), SAPS, the Office of the Public Protector, the Asset Forfeiture Unit (AFU) and the newly established Anti-corruption Task Team. The legislation below lays the foundation for combating corruption in South Africa and it is of no exception to the Internal Affairs Unit in combating corruption in the JMPD and other MPDs.

3.2.1 The Constitution of the Republic of South Africa, Act 108 of 1996

The Constitution is fundamental in promoting ethical behaviour in the South African public sector. It further outlines the democratic values and principles guiding public administration. Van Niekerk and Olivier (2012:131) mention that it is the duty of the South African government to promote the democratic values and principles enshrined in Section 195 of the Constitution, 1996, which will in turn lead to effective and efficient service delivery and the promotion of good governance.

Since 1994 South Africa has stepped up its anti-corruption activities, and its efforts towards combating corruption has been systemic with greater emphasis on instituting appropriate legislative frameworks, policy measures, anti-corruption strategies, the establishment of numerous anti-corruption agencies, and anti-corruption programmes in line with the Constitution of the Republic of South Africa, Act 108 of 1996 (South Africa, 2005; Van Niekerk, & Olivier, 2012:132). In terms of Section 195 (a) of the constitution, “public administration must be accountable and a high standard of professional ethics must be promoted”. The Constitution further envisages that the actions of public officials should be aligned with the values and principles in public administration and be upheld by all public personnel in the provisioning of services to society (South Africa, 1996a: 22-23).

Considering the above, Burger (2016a:online) comments that the criminal justice system is the cornerstone for ensuring the rule of law functions in an effective and

healthy way. It is for this reason that the Constitution of the Republic of South Africa, Act 108 of 1996 emphasises the independence of various institutions, such as the NPA, the DPCI and the Independent Police Investigative Directorate (IPID). According to Newham and Tamukamoyo (2012:online),CW(2015:online); and Burger (2016a:online) it is regrettable that in the past few years, the conduct of various prominent officials within the criminal justice system in South Africa has severely undermined this very constitutional principle and the foundation of the South African democracy. This has contributed to the loss of public confidence and trust in the police and the criminal justice system thus questioning the legitimacy of those institutions. In this light, adherence to the Rule of Law and the respect of the Constitution of the Republic of South Africa, Act 108 of 1996 is essential for an effective anti-corruption strategy (CW, 2015:online). The CW (2015:online) further comments that this will ensure that the public has confidence in reporting corruption and that everyone regardless of their position in society will be subjected to the ordinary law administered by established courts. This discussion highlights the importance of adherence to the Rule of Law by the various actors in criminal justice system in South Africa when dealing with corruption. The law has to apply equally to everyone regardless of their position in society.

3.2.2 Prevention and Combating Corrupt Activities Act, 2004 (Act 12 of 2004)

The PCCAA was enacted to strengthen measures so as to prevent and combat corruption and offences related to corrupt activities in South Africa (Joubert, 2010:185-186). The PCCAA provides for the criminalisation of corruption and its related offences; investigative measures; as well as preventative measures in the fight against corruption in South Africa. Section 34 of the PCCAA also provides for reporting obligations when it comes to suspected corrupt activities. In this regard, any person who holds a position of authority is obliged to report any suspicions of corruption involving an amount of R 100 000-00 or more to a police official (South Africa, 2004a).

Closely linked to reporting obligations relating to suspicions of corruption as discussed above, Budhram and Geldenhuys (2018:50) propose the criminalisation of accumulation of unexplained wealth. The authors further propose the introduction

of legislation which would enable the confiscation of relevant assets as an effective tool to combat corruption and organised crime. Their argument in support of the creation of such legislation is that it may assist in easing the burden of evidence as it would not be necessary to prove the unlawful accumulation of wealth, but that there is unreasonable explanation of the accumulation of such wealth.

JMPD officials involved in corrupt activities may be charged criminally under this Act. Nonetheless, there are some challenges in relation to the application of this law. Madonsela (2012:14) cites that the complexity of the law, the difficulty to prove gratification, and the difficulty in establishing connection between the parties to corruption make the application of the law more challenging. Powell (2012:20) also indicates that the PCCAA is not marketed and communicated sufficiently to the public to have the desirable impact. The author went on to state that if people do not know what they need to report they will not do it. Against this background, the researcher is of a view that this aspect, as in the case of the identified international best practice models as discussed in section 2.5 of this study, requires extensive public awareness and education by the South African anti-corruption agencies. A more improved public awareness is likely to improve the public's understanding of corruption and also improve the public's appetite to report corruption.

Apart from acts of corruption perpetuated by officials in the public sector, unethical and corrupt conduct is also relevant in the private sector. Corruption in the private sector manifests itself in the form of, amongst other things, price fixing, collusive tendering, and market allocation. Regrettably so, the approach of the relevant corporate governance authorities has been to issue fines of non-compliance rather than prosecution (Budhram & Geldenhuys, 2018:29).

3.2.3 Prevention of Organised Crime Act, 1998 (Act 121 of 1998)

The Prevention of Organised Crime Act (POCA) was enacted in 1998 as a response to increasing national and international trends in organised crime, money laundering, and gang activities (Gupta, 2002:160). The objectives of the POCA include amongst others, the introduction of measures to combat organised crime

and money laundering; the prohibition of certain activities relating to racketeering activities; the provision for the prohibition of money laundering and for an obligation to report certain information (South Africa, 1998b:1).

In addition, the POCA provides for the recovery of the proceeds of unlawful activity; the civil forfeiture of criminal assets that have been used to commit an offence or assets that are the proceeds of unlawful activity. It also makes provision for the establishment of a Criminal Assets Recovery Account; to repeal the Proceeds of Crime Act, 1996; and the incorporation of the provisions contained in the Proceeds of Crime Act, 1996 (South Africa, 1998b:1). The challenges and successes associated with the application of the POCA are discussed in detail later in this chapter under the sub-heading “Asset Forfeiture Unit”.

3.2.4 Public Service Act, 1994 as amended (Act 30 of 2007) and Public Service Regulations, 2001

The Public Service Act, Act 103 of 1994 as amended by Act, 30 of 2007 is considered the crucial piece of legislation that directs the behaviour and conduct of public servants as it seeks to promote high standards of ethical behaviour and further stipulates procedures to be followed when dealing with ineffective and inefficient officials (Manyaka & Sebola, 2013:78).

The Public Service Act, Act 103 of 1994 provides for the organisation and administration of the public service of the Republic, the regulation of the conditions of employment, terms of office, discipline, retirement and discharge of members of the public service, and matters connected therewith (South Africa, 1994). The Public Service Act, Act 103 of 1994 also lays a foundation for the establishment of internal disciplinary processes in line with acceptable labour practices within government departments. It further prescribes for the establishment of sound management practices to deal with misconduct such as corruption in the public sector.

Public officials involved in corrupt activities may be dealt with in terms of the provisions of the Public Service Act, Act 103 of 1994. The Act does not criminalise corruption and cannot be seen as a direct tool to combat corruption. Its application

is only limited to public officials and may regard acts of corruption as mere acts of misconduct rather than acts of criminality. Nonetheless, the PCCAA as discussed in section 3.2.2 of this study criminalises acts of corruption and JMPD officials suspected of being involved in corrupt activities may be charged in terms of this Act, though the burden of proof in criminal proceedings is much stricter than in disciplinary proceedings.

The Public Service Regulations are aimed at giving practical effect to the Public Service Act, Act 103 of 1994. The Regulations apply to all persons employed, and to institutions governed, in terms of the Public Service Act, Act 103 of 1994, and to an extent, persons employed in the Services, the Agency or state educational institutions, only so far as they are not contrary to the laws governing their employment (South Africa, 2001c).

In terms of this Regulation, all employees are expected to comply with the Code of Conduct as provided for in the public service regulations (South Africa, 2001c). Manyaka and Sebola (2013:78) emphasise that compliance with the Regulations can be expected to enhance professionalism and help to ensure confidence in the public service as the Regulations serves as a guideline to employees in the public sector in terms of what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with others.

3.2.5 Public Finance Management Act, 1999 (Act 1 of 1999)

The Public Finance Management Act (PFMA) is aimed at promoting the objectives of good financial management within the South African public sector in order to maximise service delivery through the effective and efficient use of the limited resources (Manyaka & Sebola, 2013:78). The objectives of the PFMA are to modernise financial management in the public sector; enable managers to manage, but at the same time be held more accountable; ensure timely provision of quality information; and also eliminate waste and corruption in the public sector (South Africa, 1999a).

The PFMA is more applicable where State funds are involved such as in tender and procurement irregularities; the abuse of State funds; fruitless expenditure; and

wasteful expenditure. Where the exchange of gratification involves material held by private individuals, the PFMA would not be applied. Therefore, paying bribes to a traffic official to avoid a traffic fine may not necessarily be seen as a violation of the PFMA. On the other hand, in their paper which sought to assess old and existing South African anti-corruption strategies and propose new ones, Budhram and Geldenhuys (2018:40) propose criminal sanctions against officials who violate the provisions of the PFMA. The authors state that in order to curb violations of the provisions of the PFMA public officials, at all levels of government, who grossly or are unreasonably negligent in complying with procurement and financial management obligations, thus resulting in irregular, unauthorised, fruitless and wasteful expenditure, must be held criminally liable for their actions.

Apart from acts of corruption perpetuated by officials in the public sector, unethical and corrupt conduct is also relevant in the private sector. Corruption in the private sector manifests itself in the form of, amongst other things, price fixing, collusive tendering, and market allocation. Regrettably so, the approach of the relevant corporate governance authorities has been to issue fines for non-compliance rather than prosecution (Budhram & Geldenhuys, 2018:29).

3.2.6 Promotion of Access to Information Act, 2000 (Act 2 of 2000)

According to the TI (2006:6) it is important for citizens to have knowledge about any anti-corruption efforts, citizens must know what governments, international and private organisations are doing, and how public resources are allocated. The report further highlights that corruption tends to flourish in darkness and any efforts to subject governments and intergovernmental organisations to public scrutiny is likely to advance anti-corruption efforts.

The Promotion of Access to Information Act (PAIA) is aimed at promoting the culture of transparency and accountability in the South African public services and private institutions. Section 1 of the Act designates the accounting officer of national, provincial, and local governments as information officers and is required to provide access to a requester of any recorded information regardless of form

and medium held by the institutions. This Act is aimed at enforcing transparency and accountability in the public service sector.

According to McKinley (2003:3) the PAIA is one of the few pieces of access to information legislation in the world to apply to both public and private bodies as well as to records, regardless of when the record came into existence. One of the enabling provisions of the PAIA is that the requester of information cannot be denied access to information based on the reasons for the request. Be that as it may, what poses a challenge in the application of the PAIA is its contradiction to Section 32 of the right of access to information as contained in the Constitution of the Republic of South Africa, Act 108 of 1996, “everyone has the right of access to any information”, in that it provides limited right of access to information as it confines access to records only, thus excluding all other types of information that are not contained in a record.

Another shortfall is section 27 of the PAIA which stipulates that if an information officer fails to give a decision on a request for information within 30 days such request shall be deemed a refusal. This creates an opportunity for an information officer to simply ignore a request for information. The mandatory protection of commercial information of a third party on the grounds of commercial confidentiality; mandatory protection of certain confidential information, and protection of certain other confidential information of a third party; and the prevention of access to information that could reasonably be expected to cause prejudice to defence, security and international relations of Republic also limits the full application of the PAIA (McKinley, 2003:5; & South Africa, 2000c:23-30).

Apart from the limitations cited above, the South African Human Rights Commission (SAHRC) has reported on continuous non-compliance with the Act and the absence of implementation to Parliament. This is a reflection of a lack of political will and prioritisation of the Act within public institutions (South Africa,2012d:8).The SAHRC further highlights that during its audits on public institutions, only a few officials knew who their Deputy Information Officers (DIOs) were or knew about the PAIA procedures in their institutions. Moreover, more than

60% of the audited institutions have no designated DIOs as required in PAIA; only two in every ten institutions had incorporated PAIA implementation within their organisational strategic planning processes; less than 15% had specifically budgeted for PAIA implementation and compliance requirements; and only a third of the audited institutions had established internal protocols for dealing with requests for information (South Africa, 2012d:9).

3.2.7 Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

The Promotion of Administrative Justice Act (PAJA), Act 3 of 2000 seeks to provide for the right to administrative action that is lawful, reasonable and procedurally fair; the right to written reasons for administrative action in line with section 33 of the Constitution of the Republic of South Africa, Act 108 of 1996; and other matters related thereto (South Africa, 2000a:1). The Act further makes a provision for a court of law or an independent tribunal to review and set aside a decision by a public official where the official acted against the principles of natural justice. The provision explained above creates a culture of accountability, openness, and transparency in public administration (South Africa, 2000a:1).

The key objective of PAJA is to provide persons affected by administrative decisions the right to be informed of such decisions; to be given reasons for decisions; and to have decisions reviewed in a court of law or where possible an independent tribunal (South Africa, 2000a:1). Although PAJA seeks to promote justice in the functioning of government institutions, it is a challenging piece of legislation which requires that procedures followed in taking a particular administrative action be clearly stated and for the affected persons to be given notice of their right to review or appeal such decisions, as well as to be provided with the reasons giving effect to such decisions (South Africa, 2006:2).

A study conducted by the PSC in 2006 to assess compliance with the PAJA in national, provincial and local government, and in selected civil society organisations found a number of shortfalls in relation to the application of PAJA. Firstly, it found a general lack of awareness amongst public servants and staff in civil society organisations of PAJA. The implementation of the PAJA is not being

prioritised or adequately addressed by many government departments. There is a general deviation from the procedures as set out in the PAJA. Administrative actions are not being undertaken as prescribed by the PAJA. The study also found that government departments do not properly implement this Act and there is a lack of compliance to its provisions. Implementation plans are lacking, officials are not provided adequate training and outsourced institution are responsible for training interventions (South Africa, 2006:28).

When linked to the PAIA, section 1 of the PAJA provides for exceptions to what is covered as an administrative action in terms of the PAIA. One of those exceptions is the exclusion of “any decision taken, or failure to take a decision, in terms of any provision of the Promotion of Access to Information Act” as contained in section 1(i)(hh) of the PAIA (McKinley, 2003:8; &South Africa, 2000a:3). Seemingly, this exclusion allows for the exemption of administrative decisions to grant or refuse a request for access to information under PAIA. This diminishes any accountability for the processes and leaves an official of a state department with interpretive privilege (McKinley, 2003:8).

3.2.8 The Financial Intelligence Centre Act, No. 38 of 2001

The Financial Intelligence Centre Act, Act 38 of 2001 provides for the establishment of the Financial Intelligence Centre (FIC) and the Money Laundering Advisory Council (MLAC) in order to facilitate the combating of money laundering activities and the financing of terrorist and related activities. The FIC was also meant to impose certain obligations on institutions and other persons who might be used as instruments for money-laundering purposes and the financing of terrorist and related activities. This piece of legislation is of particular importance in combating corruption in the public service in South Africa (South Africa, 2001a).

3.2.9 Protected Disclosure Act, 2000 (Act 26 of 2000)

The Protected Disclosures Act (PDA) makes provision for procedures in terms of which employees, in both the public and private sector, who disclose information of unlawful or corrupt conduct by their employers or fellow employees are protected from occupational detriment. The PDA provides a platform for honest

employees to raise the alarm and report wrongdoing within the workplace without fear. In essence, the Act protects whistle-blowers from being subjected to any form of undue disciplinary action, harassment and intimidation emanating from the disclosure of information of unlawful or corrupt conduct by their employers or fellow employees (South Africa, 2000b).

The PDA has been instrumental in the establishment of various anti-corruption reporting mechanisms within the public service and further provides for the protection of persons who report on unlawful or corrupt conduct. Nonetheless, the PDA is not a direct anti-corruption initiative it only seeks to protect individuals who come forth with information on corruption.

Madonsela (2012:14) mentions that a weakness in relation to whistleblowers in South Africa is their protection. The author further mentions that in countries like the United States protection of whistleblowers is a bit tighter. Similar sentiments are held by Mzilikazi wa Africa (2012:14) who indicates that South African anti-corruption policies are failing the nation, particularly whistleblowers who end up facing reprisal or victimisation for blowing the whistle or talking about corruption. Whistleblowers in South Africa face a number of risks such as dismissals at the workplace, disgrace, threats to their lives, deaths, and at times they disappear without a trace thus stalling the progress of a case (Powell, 2012:24).

The researcher is also of a view that inadequate protection offered to whistleblowers has a detrimental effect in the Government's attempt to curb corruption. This situation is likely to discourage individuals from reporting corruption especially in the workplace, where whistleblowers have to face their colleagues in a criminal or disciplinary proceeding. Thus, the protection of whistleblowers becomes crucial in combating corruption in South Africa particularly in the JMPD.

3.2.10 Public Service Anti-Corruption Strategy, 2002

In addition to the National Anti-Corruption Forum (NACF), Cabinet in 2002 approved the Public Service Anti-Corruption Strategy (PSAS) as a blueprint for fighting corruption in South Africa and to give effect to the expressed commitment

of Government to fight corruption in the public service. The strategy contains nine considerations aimed at combating corruption. These considerations include the review and consolidation of the legislative framework; increased institutional capacity to prevent and combat corruption; and increased access to report wrongdoing and the protection of whistleblowers and witnesses. Further considerations include the prohibition of corrupt individuals and businesses; improved management policies and practices; and managing professional ethics. The PSAS also provide considerations on partnership with stakeholders; social analysis, research and policy advocacy; and awareness, training and education (South Africa, 2002).

Even though the PSAS is only applicable to the public service it is to an extent, similar to the United Nations Convention against Corruption (UNCAC) of 2004. This is an indication that South Africa has been ahead in the development of strategies against corruption. The Public Service Anti-corruption Strategy was adopted in 2002 for the Public Service to give effect to the expressed commitment of Government to fight corruption in the Public Service. "In accordance with the resolution of the National Anti-Corruption Summit this strategy represents a further step towards Government's contribution towards establishing a National Anti-corruption Strategy for the country" (South Africa, 2002:6). This policy framework lays a foundation for individual public service departments to adopt strategies suitable to their anti-corruption requirements. Strategies identified above are broader public service strategies aimed at laying the foundation for public service institution to devise anti-corruption strategies suitable to their unique environment.

Hussmann and Hechler (2008:1) comment that anti-corruption policies often face the challenge of closing the gap between anti-corruption measures and law enforcement, and the linking of anti-corruption measures to other policies and reforms dedicated at strengthening national governance systems. Despite the challenges related to the application of some of the legislative frameworks above they remain central in combating corruption in South Africa. The alignment of the frameworks to international best practices may further enhance the effectiveness

of these frameworks. Leadership commitment within organs of state and private institutions; the training of officials on these legislations; public awareness; the establishment of effective reporting mechanisms on corruption; and the protection of whistleblowers is also likely to enhance the effectiveness of these frameworks.

3.3 INSTITUTIONAL CAPACITY TO COMBAT CORRUPTION IN SOUTH AFRICA

The uniqueness of acts of corruption present in different countries shapes the way in which a particular country responds to corruption risks. Anti-corruption efforts in a country may involve a variety of state and non-state institutions and may also prompt for the strengthening of existing anti-corruption institutions or the creation of new ones (Hussmann & Hechler, 2009:7). As a result, various countries and organisations have promoted pieces of key legislation and strategies to combat corruption.

Combating corruption requires the assessment of risks to corruption at all levels of the organisation, the identification of existing vulnerabilities to corruption, and the development of appropriate risk mitigation strategies (UNODC, 2012:24). The UNODC (2012:8) also indicate that anti-corruption measures should correspond to the specific nature of corruption within the organisation. This is supported by the CSD (2012:39) when it is emphasised that different kinds of corruption requires different approaches and one needs to have a clear understanding of the extent and form of corruption specific to that organisation. Graycer and Smith (2011:7) also hold a similar view and mention that the analysis of corruption and the formulation of a strategy to prevent or control it can take place on a sector-by-sector basis.

The South African government has adopted a multi-agency approach which comprise of a range of institutions to address corruption from different angles and to ensure a resilient anti-corruption system (South Africa, 2015a). Institutional mechanisms for combating corruption in South Africa include both government institutions and non-government organisations (NGO's). There is also the presence of research institution other than academic institutions that conducts research on corruption in South Africa, such as the Institute for Security Studies (ISS), which has

an applied policy research division with a dedicated corruption and governance programme; the Centre for the Study of Violence and Reconciliation (CSVr) which conducts research on corruption; Corruption Watch; and Lawyers for Human Rights (LHR). To date, institutions such as the Helen Suzman Foundation, Freedom under law, and others, engage in bringing corruption to the fore in South Africa.

3.3.1 National Anti-Corruption Forum

In 2001, the South African government launched the NACF, consisting of the civil society, business, and the government sectors. The NACF plays an anti-corruption coordination role; combats and prevents corruption; builds integrity and raises awareness on corruption. The NACF is committed to make contributions in realising national consensus through a number of initiatives such as, the coordination of sectoral strategies against corruption; providing advice to government on national initiatives and the implementation of strategies to combat corruption; sharing of information and best practices on sector-specific anti-corruption work; and further advising the relevant sectors on the improvement of sector-specific anti-corruption strategies (South Africa, 2015a:online).

Even though the NACF was established with the aim of creating consensus and coordination amongst the State, business, and the civil society in combating corruption, it has experienced some difficulties which hampered its ability to carry out its mandate to the fullest. It has been difficult for business and civil society to coordinate and streamline its efforts with those ideals of Government. It is also not clear to what extent a section of the population is represented by civil society and how effectively are they covered by the NACF. The limited budget and capacity of the NACF also added to its ineffectiveness (Ramsingh & Dobie, 2006:7-10). For an anti-corruption forum to flourish, effective cooperation and communication among the relevant stakeholders remain essential. This requires a total buy-in and commitment from all the relevant stakeholders.

3.3.2 Public Service Commission

The PSC is an independent institution established in terms of Chapter 10 of the Constitution of the Republic of South Africa, Act 108 of 1996 to focus specifically on

the public service and oversight of public administration (South Africa, 2017:online). The mandate of the PSC is derived from section 195 and 196 of the Constitution of the Republic of South Africa, Act 108 of 1996 to promote and set out values and principles governing public administration (South Africa, 2017a:online). Programme 4 of the Office of the PSC has an authority to undertake public administration investigation; promote a high standard of professional ethical conduct amongst public servants; and contribute to the prevention and combating of corruption (South Africa, 2013b:62).

The PSC reacts to a variety of complaints, including amongst others allegations of corruption received through its Complaints Rule and the National Anti-Corruption Hotline (NACH) (South Africa, 2014c:6). The process of investigation by the PSC would include locating factual information and documentary evidence from the parties involved; the examination and evaluation of collected information against prevailing legislation and sub-ordinate legislation; and the compilation of a report with the necessary findings and recommendation (South Africa, 2014c:6).

Some of the reports received through the NACH are referred back to the relevant government departments for investigation. However, capacity constraints and the lack of interest from the respective departments have hampered investigations into those reports (Mamphiswana, 2012:17). It can be noted that the inability of the respective governments to efficiently and effectively deal with reports on corruption have an effect on the functioning of the PSC. Therefore, effective cooperation and coordination between the PSC and government department is crucial in driving anti-corruption efforts.

3.3.3 South African Police Services and the Directorate for Priority Crimes Investigations

The South African Police Services (SAPS) overall mandate is reflected in section 205 of the Constitution of the Republic of South Africa, Act 108 of 1996. The SAPS is the principal law enforcement agency in South Africa. The policing objectives in terms of section 205 relates to the prevention, combating and investigation of crime; the maintenance of public order; the protection and securing of the inhabitants of the

Republic and their property; and the upholding and enforcement of the law. Furthermore, the SAPS has a mandate to investigate corruption through the Commercial Crimes Unit, the Organised Crime Units, and the Detective Branch. The mandate of the SAPS allows the SAPS to collect intelligence for the purpose of combating corruption (South Africa, 2017c:online).

Apart from general policing, the SAPS established a Directorate responsible for investigating priority crimes. In 2008, the South African Parliament approved the dissolution of the Directorate of Special Operations (DSO) also known as “the Scorpions” and its integration into the SAPS. This led to the establishment of the Directorate for Priority Crime Investigation (DPCI). The DPCI has been established as an independent directorate within the South African Police Service in terms of Section 17c of the South African Police Service Act, 1995 as amended by the South African Police Service Amendment Act, 2008 (Act 57 of 2008).

The DPCI is now responsible for combating, investigating and preventing national priority crimes such as serious organised crime, serious commercial crime and serious corruption in terms of Section 17b and 17d of the South African Police Service Act, 1995 as amended. The South African Police Service Amendment Act, 2012 (Act 10 of 2012) introduced the reporting procedures as provided in Section 34(1) of the Prevention and Combating of Corrupt Activities Act, 2004 which stipulates that reporting should be made to any police officer. In terms of the latest amendment, all such offences must now be reported to a member of the Directorate of Priority Crime Investigation (South Africa, 2017c:online).

Despite these developments, there are concerns that the DPCI is not independent enough as it is driven by the same organisational culture, rules, and policies which govern the SAPS (Powell, 2012:24). Furthermore, the SAPS Amendment Bill has not done much to prevent the DPCI from political independence and manipulation, but sought to provide an additional layer of protection and enhance the authority of the Head of the Hawks by allowing him to report directly to the police Minister who is a political appointee (Newham, 2012:online). Newham (2012:online) further elaborates that for an anti-corruption agency to be dedicated and capable of

investigating powerfully connected people it has to be independent of the SAPS. The INTERPOL (2001:np) also indicates that one of the cornerstones of an effective anti-corruption system is the highest level of integrity and ethics within the police service. There is no doubt judging by ample research that has been conducted on corruption in the SAPS; corruption perception indices; and media reports that the SAPS is one of the most corrupt public institutions in South Africa. The lack of integrity within the SAPS, its ineffectiveness in combating crime, and its compromised independence truly raises questions on its ability to combat corruption in South Africa.

The researcher also opines that the tainted police leadership witnessed on several occasions over the past several years may hamper the SAPS's ability to combat corruption. These tainted leadership include the conviction of the ex-police Commissioner Jackie Selebi on corruption (Mail & Guardian, 2010:online); the suspension of General Bheki Cele pending an enquiry into his fitness to hold office due to allegations of irregularities in the leasing of police offices (Mail & Guardian, 2012:online); and allegations labeled against the head of the Crime Intelligence Unit Richard Mdluli, his suspension, and subsequent dismissal from the SAPS (Mail & Guardian, 2018:online). Moreover, the suspension of the former National Police Commissioner Riah Phiyega pending an enquiry on her fitness to hold office following the "Marikana Massacre" (Mail & Guardian, 2015:online); and the allegations of suspicious financial transactions against the former acting Police Commissioner General Khomotso Phahlane (Mail & Guardian, 2017:online). These are a living proof of a compromised SAPS leadership. In addition, the SAPS found some of its serving members to have criminal records (DefenceWeb, 2018: online).

Despite the concerns of a compromised police leadership as cited above, and the consistent perception held by the society that the SAPS is one of the public sector institutions experiencing the highest levels of corruption in South Africa; the SAPS has in 1996 established the Anti-Corruption Unit (ACU) . During its first six years of operation it became increasingly successful in holding to account corrupt police officials. In the year 2000 about 1048 police members were arrested and charged by the Unit on corruption and fraud related matters. Nonetheless, in 2001 the Unit

had its staff compliment halved in a move towards its closure in 2002. The Organised Crime unit which took over the functions of the ACU was also successful in dealing with corruption by arresting 222 suspects for fraud and corruption in the year after it has taken over the ACU internal anti-corruption functions (Faull, 2008:22).

The effectiveness of the SAPS and the DPCI in combating corruption in South Africa is dependent on a number of factors such as independency from political interference; the highest level of integrity within such institutions; effective and exemplary leadership; reasonable staff complement; and improved competency and effectiveness.

3.3.4 Public Protector

The Office of the Public Protector (PP) is an independent Chapter Nine institution established in terms of section 182 of the Constitution of the Republic of South Africa, Act 108 of 1996. The function of the office of the PP is to receive reports which are not of a criminal nature from anyone who alleges fraud or corruption involving government departments, agencies or officials who violate their ethical codes or codes of conduct. The office of the PP was introduced as a means of strengthening constitutional democracy and of upholding efficiency and effectiveness in the public service (South Africa, 2018d:online).

Chapter Nine of the Constitution of the Republic of South Africa, Act 108 of 1996 affords the office of the PP the power to investigate the state of affairs in the public service and administration, report on these affairs, and recommend appropriate remedial action where necessary. The establishment of the office of the PP may be regarded as an indirect means of combating corruption in South Africa by providing the State with an independent institution that would uphold sound principles of good governance as well as accountability. The office of the PP is expected to report its findings to a designated parliamentary committee where Parliament may decide on the appropriate course of action dependent on the significance of the findings. Much like any enquiry, the findings of the office of the PP are not final and may be subjected to a review by the after parties (South Africa, 1996a:184).

Whilst this Office may be deemed a necessary tool in combating corruption and ensuring good governance in South Africa, its functions are not exclusively positioned towards combating corruption in the public service. This is more prevalent where criminal charges have to be pursued against suspects and where the involvement of the SAPS or the National Prosecution Authority (NPA) may be detrimental to the success of such cases as a result of the compromised independency of these institutions. This aspect emphasises the need for total independence of the NPA and the SAPS. The lack of synergy amongst anti-corruption institutions and the lack of understanding of the office of the PP's mandate in some quarters is also one of the challenges faced by the Office (Madonsela, 2012:12).

Furthermore, the Office continue to receive unfavorable political support and more especially so from the ruling party, the African National Congress (ANC). This has been seen post its reports on amongst others, the "Secure in Comfort" Report (2014) which sought to investigate the security upgrades into the home of the former South African President; , Jacob Zuma and the "State of Capture" Report (2016) which sought to investigate allegations of State capture by private individuals. According to the Centre for Constitutional Rights (2017:online) this criticism are unfounded both in the context of the Constitution of the Republic of South Africa, Act 108 of 1996 and the Public Protector's Act, Act 23 of 1994.

The Office's inability to effectively execute its mandate is further exacerbated by an insufficient budget. The newly appointed Public Protector, Busisiwe Mkhwebane, appointed as of 19 October 2016, has indicated that the Office needs at least R1 billion budget (Eye Witness News, 2017: online; & Independent Online, 2017: online). Against this background, the elimination of the two constraints cited herein is crucial in any effort to combat corruption in South Africa.

3.3.5 Special Investigative Unit

The Special Investigating Unit (SIU) was established in 1996 by the President of South Africa in terms of the SIU and Special Tribunal Act, Act 74 of 1996 (South Africa, 1996). The primary mandate of the SIU is the recovery and prevention of

financial losses to the State caused by corrupt activities, fraudulent activities, and maladministration. Moreover, the SIU has the power to investigate allegations of corruption, fraud, and maladministration, and to provide for litigation thereof (South Africa, 2015e:online).

The Unit handles and investigates cases from a civil perspective and institute appropriate action in the Special Tribunal. Where criminal cases are detected, those matters are referred to the NPA for further investigation and prosecution. Therefore, the SIU and Special Tribunal Act make provision for both civil and criminal procedures to combat corruption in the public service. One of the challenges that could hamper the effectiveness of the SIU in combating corruption is its dependency on the NPA for prosecution in that any criminal prosecution would have to be instituted through the NPA. In previous years, the issue of funding and monies owed to the SIU by government departments on investigations conducted on behalf of such departments had also been raised as matters which prevent this Unit from fully implementing its mandate.

3.3.6 Asset Forfeiture Unit

Anti-corruption agencies are increasingly using the freezing and/or seizure of assets suspected of being obtained through corrupt activities as a method of subverting the activities of persons involved in corruption, pending their prosecution and conviction (South Africa, 2014e:28). In South Africa, this is achieved through the Asset Forfeiture Unit (AFU). The AFU was established in May 1999 in the Office of the National Director of Public Prosecutions (NDPP) to focus on the implementation of Chapters Five and Six of the POCA. The main function of the unit is to exercise the State's right to seize criminals' assets in the fight against crime, particularly organised crime.

The AFU has set itself a number of key strategic objectives, which includes the development of the law. This is achieved by taking test cases to court; and through the creation of legal precedents which are essential to allow the effective use of the law. Additional objectives of the AFU includes capacity creation which will enable the widest use of asset forfeiture and making a real impact on crime;

making an impact on selected categories of priority crimes; and establishing a national presence. Moreover, the AFU has an objective to establish excellent relationships with its key stakeholders, such as the SAPS, the DPCI and the South African Revenue Service (SARS); and to turn the AFU into a professional and inclusive organisation (South Africa, 2018b:online).

With the establishment of the AFU, it was anticipated that it is likely to experience a high number of litigation from rich and powerful criminals who are desperate to hang on to their ill-gotten gains. It was also anticipated that litigation will arise from individuals who can afford to employ the best legal representatives in the country to try as much as possible to find weakness or lack of clarity in the law or exploit technicalities in existing civil procedure. This has proven to be true in that the AFU has been involved in intensive litigation since its inception (South Africa, 2018c:online).

Asset forfeiture proceedings are civil proceedings and not criminal proceedings which requires the standard of proof to be on a balance of probabilities (South Africa, 2004a:13). In this regard, different kinds of orders may be obtained depending on the merit of the case. These orders include restraint orders, confiscation orders, preservation orders, and forfeiture orders. Restraint and confiscation orders are applied in line with Chapter Five of the POCA and are dependent on whether there has been a prosecution of a criminal. A confiscation order is usually sought where the State seeks to obtain judgment against the defendants for the value of the proceeds that came into their possession; and a restraint order is usually obtained prior to granting a confiscation order post the conviction of a criminal (South Africa, 2001b:15-21).

On the other hand, preservation and forfeiture orders are not dependent on prosecution. These non-conviction orders may be applied in line with Chapter Six of the POCA and are not solely dependent on prosecution. Nonetheless, some degree of criminality must be present and it must be proven that a particular property is the proceeds of a crime or instrumentality of an offence. Therefore, these orders are applied where specific tainted assets are targeted (South Africa, 2001b:30-35).

Both criminal and non-conviction based confiscation follow the same process for the recovery of assets. This process involves the collection of intelligence, evidence, and tracing assets; securing the assets; international cooperation; court proceedings; enforcement orders; and assets return (Brun, Gray, Scott, & Stephenson, 2011:6). The first step consists on an investigation conducted by law enforcement officers under the supervision of or in close cooperation with prosecutors or investigating magistrates. Investigations or the tracing of asset may also be conducted by private investigators or any other parties to a civil litigation. During the investigation, assets subject to confiscation must be secured to avoid movement or destruction. Where assets are hidden in foreign jurisdiction they will require international cooperation such as mutual legal assistance (MLA) or extradition.

Once assets have been identified, court processes will be instituted in order to recover assets through orders of confiscation, compensation, damages, or fines. Enforcement orders will also be applied where a court has ordered the restraints, seizure, or confiscation of assets. The ultimate goal of asset forfeiture is to have such assets forfeited to the state and this will be realized when such assets are returned to the requested jurisdiction (Brun et al, 2011:5-8).

The asset forfeiture process has its own challenges and one of such challenges is the notion that it infringes on the human rights of the affected persons. Accordingly, Chapter Two of the Constitution of the Republic of South Africa, Act 108 of 1996; the Bill of Rights which was introduced before the establishment of the NPA and the adoption of the POCA plays a significant role in this regard. The Bill of rights offers certain protection to individuals against arbitrary assets forfeiture such as the right to equality, the right to human dignity, the right to freedom and security of persons, and the protection of property rights (South Africa, 1996a:5-6). Therefore, the duty of the state to respect, protect, promote, and fulfill these rights clashes with the State's duty to implement asset forfeiture as a law enforcement measure (Basdeo, 2014:5). The deprivation of assets can only be achieved after an application and an exercise of judicial discretion. This process provides the owner of the assets with an opportunity to establish entitlement in the form of innocent

owner defence principle (Basdeo, 2014:7; &Gupta, 2002:166). This will clearly guide the courts whether asset forfeiture is justifiable or not (Basdeo, 2014:5).The issue of presumption of innocence also serves as a constitutional obstacle to civil forfeiture as the state need only to prove its forfeiture case on a balance of probability (Gupta, 2002:177).

Other than the human rights concerns raised above, it has been noted by Basdeo (2014:6-8) that from the short title of POCA it appears that the Act deals only with organised crime and that it seeks to define organised crime. In fact, the Act does not define organised crime but seeks to prevent organised crime as reflected in the short and long title and the preamble to the Act. The actual recovery of assets may also prove problematic due to the fact that offenders are likely to ensure that their assets are hidden away in foreign banks or further concealed by acquiring assets in foreign countries (Opedayo, 2010:26).

Notwithstanding the challenges advanced herein, the AFU has seen some overwhelming successes in seizing and freezing assets of suspects of corruption, fraud, and money laundering. According to the Office of the Presidency freezing orders totaling to R1.07 billion have been obtained, and 302 forfeiture cases involving a sum of R118.4 million have been completed between 1994 and 2014 (South Africa, 2014e:7). The media has also reported on a number of cases and one of such cases was the forfeiture of Colin David's ("Ponzi Pastor") assets for allegedly running a multi-million Ponzi scheme in 2015 where the Cape Town High Court appointed a curator to oversee the process of distribution of funds (Timeslive, 2015: online). In another case, Ms Lutcman a Salaries Accountant of Omnia Holdings, her husband, and daughter were charged for fraud, theft, and money laundering in the Johannesburg Specialised Court. In this regard, the NPA was successful in freezing their assets worth over R23 million (SA News, 2007:online).

The assets of the Northern Cape ANC leader John Block worth more than R20 million were also frozen by the Northern Cape High Court. The assets were frozen on the basis alleged corrupt payments by companies in the Trifecta Group to John Block and others. It is alleged that Trifecta entered into a number of lease

agreements with the Northern Cape Department of Social Development in which the rentals were grossly inflated (SABC, 2013:online). Another success was seen in the seizure of more than half a billion Rand worth of assets by the Kwazulu Natal NPA of a senior government official Sipiwe Christopher Majola who looted state funds from the Department of Transport in KwaZulu-Natal (News24, 2017:online). The researcher views the seizure and forfeiture of assets as an important tool in combating traffic policing corruption. This is likely to serve as deterrence to traffic police officials.

3.3.7 Auditor General of South Africa

The role of Supreme Audit Institutions (SAIs) is to oversee the management of public finances. They seek to promote public sector transparency and accountability in line with the principles of good governance. Thus, their role in fighting corruption may be regarded as an indirect one with deterrence and prevention being their main area of focus. Nonetheless, some SAIs have adopted a more active role in combating corruption by identifying and publicizing areas of corruption risk; collaborating with other anti-corruption agencies; and publicizing their audit findings and recommendations more widely (Husmann & Hechler, 2008:1).

The Auditor General of South Africa (AGSA) is a SAI established in terms of Chapter Nine of the Constitution of the Republic of South Africa, Act 108 of 1996 to support constitutional democracy. The functions of the AGSA are described in section 188 of the Constitution of the Republic of South Africa, Act 108 of 1996 and further regulated in the Public Audit Act, Act 25 of 2004 (PAA), which mandates the AGSA to perform constitutional and other functions. Constitutional functions are those which the AGSA performs to comply with the broader mandate described in the Constitution of the Republic of South Africa, Act 108 of 1996. Section 4 of the PAA makes a further distinction between mandatory and discretionary audits. The AGSA enhances governance in the public sector through auditing. This aspect enables the AGSA to uncover some of the corrupt activities (AGSA, 2018a:online; & South Africa, 2004b).

The AGSA audits and reports on the accounts, financial statements and financial management of all national, provincial, and local government departments. The AGSA also audits and reports on other institutions or accounting entities which are required by national or provincial legislation to be audited by the AGSA, and any institution funded from the National or Provincial Revenue Fund, or any institution authorised in terms of any law to receive funds for a public purpose. Where a public entity seeks to make use of an external auditor, the PFMA prescribes that such a public entity must consult the AGSA on the appointment of an external auditor (South Africa, 2003:50).

The Constitution of the Republic of South Africa, Act 108 of 1996 and the PAA afford the AGSA institutional independence. The AGSA has its own decision-making process and means to generate revenue. In terms of section 181 of the Constitution of the Republic of South Africa, Act 108 of 1996 and section 3(d) of the PAA it is accountable only to the National Assembly through the Standing Committee on Public Accounts (SCOPA) and reports its activities and the performance of its functions to the National Assembly at least once a year (South Africa, 1996a; & South Africa, 2004b).

In light of the above, the AGSA does not regard itself as an anti-corruption agency, but an institution that is responsible for preventing corruption through good governance, and sound financial and procurement management processes. It also cooperates with law enforcement agencies should a need arise to initiate criminal investigations and prosecutions as a result of audit findings. Its findings are also referred to appropriate agencies for further action where necessary (DPSA & UNODC, 2003:50).

As mentioned above, the AGSA plays an important role in uncovering corruption, facilitating sound public finance management, and enhancing good governance in public institutions in South Africa. However, it has a limited mandate in corruption offences where financial mismanagement of public monies has not taken place. Therefore, the AGSA mandate is of no relevance in instances where bribes are paid by motorists to traffic officials. Furthermore, a lack of human and financial

resources; the apparent low understanding of the auditing process within government; as well as the reactive approach to combating corruption hinders the AGSA ability to fully explore its legal mandate. The difficulty of recovering audit fees from local authorities also hampers the ability of the AGSA to effectively execute its constitutional mandate (South Africa, 2003:50).

3.3.8 Public Service Anti-Corruption Unit

The Department of Public Administration of South Africa (DPSA) was established through the Public Service Act (PSA) and is responsible for, amongst others, formulating the national anti-corruption strategy in accordance with section 3(1)(h) of the PSA (South Africa, 2008a, 108). In 2011 the Minister of Public Services and Administration in South Africa, launched the Public Service Special Anti-Corruption Unit (SACU) as part of a wider anti-corruption strategy for the public sector. The unit was established to assist departments with managing corruption cases from investigations to conclusion. A multi-agency approach is followed by the unit which includes coordination of anti-corruption initiatives within the public sector with key stakeholders. The Unit is responsible for investigating officials with business interests that are not declared; officials engaging in business with Government without disclosure of business interests; officials who without permission, perform remunerative work outside the public service; officials who engage in bribery and extortion in return for performing or not performing official duties; and officials receiving social grants or benefits unlawfully (South Africa, 2011a:online).

The key functions of the SACU include conducting, facilitating and coordinating the investigation of high profile cases; and referring investigation outcomes for remedial action to the relevant authority. SACU is also responsible for conducting, coordinating and facilitating the management of high profile disciplinary proceedings. Further functions include monitoring and evaluating the efficacy of disciplinary action and remedial action taken; providing legal advice and support service on high profile cases; and assisting departments with the management of cases (South Africa, 2011a:online).

The SACU executes its mandate through three divisions. The three divisions are: the investigation division which is responsible for coordinating and managing the investigation of high profile cases; the Legal and Disciplinary division which is responsible for managing disciplinary processes and coordinating all disciplinary committee processes; and the Strategic Information Management division which is responsible for the security of whistleblowers, informant, and information (South Africa, 2011a:online).The functions of the SACU are more similar to the functions of the PSC which makes it difficult to draw a clear line between the functions of the PSC and the SACU.

3.3.9 Anti-Corruption capacity for National and Provincial Departments

In 2002 Cabinet proposed the establishment of a minimum capacity to combat corruption in all government departments including other organisational components of the public service as part of the Public Service Anti-corruption Strategy. Cabinet requires the establishment of a specified minimum capacity to combat corruption in all government departments and related public entities; the definition of guidelines on structures to cater for the minimum functions; the establishment of coordinating and reporting mechanisms at a national level on corruption in public service institutions; and an implementation plan coupled with implementation support to government departments (South Africa, 2002:2). In 2003 Cabinet approved the proposal for the establishment of the Minimum Anti-Corruption Capacity (MACC) in all provincial and national government departments, and organisational components of the public service (South Africa, 2002:6).

The MACC requires government departments to:

- Analyse corruption risk assessment for the department;
- Develop and implement a plan to address those risks;
- Verify the candidate's previous employment, qualifications, citizenship status and criminal record before they enter the Public Service;
- Establish a system that encourage and allow employees and citizens to report corruption;
- Establish a capacity to investigate allegations of corruption;

- Establish an educational and awareness programme;
- Ensure that, employees responsible for the minimum functions have positive security clearances and disclose financial interests; and
- Establish an information management and reporting system that records all allegations of corruption and track progress with the management of each allegation (South Africa, 2008a:6-7).

To this end, various public service institutions have established their internal capacity to deal with the manifestation of corruption within their ranks in line with the guidelines set out in the Public Service Anti-corruption Strategy. Amongst others, the City of Johannesburg has an internal capacity to investigate corruption within the Council and more particular traffic policing corruption in the JMPD.

In light of the above, most internal anti-corruption units in the public service are faced with the challenge of under-staffing; the lack of skilled investigators; and the general lack of support by senior management (Kroukamp, 2006:209). The researcher also opines that internal anti-corruption units are often perceived by employees as a nuisance rather than organisational components that add value in protecting and preserving the integrity and the image of the organisations concerned. This brings about a lack of trust and affects effective cooperation between internal anti-corruption units and the employees.

An audit conducted by the Dobie (2010:15-17) in 142 provincial and national government departments with regard to the implementation of the MACC revealed that 84% of departments have put in place anti-corruption policies; 47% have an implementation plan in place; 27% have communicated the implementation plan to relevant role players; and only 18% have implemented the plan. The audit also found that what sets the top 20 departments and the remainder of the departments apart is the review and reporting of strategy; strategy planning; and leadership commitment. These findings are an indication that apart from the satisfactory establishment of anti-corruption policies by government departments, little has been done in drawing implementing plans and where plans have been

drawn the implementation of such plans. This is clearly an indication that government departments have to do more in implementing the MACC.

3.3.10 Anti-Corruption Task Team

The National Anti-Corruption Task Team (NACTT) was established in the month of October 2010 to give effect to the tasking given by the President of the Republic of South Africa in July of the same year. The NACTT is the central body tasked with the implementation of the government anti-corruption agenda as duly informed by the National Development Plan (NDP), Medium Term Strategic Framework (MSTF), the National Security Strategy (NSS), and South Africa's international obligations (South Africa, 2014e:25).

The NACTT comprises of entities such as the DPCI, the Serious Commercial Crime Unit (SCCU), AFU, SIU, and the Financial Intelligence Centre (FIC), to ensure an integrated approach to combating corruption in the public and private sector. The establishment of the NACTT saw more than 100 dedicated law enforcement officers being managed in a single coordinated fashion. These law enforcement officers comprised of technical specialists from the various law enforcement agencies (South Africa, 2014e:26).

The Parliamentary Monitoring Group (PMG) has reported that since the inception of the NACTT up to September 2016 it has dealt with 189 cases of alleged corruption. Of these 189 cases, 68 have been finalised. The number of cases still under investigation is at 77, with 44 serious corruption related cases still on the court roll (South Africa, 2016a:online). Moreover, the PMG indicates that between October 2010 and September 2016 the number of persons found guilty of corruption involving an amount of R5 million and above is standing at 128. Sixty three persons were convicted of corruption during the years 2010 to 2014; 23 in financial year 2014/15; 34 in the financial year 2015/16; and 8 have been convicted in the 2016/17 financial year (South Africa, 2016a:online).

Government officials convicted of corruption during the corresponding period above stands at 931 (399 of those since 2014). A breakdown of the cases shows that local government and the Department of Public Works (DPW) had the highest

number of cases with 39 and 28 cases respectively. These statistics do not include corruption in State Owned Entities (SOEs). The Office of the Presidency also comments that the NACTT has made significant progress in investigating persons involved in corrupt activities and restraining assets that may have been obtained as a result of corrupt activities(South Africa, 2014e:26).

3.3.11 Corruption Watch and Transparency International

Civil society plays a key role in fighting corruption. The role of civil society includes amongst others; monitoring public services, condemning bribery, raising awareness, and contributing to the implementation of international anti-corruption instruments. The role of civil society in the fight against corruption has been widely recognised and recorded in many international anti-corruption conventions (Wheatland, 2016:1-2).

Corruption Watch (CW) is a civil society organisation launched by the Congress of South African Trade Unions (COSATU) in January 2012. COSATU is a trade union federation in South Africa founded in 1985 and it is the largest of the South African's trade unions federations (COSATU, 2018:online). The CW relies on the public to report corruption. The organisation further provides a platform for reporting corruption through their website, a Short Message Service (SMS) line, social media, email, or post. The organisation investigates certain reports of alleged acts of corruption especially those that have the most serious impact on the society. The findings of an investigation are handed over to the relevant authorities for further action and the progress of each case is monitored (CW, 2017:online).

In addition, CW conducts research and compiles research reports on corruption by gathering and analysing information in order to identify patterns and hot spots of corruption. These activities add value in exposing and finding solutions to systemic corruption. Research findings are shared with the public, NGO's, and public sector bodies through communication platforms and the media. Lastly, through campaigns, CW mobilises people to act against corruption. Their campaigns involve the public, community groups and other organisations such as trade unions (CW, 2017:online).

Transparency International (TI) is an independent international civil society organisation based in Berlin, Germany. TI was founded in 1993 with the purpose of combating corruption and preventing criminal activities arising from corrupt activities. It publishes the Corruption Perception Index (CPI) and the Global Corruption Barometer (GCB). It has more than 100 national partners worldwide and its partnership includes government, business, and society. Since its inception, TI had a number of achievements such as: the creation of international anti-corruption conventions; prosecution of corrupt leaders and the seizure of their illicitly gained assets. Moreover, TI has held a number of companies liable for their behaviour both at a local and international level (TI, 2017:online).

Civil society organisations such as the CW and TI play an important multifaceted role in countering corruption by means of prevention and enforcement (Wheatland, 2016:2). Therefore, in order to increase the ability of civil society to participate meaningfully in anti-corruption efforts, factors such as safe and effective conditions must be created (Wheatland, 2016:8). Albeit their important role in combating corruption, civil society organisations continue to face a number of challenges such as resource constraints; political challenges in that many governments are reluctant to engage in policy dialogues with civil society organisations or to afford them an opportunity in political processes; limited access to information driven by a lack of transparency on the part of government; and the lack of funding (Wheatland, 2016:9). Though the CW is independent and doing well in combating corruption, insufficient collaboration with the public sector may reduce its ability to contribute effectively in combating corruption. A strong collaboration amongst the public sector, business, and the civil society is of paramount importance.

The discussion above has provided some overview of the different approaches to corruption in South Africa. The analysis of the different anti-corruption institutions has revealed a number of similar and overlapping functions. Apart from the context to which these various anti-corruption agencies such as the PSC and the SACU were established, they have similar and overlapping functions. The researcher is of a view that this could be one of the factors that makes reporting corrupt activities

more difficult in that members of the public may find it confusing on where to report incidents of corruption. The overlapping of functions amongst these anti-corruption agencies may also lead to the duplication of efforts. These factors call for the establishment of a single anti-corruption agency in order to streamline the process of preventing, detecting, and investigating corruption in South Africa.

Secondly, the dependency on the fiscal goodwill of the government in effectively carrying out anti-corruption functions such as in the case of the SIU and the Office of the Public Protector has the potential of undermining both the independence and impartiality of these institutions. Civil society organisation may also suffer from manipulation by donors should they depend too much on one donor (Hussmann & Hechler, 2008:1).

Hussmann and Hechler (2008:1) also warn that governments may, during their attempt to comply with the provisions of the UNCAC, be tempted to simultaneously undertake too many anti-corruption measures. This approach may affect the effectiveness of such measures. In this regard, Camerer (1999:10-11) indicates that tensions exist in South Africa when it comes to the institutional capability to combat corruption. While the various anti-corruption agencies have unique and complementary roles, their success is dependent on sympathetic anti-corruption reforms and a well-functioning criminal justice system. Moreover, political interference in crime and corruption investigations in South Africa and the appointment of unfit people to key positions such as in the police and prosecution services is a cause for concern (Burger, 2016b:online). The compromised position of these key agencies causes the entire anti-corruption network not to be as effective as it should be.

3.4 THE IMPACT AND COST OF CORRUPTION

Unlike crimes that regularly feature in media reports such as murder, sexual offences and robberies; victims of corruption may not be so obviously affected by acts of corruption and thus identified (Brooks, Walsh, Lewis, & Kim, 2013:27). This may be attributed to the fact that most corrupt transactions tend to benefit all the parties involved (Newham, 2002:2). Irrespective of the absence of any direct

victims of corruption except in cases of extortion, corruption should be regarded as an occurrence with a number of effects, such as a single act that transgresses a law or laws, to being a way of life for an individual or group of people, or social order (Brooks et al, 2013:11).

Ferreira and Bayat (2005:16) mention that in addition to media evidence and information from courts, both official and unofficial reports propose that corruption in South Africa cannot be regarded as exceptional behaviour but a common activity which affects the broader societal setting. Likewise, Vorster (2013:2) indicates that corruption affects both the government and the private sector; annually costs South Africa billions of Rands; and erodes the moral fabric of society.

The CSD (2012:26-27) indicates that corruption reduces national wealth due to the fact that local and foreign investments are likely to be discouraged owing to the higher costs and the uncertainties of operating in a corrupt environment. Corruption also lowers the quality of basic public services. In this instance, public services such as public education, health services, infrastructure, and police service, are normally distorted as a result of the misappropriation of funds designated for such services. Moreover, corruption leads to the distortion in the distribution of public funds as a result of the misallocation of public spending in favour of private interests. Brinza (2013:8) is also of a view that corruption is the perfect way for organised crime to manifest its power, and for as long as there is an existence of organised crime, corruption will continue to exist.

The high levels of corruption in South Africa have a negative impact on the rule of law and obstruct development and socio-economic transformation. The poor suffer the most due to degraded quality and accessibility of public services. Apart from this, corruption stifles economic growth, diverts desperately needed funds from education, healthcare and other essential public services. Corruption also affects the government's ability to deliver on its promise for a better South Africa (South Africa, 2014e:26). Camerer (2008:2) also indicates that corruption is an obstacle to economic and social development particularly on the developing world where

resources are limited and institutions of governance are weak. Corruption also undermines democratic reform efforts such as in South Africa where democratic systems are relatively new.

Furthermore, incidents of corruption perpetrated by members employed in the criminal justice environment erode the trust and confidence of citizens in the ability of the criminal justice system to effectively and efficiently deal with corruption and other criminal activities (South Africa, 2014e:33). Similar sentiments are held by Hussman, Hechler, and Penaililo (2009:10) when they mention that the integrity, legitimacy, and functioning of institutions continue to suffer due to corruption and such institution should be continuously on guard against corruption.

It can be noted from the discussion above that corruption has dire consequences not only to the individual person affected by acts of extortion. It also holds serious consequences to the institution concerned. It affects both the individual and an institution's image and legitimacy. The effects and costs of corruption indicated herein prompt for the government, various anti-corruption agencies, and civil society organisations to intensify their efforts of combating this epidemic.

3.5 SUMMARY

This chapter explored the legislative framework and institutional mechanisms on combating corruption in South Africa. The chapter also explored anti-corruption methods in the international and South African context. Furthermore, the chapter explored the impact and cost of corruption. In the next chapter, the researcher explores the dimension of traffic policing corruption in the JMPD.

CHAPTER FOUR

TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

4.1 INTRODUCTION

Motorists are more exposed to metropolitan police officers than any law enforcement officers on the South African roads. This factor makes metropolitan police officers more susceptible to corruption relative to other law enforcement officers. Factors such as the discretionary powers of metropolitan police officers and the culture of corruption present in most MPDs also contribute to the prevalence of corruption in those MPDs.

This chapter begins by exploring the mandate of the JMPD. The study further explores the various manifestations of corruption within the JMPD, measures to deal with such manifestations, and factors that may render such measures ineffective.

4.2 FUNCTIONS OF THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

In terms of government policy and legislation, local government is expected to take the lead in the implementation of crime prevention programmes, and to introduce metropolitan police services where possible. A MPD refers to a police service established in terms of section 64 (a) of the South African Police Service Amendment Act, Act 10 of 2012 (Marais, 2003:138).

To date, a total of five MPDs have been established in South Africa. The respective MPDs are the Tshwane Metropolitan Police Department (TMPD) established in the year 2002; the Johannesburg Metropolitan Police Department (TMPD) established in the year 2001; Cape Town City Police (CTCP) established in the year 2001; Durban Metropolitan Police Department (DMPD) established in the year 2000; and Ekurhuleni Metropolitan Police Department (EMPD) established in the year 2002. Further to this, the only municipality with a municipal police service is the Swartland Municipality in the Western Cape. The Swartland Municipal Police

Service (SMPS) was established in the year 2002 (Newhan, Masuku, & Gomomo, 2002; &Faull, 2008:23).

The brief discussion above confirms that having been launched in the year 2001; the JMPD is the second-oldest of the five MPDs in South Africa following the Durban DMPD which has been in existence since the year 2000. The existence of the JMPD was built largely from existing staff from the traffic department; administration; by-law enforcement; and security personnel (Newham et al, 2002).

4.2.1 Mandate of the Johannesburg Metropolitan Police Department

The Constitution of the Republic of South Africa, Act 108 of 1996 makes provision for the establishment of MPDs. In terms of section 206 (7) of the Constitution of the Republic of South Africa, Act 108 of 1996, national legislation need to provide for a framework for the establishment, powers, functions and control of municipal police services, and as such, the establishment of municipal police services can be interpreted as giving effect to some of the objectives of the local government. The objectives of local government include amongst others, the promotion of a safe and healthy environment (South Africa, 1996a).

The functions of the JMPD are supported by the South African Police Service Act, Act No. 68 of 1995. The South African Police Services Act, Act No. 68 of 1995 provides for the establishment, organisation, regulation and control of the South African Police Service; and to provide for matters in connection therewith. The procedure for establishing a municipal police service is further laid down in the South African Police Service Amendment Act; Act No. 83 of of 1998. This Act makes provision for municipalities to apply to the government of the relevant province for permission to establish a municipal police service (South Africa, 1995; & South Africa, 2008b). Nonetheless, the National Development Plan (NDP) suggests that a vision where people in South Africa feel safe and have no fear of crime is dependent on a number of factors. These factors are, inter alia a well-functioning criminal justice system where the police, judiciary, and correctional services work as a collective to ensure that perpetrators are caught, prosecuted, convicted, and securely incarcerated (South Africa, 2012b:350). This also requires strong

accountability of the police service to parliament and other oversight bodies (South Africa, 2012b:18). It is unfortunate that the MPDs are not subjected to strong accountability mechanisms as in the case of the SAPS which pose a serious risk to the democracy of South Africa (South Africa, 2012b:19). Further to this, the African National Congress (ANC's) 52nd Conference Resolution on Peace and Stability and the subsequent White Paper on Policing indicates that the philosophical orientation and training standards of the police need to be standardized (ANC, 2007:online). But this cannot be achieved under the current fragmented police services operating at both national and local level and where training and command of such services are not centralized. This current situation calls for the merger of all the SAPS and MPDs in South African and the creation of a single police service. This is also in line with section 199(1) of the Constitution of the Republic of South Africa, Act 108 of 1996 which indicates that to effectively manage the responses and governance of law enforcement, the Constitution of the Republic of South Africa; Act 108 of 1996 makes provision for the establishment of a single police service (South Africa, 2012b:19).

In light of the arguments cited above, Montesh (2011:12-13) also supports the notion of a single police service. The author argues that the current fragmented polices service is amongst other things unconstitutional and results in a duplication of functions. The author advances the establishment of a single police service for the reason that: current resource constraints in South Africa do not permit for the duplication of functions; diminished training standards; and that there is no evidence that MPDs are human rights conscious. The author further alludes that MPDs do not have a national perspective; corruption in the MPDs is likely to prevail as in the SAPS; the artificial boundaries of MPDs makes policing more difficult; a single police service is much easy to manage as opposed to a fragmented police service. However, Burger (2014:online) argues that these arguments are unconvincing due to a number of factors: section 205(1)of the Constitution of the Republic of South Africa, Act 108 of 1996adds to section 199(1) by referring to a 'national police service' to which conclusion can be made that these two sections, engaged together, provide for a single national police service. Moreover, section

206(7) of the Constitution of the Republic of South Africa, Act 108 of 1996 clearly provides for the establishment of MPDs; the Green Paper's does not explain how integration into a single police service would reduce problems of corruption, police brutality, poor service delivery, high crime rate.

The National Road Traffic Act, Act No. 93 of 1996 is also applicable to the functions of the JMPD. The National Road Traffic Act, Act No. 93 of 1996 as enacted to provide for road traffic matters to be applied uniformly throughout the Republic, and for matters connected therewith. The Act applies to all roads in South Africa and further makes provision for rules of the road and any other matters related thereto. The National Road Traffic Act, Act No. 93 of 1996 also makes provision for the appointment of traffic officers and vests certain powers unto them. The enforcement of National Road Traffic Act, Act No. 93 of 1996 is carried out by the National Traffic Police, Provincial Traffic Police Departments, and MPDs. The SAPS has a limited mandate in this regard (South Africa, 1996b).

Key to the administration of road traffic offences is Administrative Adjudication of Road Traffic Offences Act, Act No. 46 of 1998 (AARTO). The AARTO Act seeks to promote road traffic quality by providing for a scheme to discourage road traffic contraventions; facilitate the adjudication of road traffic infringements; and support the prosecution of offences in terms of the national and provincial laws relating to road traffic. In addition, the AARTO Act seeks to implement a points demerit system; provide for the establishment of an agency to administer the scheme; provide for the establishment of a board to represent the agency; and further provide for matters connected therewith (South Africa, 1998a).

The national institutional architecture for road safety and traffic policing in South Africa is the RTMC. The RTMC was established in terms of the Road Traffic Management Corporation Act (RTMCA), Act 20 of 1999. In addition the RTMCA was enacted in order to provide, in the interest of the public, for co-operative and coordinated strategic planning, regulation, facilitation and law enforcement in respect of road traffic matters by the national, provincial and local spheres of government; to regulate the contracting out of road traffic services; provide for the

phasing in of private investment in road traffic; and to provide for matters connected thereto (South Africa, 1999b).

4.2.2 Metropolitan policing in the City of Johannesburg

The functions of MPDs may vary from one metropolitan council to the other. Nonetheless, the functions of MPDs will not include criminal investigations or intelligence gathering, except for activities relating to the internal capacity to deal with matters like corruption within such municipalities or councils (Marais, 2003:139). As indicated previously, this study will focus on corruption related to traffic policing. The City of Johannesburg (2017:online) describes the functions of the JMPD as traffic policing, municipal by-laws policing, and crime prevention.

Traffic policing refers to the enforcement of the National Road Traffic Act, Act 93 of 1996 as amended by Act 8 of 1998. This is achieved by promoting the free flow of traffic, working towards the reduction of road traffic incidents or accidents, and protecting road infrastructure. Traffic law enforcement activities are expected to make up a significant proportion of the work of the JMPD. This is due to the fact that the legislation specifically states that traffic law enforcement may not be compromised in favour of the other two mandates; traffic fines generate considerable revenue for the local authorities; and that road accident fatality rate in South Africa is among the world's worst (Newham, 2006:2; Magubane, 2016:online; Duvenage, 2017:online; & Automobile Association [AA], 2018: online). A study on crime prevention in the Tshwane Metropolitan Police Department (TMPD) also revealed that the TMPD is currently more focused on the policing of road traffic than any of the other mandated functions (Van Biljon, 2014:220).

Municipal by-laws policing refers to the prosecution of offenders who are in contravention of promulgated by-laws. This enforcement activity is carried out by metropolitan police officers in an attempt to prevent crime thus enhancing the quality of life in a municipal area (Marais, 2003:139). By-laws refer to laws passed by the Executive Council of a municipality for the purpose of regulating the affairs and the services it renders within its area of jurisdiction. The powers of a municipality to pass by-laws are derived from the Constitution of the Republic of

South Africa, Act 108 of 1996 and such by-laws may differ from one municipality to the other (CoJ, 2016).

The JMPD is also tasked with crime prevention within the City of Johannesburg. In terms of the White Paper on Safety and Security (2016c:34) crime prevention is defined as: “all activities which reduce, deter or prevent the occurrence of specific crimes”. This could be achieved by changing the environment in which crimes occurs; changing the conditions which are believed to cause crimes; instilling public values and education; and creating a strong deterrent through an effective Criminal Justice System (CJS) (White Paper on Safety and Security, 2016c:34).

It is noteworthy to mention that since its inception in 2001, the JMPD, much like other MPDs in South Africa, has faced a number of challenges in executing its mandate. Apart from the limited powers of investigations, one of the challenges facing the JMPD is its staff compliment in relation to the population it has to serve. In the year 2002, a year after its inception, the JMPD had a staff compliment of approximately 2 500 officials against a population of approximately 2.7 million people. This provided for a Metropolitan Police Officer (MPO) to population ratio of approximately 1:1 080 (Newham et al, 2002:9). In the year 2017 the staff compliment of the JMPD stood at approximately 2 300 operational staff members against a population of 4.4 million people (South Africa, 2017e:online; & CoJ, 2017:online). This situation provided for a MPO to population ratio of approximately 1:1900. Despite the increase in the population between the years 2002 and 2017, the staff compliment of the JMPD has declined. Between the financial years 2014/15 and 2016/17, the JMPD has been able to place an average of 796 MPOs in the field on a day (CoJ, 2016:96; & CoJ, 2017:103). The two ratios above are a clear indication that the MPO to population ration has widened since the year 2002 and the JMPD has not been able to catch-up with the growing population levels. Nonetheless, the CoJ has embarked on a process to recruit 1500 people to join the JMPD in May 2017 (CoJ, 2017:online). This is likely to bring down the MPO to population ratio from 1:1900 to 1:1158, thus resulting in a more improved service delivery in the JMPD.

Newham et al (2002:18) indicate that one of the major challenges facing MPDs is the development of effective approach to crime prevention. The ambiguous interpretation of the term “crime prevention” frequently leads to different adoptions of crime prevention measures by MPDs. MPDs are often faced with a challenge of adopting crime preventative measures such as visible policing patrols, roadblocks, and search and seizures against or together with social crime prevention measures such as public education and awareness measures (Newham, 2006:3). In support, the Human Science Research Council (HSRC) (2013:4) indicates that the adoption of Western crime prevention models in a South African context is not always easy. This is due to the fact that ideas developed outside South Africa are often re-contextualised and re-appropriated by a variety of factors at local and national levels such as the interpretation and understanding of crime prevention models. The study of Van Biljon (2014:219) in the TMPD also found that there was no key philosophy or shared vision driving the core business of the metropolitan police. In this light, the author expressed a concern it is impossible for an organisation to execute its mandate if one is unclear of why a particular organisation exists.

Newham (2006:3-4) further indicates that the different by-laws of the various amalgamated municipalities make the enforcement of municipal by-laws more challenging. Amalgamation often leads to delays in promulgating new by-laws to be adopted by a council. The author also cites the lack of cooperation between the SAPS and MPDs as a hindrance to effective municipal policing. Similar sentiments are held by the HSRC (2013:5) as it indicates that crime prevention approaches in South Africa require a multi-agency approach. However, budgets are allocated to individual departments which tend to discourage those departments from committing such budgets on multi-agency assignments.

4.3 CHARACTERISTICS AND EXTENT OF CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

The knowledge of the level of corruption and the understanding of its characteristics within a specific setting, are both basic yet crucial steps toward a

successful anti-corruption initiative. Thus, the availability of accurate information will allow anti-corruption agencies to diagnose the extent and nature of corruption within a particular setting; monitor any changes in its size and patterns over time; and define the possible causes of corrupt behaviour. In addition, such information will allow anti-corruption agencies to establish the vulnerability of various types of corrupt behavior against successful controls; adopt appropriate remedial action and risk mitigation strategies; estimate resources allocation; and monitor anti-corruption agency performance against combating corruption (Ivkovic, 2003:593).

Police officers are often the first people within the criminal justice system to initiate criminal proceedings. They are also responsible for the enforcement of the laws of the country, protecting citizens, and ensuring that the rights of citizens are respected. However, this authority and responsibility brings about an opportunity for corruption, deviance, and unethical behaviour (Vito, Wolfe, Higgins, & Walsh, 2011:152). Klockars (1980:33) also indicates that the policing function constantly places officials in situations whereby good ends could be achieved by dirty means more particularly so in situations whereby the ends to be achieved are urgent and unquestionably good.

In order to have a better understanding of the characteristics and extent of traffic policing in the JMPD it is prudent to first understand what traffic policing corruption is. Considering this, Vito et al (2011:153) comment that it is difficult to define police corruption due to differences in legal statutes and the activities that could be included in the definition of police corruption. Police corruption may consist of illegal behaviours in terms of applicable laws, and actions that are not illegal but constitute unethical behaviour (Barker & Roebuck, 1974:425). The definition of police corruption was discussed in detail in section 2.2 of this study.

Acts of traffic policing corruption usually occur between police officers and ordinary members of the public in their daily routine contact. These exchanges normally involve small amounts of money (Cerrah, 2009:5). Bribes are often offered where a motorist has violated traffic laws or regulations such as speeding, overloading, or driving an un-roadworthy vehicle. In order to avoid a stiffer traffic

fine associated with such a violation, a motorist will offer some form of gratification to the corruptible traffic official (South Africa, 2012a:np). On the other hand, incidences of extortion occur when a motorist is threatened with a stiffer traffic fine or an arrest if he does not pay the gratification demanded by corrupt MPOs. In both cases, gratification could be made in kind and entail free drinks, meals, or other benefits in exchange for preferential treatment; all-expenses-paid holidays; free liquor and meals; free hunting or fishing trips; free invitations to sporting events; sexual favours; excessive discounts or free services; and unearned benefits for friends, family or colleagues (Minnaar, 1999:np; Chene, 2010b:2; & JPSA, 2010:2). Chene (2010b:2) further emphasise that even though the amount of money involved in police corruption may be relatively small, these acts take place in high frequency with serious negative consequences for the overall integrity of the police institution. In addition, the JPSA (2010:2) indicates that corrupt activities in the JMPD have also taken a form of demands for sexual favours especially where young female motorists are stopped by male traffic officers.

Although actions that constitute corruption may be clearly defined in terms of applicable laws and organisational codes of ethics it is commonly accepted that corruption is an immeasurable phenomenon. Where corruption can be identified, it is impossible to quantify the extent to which it exists more particularly within police organisations where individuals often feel isolated from civilian communities and show particular loyalty to their colleagues (Faull, 2008:21). Other factors such as the involvement of two consenting parties to a corrupt transaction and ineffective methods of detection, makes it difficult to gauge the extent to which corruption is prevalent in any organisation. With JMPD officials having limited powers of investigating incidents it may be incorrectly assumed that they are less corruptible than SAPS members. However, their extended interaction with motorist on Johannesburg roads compared to the SAPS and other traffic authorities renders them more susceptible to corruption (Faull, 2008:24).

Apart from victimization surveys and public perceptions surveys, it is often difficult to quantify the prevalence of corruption in the MPDs as a result of data that is not published and difficult to obtain, or where such data is available it only reflects

those minimal instances of reported cases (Faull, 2008:24; CW, 2012:15; Heywood & Rose, 2014:online; Bruce, 2014a:41; & Debalkie & Snyman, 2014:119). The researcher is in full agreement with the views of these authors as the analysis of reports published by the CoJ for the financial years 2013/14, 2014/15, 2015/16, and 2016/17 could not assist in accurately shedding the light on the cases of traffic police corruption or corruption by Metropolitan Police Officers (MPOs) handled by the CoJ during the said period. An analysis of these reports indicate that a total of 17 MPOs were charged with fraud, bribery, and corruption related misconducts between the 2013/14 to 2016/17 financial years (CoJ, 2014:79; CoJ, 2015:200-204; CoJ, 2016:131-134; CoJ, 2017:132-133).

Faull (2009:5) cautions that the perception that the number of complaints received by departments accurately reflects the level of corruption is incorrect. Taking this into account, it would seem more judicious to analyse public perceptions to gauge the prevalence of corruption in the JMPD. The analysis of the StatsSA's Victims of Crime Survey (2016/17) indicates that the majority of participants have paid bribes to traffic officials to avoid traffic fines (South Africa, 2017d:62). This information is corroborated by the CW as it reports that in the year 2016; seven percent of the population has experienced corruption involving traffic officials on the roads (CW, 2017:13). The CW (2012:8) submits that the JMPD is the department that is mostly affected by corruption in comparison to other MPDs in South Africa. This is due to the fact that the CoJ is South Africa's wealthiest, most populous, and most vehicle congested city. Therefore, it could be concluded that the majority of the incidents reported herein could have occurred in the JMPD.

The discussion above indicates that the authority and the discretion that the metropolitan police officials have been exposed have resulted in a number of factors such as corruption and other unethical behaviours. The analysis of the statistics above also indicates that corruption in the traffic policing fraternity in South Africa and more particularly so in the JMPD is rife. This is a cause for concern and requires anti-corruption agencies to be more effective in dealing with this scourge.

4.4 FACTORS CONTRIBUTING TO THE PREVALENCE OF TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

Factors such as the level of economic development; political developments; social history; the degree of economic competency; the size of the public sector; the quality of regulation; decentralisation; cultural and socio-demographic factors; geography; and the presence of organised crime are some of the factors contributing to the prevalence of corruption in any country or organisation (Pillay, 2004:58; &CSD, 2012:12). Accordingly, law enforcement agencies have become the targets of corruption as a result of their control of law enforcement activities (Brinza, 2013:7). In the case of traffic policing corruption, this aspect may be more applicable to senior metropolitan police officials who have the authority to issue instructions and influence decisions on traffic law enforcement activities. Senior metropolitan police officials may abuse their entrusted authority and the influence they have for private gains.

In addition, Brinza (2013:7) suggests that the vulnerability of law enforcement officials to be used as instruments by criminal groups is one of the aspects exploited by corrupt elements. Corrupt motorists may exploit the greediness of metropolitan police officials to accomplish their own private interests. Whereas, metropolitan police officials may abuse their authority, access to departmental systems, knowledge of the operational environment and access to information about planned law enforcement projects within their jurisdiction to pursue illegal activities. Their ability to facilitate the accomplishment of activities which are against the law fueled by minimal chances of detection also puts them in a position to engage easily in corrupt activities.

The culture within police institutions, the emphasis of loyalty at the expense of integrity, poor levels of accountability among the relevant commanders, and the reluctance to address corruption in order to avoid bad publicity are also some of the factors that encourage corruption within law enforcement institutions to prevail (Masiloane, 2007:48). Newburn (1999:14) holds a similar view and alludes that police agencies tend to dismiss allegations of corruption by simply stating that

such incidents are limited only to an insignificant number of corrupt police officials who are unrepresentative of the broader standards exhibited by the police force. In their study, Grobler and Prinsloo (2012:55) found that the common denominator in the existence and perpetuation of police corruption and criminality is the management's enthusiasm to protect the image of the organisation which feeds to the culture of denial that there is a problem of corruption within the organisation. In corroboration, Lancaster and Newham (2012:online) also state that the lack of willingness by the JMPD's senior leadership to recognise the problem of corruption contributes to its prevalence and further creates an enabling environment for its perpetuation.

Corruption in the law enforcement environment is also commonly associated with the discretionary authority and the power of law enforcement officials (Benson, 1988:140). Faull (2008:2) supports this notion as the author goes on to state that police institutions award junior members with easily abused discretionary powers and because the street level of corruption tends to take place beyond the gaze of organizational oversight it is unlikely that evidence of the corrupt act will survive. In addition, Snyman (2012:22) emphasise that no set of laws or regulations can cater for any possible situation a law enforcement official may encounter thus exposing the gap between the law and discretionary decision-making. This situation provides law enforcement officials with considerable freedom to decide whether to impose any laws or not, and this holds the truth for JMPD officers responsible for traffic policing (Newburn, 1999:16, & Faull, 2009:4). As Snyman (2012:22) points out, it is regrettable that discretionary decision-making remains a contentious issue in law enforcement discussions. This is due to the fact that there is limited guidance on how to operationalise it, despite the fact that so much is dependent on how well it is done. Snyman (2012:22-26) further found that experience has an impact on how discretionary decision-making is applied by officials; and further comments that due to the fact that discretionary decision-making is an essential and valuable tool for traffic officials, enabling traffic officials to make discretionary decisions that are within the ambit of the law would contribute towards better policing and more improved civilian-police relations.

Greed also encourages public officials to sacrifice the interests of the public for personal gains (Marais, 2003:92). In their study, Kroukamp, (2006:209) and Pillay (2004:58) found that low salaries, economic pressures, high workload, and the lack of fortitude accompanied by minimum possibilities of exposure are secondary factors contributing to an increase in corrupt activities. Van der Merwe (2006:38) is in agreement with these authors and describes personal characteristics such as greed and lack of ethics and administrative issues such as poor checks and balances as some of the factors contributing to the prevalence of corruption in an institution. The researcher concurs with the views of these authors in that senior high ranking public officials in South Africa have been occasionally implicated in acts of corruption and as such, need cannot be a dominant factor fuelling corruption within law enforcement agencies.

In light of the above, a report by StatsSA for the Financial Year 2014/15 indicates that approximately 77% of South Africans are of an opinion that people get involved in corrupt activities as a result of greed and only 23% hold a view that need could be a driving factor (South Africa, 2015f:57). Officials living beyond their means may be compelled to engage in corrupt activities in order to maintain their lucrative lifestyle. Furthermore, corrupt traffic officials may see the weakness in internal control mechanisms as an opportunity to engage in corrupt activities in order to supplement their income illegally. Also, approximately 81% of South Africans believe that people engage in corrupt activities in order to get rich quickly (South Africa, 2015f:57).

Opportunities of undue benefits often present in the functions of the JMPD create a desire for traffic officials to engage in corrupt activities. Corrupt JMPD officials would not derive any undue profits if they abstain from corruption more especially taking into account that they are in most cases not direct beneficiaries of law enforcement activities (Benson, 1988:141). The opportunity to engage in corrupt activities in traffic policing allows officials who are ill-disciplined, greedy, and inclined to crime to derive undue benefits by engaging in corrupt activities (Grobler & Prinsloo, 2012:56). Newburn (1999:14) comments that the police operational environment usually requires police to spread out in the field and not be subjected

to direct supervision. This often creates complicity for rule-bending or rule-breaking amongst such officials stimulated by the discretion which the officials have. An unsupervised work environment which is prominent in many government departments creates a desire for abuse and exploitation of vulnerabilities in the systems and also allows for the development of ingenious plans to abuse the system for personal gains (Marais, 2003:90). This is further propagated by inexperienced and untrained managers who are unable to identify obvious signs of wrongdoing by their officials (Grobler & Prinsloo, 2012:55).

Minimal chances of detection often present in most institutions also play a significant role in the prevalence of corruption. Benson (1988:141) is of a view that if there is a high likelihood that an act of corruption will be detected and the perpetrator identified and prosecuted, an official is less likely to become corrupt. On the other hand, where there is a high likelihood that the act of corruption will not be detected as in many cases; officials are likely to exploit the situation. This could be more applicable in the JMPD where officials often work in isolated areas far from their offices and superiors. In this regard, CW (2013:np) has published traffic policing corruption hotspots around the CoJ. This may be of value in any efforts to combat corruption in the JMPD.

Another corruption risk factor in traffic policing is the willingness of motorists to pay bribes in lieu of traffic fines. Members of the public may find it acceptable to bribe their way out of the situation rather than having to fully account for their actions by paying the stiffer traffic fine or subject themselves to criminal proceedings (CW, 2012:3). Similar sentiments are held by Lancaster and Newham (2012:online) when they indicate that motorists who break traffic laws are often inclined to pay bribes because bribes are much cheaper and more convenient than paying traffic fines. In the case of motorists such as taxi drivers, many feel that they have no choice but to pay bribes if they are to remain on the roads and will never refuse to pay a bribe (CW, 2012:50).

Lastly, Grobler and Prinsloo (2012:46) add that as a result of high unemployment rate in South Africa individuals are joining the police merely to be employed. The

authors went on to say that this aspect eliminates the traditional altruistic element of joining to serve the community. Therefore, the focus on quantity rather than quality in the recruitment of law enforcement officials makes the entire recruitment process more problematic. Similar sentiments are held by the JPSA (2010:1) where it mentions that certain individuals join the MPDs or any other law enforcement agency for a mere reason of enriching themselves by deliberately engaging in corrupt activities.

An array of factors contributes to the prevalence of corruption in the traffic policing fraternity. Considering this, anti-corruption measures have to be designed to be able to deal with each corruption risk factor. This requires anti-corruption agencies to understand the nature of corruption within a particular environment, measure its extent, and devise and implement appropriate measures to deal with the identified vulnerabilities.

4.5 THE CONSEQUENCES OF TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

Even though the aim of this study is not to explore the causal link between traffic policing corruption and road fatalities in the CoJ, literature suggests that there is a link between the aspect of driver behaviour caused by the inconsistent and non-uniform enforcement of traffic rules and regulations and road accidents. Accordingly, Oleinik (2015:1) mentions that driving a motor vehicle is a source of health risks and the risk of injury or death in road accidents tend to be particularly high in some countries than other countries. Despite the fact that Africa remains one of the lowest contributors to global road fatalities, fatality rates in Africa are growing. South Africa and Nigeria in particular, account for more than half of the sum of road fatalities in the Continent. This is due to the high level of motorists and larger populations as compared to other African countries (Mphela, 2011:264). The researcher is of a view that a high number of motorist and large populations makes traffic policing difficult especially where there is inadequate number of traffic officers.

Road safety can be measured in terms of the number of fatalities, accidents, casualties, injury accidents or hospitalization related to traffic exposure. Furthermore, road accidents and incidents tend to be more prevalent in countries where corruption is pervasive in that motorists are more inclined to disrespect the rules of the road (Verreck & Vrolix, 2007:393-394). Vereeck and Vrolix (2007:388-389) continue to state that preventable factors such as speed, the use of seatbelts, and overloading influence road safety. In corroboration, Mphela (2011:265) indicates that a larger proportion of road traffic accidents are as a result of road-user behavior and more specifically when road users disobey or break road rules. The author further indicates that accident rates and compliance are inversely related and the reduction therefore may only be achieved by sustained law enforcement. Even so, compliance with these measures by motorists cannot be seen only as a moral obligation, it is an aspect that ought to be enforced by the relevant authorities. In this light of what is mentioned above, the CoJ has recorded 2 285; 2047; and 2107 serious accidents for the financial years 2014/15; 2015/16; and 2016/17 respectively (CoJ, 2016:94; & CoJ, 2017:103).

Hirschman (2004:13) is also of a view that as a result of corruption, officials involved in corruption are unlikely to perform their duties effectively and in the interest of the public thus impacting on the quality of public administration. This further hampers the ability of the police to effectively discharge their Constitutional mandate (Debalkie & Snyman, 2014:114). Furthermore, the CSD (2012:26-27) indicates that corruption reduces national wealth due to the fact that local and foreign investors are likely to be discouraged owing to the higher costs and the uncertainties of operating in a corrupt environment. Corruption also lowers the quality of basic public services as a result of the misallocation of public funds in favour of private interests. In this instance, public services such as education, health, infrastructure, police, are normally distorted as a result of the misappropriation of funds designated for such services.

Traffic police officials suspected of corruption are normally placed on precautionary suspension pending investigation. In certain instances, they are placed on suspension with full pay for months before their cases are finalized. Even though

this is justifiable, this process has an impact on service delivery and carries cost implications (Conradie & Deacon, 2009:40; & Makhuzeni, Barkhuizen, & Maubane, 2015:645). In an event where an employee is found guilty and dismissed, the JMPD has to embark on the process of filling the vacant post and this brings about hiring costs. Another indirect cost relates to the time and effort it will take for a newly employed traffic official to learn the job and be fully effective in his functions.

As mentioned by Camerer (2008:2); Hussman, Hechler, and Penaililo (2009:10) the Office of the Presidency in (South Africa, 2014e:33) corruption undermines the faith of citizens in the institution and the system of governance. Where corruption is more pervasive, the less faith the public is likely to have in the institution and less likely they are to report the crime. Similarly, the more entrenched corruption is within the organization, the less likely it is that officers would report one another (Faull, 2009:5). Moran (2002:139) and Debalkie and Snyman (2014:119) also indicate that police corruption represent a major break in public trust and serves as a threat to the very functioning of a police service. Moreover, police corruption undermines the credibility of governments and their institutions, and allows for the flourishing of organised crime (Klockars, Ivkovic, & Haberfield, 2004:21; & Kumssa, 2015:1).

Corruption has a negative impact on service delivery. Most often where corruption exists in an institution, there is inefficiency or there is a lack of quality service delivery (Tooley & Mahoai, 2007:366). JMPD officials involved in corrupt activities are likely to neglect their official duties while paying more attention in fulfilling their personal needs through corrupt activities thus affecting the quality of services to be rendered.

Traffic fines generate considerable revenue for local authorities and as such, the diversion of revenue intended for the CoJ to corrupt traffic officials due to corrupt transactions has a negative impact on the ability of the CoJ to generate adequate revenue (Newham, 2006:2). Traffic policing corruption has a multitude of impacts and apart from the economic impact and the reputational damage it has on the JMPD, it has severe impact on road and traffic safety. The inconsistent

enforcement of traffic laws due to corruption allows unsafe drivers and un-roadworthy motor vehicles to access the CoJ roads thus compromising the safety of other road users. It thus becomes important for anti-corruption agencies to devise effective measures to combat traffic policing corruption in the JMPD.

4.6 MEASURES TO COMBAT TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

Enhancing police integrity requires the creation of rules which will guide the behaviour of police officials. In addition, police integrity should be enhanced by creating and maintaining measures that will cater for the detection, investigation, and disapproval of misconduct. Laws and official rules, internal and external investigations, inspections, audits, reviews, codes of conduct, recruitment and selection, police education and training, police officers' salaries, integrity testing, and disciplinary codes may be relevant in this regard (Klockars, et al, 2004:22-32; Klockars, Ivkovic, & Haerbefeld, 2007:8-9). Chene (2010b:1) also indicate that combating corruption in institutions such as the JMPD require different types of anti-corruption initiatives. Such initiatives should include preventative measures aimed at decreasing the benefits and opportunities for corruption, coupled with retributive measures that escalate the risk and cost of engaging in corrupt activities. These measures entail enforcement, institutional change, as well as public education and participation.

According to Faull (2009:4) MPDs in South Africa have some form of anti-corruption unit structures with some of their functions being ensuring compliance by offices and staff, conducting inspections of all offices and staff, investigating all reported misconduct, and where necessary, making follow-ups with traps and surveillance of suspected officers. This model is said to be similar to the New York Police Department's (NYPD) Internal Affairs Bureau approach of a preventative approach to effectively address corruption and the creation of an internal and independent police unit to efficiently tackle police corruption (Faull, 2009:3-4). Similar to the NYPD, the establishment of the IAU may be seen as the establishment of an internal unit that deals with traffic policing corruption in the JMPD (Faull, 2008:24; CW, 2012:88). In addition, Chene (2010b:3-4) proposes a multi-pronged approach

to address corruption through investigating; prosecuting; and correcting tainted police officials. The author goes on to state that strengthening the internal investigative capacity with specialised intelligence techniques; the reinforcement of the internal disciplinary measures; as well as the establishment of permanent accountability mechanisms and integrity management systems across such institutions, is essential in tackling police corruption.

4.6.1 Human resources management related preventative measures

Newburn (1999:14) indicates that police services that have experienced significant problems of corruption have responded by awarding a whole range of employment and training practices and by implementing new procedures. A variety of human resources management initiatives were implemented to minimize the risk of corruption. These measures include measures such as job rotation. The rotation of officials to different sections or positions is likely to reduce the likelihood of establishing entrenched corrupt relations.

Conflict of interest policies are also implemented to minimize exposure to corruption. Conflict of interest policies establish minimum standards of ethical conduct within public institutions by providing a framework with which officials conduct their functions free from improper influence and conflict of interest. Conflict of interest may be regarded as any conflict between the public and private interest of a public official, in which the public official has a personal capacity interest which could improperly influence the performance of their official duties and responsibilities (South Africa, 2008a).

Vetting of officials is practiced in the public service in South Africa to minimize exposure to security risks. Adequate vetting is essential for attracting suitable police candidates. Vetting, which is in place in the JMPD is a technique that ensures that the institution employs individuals with exemplary levels of personal integrity and ethics. A vetting policy provides a general framework that regulates the security screening of personnel, applicants and service providers in order to ensure that the aims and objectives of the institution are not disrupted, and the reputation is not tarnished (Grobler & Prinsloo, 2012:46). Even so, Brownfield (2011:309)

warns that the vetting process does not prevent corruption but merely reduces its overall effect. The researcher is in agreement with the views Brownfield (2011:309) has in that the vetting process has always formed part of the employment practices in the public service in South Africa. However, it does not guarantee that employees will not engage in corrupt activities, and to a larger extent, some of the officials implicated in corrupt activities have undergone the vetting process. This approach is likely to limit the potential of employing people inclined to unethical behaviour but will not on its own prevent corruption within the JMPD. Continuous personnel security screenings where officials are periodically vetted or vetted once negative information concerning their behaviour comes to light may be of assistance in closing the gaps posed by pre-employment screenings. Though the researcher was unable to acquire the vetting status of JMPD officials, a large number of members of the SAPS have not been vetted. The researcher is of a view that with the SAPS being the major custodian of law and order in South Africa, and has extended policing powers than MPDs, this state of affairs compromises crime combating efforts and may be detrimental to the fight against corruption. This is another matter which requires a thoughtful attention from the police leadership. In addition, some members of the SAPS have been waiting for their security clearances for a period of between three and five years due to inadequate capacity within the vetting environment (South Africa, 2015c:online; IOL, 2017:online; & Daily Maverick, 2017:online).

Ethics management programs also play an important role in managing corruption within organisations. The UNODC (2013:26) supports the promotion of integrity, honesty, and responsibility among public officials as means of preventing corruption in an organisation. This approach requires that officials be adequately trained as well as supported and rewarded for ethical conduct. This strategy could be an excellent approach in fostering the culture of high morals and integrity within the JMPD. It remains unclear whether this approach will be able to discourage officials who are already engaged in corrupt activities from engaging further in those activities.

4.6.2 Operational preventative measures

Operational measures such as post rotation and ad-hoc inspections are also applied by organisations to combat corruption. Post rotation which involves the rotation of officials to different patrol routes may also add value in the attempt to minimize corrupt activities. In this instance, Faull (2008:5) suggests that patrol vehicles should be fitted with tracking devices. This will assist in establishing which patrol routes are preferred by a particular official and that may also be of value in establishing why a particular official prefers a particular route, and if the official is suspected of any unethical conduct, a surveillance exercise or entrapment may be necessary. While ad-hoc inspections consists of the random inspections of JMPD officials by internal or external control units, or by supervisors may be of value in detecting and deterring corruption. Random inspections may include an inspection of personal belongings or working space with the purpose of finding excessive amounts of cash supposedly received from bribes.

Body-worn cameras may also be of value in detecting and preventing corruption in the JMPD. They are also likely to improve accountability and reduce the use of unjustified violence by officials within the JMPD. The use of this technology within the police services in countries such as the United States, United Kingdom, Spain, Belgium, and France is growing rapidly. In some instances, members of the public will produce video or audio recording recorded during their interaction with police officials to support claims that their rights were violated or that they were asked to pay a bribe (Coudert, Butin, & Le Meteyar, 2015:749). In this regard, the use of body-worn cameras seeks to control the behaviour of police and where a police service is faced with a challenge of corruption, to limit abuse and restore the credibility of police officials (Coudert, et al 2015:750; & Feige, 2015:online). Body-worn cameras are video cameras that police officials can wear alongside their police badges or as a headset. These cameras are aimed at documenting events and may serve as a source of evidence of interaction between police officers and members of the public. The researcher is of a view that the use of these technologies may be of value to the JMPD in combating corruption. However, body-worn cameras have an impact on the privacy of the police officials and

members of the public. This should receive legal and technical consideration before its deployment in the JMPD. Such considerations should include issues police unions; the right to privacy; ownership and responsibility of sensitive information as a result of the recordings; proportionality; and the ability of the JMPD to implement and maintain such technology. Without a proper storage and disposal procedure individuals face a risk of having their crimes revealed years after their cases have been closed (Coudert, et al, 2015:751; Feige, 2015:online; & Mundis, 2018:online).

4.6.3 Proactive and reactive detection measures

Detection refers to the process by which control systems gain information about rule violations (Newburn, 1999:34). Corruption in the JMPD may be detected by applying several methods of detection. Members of the public may make use of anti-corruption hotlines such as the National Anti-corruption Hotline (NACH) which is managed by the Public Service Commission (PSC) to report corruption. This tool is intended to enable affected public service employees, members of the public, as well as other parties associated with the public service to partake in the reporting of corruption (South Africa, 2015d).

In addition to the NACH, the JMPD has its own dedicated reporting mechanisms such as hotlines, email address, and walk-ins at the JMPD or CoJ offices (CoJ, 2018:online). Nonetheless, literature indicates that there are challenges posed by the reliance on whistleblowing as it is difficult to convince whistle-blowers to report corruption. Oiliniki (2010:7) mentions that people are not keen to report corruption for example crimes that involve physical threats. The author also mentions that the fact that reporting a co-employee involved in corruption can bring about negative consequences in terms of their professional career hence they avoid doing so. Le Roux (2004:161) is also of a view that despite whistleblowing being of high significance in the workplace, raising the alarm is not always easy. This may be attributed to fears that speaking out about corruption in the workplace may be perceived as an act of disloyalty and also be regarded as a ground for dismissal and disciplinary action.

The JMPD may also make use of detection reviews and analysis, risk management, internal and external audits, and management referrals to detect corruption. However, if there is a strong presence of the code of silence within the JMPD, corruption is unlikely to be reported and management referrals will be of no value (Benson, 2008:202). The author further highlights the fear of retribution, empathy for fellow officers, and the lack of belief in the success of the disciplinary process in place as a factor contributing to the reporting or non-reporting of such incidents. In addition, where supervisors and managers are also engaged in corrupt activities management referrals will be of limited value as an anti-corruption tool. Victims of corruption may also report incidents of corruption to the relevant law enforcement agencies. The majority of corruption incidents tend to benefit both the victim and the official involved, unless in some cases of extortion where an amount of money was solicited from the victim.

Entrapment and integrity testing are some of the detection measures that may be applied to detect corruption in the JMPD. On this subject, Faull (2009:5) recommends the entrapment of MPD officers. Such entrapment will entail conducting random traps and tests that would create an opportunity for a dishonest officer to act dishonestly such as taking or asking for a bribe. Nonetheless, the author warns that within a South African context it can be argued that traps are unlikely to yield the desired results and may waste the time of honest officers who could be assigned to real crimes. Integrity testing on the other hand, allows for the measurement of professionalism and the highlighting of unprofessional trends in an organisation (Faull, 2009:6).

The use of Intelligence has proven to be effective in combating crime in general and may also be used to combat corruption. Chene (2010a:3-4) identifies the use of specialised intelligence techniques as one of the measures to combat police corruption. In addition, Newburn (1999:34) comments that it is important to firstly distinguish the types of intelligence and goes on to say that intelligence may be collected proactively or reactively. The author further indicates that proactive intelligence acquires information before or during the act whereas post intelligence acquires information after the fact. This information may be acquired from citizens,

police officers, and through an analysis of police activities. Nonetheless, literature indicates that most anti-corruption agencies do not generally employ proactive-intelligence methods to detect corruption.

4.6.4 The investigation of corruption

Dowling (1979:1) and McMahon (2007:129) define criminal investigation as: “the systematic process of identifying, preserving, and evaluating information for the purpose of bringing a criminal offender to justice”. Rogers, Lewis, John and Read (2011:103) warn that the process of investigation is complex, tedious, and requires a certain skill and knowledge base. Investigators must also be attentive to details and logical.

A criminal investigation in the context of corruption seeks to achieve the identification of the crime of corruption. As described by Van Rooyen (2004:6), crime investigation is a systematic and organised search for the truth. The identification of corruption within the JMPD may be as a result of the various detection methods as discussed above. A crime of corruption may be identified or detected as a result of victim reports, audits, management referrals, tip-offs, or other intelligence sources. The vastness of literature in this study indicated that public service institutions in South Africa rely heavily on reactive methods such as management referrals and whistle-blowing to identify or detect corruption.

The collection of evidence also forms part of the investigative process. Matson, Daou and Soper (2004:5) emphasise that evidence is a critical element to the outcome of a case since the presiding officer decides the verdict based upon the evidence. This is also supported by Joubert (2010:329) when the author states that: “in order to investigate criminal cases effectively and ensure a just verdict in court, police officials must be able to present evidence of reliable nature”. The author further mentions that investigators collect evidence for the purpose of proving that a crime has occurred; establishing the key elements of a crime; linking a suspect to a crime scene; establishing the identity of a victim or perpetrator; corroborating verbal witness testimony; and acquitting the innocent.

The ultimate goal of a criminal investigation is to identify the suspect (White, Caddy, & Cobb, 2004:1). In this regard, Van Rooyen (2004:7) defines a suspect as someone whom law enforcement officials reasonably believe may have committed an offence. The author further states that people remain suspects until investigators have completed investigating allegations against them. Bennet and Hess (2004:133) define a suspect as someone considered to be directly or indirectly connected with a crime. Therefore, in the context of traffic policing corruption in the JMPD, this stage speaks of the identification of JMPD officers suspected of committing the acts of traffic policing corruption. With members of the JMPD including the IAU having limited powers of instituting criminal investigations; criminal investigations against the members of the JMPD would need to be carried out by either the already overburdened SAPS or IPID. This situation puts solid cases at a risk of being neglected and eventually withdrawn by senior prosecutors (Faull, 2008:26). Therefore, the IAU is only able to investigate allegations of corruption for the purpose of employment related discipline thus reducing the remedial powers of such disciplinary proceedings to corrective measures such as dismissal, demotion or suspension but fall short of criminal sanctions (Faull, 2008:24; &CW, 2012:90).

4.6.5 Resolutions

Once a crime of corruption has been detected and investigated it should become apparent on what course of action has to be taken. The necessary course of action could entail criminal prosecution or internal disciplinary process. The conduct of corruption is both a criminal offence in terms of the PCCA and other related legislation, and a misconduct in terms of the JMPD disciplinary codes (CW, 2012:49; Faull,2008:25). In this regard, Faull (2008:29) cautions that unlike the SAPS which has a code separate from that of other civil servants, JMPD officials are governed by the same code as all council employees. This entail that JMPD officials with their immense discretionary powers are liable to the same disciplinary descriptions and punishments as non-law enforcement employee such as secretaries, human resource managers and grounds staff. Even so, a single case of corruption may be dealt with in terms of the Criminal Procedure Act, Act 51 of 1977 and through the institution's disciplinary processes.

Though the researcher could not obtain corruption reports from the IAU, the analysis of the CoJ annual reports for the financial years 2013/14 to 2016/17 indicates that disciplinary actions are initiated against MPOs implicated in corrupt activities (COJ, 2014; CoJ, 2015; CoJ, 2016; & CoJ, 2017). Of course, disciplinary actions only apply to a portion of the total number of corrupt activities MPOs are engaged in, since a larger proportion of cases remain unreported and undetected.

The CoJ manages disciplinary matters in line with the applicable legislation and policy frameworks. As such, there has been consistent application of disciplinary measures in line with these frameworks and more specifically to those cases related to financial misconduct and serious misconduct which resulted in the suspensions and/or dismissals of implicated officials (CoJ, 2016:132). The researcher holds a view that the consistent application of disciplinary measures within the JMPD as mentioned by the CoJ when dealing with cases of corruption in the JMPD is likely to enhance constructive labour relations, promotes acceptable conduct, avert and correct unacceptable conduct within the JMPD.

Apart from suspensions and dismissals, a disciplinary process may result to a verbal warning, written warning, or final written warning (CoJ, 2016:132). Therefore, severe sanctions on corrupt MPOs such as dismissals may serve as a deterrent to other officials involved in corruption. According to a study by CW (2012:91), one of the factors which impacts on the effectiveness of the JMPD internal disciplinary processes relates to the appointment of prosecutors and presiding officers during disciplinary processes. Once the Internal Affairs Unit has compiled a case report it sends it to the Chief of the JMPD who then decides whether to institute disciplinary proceedings or not. Thereafter, the Chief of the JMPD uses his or her discretionary powers to appoint a prosecutor or presiding officer. However, according to the CW (2012:90) unions representing JMPD officials have a tendency of delaying and postponing the hearings as far as they can which is a factor that calls for the appointment of stronger presiding officers who will not allow situations where unions deliberately delay the scheduled hearings.

On the other hand, officials may be subjected to criminal prosecution. Prosecution entails taking the matter to the court of law. As discussed above, the JMPD IAU does not have the powers of conducting criminal investigations. This means after the IAU has conducted a preliminary investigation on allegations of corruption, evidence collected during such an investigation must be referred to the SAPS which will in turn conduct further investigations and register the case for prosecution. The analysis of the CoJ annual reports does not make it clear to what extent complaints of alleged corruption against MPOs are ever lodged with the SAPS by the IAU or members of the public. In this regard, Matson *et al* (2004:5) emphasise that successful prosecution is dependent on the skillful presentation of evidence in a court of law. Another critical factor to a successful anti-corruption strategy is the continuous review and updating of current anti-corruption measures. Once risks to corruption have been identified, it becomes important for anti-corruption agencies to implement improved control measures to minimize identified corrupt risks. This may entail reviewing and strengthening some of the anti-corruption measures discussed above.

Without disproving the various anti-corruption measures discussed above, Klockars, et al (2004:22) comment that there is no consensus amongst experts on what constitute an effective anti-corruption strategy. However, what is commonly shared is the view that the effectiveness of anti-corruption measures is based on the understanding of the nature of the problem; the strengths, weaknesses, and limitations of the various anti-corruption measures; and the concurrent application of the various anti-corruption measures. Thus, combating corruption in the JMPD requires a multi-pronged approach ranging from the application of measures to prevent corruption, and should those preventative measures fail a second layer of measures should provide for the detection of corrupt activities. The investigation of corruption also forms a key component in the whole anti-corruption process which could lead to the prosecution of offenders or subjecting them to departmental disciplinary processes. The review of literature and the analysis of various CoJ reports as discussed above indicate that the JMPD follows a multi-pronged approach to combat corruption in the JMPD. However, there are a number of

challenges associated with some of the measures. This will be discussed in detail in the next section.

4.7 FACTORS INHIBITING THE EFFECTIVENESS OF VARIOUS ANTI-CORRUPTION MEASURES

Literature consulted during this study revealed that the success of anti-corruption strategies in countries such as Hong Kong, Botswana and Singapore has been as a result of amongst others the political will of the country to combat corruption; the presence of appropriate strategies and models for combating corruption; the provision of necessary resources to the relevant anti-corruption agencies; and the support provided by the civil society in combating corruption. As mentioned in section 2.6 of this study, South Africa is said to have the best regulatory and institutional mechanisms to combat corruption, however a variety of factors inhibits the effectiveness of such efforts. Factors mentioned below are some of the factors inhibiting the effectiveness of anti-corruption initiatives.

4.7.1 Multi-agency approach

Bruce (2014b:54) mentions that there is a lack of coordination of the overall anti-corruption efforts in South Africa and none of the anti-corruption agencies has an explicit mandate to prevent corruption and promote anti-corruption education. Van Niekerk and Olivier (2012:147) also mention that anti-corruption agencies in South Africa have an imbalanced implementation and overlapping mandates that affect the effective implementation and enforcement of anti-corruption legal framework. Dintwe (2013:566) and Van Niekerk and Olivier (2012:135) further mention that anti-corruption initiatives in South Africa need to be aligned to international acceptable standards such as the Hong Kong model as discussed in section 2.5 of this study in order to be effective. Van Niekerk and Olivier (2012:147) also state that due to the ineffectiveness of the current multi-agency approach, South Africa should consider establishing an effective single anti-corruption agency.

Despite the collective sentiments of Van Niekerk and Olivier (2012), Dintwe (2013), and Bruce (2014b), in respect of the establishment of a single anti-corruption agency in South Africa, the National Development Plan (NDP) is opposed to the

idea of a single anti-corruption agency in South Africa. It highlights that South Africa does not have the institutional foundation to make the single-agency approach a viable option as it is in the case of Hong Kong. The NDP further highlights that a single-agency approach is not strong enough in that should it face political capture, the independence of the entire system will be compromised. The NDP supports the adoption of a multi-agency approach in South Africa as it provides the necessary checks and balances and further develops a systemic resilience against interference (South Africa, 2012b). Though the NDP is opposed to the idea of a single agency, the researcher is of a view that some of the elements of anti-corruption strategies such as in the case of Hong Kong, Botswana, and Singapore could be adopted by South African anti-corruption agencies. This includes the provision of adequate legal powers to the anti-corruption agencies; the intensification of public awareness and education on corruption; improving the independence of the anti-corruption agencies; and the creation of an intelligence unit within anti-corruption agencies (Majila, *et al*, 2017:97; Quah, 2017:9-12; Scott, 2013:78; & Quah, 2007:37). These aspects are likely to ensure the effectiveness of anti-corruption agencies in South Africa, and will further increase public trust, and further encourage members of the public to report incidents of corruption to the relevant agencies.

In terms of traffic policing corruption in the JMPD, the establishment of the IAU could be seen as an industry-specific effort of a single unit responsible for investigating corruption within the JMPD. However, it appears that it lacks independency as it functions within the JMPD. This setup is likely to uphold the influence of the “blue code of silence” often present in those institutions as mentioned by Klockars, *et al* (2004:13) that there is a strong presence of the code of silence and the unwillingness to report police misconduct perpetuated by fellow police officers in South Africa.

4.7.2 Poor investigation capability

Van Niekerk and Olivier (2012:147) mention that despite South Africa having the necessary legislation and regulatory framework to combat corruption, there is a lack of enforcement and effective implementation. Bruce (2014b:51) also adds that

the lack of dedicated anti-corruption units within certain public sector institutions is also a factor contributing to the failure of anti-corruption efforts. Bruce (2014b:51) further highlight that where such units exist within a department, they are inadequately staffed, under-resourced, and lack the necessary competencies, and they do not take necessary steps to investigate and respond to reports of corruption (Bruce, 2014b:51). Likewise, Kroukamp (2006:209) cites inadequate skills to investigate corruption within the anti-corruption agencies and lack of cooperation between departmental investigative units, internal audits, and enforcement agencies as some of the factors hindering the effectiveness of anti-corruption efforts. Therefore, it is of utmost importance for the IAU to be adequately resourced and skilled to detect and investigate allegations of traffic police corruption in the JMPD. The limited powers of criminal investigations of the JMPD as discussed in section 3.6 also hinders efforts by the JMPD to effectively investigate allegations of corruption for the purpose of criminal prosecution. The dependency on the SAPS which is already overburdened for criminal investigations puts a number of JMPD corruption cases at a risk of an unsuccessful prosecution.

4.7.3 Imposing inappropriate sanctions against perpetrators

Leak (1999:63) and Dintwe (2013:562) highlight that corrupt officials are either charged in a court of law if there is sufficient evidence for prosecution, or charged departmentally. Even in the presence of these two options, corruption itself is an extremely difficult crime to prosecute successfully (Prinsloo, 2013:64). As such, it might be appropriate for anti-corruption agencies to consider alternative offences such as fraud and theft when investigating and prosecuting corrupt officials. This is likely to increase the chances of a successful prosecution thus sending a strong message that anti-corruption agencies are serious about fighting this epidemic (OECD, 2010:9).

The difficulties associated with prosecuting corruption successfully may be attributed to the fact that the parties act secretly and in collaboration and there is no complainant. The stringent weight of proof required from criminal trials also makes matters extremely difficult for the prosecution. According to the JPSA (2017:online) the JMPD does not arrest officials engaged in corrupt activities but

merely subject them to internal disciplinary processes. This according to the JPSA, is unacceptable. Contrary to this, earlier reports by the CW (2013:np) indicates that information released to the CW by the JMPD shows that between July 2012 and March 2013, 18 JMPD officers were criminally charged for corruption.

Where disciplinary and prosecution processes are instituted by the JMPD as discussed in detail in section 4.6.5 of this study, the ineffective application of the disciplinary system, the inefficiency of the relevant judicial system, as well as the local perception regarding corrupt activities also contributes to the ineffectiveness of the efforts to eradicate corruption (Van Niekerk & Olivier, 2012:146; &Vorster, 2013:6). Marais (2003:90) also adds that the small risk of punishment for corruption in South Africa creates a plenty of opportunities for officials to commit corruption in the public sector. Masiloane and Dintwe (2014:192) concur with these authors by highlighting that literature has revealed that in certain instances, sanctions meted out after the perpetration of corruption are often not proportional to the losses suffered. Masiloane and Dintwe (2014:192) further mention that sanctions may have deterrence to prospective corrupt officials if they are equivalent to the infringement. On the other hand, Feathers (2014:291) argues that punishment is the important part of international efforts to combat corruption but it does not always restore the damage that the corrupt behaviour has caused.

4.7.4 Lack of political will, and the lack of independence of anti-corruption agencies

Vyas-Doorgaperand (2007:299) suggests that anti-corruption strategies should be built on political leadership. In view of this assertion, Dintwe (2013:564) argues that there is no clear indication that the South African government has the necessary political will to turn the tide against corruption. The author further argues that the existence of different anti-corruption agencies and strategies cannot on its own be effective especially if there is constant criticism of the decisions of the courts and other tribunals by senior government official where the matter at hand involves their colleagues. The independence of anti-corruption agencies is also fundamental to the effectiveness of anti-corruption initiatives as it allows the agencies to act freely from any influence, and allows the agencies to investigate allegations across

in all sectors at all societal levels (Montesh & Berning, 2012:133). The reasons for political interference over the criminal justice agencies in South Africa are said to be the potential danger to some of the senior political leaders and some of the political alliances that have helped to secure power for the current elite (Bruce, 2014b:54). In this light, the CoJ has mentioned routing out corruption and running a professional administration committed to the highest corporate governance standards as one of its current and future priorities (CoJ, 2017:9).

4.7.5 Lack of awareness and training on corruption

Vorster (2013:7) comments that whilst anti-corruption measures are important and need constant improvement, the only effective way to combat corruption is through a long term program aimed at moral renewal of the entire population. This can only be achieved by establishing the correct ethics climate in the public sector and by constantly teaching both officials and the public aware of corruption and ethical values (Vyas-Doorgaperand, 2007:299; & Dintwe, 2013:561). The author's further mentions that the effectiveness of anti-corruption campaigns is dependent on the knowledge public officials have on what constitutes ethical behaviour and conduct, and also what constitutes corruption and maladministration. The researcher also holds a view that awareness to motorists that bribery is a criminal offence and not merely an act of "making the problem go way" and that motorists can be charged in terms of PCCAA for offering bribes to traffic officials may go a long way in minimizing entrenched corrupt relationships between motorists and MPOs. Highlighting the dangers of inconsistent and non-uniform enforcement of traffic rules and regulations to both motorist and traffic officials may also be important in this regard.

4.7.6 Weak management control systems

Bruce (2014b:53) indicates that there is a common agreement that the presence of inexperienced managers and personnel, and high staff turnover are some of the factors contributing to the susceptibility of the public service to corruption. This situation has led to the weaknesses and at times, the breakdown of management and control systems in the public sector. Dintwe (2013:564) also highlight that for an anti-corruption program to be successful, factors such as leadership and the

deployment of skilled people should be seriously taken into account as experience has shown that the implementation of anti-corruption strategies and policies is dependent on that. The presence of a strong and effective leadership is essential in to the successful implementation of anti-corruption efforts in the JMPD.

4.7.7 Ineffective methods of detecting corruption

The ultimate objective of any anti-corruption strategy is to prevent corruption and where prevention fails, its detection. The detection of corruption may be hampered by a variety of factors such as its secretive nature; the participation of a relative small number of perpetrators; the culture of corruption within an organisation; and the fact that corruption tends to benefit both the giver and recipient (Masiloane, 2007:48; Konov , 2011: 2; &Brinza ,2013:8). In its study on the most common manifestation of corruption and its related risks in the public service, the PSC also found that most government departments in South Africa have no systems in place to collect and analyse data on fraud and corruption (South Africa, 2011b:10).The presence of these inhibiting factors in the public sector in South Africa prompts for the development of effective mechanisms aimed at eradicating this phenomenon rather than an interest in understanding this phenomenon (Dintwe, 2013:11). The researcher is in support of this author in that attempting to understand amongst others the causes of corruption, its extent within the JMPD, and its consequences will be of little value if effective methods are not devised to deal with its manifestation.

4.8 SIGNIFICANCE OF COMBATING TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

In view of the negative effects of corruption herein, any attempt to address traffic policing corruption in the JMPD is essential in maintaining public order and the rule of law, and enhancing road safety in the CoJ. The most preferred strategy for improving road safety includes imposing heavy penalties for violation of traffic laws and regulations (Oleinik, 2015:1). This aspect makes the consistent and uniform enforcement of traffic rules and regulation by JMPD officers essential. Therefore, the elimination of traffic policing corruption in the JMPD is fundamental as it may enhance the consistent enforcement of traffic laws across the CoJ. This could also

be extremely important in the application of the AARTO demerit system in that motorists will be more willing to pay bribes to avoid losing of points which could lead to the suspension of their licences (Faull, 2008:24).

4.9 SUMMARY

This chapter began with the exploration of the legislative framework governing the JMPD. The chapter further explored the manifestation of corruption in the JMPD and measures to combat such activities and their related weaknesses. The next chapter seeks to explore to what extent intelligence analysis can add value to detect corruption in the JMPD and further integrate this technique to the overall anti-corruption strategy. The next chapter will discuss the detecting of traffic policing corruption using intelligence analysis.

CHAPTER FIVE

INTELLIGENCE ANALYSIS AS A TECHNIQUE TO DETECT TRAFFIC POLICING CORRUPTION

5.1 INTRODUCTION

The previous chapter gave an overview of traffic policing corruption in the JMPD. This chapter begins with a discussion of the crime intelligence community in South Africa and the legislative requirements for conducting intelligence activities. The intelligence process and the levels of intelligence in the context of anti-corruption are also discussed. This chapter further discusses how intelligence analysis could be of value in combating corruption in the JMPD. In an essence, this chapter seeks to answer the research question, “to what extent can intelligence analysis be used to detect corruption in the JMPD?”

5.2 CRIME INTELLIGENCE STRUCTURES OF SOUTH AFRICA

Various state institutions are tasked with the collection and the management of intelligence in South Africa. Institutions which are responsible for the collection of crime intelligence in terms of various legislations in South Africa are the SAPS and SSA. The researcher has excluded the South African National Defence Force (SANDF) Intelligence Services as its mandate is for collecting and managing intelligence of a military nature only. The challenges associated with the implementation of intelligence activities in South Africa are also discussed in section 5.8 of this study.

5.2.1 South African Police Services

The SAPS’s overall mandate is reflected in section 205 of the Constitution of the Republic of South Africa, Act 108 of 1996. The SAPS is the principal law enforcement agency in South Africa. The policing objectives in terms of section 205 relates to the prevention, combating and investigation of crime; the maintenance of public order; the protection and securing of the inhabitants of the Republic and their property; and the upholding and enforcement the law (South Africa, 1996b). The SAPS has different components which contribute to the achievement of the legislative mandate.

For the purpose of this study, the researcher will focus on the crime intelligence component of the SAPS. The Crime Intelligence division of the SAPS forms part of the South African intelligence community, and its function is to manage crime intelligence; analyse crime information; provide technical support for investigations and crime prevention operations; and to supply crime intelligence relating to National Strategic Intelligence Act 39 of 1994 to the NICOC. This is achieved by gathering, collating and analysing intelligence information that leads to an actionable policing activity.

Even though the SAPS has extended its reach for crime intelligence beyond national borders through cooperation with other foreign law enforcement agencies, the operational activities of Crime Intelligence are confined to the borders of South Africa. Furthermore, the SAPS investigates corruption through the Commercial Crimes Unit, the Organised Crime Units, and the Detective Branch (South Africa, 2017c: online). With corruption being a criminal offence in terms of the PCCAA, the SAPS may collect intelligence for the purpose of combating corruption.

5.2.2 State Security Agency

The legislative mandate of the SSA is derived from The National Strategic Intelligence Act 39 of 1994. In terms of this Act, the primary functions of the National Intelligence Agency (NIA) is to gather, correlate, evaluate and analyse domestic intelligence in order to identify any threat to the security of the Republic or its people, and supply such intelligence to the National Intelligence Coordinating Committee (NICOC). The SSA also provides other state departments with intelligence, and supplies the SAPS with intelligence for the purpose of investigating any offence or alleged offence. Tactical intelligence supplied by the SSA enhances the investigations and prosecution of enforcement and prosecution institutions (South Africa, 2018e:online).The SSA capacity to collect intelligence is crucial for providing support to other government departments and for combating corruption. The Internal Affairs Unit of the JMPD stands to benefit significantly from the capacity which the SSA has to gather, correlate, evaluate, and analyse intelligence in terms of anti-corruption efforts.

5.2.3 Financial Intelligence Centre

The Financial Intelligence Centre (FIC) is a national centre in South Africa for the receipt, analysis, and dissemination of financial intelligence to competent authorities. The FIC is established in terms of the Financial Intelligence Act (FICA), Act 38 of 2001. The key mandate of the FIC is to identify the proceeds of crime, combat money laundering, and combat terror financing. The FICA further introduces regulatory framework which requires certain categories of businesses to take steps in relation to client identification, record keeping, reporting, and internal compliance structures (South Africa, 2013a:online). The FIC could be of paramount importance in assisting anti-corruption agencies with compiling financial profiles of metropolitan police officials implicated in corrupt activities.

The SAPS, SSA, and FIC have an important role to play in combating crime in general and supporting anti-corruption agencies to combat the scourge of corruption in South Africa. The expertise of these three institutions is also vital in combating traffic policing corruption in South Africa. However, a number of reports have shown that the effectiveness and independency of the intelligence structures of South Africa has been compromised by a number of factors. A brief analysis of these reports indicates that factors such as the lack of sufficient preventative and proactive control measures on political and sensitive operations; political interference; a lack of sufficient control on the use of intrusive methods of investigation; the misuse of authority; insufficient control over operational protocols; the use of intelligence structures against political opponents and to further political interests; corruption within the intelligence structures; and human resources constraints continue to hamper the effectiveness of the intelligence services in South Africa (ISS, 2007; Kasrils, 2009; Duncan, 2011:online; Burger, 2013:online; & Right to Know, 2016).

5.3 DISTINCTION BETWEEN INFORMATION AND INTELLIGENCE

The background of these concepts remains of utmost importance for investigative processes. To this end, Peterson (2005:3) alludes that there is a constant misuse of the word “intelligence” which leads to the word to have different meanings to different people, with others considering intelligence as being synonymous with

information. Fuentes (2006:3) goes on to say that intelligence differs vastly from information and it is often incorrectly used interchangeably with the term data or information. Most often, law enforcement personnel find it difficult to distinguish between information and intelligence ultimately leading to the application of irrelevant law enforcement methods. In connection with these statements, Rollington (2013:17) emphasises that, based on intelligence theories, there is no agreement on what constitutes intelligence.

Fuentes (2006:3) indicates that information represents the source elements of knowledge and it is the foundation of intelligence. The precise definition of information is found in the UNODC (2011:1) where information is defined as: “knowledge in raw form”. Furthermore, Fuentes (2006:17) maintains that when properly analysed and evaluated, information is then turned into what is termed “intelligence”. The researcher concurs with the views presented by the authors herein, that information is unverified accounts of events and may be of less value for investigative purposes. Information at the disposal of anti-corruption agencies has to be taken through the intelligence process before it could be of value in detecting traffic police corruption.

Despite the absence of an agreement on what constitute intelligence, intelligence theories generally explain that information is gathered and analysed with the purpose of understanding a particular situation and devising appropriate means of dealing with that particular situation (Rollington, 2013:17). The broader definition of intelligence is held by Van Rooyen (2004:137-138) who defines intelligence as: “the knowledge of past, present, or future criminal activities through the collection of information, which when evaluated provides the user with a basis for investigation”. Harris (1975:232); Cope (2004:190); Brown (2007:337); and Gottschalk (2009:131) support this definition as they reach a consensus that intelligence is the process of collecting and analysing information to direct police action. Therefore, intelligence may be regarded as the end product of a series of processes and with this intelligence at their disposal law enforcement agencies are able to make informed decisions when tackling criminal activities.

In this study information refers to unverified accounts of corrupt traffic policing activities at the disposal of anti-corruption agencies. On the other hand, intelligence refers to information that has been analysed for the purpose of combating corruption in the traffic policing fraternity in South Africa and the JMPD in particular.

5.4 INTELLIGENCE PROCESS: ANTI-CORRUPTION CONTEXT

The intelligence process is a systematic processing of information with the purpose of producing and providing law enforcement agencies with actionable intelligence to prevent and detect crime (Prunckun, 2013:22). The intelligence process consists of the collection, collation, analysis, and dissemination of information in support of the prevention and control of criminal activities (Harris, 1975:232). Jensen, Mc Elreath, and Graves (2013:162) further highlight that the intelligence cycle has proven to be a valuable tool for converting information into intelligence even though this process does not guarantee the quality of the intelligence to be produced. The researcher agrees with these authors that the proper application of the intelligence process can be of value to anti-corruption agencies in that it may assist with the development of the intelligence product that could be of value in combating corruption in the JMPD. The researcher also asserts that the intelligence process can be of value in driving day-to-day activities of anti-corruption agencies in combating traffic police related corruption in the JMPD. Therefore, the intelligence process involves process as described below.

5.4.1 Direction and planning phase

The first stage in the intelligence process is the direction phase which emanates from a need for an intelligence product. The direction phase may be initiated by private individuals making use of private investigators, by policy-makers and implementers in the case of state departments making use of state organs, or as a result of statutory requirements (Phythian, 2013:3). The direction phase may take place after a request by a user or after the identification of a need for an intelligence product by various anti-corruption agencies. During this phase, the specific needs of various anti-corruption agencies should be taken into account and followed by a collection plan developed and adjusted to suit the individual anti-

corruption agency (Phythian, 2013:1). Coordinated planning may be essential to anti-corruption agencies tasked with investigating traffic police corruption in the JMPD as it may provide an opportunity for the efficient use of valuable resources.

5.4.2 Collection phase

The collection phase follows the direction and planning phase (Broome, 2005:379; Clark, 2012:4-5; & Murphy, 2012:75). Information may be collected from closed and open sources. Sources held by public institutions, non-governmental organisations, and individuals on corrupt activities may be collected for this purpose (Broome, 2005:379). Public information may be available in both print and electronic formats (Phythian, 2013:1). However, Phythian (2013:3) advises that the most important secrets are the most closely guarded and that not all information that the customer wants will be available in public. It is also essential during the collection phase to collect information which is relevant and of value to the enquiry at hand, and exclude information of no relevance to the enquiry (Broome, 2005:379). The researcher is of the view that the proper formulation and definition of an intelligence problem may be of value in guiding the collection efforts of anti-corruption agencies, and could also ensure efficiency and effectiveness in the collection process. The absence of a clearly formulated and defined intelligence problem statement may lead to the collection of massive amounts of information which will render the organisation of the information and the application of the evaluation and analysis phase difficult or impossible.

5.4.3 Evaluation phase

The evaluation phase is the third phase of the intelligence process and involves ascertaining the relevance, usefulness, and the validity of the information collected. This phase is undertaken once sufficient information has been collected (Broome, 2005:379). The emergence of new intelligence requirements would also require an analyst to re-evaluate the information at hand (McElreath et al, 2013:162). According to the UNODC (2011:13) the evaluation phase is the key element of the intelligence cycle and requires analysts to filter through information at hand, select information which will be of assistance in the investigation, and omit what is irrelevant to the investigation. This aspect will require an investigator

to select information based on its relevance to the investigation at hand rather than its availability or ease of access. In addition, the perception that closed or classified data sources are useful and contain valid and relevant data should be avoided (UNODC, 2011:12).

Taking into account the assertions of the authors above, the researcher is of a view that information submitted through anti-corruption hotlines may be distorted, irrelevant, or lack sufficient facts to warrant further action for anti-corruption efforts in the JMPD. Such information which often finds itself on the desks of anti-corruption agencies may include amongst others information on employees reporting late for work, the misuse of state resources, and labour disputes. Even though such information may be of value in other disciplinary functions, it may be of less value to efforts aimed at combating traffic policing corruption in the JMPD. Therefore, it is important to thoroughly evaluate information at the disposal of anti-corruption agencies in order to ascertain its relevance, usefulness, and validity in combating traffic police corruption.

5.4.4 Collation phase

The UNODC (2011:13) defines collation as the transfer of collected information to a manual or electronic storage system. Information must be stored and organised into usable formats. This will make it easier to link available information and allow for easy retrieval of such information (Broome, 2005:379). The researcher is of an opinion that the use of technology may be the most appropriate and efficient means of storing and retrieving information, and anti-corruption agencies tasked with the investigation of traffic police corruption in the JMPD should consider investing in this valuable tool. The accessibility of this tool may enable investigators across all anti-corruption agencies to share vital intelligence which will eliminate the duplication of collection efforts and enhance anti-corruption efforts. The accessibility of this tool may enable investigators across all anti-corruption agencies to share vital intelligence which will eliminate the duplication of collection efforts and enhance anti-corruption efforts.

5.4.5 Information analysis phase

The analysis phase is the most crucial phase in the intelligence process and it is what converts information into intelligence (Pruckun, 2013:23). Cope (204:19) also points out that the analysis process transforms raw information into actionable intelligence by seeking patterns in crime data, linking criminal events or constructing detailed suspects profiles. Prunckun (2013:24) argues that the quality of the intelligence product is largely dependent on good analysis which ought to produce correct assessments of events, or be able to provide some value for decision making. During this phase, anti-corruption agencies could be able to integrate data and place the evaluated information into context (Jensen et al, 2013:16).

Brome (2013:379) also mentions that the information analysis phase consists of the elements of data integration and description, logical reasoning, hypotheses development, hypotheses testing, and further information collection. Data integration involves the grouping of collected information from different sources and assigning a meaning to the information. Information collected from various sources by anti-corruption agencies need to be integrated and described in relation to its value to the inquiry at hand.

Logical reasoning could enable anti-corruption agencies to make sense of the information at their disposal, and further assist in the understanding of the broader problem of traffic policing corruption in the JMPD and the identification of officials involved in such illegal and unethical practices. Furthermore, anti-corruption agencies may apply deductive reasoning by beginning with a general assumption of corrupt activities and examine the possibility of reaching a specific logical conclusion, or apply inductive reasoning by taking specific information and form a logical generalisation out of such information. Once analysts have made sense of information at their disposal they should develop hypothesis. The researcher submits that an intelligence product must result into an outcome that is capable of providing a description, prediction, and explanation of traffic related corrupt activities. Intelligence products need to be able to predict future occurrences of corrupt activities within a specific area of operation. The development of

hypothesis is followed by a test of that particular hypothesis. The intelligence product should only be able to produce intelligence which relates to the predefined intelligence problem at the selected area of operation and any other product may be of diminutive relevance in combating traffic policing corruption in the JMPD. This element may be considered the most important in the analysis phase as it seeks to test whether available preliminary intelligence is of value in providing leads to anti-corruption agencies on the manifestation of corruption, who is involved in corrupt activities, predictions of future occurrences of corrupt activities, and the assessment of corruption threats facing a particular area of operation. It may also be necessary to collect additional information pertaining to the intelligence problem. This process requires analysts to establish information gaps by determining what information is at the disposal of the anti-corruption agencies and what information is missing. Any information gaps may prompt for the re-collection of information (UNODC, 2011:14-15).

The discussion above suggests that the analysis phase is the most crucial phase in the intelligence process. The analysis phase should be able to provide anti-corruption agencies with the analysis of the broader problem of traffic policing corruption in the JMPD; times during which incident of corruption are likely to occur; the area's or jurisdictions most vulnerable to corruption; the frequency of the occurrence of corrupt activities; the characteristics of officials likely to be involved in corrupt activities. In addition the analysis phase should aid anti-corruption agencies in identifying the characteristics of motorists likely to offer a bribe or targeted by officials for extortion; association of officials suspected to be involved in corrupt activities; the modus operandi of corrupt officials; financial analysis of officials involved in corrupt activities; and efforts to be taken to combat corrupt activities, and apprehend those responsible.

5.4.6 Dissemination phase

Once intelligence has been produced it needs to be made available to the intended user on a need to know and right to know basis (Prunckun, 2013:22). This stage is referred to as the dissemination stage and allows for the supply of the intelligence product to the recognised user for application in combating illegal activities (Jensen

et al, 2013:161). It is of critical importance during this stage to timely disseminate an intelligence product to those with a need or right to have access to such intelligence and also to ensure that the user understands the intelligence product well. The UNODC (2011:15) mentions that the dissemination of an intelligence product may take various forms which may include but is not limited to structured formalised report; structured and formal oral presentations with supporting documents; bulletins, and ad-hoc briefings to intelligence and investigative teams.

Information sharing is critical in any effort to combat corruption and literature in this study submits that there is a lack of coordination amongst anti-corruption agencies in South Africa. This is fuelled by the fact that each law enforcement agency has its own needs; and they collect and disseminate intelligence to suit its own requirements. The creation of a nodal point for the collection, storage, processing, and dissemination of intelligence on traffic policing corruption may be of value in creating the much needed cohesion, effectiveness, and efficiency in dealing with such activities. Carter (2004:66) recommends the development of software for intelligence records, analysis and secure electronic dissemination. The author further mention that software designed to assist in organising, collating, integrating, and presenting data for analysis in an important tool to any law enforcement agency. The availability of this software may provide different anti-corruption agencies with access to vital intelligence that will be of value in collectively combating traffic law enforcement corruption. Nonetheless, caution needs to be exercised when sharing intelligence as its uncontrolled release may jeopardise the investigation.

5.4.7 Re-evaluation phase

The intelligence process does not end with providing the required intelligence to the user, it involves the continuous reviewing of the entire intelligence cycle in order to identify ways in which any stage in the process can be improved (Broome, 2005:386). The author further mentions that the re-evaluation phase seeks to ensure that the intelligence product was relevant and has fulfilled the user's needs. It is further emphasised by the UNODC (2011:4) that collecting information in itself does not result in obtaining intelligence, it needs to be properly evaluated and re-

evaluated before it can be acted upon. Furthermore, the authors' mention that a variety of factors may affect the quality of the intelligence product and these factors may include the reliability and trustworthiness of the sources of information, and the incorrect evaluation of information.

In instances where the intelligence product did not provide any value to the user, the user needs to provide feedback to the producer of such intelligence so that the process may be revisited and improved in order to serve the user best. The Bureau of Justice Assistance (BJA) (2008:4) also adds that the process of information collection and evaluation is continuous along with its verification and analysis. Intelligence or information required to pursue internal disciplinary processes is likely to differ from intelligence required for a criminal investigation and as a result, the user's needs should be taken into account. Regular feedback sessions amongst different agencies and users within a particular area of operation could be of value in improving the standard of intelligence produced. The application of the identified phases above could provide anti-corruption agencies with a clearer picture of the nature of corrupt activities within the JMPD. By analysing collected information, anti-corruption agencies could be able to identify relationships or connections between different reported incidents, and also identify links between suspected officials and their involvement in other corrupt activities.

5.5 COLLECTION OF INFORMATION FOR THE PURPOSE OF DETECTING CORRUPTION

The collection of information is said to be the most labour intensive task and has been the most recognised segment of the intelligence process with many law enforcement agencies dedicating sufficient resources for this function (BJA, 2008:6). Pruckun (2013:23) asserts that the collection of information can be done using open-sources or by covert means. Phythian (2013:1) also states that contemporary intelligence collection methods are dependent on a wide range of sources which are usually categorised in terms of their relevance to the enquiry at hand. While law enforcement agencies may use a variety of sources and methods to collect information, such activities ought to be carried out within the ambit of the law in order to avoid unnecessary litigation against the law enforcement

agencies concerned (Carter, 2004:42). The researcher agrees with the author's statements herein that anti-corruption agencies should adhere to the rule of law when conducting investigations and also when conducting workplace investigations. Failure to adhere to the rule of law may tarnish the relationship between the employer and the employee. This may further lead to labour disputes and tarnish the reputation and the image of the JMPD.

In corruption cases, relevant information may include bank statements, e-mails, Internet and telephone communications, gambling records, Value Added Tax (VAT) registration documents, insurance policy details, and criminal records (Budhram, 2015:50-51). The author further states that analysts must actively solicit intelligence from a variety of sources in the criminal environment. This can be achieved by amongst others, interviewing investigating officers and debriefing handlers of confidential information.

5.5.1 Open-sources information

Carter (2004:70) defines open source information as any type of lawfully and ethically obtainable information that describes persons, location, groups, events, or trends. Pruckun (2013:23) agrees that open source information is information that is publicly available and can include research reports, journals, newspaper, statistical data, and a variety of other sources. In addition, open sources information may include records held by government departments, police agencies records, criminal justice records, as well as other sources that are openly available (Lionel, 2008:93).

While the expenditures of collecting information may be a concern to many law enforcement agencies, Phythian (2013:3) advises that open-source intelligence is crucial for users with budget constraints or limitations in technological capabilities. Pruckun (2013:23) is in agreement with Phythian (2013:3) and indicates that the bulk of information the investigator is likely to use is likely to come from publicly available sources. Nonetheless, the UNODC (2011:12) warns of the disadvantages posed by open-source information as such information may be frequently biased, inaccurate, or sensationalised.

Taking into account the above, Metscher and Gilbride (2005:8) indicate that there are two forms of open sources of information namely, free access and pay access information. Anti-corruption agencies do not need to pay any amount to access free access information. On the other hand, a subscription amount needs to be paid for pay access information. Free access information may amongst others include free email subscriptions, social media platforms, various search engines such as Google, and online news article. Anti-corruption agencies may make use of these valuable sources of information.

Alternatively, anti-corruption agencies may make use of pay access information sources such as sophisticated media service databases and consumer information databases to gather the required information for the purpose of combating corruption (Metscher & Gilbride, 2005:15). Taking into account the assertions of the authors herein, anti-corruption agencies may access a wide range of information from open sources and will in most cases not have turn to clandestine methods to collect such information. Metscher and Gilbride (2005:15) further indicate that open sources information may be collected using active collection methods which entail the use of a search criterion into a search engine; reading through articles in print media; or making “open cover” telephone calls. In addition, open sources information may be collected using automated processes. Some open source information is offered free of charge such as in the case of news alerts offered through a search engine. On the other hand open source information may be offered at a fee such as in the case of pay access media databases offering intelligent agent features.

Information from co-workers or supervisors whom are likely to have knowledge of incidents of corruption and JMPD officials likely to be involved in such activities may also be of value to anti-corruption agencies. Officials whom have been implicated in corrupt activities may also be willing to provide additional information on corrupt activities at a particular jurisdiction. This has been found to be an effective intelligence collection tool by Zinn (2010:29-31) in the study on sourcing crime information from incarcerated house robbers and could be of value if applied to the JMPD. The author found that information from convicted criminals

may provide light with regard to crime, including modus operandi, trends, and syndicate information. Zinn (2010:29-31) also found that such information may be used to confirm or disprove public or media speculations about how certain crimes are executed. However, the author advises that such information need to be corroborated by other crime information and crime intelligence. Furthermore, other stakeholders such as SAPS officials could also be a valuable source of information as they may have knowledge of corruption perpetuated by JMPD officials.

5.5.2 Closed-sources information

Information may also be obtained by using covert means Pruckun (2013:23). This is clarified by Rollington (2013:17) when the author mentions that covert information is obtained by using secretive means and such information is not openly shown in the public domain. The author further mentions that the secretive method of collecting information can involve anything from visual surveillance of people and activities, delving into databases, listening to phone calls, breaking into offices and copying files, to satellite surveillance and photography. Moreover, closed sources information may be collected by law enforcement agencies using court and non-court actions. Information collected through court actions is usually used for strengthening information at the disposal of investigators. On the other hand, warrants and other court orders allow government agencies to deprive individuals of some of their constitutional protections such as the right to property, privacy, and liberty. The interception of telephone numbers involved in criminal activities and the corresponding information are some of the collection methods that may require court action (Metscher & Gilbride, 2005:18). Therefore, the background of an enquiry will guide the agency with the structure on which to base the information collection process and may also indicate where to find specific sources that may be relevant to the enquiry at hand (Rollington, 2013:23).

Even though closed-source information significantly enhances the quality of the intelligence product as a result of its accuracy, the challenge is that it is difficult to obtain such information and can also make an analytical product significantly less actionable due to restriction on dissemination (UNODC, 2011:12). As expressed by

Rollington (2013:17) anti-corruption agencies may collect closed sources of information by using law enforcement records, financial or assets records, infiltration, security records, and through electronic collection methods.

Law enforcement records are records held by law enforcement agencies. In this regard, Metscher and Gilbride (2005:9) mention that information concerning on-going law enforcement investigations, military preparedness, and national security issues amongst others may be found in the category of closed sources information. In law enforcement, closed sources of information may include criminal cases of corruption reported to the SAPS, criminal records of suspects, incidents of corruption reported to various anti-corruption agencies, and reports of corruption reported through the IAU and the JMPD.

Financial profiles and records of assets of suspects could also be important during the investigation of corruption. Broome (2005:399) mentions that financial profiling can be useful to trigger or progress an investigation. The author further mentions that suspicious transactions reports serve as an important source of financial intelligence. Financial profiles could be of value in determining the suspect's other or unknown sources of income in relation to their known source of income, and other financial activities. Basic assets checks could also be of value in determining the suspect's assets base. These two methods could assist anti-corruption agencies in identifying unjustified sources of income and assets ownership.

Infiltration may prove to be an effective method of gathering information related to corrupt activities. Limited observability of corrupt activities is one of the widely recognised factors that inhibit law enforcement efforts to successfully implement anti-corruption strategies in any country. This further questions the effectiveness of reactive methods of combating corruption (Konov, 2011:2). The author further mentions that in order to ensure the effectiveness of anti-corruption strategies, law enforcement agencies need to pretend being part of corrupt relations and to instigate would-be offenders to engage in corrupt activities. Closed methods of collecting information involve the application of various techniques which may

include the use of both human and technical resources (UNODC, 2011:12; & Rollington, 2013:120).

In light of the above, anti-corruption agencies may make use of sting operations to combat corruption as they provide better observability of corruption crimes. The purpose of a sting operation is to encourage wrong-doing with the purpose of punishing the offence that follows. Sting operations may also be of value in deterring attractive corruption opportunities by making would-be offenders think that an apparent attractive criminal opportunity could in fact be a trap (Konov, 2011:2). Hay (2003:6) is in support of the author herein by mentioning that sting operations may be used by private or public organisations to protect themselves from corruption and theft. Even though sting operations may be of value in combating corruption, Konov (2011:3) cautions that the effectiveness of such methods is counterbalanced by its moral ambiguity.

In addition, anti-corruption agencies may also make use of surveillance to detect corruption offences. Baker and Gunter (2005:1) define surveillance as an observation conducted to gain information and may include stationary surveillance, technical surveillance, and electronic surveillance. The authors further mention that surveillance may assist law enforcement agencies to obtain information for a search or warrant; locate a subject or the site of illegal activities; obtain intelligence about a subject, criminal group or location; prevent a crime from occurring through covert or overt surveillance; gather intelligence for a raid; and provide protection for informants, undercover individuals or others. Electronic surveillance equipment dedicated for crime prevention in the CoJ may be of value to anti-corruption agencies in combating corruption. Making use of this setup reduces the need for humans to monitor a situation around the clock. Surveillance teams may make use of the facility as they wish and the risk of discovery is minimal. Records of security access control system may also be of value in determining the target's movements within a particular work environment.

Security records may also be used by anti-corruption agencies to investigate corruption. Departmental systems may be of value to anti-corruption agencies by

providing these agencies with statistics of operational transactions performed by specific targets. Even though the use of closed-source information could pose some challenges relating to its accessibility, dissemination, and utilization it however remains a critical component of the intelligence process.

Anti-corruption agencies may further make use of technology to collect information. Electronic collection methods entail collecting information from a target without any direct contact with the target. This is achieved by collecting information from the target as he interacts with his employees, agents, comrades, friends, and vendors, and this may include telephone eavesdropping, direct eavesdropping, and traffic capture (Metscher & Gilbride,2005:19).

Both open-source and closed-source information are important in any effort to combat corruption in the JMPD. The challenges associated with the collection of closed-source information should not deter anti-corruption agencies in their attempt to collect this valuable information. Cooperation amongst the various anti-corruption agencies is also vital in ensuring better information collection and effective intelligence sharing for a common purpose.

5.6 LEVELS OF INTELLIGENCE: IN AN ANTI-CORRUPTION CONTEXT

There are several types of intelligence which are being practiced depending on their focus or scope. Various types of intelligence refer to intelligence that supports national security, military operations, law enforcement, corporates or businesses, or private persons (Prunckun, 2013:5; & Jensen et al, 2013:6). Coupled to these types of intelligence are the various levels of intelligence which are according to Peterson (2005:3) and Pruckun (2013:25) often misconstrued as a result of the fact that the levels of decision-making at the operational and tactical level are so similar as to make differentiation hard. Moreover, Zinn (2010:28) argues that the distinction between the strategic and tactical level of intelligence applies only to its use at that level of assessment and that any given item of intelligence may have, tactical, strategic, or dual relevance. While some authors distinguish between tactical, strategic, and operational intelligence, other authors only distinguish between tactical and strategic intelligence (Peterson, 2005:3). In this study the

researcher will make a distinction between these three levels of intelligence that is operational, tactical, and strategic intelligence.

Firstly, tactical intelligence is said to be the most common level of criminal intelligence in use around the world (Ratcliffe (2007a:10). It is also highlighted by Schneider (1995:403) and Ratcliffe (2007a:10) that tactical intelligence is at a micro-level and is aimed at providing front-line enforcement officers with the necessary support to tackle specific cases and assist in the realisation of enforcement objectives such as tactical plans; affecting an arrest; and the gathering of evidence for a conviction. This argument is further supported by Fuentes (2006:9) when the author mentions that tactical intelligence products are focused on specific targets and continues to provide an example that tactical intelligence may be applied to a specific leadership of syndicates in a specific criminal environment by carrying out near-term operations against the leader or the senior members of the syndicates.

On the other hand, operational intelligence is aimed at on-going investigations. This intelligence is produced from the accumulation of tactical intelligence and it is the first level of analysis and the focus of most operations that seek to support investigations (Broome, 2005:378). Prunckun (2013:5) mentions that operational intelligence supports a broader range of operational activities and usually provides support to decision makers in a space of days or weeks and could be applied across more than one local area to have greater impact.

In light of the various types of intelligence discussed above, the application of intelligence at a tactical level could be of importance in dealing with daily incidents of traffic policing corruption in the JMPD and it is likely to assist anti-corruption agencies with a clearer understanding of this phenomenon. Tactical intelligence may further be useful in tackling immediate risks of corruption in the JMPD with the aim of resolving them. It is an intelligence product that could contribute directly to the success of specific investigations by assisting anti-corruption agencies to identify target profiles and criminal networks, the frequency of their interaction, types of crimes in which the network engages, the chain of command

in the networks, duration of criminal operations, and the likely impact of law enforcement activities on the areas in which the network operates (Peterson, 2005:3).

Lastly, intelligence at a strategic level serves as a management tool which seeks to provide an overview of the scope and dimension of criminal activities. Strategic intelligence also assists when developing policies and strategies to deal with the overall impact of criminal behaviour in society (Broome, 2005:379). This is further supported by Jensen et al (2013:6) when they mention that strategic intelligence is generally consumed by senior leaders and policy makers to tackle long term issues that have large implications and potential consequences. This kind of intelligence evolves over time and seeks to explore long-term, larger scope solutions (Peterson, 2005:3). The researcher is of an understanding that strategic intelligence could be of value in the formulation of national policies and strategies to deal with traffic policing corruption. This form of intelligence could also be of value in providing long-term strategies for dealing with the prevalence and effects of traffic policing corruption in South Africa.

All the three levels of intelligence have relevancy in combating traffic policing corruption in the JMPD. The application of intelligence at each level will be determined by an anti-corruption agency's goal towards solving a defined corruption problem. Thus, an anti-corruption agency will be guided by a particular corruption problem on whether to apply intelligence at their disposal at an operational, tactical, or strategic level.

5.7 DETECTING TRAFFIC POLICING CORRUPTION USING INTELLIGENCE ANALYSIS

Ivkovic (2003:594) asserts that a police leadership keen to engage in anti-corruption efforts and invest necessary resources in corruption control without information about the nature, extent, and organization of corruption run the risk of: wasting at least part of the allocated resources, strengthening the code of silence, and raising doubts to manage the organization. In this regard, the presiding sections of this chapter explored key issues such as the functions of the JMPD,

characteristics of corruption in the JMPD, factors contributing to the prevalence of corruption, and the impact of traffic policing corruption. This has provided some benchmark with which appropriate measures can be implemented to address the identified corruption risks.

Harris (1975:232) comments that Intelligence is a law enforcement function intended to support investigators, decision-makers, and policymakers in their attempt to prevent and control crime. Jensen et al (2013:2) are also of a view that intelligence has been an important feature in mankind since the earliest human began to think and process information and would influence decision making by individuals, business, industry, the military, and the government. The use of intelligence in any law enforcement activity is driven by a set of goals which law enforcement agencies have to achieve in order to address a particular crime problem. Law enforcement goals could include the understanding of a particular crime problem with the ultimate goal of ending that particular crime problem. According to the International Association of Chiefs of Police (IACP) (1985:1) the goals of an intelligence program include the reduction of organised crime in the community; reduction of the opportunities for organised crime to infiltrate the community, including business; and the establishment of a program to deter organised crime in the community.

Ratcliffe (2009:1) goes on to state that the continued need for the use of intelligence has been driven by rapid changes in the criminal environment and the complexity of crime in recent years which have taken many in law enforcement by surprise. The use of intelligence allows law enforcement agencies to predict criminal activities into the short and long term; anticipate the behaviour of organised groups; think strategically; and ensure the proper allocation of resources. Peterson (2005:3) supports the views of the author by mentioning that an intelligence program assist in the establishment of an early detection system to identify organised criminal activities; the development and initiation of innovative investigative techniques; the strengthening of interagency coordination of investigations; and assists in decision making, planning, strategic targeting, and crime prevention. The author continues to indicate that combating illegal activities

effectively is dependent on intelligence operations on all levels and without such intelligence; law enforcement agencies will not be able to function properly. Intelligence has proven to be a valuable tool in combating criminal activities, and as a result, could be of value in combating traffic police corruption in the JMPD.

5.7.1 Defining intelligence analysis

Ratcliffe (2007b:8) refers to intelligence analysis as the formation of an intelligence knowledge product that supports decision making in the area of law enforcement, crime reduction, and crime prevention. In addition, Boba (2005:3) defines intelligence analysis as a set of systematic, analytical processes that provides timely and pertinent information about crime patterns and criminal trend correlation.

In most cases, the intelligence that is at the disposal of law enforcement agencies is so complex that it needs to be refined in order to properly define its orientation, target, and goals (UNODC, 2011:4; &Eck & Clarke, 2013:10). It is for that reason that the UNODC (2011:1) suggests that in order to deal with the complexity of intelligence at the disposal of law enforcement agencies, law enforcement agencies are required to further analyse such intelligence. This process will add value in resolving or separating criminal activities or situations into components; ascertaining criminal situations parts; tracing various criminal situations to their source to discover the general principles behind them; and providing a table or statement of the results of this process.

Taking into account the assertions of the authors above, the researcher's operational definition of intelligence analysis refers to the further analysis of intelligence which may be at the disposal of the Internal Affairs Unit. Such intelligence would have been sourced by the Internal Affairs Unit investigators or supplied by intelligence institutions previously identified in this study. The aim of this process is to enhance the process of detecting traffic policing corruption in the JMPD and also augment the process of suspect identification.

Intelligence may be available on aspects such as the various manifestation of traffic policing corruption in the JMPD; the modus operandi of perpetrators; motorists of risk; and the profile of MPOs likely to engage in corrupt activities. Nonetheless, the

complexity of this intelligence may be of limited value in assisting investigators to identify specific targets and detect corrupt activities and may require a further analysis. Such analysis could assist anti-corruption agencies with the effective and efficient detection, and investigation of corruption in the JMPD.

5.7.2 Objectives of intelligence analysis

The underlying principle behind intelligence analysis is to allow law enforcement authorities to establish a pro-active response to crime (UNODC, 2011:7). Likewise, Oliniki (2010:7); Boba (2005:13); and the OECD (2010:7) mention that intelligence analysis seeks to identify the network of offenders and criminal activity, assist the police in apprehending those violators of the law, and timely identify threats and assist law enforcement with the formulation of appropriate strategies to deal with those threats. Intelligence analysis is a future oriented activity which tries to determine what criminal activity is likely to happen if law enforcement authorities do nothing to prevent it (Eck & Clarke, 2013:10).

Ratcliffe (2007a:v) recommends that law enforcement authorities should use intelligence analysis to develop critical and substantive predictions of criminal activities and decision-making efforts that are centered on organised criminal activities. This is necessitated by the transformation of individual crime to organised or group crime, and the dangers posed by such criminal groups as opposed to individual offenders. Intelligence analysis seeks to identify and exploit special vulnerabilities of offender groups, detect, arrest, and prosecute group offenders (UNODC, 2011:7). Considering the assertions by the authors herein, Buscaglin and Van Dijk (2003:3) contends that corruption and organised crime cannot be regarded as isolated criminal phenomena as theory and applied research have proven a link between the two concepts. This clearly indicates that intelligence analysis is relevant and may be of value in dealing with the complex dynamics present in traffic policing corruption in the JMPD.

5.7.3 Application of intelligence analysis to detect traffic policing corruption

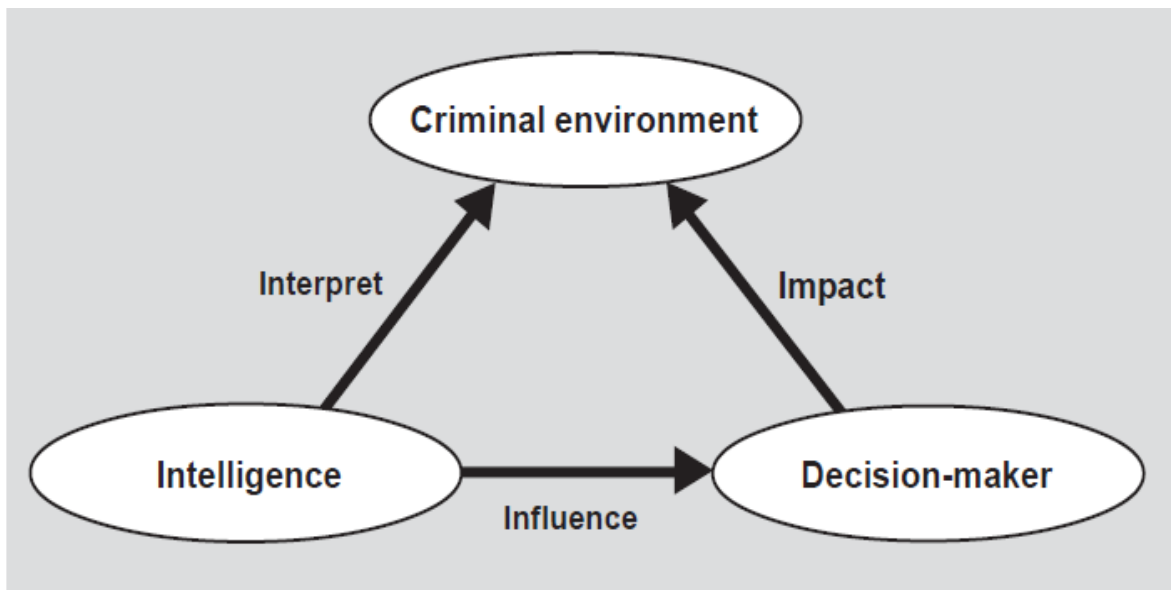
Klockars, et al (2004:22) are of a view that as a result of the secretive nature of corruption and the difficulties in obtaining evidence in reactive investigations there

is consensus amongst scholars around the importance of intelligence in combating corruption. Mashiloane (2014:117-118) also comment that the difficulties associated with the detection and investigation of corruption makes it essential for anti-corruption agencies to device appropriate methods and approaches to confront this problem, and one of such approaches is the use of intelligence. The effectiveness and the success of various anti-corruption models such as the Hong Kong, Singapore, and the Botswana anti-corruption models have been as a result of the reliance on intelligence. Intelligence has played a significant role in the success of anti-corruption agencies in these countries by providing strategic, operational, and tactical intelligence which enabled the agencies to effectively and efficiently tackle the manifestation of this phenomenon.

While traffic policing corruption continues to be a problem in South Africa and the JMPD in particular, most often such incidents remain undetected. This may be attributed to the reliance on less effective reactive methods of detecting corruption such as management reviews, internal audits, and whistleblowing (Budhram, 2015:50). Taking these factors into account, the researcher seeks to explore the extent to which intelligence analysis may be applied to detect traffic police corruption in the JMPD.

In light of the above, Budhram (2015:51) supports the application of the 3i model as proposed by Ratcliffe (2003:3) in Figure 5.1 below to combat corruption in South Africa. The model is based on the principles of interpretation of the corruption environment; the use of intelligence analysis to influence law enforcement decision makers; and the use of intelligence analysis to impact on the corruption environment. The researcher strongly supports the recommendations of the authors above and trusts that the use of intelligence analysis can be relevant and important in detecting traffic police corruption in the JMPD and can be of value to the Internal Affairs Unit in achieving anti-corruption goals as mentioned below. Intelligence analysis could also be of value in complementing methods of detecting and investigating traffic police corruption already in use.

Figure 5.1 Ratcliffe 3i model



(Ratcliffe, 2003:3)

Taking into account Figure 5.1 above, the use of intelligence analysis seeks to achieve the below mentioned goals:

- **Understanding the corruption environment**

Understanding the criminal environment may include amongst others, having data on various manifestations of corruption, *modus operandi* of officials, and motorists of risk (Budhram, 2015:51). The author further mentions that analysts will target the corruption environment in order to collect information from public and private sources. Therefore, this process could provide the Internal Affairs Unit with a clearer understanding of the problem of traffic police corruption in the JMPD.

- **Planning and resource allocation for detecting corruption**

The success of any crime prevention initiative and preventing corruption in particular is dependent on proper planning and resource allocation. Intelligence analysis may well assist with the deployment of resources in a more efficient and effective manner in order to target and disrupt corruption trends and corruption networks (Horne et al, 2014:75-76). Once areas of vulnerability have been identified and specific situations of corruption known to anti-corruption agencies, an intelligence product may

be of assistance in planning and executing anti-corruption enforcement activities in the JMPD. This might also assist in identifying priority cases within the JMPD and the provision of resources aimed at ending the activities of corrupt groups or limiting the prevalence of group activities.

- **Analysis of corruption situations**

Oliniki (2010:7) mentions that intelligence analysis can provide law enforcement authorities with a more comprehensive analysis of situations involving corruption. In this regard, anti-corruption agencies could be able to identify patterns of non-enforcement or selective enforcement of traffic laws. The selective enforcement of laws and regulations in order to derive undue benefits is another form of corruption perpetuated by traffic police officials. This form of corrupt practice is coupled to the discretion and authority a traffic police official has in enforcing the relevant laws and regulations.

Moreover, anti-corruption agencies could be able to identify unusual patterns or coincidence in the behavior of officials. Corrupt officials display certain behavioural characteristics and the awareness of such behavioural characteristics and patterns by anti-corruption agencies may enable them to narrow their focus and identify specific traffic officials whom are likely to be involved in corrupt activities. This refers to inference development for the purpose of understanding the corruption environment and identifying suspects.

Lastly, intelligence analysis could aid anti-corruption agencies to identify patterns of identification or non-identification of traffic laws violations. Statistics on the frequency of identification of traffic law violations could assist in determining an average number of cases which are likely to be detected in a particular day, week, or month, and any major deviation from the known average could be a red flag. This could be of utmost importance if specific targets of traffic police officials suspected to be involved in corrupt activities have been identified; and it could also be important during

the planning and launching sting operations against suspected traffic police officials.

- **Identification of targets**

Rosenblum (2012:6-7) has identified the use of tactical, operational, and strategic intelligence as a strategy to detect organised crime. The expert seminar by the EICPS (2006:39-40) and the OECD (2010:7) also highlight the importance of intelligence analysis as an increasingly recognised tool to timely identify threats, assist law enforcement by providing a more comprehensive analysis of situation involving corruption, and to monitor the “ethical health” of law enforcement officials by identifying patterns such as unexpected relationships between officials, unexpected frequent contacts amongst certain officials or suspicious contacts between officers and private individuals which may reveal the potential presence of illegal activities.

- **Knowledge-based decision making**

Forensic intelligence is described by Horne, et al (2014:72) as a model and philosophy where data from the crime scene and information are key to decision-making and further serve as a framework that facilitates the detection, disruption, and prevention of crime in a timely manner. Intelligence analysis will allow anti-corruption agencies to make informed decisions based on the knowledge at their disposal. It may inform anti-corruption agencies on the course of action they need to take, what strategies to apply, which resources to use, and whether it is worth pursuing a certain course of action. Intelligence analysis could indeed improve the decision-making process of the Internal Affairs Unit in combating traffic policing corruption in the JMPD.

- **Prediction of occurrences of corrupt activities**

Intelligence analysis could provide timely and pertinent information that allows anti-corruption agencies to accurately determine the nature of corrupt activities, predict the occurrence of corrupt activities, and identify perpetrators responsible for such offences (Horne, 2009:68). Such approach would best address the manifestation of traffic policing corruption in the

JMPDs as opposed to administrative controls which various authors have found to be less effective. In addition, Peterson (2005:4) mentions that analysts are able to anticipate crime trends, and agencies can take preventative measures and intervene or mitigate the impact of those crimes using intelligence from previous crimes in local and other jurisdiction and comparing the indicators from local neighborhoods. Previously detected incidents of corruption and patterns of corruption from other jurisdictions may also be used to predict the occurrence of corrupt activities at a selected area of operation.

The intelligence-based approach is a proactive approach and has proven to be one of the most effective ways of combating crime and more specifically organised crime. The use of the JMPD's operational data; data in relation to the posting of traffic police officials at various locations could provide anti-corruption agencies with important information which will enable them to focus on specific activities and be able to predict occurrences of corrupt activities (Boba, 2005:3). This can be achieved by identifying officials involved in corrupt activities and their habits, assessing current trends in corrupt activities, and devising appropriate means to hamper the development of future criminal activities (UNODC, 2011:7). This aspect when applied properly can assist the Internal Affairs Unit in developing strategic plans to tackle the problem of corruption and prepare for future anticipated ones.

- **Support investigations**

Berning and Masiloane (2010:86), and Govender (2012:72) assert that intelligence analysis supports crime investigation with the critical information of what is being investigated and is necessary for the successful investigation of a crime. The Internal Affairs Unit ought to benefit from the intelligence at their disposal during investigations of corruption. With intelligence at hand, the Internal Affairs Unit could bring together pieces of intelligence in order to have a clearer picture of the relationships and events which taken together can constitute proof of corrupt activity.

- **Disruption of corrupt activities**

The disruption of criminal activities is one of the alternatives law enforcement agencies may explore to render it tough for persons participating in a criminal network to continue with their illegal activities. This may be of importance where there is a high volume of criminal activities that cannot be investigated properly due to limited resources (Innes & Sheptycki, 2000:13). Intelligence analysis is likely to provide timely and pertinent information that allows the Internal Affairs Unit to accurately determine the nature of corrupt activities, predict the occurrence of corrupt activities, and identify perpetrators responsible for such offences (Horne, 2009:68). Such approach would best address the manifestation of corruption in the JMPD rather than emphasising on administrative approaches in an environment where corruption is rampant. The intelligence-based approach is a proactive approach and has proven to be one of the most effective ways of combating crime and more specifically organised crime.

The discussion herein shows that intelligence analysis continues to play a significant role in combating crime in general and could play a significant role in combating traffic police corruption in the JMPD. Intelligence analysis could aid anti-corruption agencies with amongst others, understanding, detecting, investigating, and disrupting corrupt traffic policing activities in the JMPD.

5.8 FACTORS THAT COULD INHIBIT THE EFFECTIVE APPLICATION OF INTELLIGENCE ANALYSIS IN DETECTING TRAFFIC POLICING CORRUPTION

Montesh and Berning (2012:117) mention that different countries use different methods to investigate crime as prescribed by the criminal justice employed by that particular country. The authors further mention that in South Africa, in the case of *S v Botha and Others (1) 1995 (2) SARC 598 (W)*, the presiding Judge ruled that crime investigation was not the sole mandate of the SAPS. The Judge also alluded that it was proper for the institution to conduct its own investigation and then hand over the evidence to the police for prosecution. This judgment paved a way for other investigative agencies in South Africa including departmental

investigation units to investigate criminal activities within their domain. While numerous agencies are tasked with combating corruption in South Africa, their ability to collect information may be hampered by a variety of factors. The researcher understands that factors mentioned below may inhibit the effective application of the intelligence process to combat traffic policing corruption in the JMPD and other areas of traffic law enforcement.

5.8.1 Legislative requirements

The largest limitation associated with the use of intelligence may be attributed to the interpretation of the Constitutional mandate on the collection of intelligence in South Africa. Montesh and Berning (2012:119-120) mention that the only agencies authorised to conduct intelligence is the SSA, the SAPS, and the SANDF in terms of the National Strategic Intelligence Act 39 of 1994 and the gathering of intelligence by any agency other than these agencies may be in violation of the Constitution of the Republic of South Africa, Act 108 of 1996; the National Strategic intelligence Act; and the Intelligence Oversight Act 40 of 1994. However, Budhram (2015:50-51) holds a different view and argues that intelligence does not imply the use of clandestine and covert means, “rather, it is a business process model which determines where resources are needed, facilitates the organisation of knowledge, coordinates activities and allow lessons to be learnt from those activities”.

In light of Budhram’s assertions above, public services institutions with the capacities to investigate corruption such as the Internal Affairs Unit may apply such business process models to facilitate the process of corruption risk identification, corruption risk planning, and corruption risk response and re-evaluation. However, the collection of certain information and the application of certain information collection techniques for the purpose of combating corruption in the JMPD cannot be left to the Internal Affairs Unit alone and may require the direct involvement of the SAPS and the SSA. Such information may include information held by the Financial Intelligence Centre (FIC) for the purpose of compiling a financial profile of traffic police officials suspected to be involved in corrupt activities and the collection of information through the use of tactics such as infiltration and surveillance. As indicated by Marais (2003:139), MPDs are allowed to gather

intelligence relating to the internal capacity to deal with matters like corruption within such municipalities or councils (Marais, 2003:139).

5.8.2 Incorrect perceptions about intelligence

Ratcliffe (2007b:8) also mentions that the public holds a perception that tactics used to gather covert information constitute intelligence. The author further alludes that “this view is reinforced by misinformed fictional and media presentations as they often portray the intelligence function as a secretive and sometimes subversive activity that is morally ambiguous or takes police close to legal and ethical boundaries”. The researcher is of an opinion that this factor discourages most law enforcement agencies and mostly specifically government departments with in-house investigative capabilities to make use of intelligence as a tool to combat illegal activities within such departments. In this instance most often investigators are met with resistance and often labeled as spies when collecting information related to workplace investigations.

5.8.3 Failure by law enforcement agencies to recognise the value of intelligence

The failure to recognise the value which intelligence can offer in combating illegal activities is said to be another factor which inhibits the use of intelligence to combat illegal activities (Osborne & Wernicke, 2003:10). On the contrary, authors such as Ratcliffe (2007a:1) and Chesbro (2010:56) argue that law enforcement executives are increasingly recognising the abundance of crime information and the only challenge is to convert this wealth of data into actionable intelligence that can enhance decision making, improve strategies to combat crime, and increase crime prevention benefits.

Considering these diverging views, Budhram (2015:50) mentions that most of South Africa’s anti-corruption efforts are reactive and both the private and public sector continue to rely on whistle-blowing hotlines and internal audits to expose corruption. The author further mentions that data collected by these bodies is not synthesised and makes little contribution to crime intelligence or to efforts to predict and forestall corrupt acts. In order to recognize the value that intelligence could add in detecting traffic poling corruption, anti-corruption agencies ought to

create an environment conducive to the maximum effectiveness of those agencies. This can be achieved by legitimising the intelligence function in such a way that it has a clear mandate to make use of available organizational resources to gather and process information in pursuit of meeting clients' expectations (Schneider, 1995:417).

5.8.4 Lack of intelligence strategy

Gottschalk and Gudmundsen (2010:56) mention that the use of intelligence in law enforcement is largely dependent on the implementation of an intelligence strategy. The authors further define the term strategy as a set of principles and broad-based formula to be applied in order to achieve a certain purpose. Gottschalk (2009:xi) also comments that the intelligence function has to be based on an implemented intelligence strategy. Gottschalk (2009:xi) continue to state that conducting the intelligence function on the basis of an intelligence strategy is important because failure to implement a strategy can cause lost opportunities and leave investigators reluctant to do strategic planning. The lack of implementation of an intelligence strategy further creates problems in maintaining priorities and reaching organizational goals. Therefore, an intelligence strategy assists in the development of a wide-range awareness of the total corruption environment thus allowing the intelligence staff to focus broadly on the complete problem rather than narrowing it to a particular problem (Mc Dowell, 1997:14).

Mc Dowell (1997:14) further suggest that if the goal is to identify major changes on crime threats, the total problem solving approach has to start from the broadest practicable base to understand the specific and distinct characteristics of the crime problem. Schneider (1995:405) adds that in order to facilitate the effective collection and management of information, a comprehensive understanding of the likely sources of different types of data must exist. The BJA (2008:4) also warns against planning the intelligence function without a better understanding of the crime problem facing the jurisdiction and insufficient operational input.

The points discussed above highlight the importance of having a defined intelligence strategy which will guide the activities of anti-corruption officials. It is

the researcher's assertions that the presence of a defined intelligence strategy could be of paramount importance where there is more than one anti-corruption agency responsible for detecting corrupt activities in a particular area of operation. This could ensure coordinated intelligence efforts and prevent duplication of efforts. The presence of more than one anti-corruption agency to deal with traffic policing corruption necessitates the formulation of a coordinated intelligence strategy to address this problem.

5.8.5 Capacity constraints

A weak intelligence capability may hinder intelligence units from obtaining information that may be valuable in securing arrests, seizures, and prosecutions in active investigation. It may further inhibit the ability of the police to have an accurate estimate of the type and extent of organized criminal groups and other activities, deprive police management of critical information necessary to execute long term planning of an enforcement strategy and resource allocation (Schneider, 1995:403). Cope (2004:194) also comments that a significant inhibitor to the use of analytical products relates to the police officers lack of understanding of analysis and its potential to support policing, and the lack of understanding of policing and crime framework.

The vastness of crime information available, an increasing complexity of criminal phenomenon, and the fast developing technologies and techniques makes it extremely difficult for a single analyst to make sense of crimes using constantly developing methods and techniques. Therefore, the creation of a culture of sharing knowledge, information, and expertise becomes an important component in alleviating capacity constraints and improving integration and collaboration amongst agencies (den Hengst & ter Mors, 2012:1). Even though this process requires great efforts, continuing enthusiasm and long-lasting energy it is the secret behind intelligence-led policing and allows for the production of the best intelligence (den Hengst & ter Mors, 2012:2).

In addition, proper staffing of the intelligence unit is critical to its effective functioning (Schneider, 1995:421). The staffing process should cater for the

creation of a specialized unit with critically thinking analysts, and further develop a career of trained intelligence analysts. Thus, the selection of appropriate personnel becomes an essential prerequisite to the conduct of any intelligence activity (Mc Dowell, 1997:16).

5.8.6 Failure to adhere to the rule of law

Adherence to the rule of law is of utmost importance when collecting information (Carter, 2004:42). The law enforcement function is often characterized by the vast authority and the discretion law enforcement officials have. As such, law enforcement officials are inclined to abuse their authority and violate the rule of law when executing their functions (Ivkovic, 2005:8). Against this background, Duncan (2011:online) mentions that illegal monitoring and interception of communication is rife in South Africa and various political leaders have alleged that they are being spied on. Burger (2013:online) also adds that the crime intelligence services of the SAPS is currently in a shambles and is unable to function effectively and efficiently. This is largely due to years of infighting, poor leadership, and maladministration status caused by political interference. The researcher is of a view that law enforcement authorities and government departments with internal investigative capacity should adhere to the rule of law when exercising their mandate as this will enhance public trust and confidence, and will further minimise grievances which may arise as a result of internal investigations.

5.8.7 Role ambiguity and uncoordinated intelligence efforts

It is often assumed that the only institutions responsible for the collection of law enforcement information are the SSA and SAPS Crime Intelligence. Moreover, other state institutions, and divisions within the presumed intelligence institutions which are not primarily responsible of the collection of information often make minimal contributions to information collection efforts (Mashiloane, 2014:241). It has been mentioned earlier in this study that the collection of information for intelligence purposes does not necessarily entail the use of clandestine and questionable methods. Various sections within the JMPD, the IAU, and other stakeholders may have information on suspected corrupt activities which if communicated to the

relevant intelligence institutions may add value in combating traffic policing corruption in the JMPD.

Bruce (2014b:54) indicates that there is a lack of coordination of the overall anti-corruption efforts in South Africa. Budhram (2015:52) engages with this problem by stating that the SAPS is characterised by formal hierarchical structures, rules, and regulations which hinders effective partnerships between SAPS units and public and private institutions. In consideration of these views, Ratcliffe (2007a:27) comment that where there is an absence of industry standards for data collection and storage individual agencies are often hampered if they wish to pass and share information with neighboring agencies and other internal structures. Therefore, it is ideal to have a national structure which institutionalize, and facilitate the uniform collection, analyses, and dissemination of information and intelligence. Such a structure must be mandatory among all intelligence units and be viewed as the sole competent institution with which to share raw data and intelligence (den Hengst & ter Mors, 2012:2).

The coordination of information between relevant agencies such as government institutions, private policing, government regulatory bodies, and public police force is also essential in this regard (Schneider, 1995:421). In order to give effect to this, Budhram (2015:503) proposes the establishment of a national Corruption Intelligence Centre (CIC) which will provide the necessary institutional support currently lacking in anti-corruption agencies. The Centre will be responsible for receiving corruption information from all sources, analysing, and disseminating intelligence to the relevant enforcement agencies.

5.8.8 Quality of the intelligence product

Cope (2004:194) comments that most often police officers complain that intelligence products are of poor quality or do not inform them about criminal acts that they already know about in their locality. To confirm this, a study by Mashiloane (2014:240) on the use of intelligence in crime prevention by the SAPS indicated that the majority of respondents at 44%, rate the quality of intelligence products within the SAPS as average, and 40% as good, while only 12% rate the

intelligence product to be excellent. The respondents relate this to insufficient information for the development of an intelligence product and inadequate training of agents. A further confirmation is by Cope (2004:193-194) who found that data quality affected the development of analysis as a result of missing details from intelligence reports for their products, and the lack of police officials understanding of analysis and its potential to support policing and analysts lack of understanding for their products.

The quality of an intelligence product is dependent on a number of factors such as the time scales for work, analyst skills and their level of conceptual understanding of their role of the crimes occurring in their areas, and more crucially the expectations of the senior management (Cope, 2004:194). Therefore, it is essential that the needs of the intelligence consumer are clearly understood in order to provide satisfactory services and to avoid waste of intelligence efforts and resources (Mc Dowell, 1997:15). Schneider (1995:416) further suggests that the monitoring and application of intelligence in order to ensure that the intelligence estimates are thoroughly understood or applied to the objectives of an investigation and strategic plans. This calls for collaborate work between analysts and investigators and regular feedback sessions.

5.8.9 Lack of trust and fear of victimisation

Victims of police extortion are unlikely to report such incidents to the police as a result of the loss of trust in the police and the improbability of the police to investigate misconducts of one of their own (Ivkovic, 2005:8). A study by Bezuidenhout (2008:49) found that there is negativity towards the SAPS by community members and this result to the high crime rate in South Africa. The study also found that the majority of the participants in the study did not trust the police and that they believe some police officials are involved in crime. Furthermore, a study by the DPSA (2008) on the assessment of the effectiveness of the National Anti-corruption Framework found that the majority of respondent did not feel adequately protected to blow the whistle on corrupt elements for fear of intimidation and victimisation, lack of confidentiality, lack of trust, and inadequate protection for whistleblowers.

Powell (2012:24) alludes that whistleblowers in South Africa face a number of risks, such as dismissals at the workplace, disgrace, threats to their lives, deaths, and at times they disappear without a trace thus stalling the progress of a case. The Victims of Crime Survey by StatsSA in 2016 also shows that most South Africans simply do not feel safe in the country and have little faith in the SAPS to combat rising crime levels. This lack of trust continues to perpetuate the prevalence of the under-reporting of crime incidents to the SAPS (South Africa, 2016b). Lack of trust and fear of victimisation could be of a particular relevance to the problem of traffic policing corruption in the JMPD. This situation may discourage members of the public from supplying important corruption related information to intelligence agencies or anti-corruption agencies.

5.9 SUMMARY

In this chapter, the researcher introduced the readers to the concepts of intelligence and intelligence analysis. Methods of collecting information were also discussed as well as how such information can be turned into usable intelligence. It was also important to discuss the intelligence structures of South Africa, the legislative requirements related to the use of intelligence in South Africa, and the limitations associated with intelligence activities in South Africa. Most importantly, the researcher discussed how intelligence analysis can be applied to detect traffic policing corruption in the JMPD. In the next chapter the researcher will discuss the research methodology applied in this study.

CHAPTER SIX

RESEARCH METHODOLOGY

6.1 INTRODUCTION

The purpose of this chapter is to provide a comprehensive overview of the research process applicable to this study. It explores the research methodology and the research methodology concepts applied in research.

The contents of this chapter include the philosophical worldview applicable to this study, the nature of the research approach and design, methods of data collection, data analysis procedures, and the methods used to ensure trustworthiness and quality of the study. This chapter concludes with an overview of the ethical principles within which the research was conducted.

6.2 PHILOSOPHICAL WORLDVIEW

During the planning phase of a study, researchers need to think about the philosophical worldview of the study; consider the research design that is related to the worldview; and adopt specific methods and procedures of research that translate the approach into practice (Cresswell, 2009:5). Cresswell (2014:6) further elaborates that worldviews arise out of a number of factors such as discipline orientation; student advisor's inclinations; and past research experiences. These factors determine whether the researcher adopts a quantitative, qualitative, or mixed method approach when conducting the research.

To this end, a number of worldviews continue to exist. However, there is no standard for what they might be (Cresswell & Clark, 2007:21). There are different worldviews that might be applied in research namely, the postpositivism approach also referred to as the scientific method; the constructivist theory also called social construction; the transformative worldview; and pragmatism (Cresswell & Clark, 2007:22; & Cresswell, 2014:7-8).

In this study, the researcher applied pragmatism. Pragmatism is a problem-oriented method that seeks to provide practical solutions to research problems. In addition, pragmatism judges approaches to research in terms of the practical

outcomes they will yield. Furthermore, key to pragmatism is the assumption that: knowledge is based on practical outcome and what works; research should test what works through an empirical enquiry; there is no single method of enquiry that can lead to absolute results; and the fact that what is known as the truth today may not be seen as such in the future. In this regard, pragmatism supports the mixed methods approach and it is not concerned on how social research fits in with either the quantitative or qualitative paradigm but on how useful such paradigms are in addressing a particular problem (Denscombe, 2006:157-158; & Baronov, 2012:137).

In this study, pragmatism was achieved by adopting a qualitative approach and collecting empirical data through semi-structured interviews. Interview questions were open-ended and provided the researcher with an opportunity to follow up on answers provided by participants. Empirical data collected during the research was instrumental to the understanding of the phenomenon under study and in providing practical solutions to the identified research problem.

6.3 RESEARCH DESIGN

A research design serves as a basic plan for a piece of empirical research which highlights the strategy; conceptual framework of the study; who or what will be studied; and tools and procedures to be used for collecting and analysing empirical materials (Punch, 2000:52; & Bryman, 2012:46). In this study, the researcher intends on applying an empirical research design to address the research aim, objectives, questions, and problem statement. Punch (2000:52) further describes an empirical question as a question which can be answered by obtaining direct and observable information from the real world as opposed to theory or reasoning, or arguing from first principle.

The empirical component of this study was achieved by conducting Key Informant Interviews (KIIs) while adopting semi-structured interviews with investigators within the JMPD in order to obtain first hand and practical information on corruption and intelligence. The interviews in question ensured that the study is

supported by direct experience or observation of the research participants (Punch, 2000:2).

6.4 RESEARCH APPROACH

Creswell (2014:02) defines research approach as a plan and procedure for a research aimed at driving a study from a general approach to a more detailed method of collecting, analysing, and interpreting data. A study may be qualitative or quantitative, or may involve the application of both approaches. In this study, the researcher made use of a qualitative approach. Marshall and Rossman (2006:97) define qualitative methods as methods of gathering information by participating in the setting, observing situations directly, interviewing, and analysing documents.

The qualitative research approach provided the researcher with an opportunity to study things in their natural setting (Babbie, 2007:110). The researcher sought to understand the research problem from the expressed views of the identified participants. Therefore, the researcher conducted semi-structured interviews with a sample of investigators within the IAU. This approach allowed the researcher to explore and understand the meaning the participants attached to the problem under study. This approach is contrary to a quantitative method which emphasises objectivity by using measurements, statistical, mathematical, or numerical analysis of data collected through polls, questionnaires, and surveys; or by manipulating pre-existing statistical data using computational techniques (Babbie, 2010:16; & Creswell, 2014:09).

6.5 TARGET POPULATION AND SAMPLING

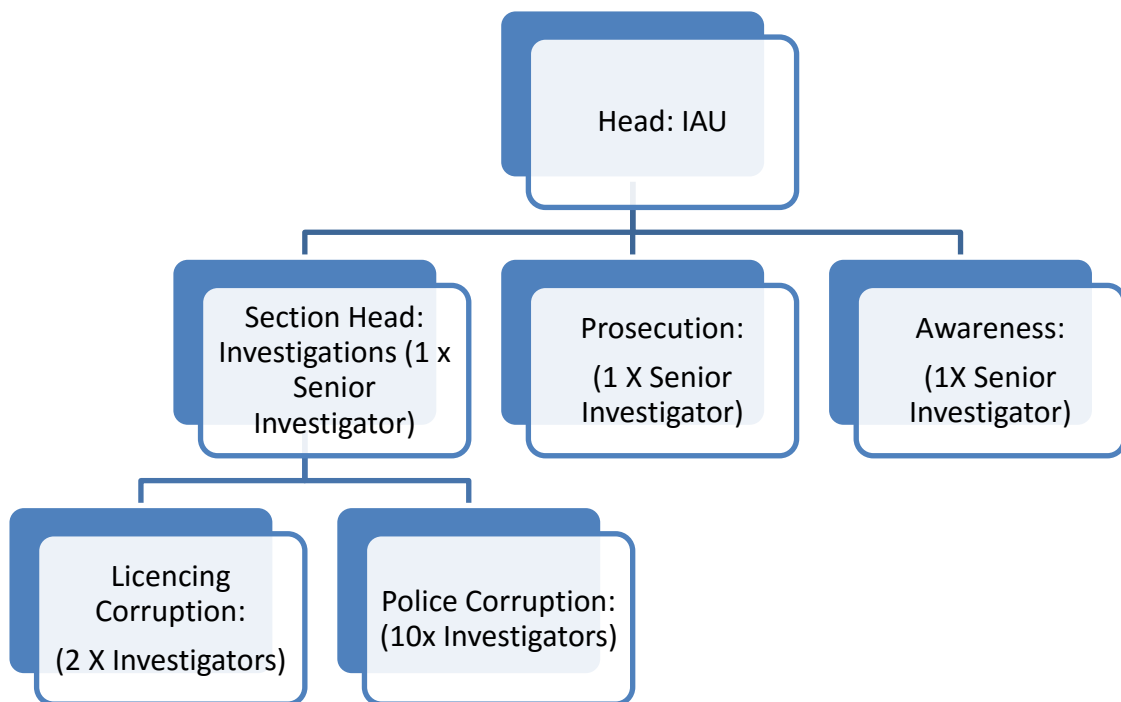
A research study requires the researcher to identify a study population applicable to the study at hand, and from that population identify a manageable sample that will actively take part in the study.

6.5.1 Study population

Goddard and Melville (1996:34), and Walliman (2011:185) define a population as any group that is the subject of research interest which may consist of objects, people, or even events. The IAU is a component of the JMPD. It is a section within

the JMPD that has a primary objective of investigating corruption within the JMPD. IAU officials are responsible for investigating allegations of corruption and unethical conduct within the JMPD and the CoJ Motor Vehicle Licensing Department (CoJ, 2017:online). The Unit is also responsible for road safety and anti-corruption awareness within the CoJ. Considering this, the Unit has a total of 15 officials, of these 15 officials; ten are responsible for investigating traffic policing corruption in the JMPD. The rest of the officials are responsible for investigating irregularities in the licensing department; raising awareness; and facilitating the prosecution of officials that are implicated in corrupt activities. An illustration of the structure is as follows:

Figure 6.1 JMPD Internal Affairs Unit Organogram



In light of the above, the population for this study can be defined as all the ten investigators within the Internal Affairs Unit who are responsible for investigating traffic policing corruption in the JMPD.

6.5.2 Sampling procedure

In this the study, the researcher applied purposive sampling which is the deliberate search of participants with particular characteristics, according to the needs of the researcher, developing analysis, and emerging theory (Lewis-Beck, Bryman, & Liao, 2004: 885). Purposive sampling allowed the researcher to choose investigators with specific experience and knowledge in detecting and investigating traffic policing corruption in the JMPD.

In order to comply with the requirements of purposive sampling, the researcher approached the Head of the IAU to discuss the research topic and sought assistance in the identification of investigators who are responsible for detecting and investigating traffic policing corruption within the JMPD. This process sought to ensure compliance with the inclusion and exclusion criteria. The inclusion and exclusion criteria outline the population that can be included or excluded from the study sample. The inclusion criteria refer to characteristics that the potential participants must have in order to participate in the study. The inclusion criteria seek to select the study population in a more objective, consistent, reliable, and uniform manner. On the other hand, the exclusion criteria consider characteristics that the participants might have that would make them ineligible for the study (Salkind, 2010:589).

As in the previous section, out of a total of 15 officials serving in the IAU, 10 officials were included in the study as they complied with the inclusion criteria and five were not eligible hence the researcher excluded them. Therefore, the researcher conducted semi-structured interviews with seven key Informants (KIs) participants. One investigator explicitly declined to participate in the study and two more investigators did not avail themselves for the interviews after they were invited. The small sample of seven participants used in this study is valid in that qualitative research methods are often concerned with gathering an in-depth understanding of a phenomenon under study as opposed to making generalisation about the study. As such, the aim of semi-structured interviews was to explore the meaning that participants ascribed on the phenomenon under study (Charmaz, 1990:1162).

6.6 METHODS OF DATA COLLECTION

Walliman (2011:173) explains that once the research problem has been formulated, it should become evident what kind of data will be required to study the problem, and what type of analysis will be appropriate to analyse the data. This step is one of the most crucial aspects of the research effort. It is determined by the nature of what the researcher wants to find out, the particular characteristics of the research problem, and lastly, the specific sources of information (Bryman, 2012:12).

In light of the above, Marshall and Rossman (2006:97) mention that in a qualitative research there are four methods of gathering information. The methods includes participating in the setting; observing the participants directly; having an in depth interviews with the participants; and analysing documents and material culture. Berg (2009:6) also mentions that triangulation refers to the application of multiple data gathering techniques on the same phenomenon in order to obtain mutual confirmation of measures and validation of findings. As such, researchers rely on two main forms of data which are primary data and secondary data (Walliman, 2011:69-70).

In this study the researcher collected data by applying KIIs. KIIs may be defined as a process of interviewing a small number of participants who have rich information on a particular topic. This process provides an interviewer with an opportunity to solicit information from participants who can provide insight on the nature of the problem and give recommendations as solutions to the problem that is of concern (Kumar, 1989:1; & Given, 2008:477). In addition, semi-structured interviews provide an interviewer with an opportunity to ask the participant to for clarification where answers are unclear and to follow up on interesting answers (Goddard & Melville, 1996:49; & Marshall & Rossman, 2006:101).

A pilot interview was conducted with a neutral participant who had a general knowledge on issues of policing corruption. The pilot interview was undertaken prior to the actual research study. This pilot interview was conducted both as a preparation to the actual study and as an evaluation experience. The purpose of

the pilot interview was to test a number of variables related to the study and correct initial problems before embarking on a full scale collection of data. This process was not aimed at collecting data, but to learn more about the research process, data collection techniques, and the relevance of the research instrument (Gorman & Clayton, 2005:98). The pilot interview also provided the researcher with an opportunity to improve his skills of conducting semi-structured interviews and also provided an awareness on how well the researcher was prepared to undertake the full scale study (van Teijlingen & Hudley, 2001:1; De Vos & Strydom, 2011:483). However, van Teijlingen and Hudley, (2001:2) caution that pilot studies have a number of limitations such as: making inaccurate predictions or assumptions about the study at hand; and not providing a full scale of the challenges to be encountered by the researcher during the actual study. In this regard, the researcher maintained trustworthiness and did not allow the results of the pilot interview to influence the outcome of the actual study.

In light of the above, the procedure followed in the pilot interview was:

- Conducting one semi-structured interview with a participant who had a general knowledge of police corruption;
- Ensuring that information on the participant's experience of police corruption was elicited;
- Ensuring that the semi-structured interview and the procedure used will be the same to the one applied in the actual research: and
- Transcribing the interview and sharing transcription with the research supervisor in order to establish whether the core of the phenomenon under study had been covered and whether appropriate techniques of interviewing had been applied correctly.

Thus, the researcher proceeded with the actual interviews only after the pilot interview was completed and the researcher and the research supervisor were satisfied with the skills and techniques applied by the researcher in interviewing, observing, and recording data in the pilot interview. The researcher conducted face-to-face semi-structured KIIs with the selected and identified investigators within the IAU by implementing a number of predetermined questions in relation

to the research topic (Berg, 2009:50). Thus, the interview schedule as presented in **Appendix D** designed by the researcher, guided this process. McDonald and Headlam (2008:39) state that semi-structured interviews are commonly used in cases where a qualitative approach is applied and allows for the researcher to address key themes rather than specific questions. Open-ended questions were posed to the participants in a systematic and consistent order and in words familiar to them. Open-ended questions yielded richer data and provided an opportunity for the researcher to cross-examine responses. Furthermore, the researcher probed far beyond the answers to these prepared consistent questions in order to obtain more clarity on given answers (Berg, 2009:50). The interviews were audio-recorded with the permission of the participants. The researcher further emphasised the anonymity clause to the participants and ensured the participants that they may withdraw from the study at any time without any penalty. The participants were also requested to complete informed consent forms, as per **Appendix C**.

6.7 METHOD OF DATA ANALYSIS

Babbie (2007:378) describes qualitative data analysis as: “the non-numerical examination and interpretation of observations for the purpose of discovering underlying meanings and patterns of relationships”. In this study, the researcher analysed data obtained from the participants by using theme analysis. The process began by organising and categorising data that was collected (Mouton, 2001:108). Thereafter, the researcher analysed the data systematically in order to identify themes and sub-themes.

Analysing data gathered by qualitative means such as audio taped interviews can be a daunting task. The challenge in this regard is to make sense of massive quantities of data that is at the disposal of the researcher (Basit, 2003:153). Analysing qualitative data requires the researcher to sift through the collected data, filter out significant information, identify patterns, and construct a framework for communicating the essence of what is revealed. However, this process can be easily achieved by making use of a Computer-Aided Qualitative Data Analysis

Software (CAQDAS). This could allow the researcher to facilitate the storage, code, retrieve, compare, and link the collected data (DeNardo & Levers, 2002:1).

The use of CAQDAS to analyse qualitative data can provide noticeable benefits such as shortened analysis timeframes, thoroughness and rigour in coding and interpretation, and facilitate an enhanced management of data (Jones, 2007:1). Yet, opponents of CAQDAS concern themselves with the probable loss of data, the quantification of words, and the abstraction that may occur once data is in the computer (Crowley, Harre, & Tagg, 2002:193). A different view is held by Welsh (2002:3) who indicates that proponents of CAQDAS see this as the beginning of a new era in qualitative research. CAQDAS assists researchers with a better management of their data; it saves time; and offers greater flexibility. Furthermore, Welsh (2002:3) comments that electronic data analysis provides greater accuracy and greater transparency.

In order to simplify the data analysis process and to ensure the correct utilisation of CAQDAS, audio recordings obtained during the semi-structured interviews with participants were transcribed verbatim into notes so that they can be read, edited for accuracy, commented on, and analysed in order to identify common themes (Welman et al, 2005:211). Qualitative data is textual, non-numerical and unstructured and as such it requires the researcher to code it in order to organise and make sense of it. Coding allows for the reduction, condensation, grouping, and classification of data and further allows the researcher to communicate and connect with the collected data so as to facilitate the comprehension of the emerging phenomenon and also to generate theory embedded in the data (Basit, 2003:152). In this study, the researcher used a CAQDAS called "Atlas ti™" to code the interview transcripts. This method simplified the analysis of textual data collected by the researcher and made it easy to identify key themes as they emerged from the data.

The researcher followed the spiral method to code the interview transcriptions. This process allowed the researcher to move in analytic circles during the data analysis phase. Data was analysed in the form of the participant's responses to the

interview questions in order to illustrate codes, thereafter categorising the said codes into themes (Creswell 2014:196-197). In this regard, coding was used as a method to organise the collected data so that underlying messages illustrated by the data is clearer to the researcher (Smith & Davies, 2010:155). Therefore, the data analysis process consisted of the preparation and organisation of the data for analysis; the reduction of data into themes through coding; and the representation of the data into tables and discussions. Chapter seven of this research is the reflection of these processes.

6.8 METHODS TO ENSURE TRUSTWORTHINESS

Literature regarding validity and reliability in qualitative research is diverse as researchers argue that the general term “trustworthiness” is more appropriate in qualitative research than the traditional quantitative criteria of validity and reliability (Edwards & Skinner, 2009:70). Trustworthiness occurs when the researcher informs the readers of the research process, and when the researcher is up-front and confessional with the analytic and ethical dilemmas that were encountered during the research (Saldana, 2011:136). In this study, the researcher ensured trustworthiness by complying with the mentioned aspects below.

6.8.1 Credibility

Given (2008:139) defines credibility as the methodological procedure and source used to establish a high level of harmony between the participants’ expressions and the researcher’s interpretations of them. This process seeks to ensure that there is a link between what the participants expressed and the themes and codes that emerge.

In this study, the researcher audio recorded the semi-structured interviews. During the interviews the researcher cross-checked answers provided by the participants by asking them to confirm the answers provided. Thereafter, the researcher transcribed the audio recordings word-for-word. After transcribing the audio recordings, the researcher conducted member checking in order to seek confirmation, congruence, validation and approval of the interview transcripts (Kumar, 2011:151). In this light, Turner and Coen (2008) define member checking

as a process whereby research products are returned to research participants to obtain internal authentication. As suggested by Sandelowski (2008) and Harper and Cole (2012), this process formed part of the primary data collection process whereby participants were asked to elaborate and clarify their opinions during the interviews. The researcher supplemented this process by summing up the important opinions of a statement and by probing further with the participants if he had grasped the content of their responses correctly. The researcher also compared the answers given by different participants for similarities and differences. The quality of the research was strengthened further by collecting literature from reputable sources such as academic text books, and peer reviewed journals.

6.8.2 Dependability

In order to meet the requirements for dependability, the researcher must provide sufficient and relevant methodological information so as to allow others to replicate the study (Given, 2008:209). The author further mentions that this process is equivalent to reliability in quantitative research. The researcher ensured dependability by recording the participants' responses as they were presented, making notes on non-verbal communication, cross-checking the answers provided by the participants by asking the same question differently, and recording any changes that arose during the course of the study that may affect the quality of the data collected.

6.8.3 Transferability

Given (2008:887) refers to transferability as the extent to which the results of the research can be transferred to other contexts and situations beyond the scope of the study context. In this study, the researcher ensured that the participants are relevant members of the population related to the study through purposeful sampling where participants were selected because to an extent that they represented the research design, limitations, and delimitations of the study. Participants most consistent with the research design are likely to enhance the potential that readers can assess the degree of transferability to their given context (Given, 2008:889; &Kumar, 2011:151).

6.8.4 Confirmability

Confirmability is often equated with reliability and objectivity in a quantitative research (Given, 2008:113). The author further alludes that this process seeks to provide evidence that the researcher's interpretations of participants' views are solely based on the participants' views and also that the analysis of data and the resulting findings and conclusions can be verified as being that of the participants' perceptions. This entails that the researcher should by all means be objective and not influence the results of the research in any way. In order to ensure confirmability of the study, the researcher paid attention to how the phenomenon under investigation was described by listening to the participants' views on the topic at hand and has not led the participants to the answers that the researcher hoped to obtain. Information contained in the literature was interpreted as it was even if it was contrary to the researcher's preconceptions and ideas. In addition, the researcher ensured that only literature relevant to the research topic was collected. The researcher further identified statements in the literature that were relevant to the topic and excluded irrelevant statements; and sought divergent views on some of the points in discussion and analysed them in order to come to a valid conclusion.

In addition to the process of trustworthiness above, the researcher ensured confidentiality by applying a variety of measures. The researcher ensured that the views of the research participants were strictly confidential. Only the researcher had access to the data collected through semi-structured interviews. No data published in the research report contained any information through which the participants could be identified. The anonymity of the participants was therefore ensured. Furthermore, the researcher complied with the IAU data security prescripts and only consulted documents that were presented to the researcher and those that are available in the public domain. The researcher also backed up all data and stored backups in a location separate from the originals; used the data only on his personal computer; and protected his computer and electronic media related to the research data with "sign-on" passwords.

6.9 ETHICAL CONSIDERATIONS

Scientific research has produced substantial social benefits and has also posed some troubling ethical questions (The Belmont Report, 1979:2). Moreover, research can have a very powerful impact on people's lives and the researcher must always think very carefully about the impact of the research and how he ought to behave so that no harm is experienced by the research subjects (McNeill & Chapman, 2005:12).

David and Sutton (2011:30) define the term ethics as a systematic study of or formulation of rules concerning the separation of good conduct from bad one. During the process of designing and implementing a piece of research the researcher need to consider the ethical implications of undertaking the research. This was achieved by observing aspects mentioned below:

- **Research proposal and ethical clearance**
UNISA's procedures require students to submit and comply with the requirements of an acceptable research proposal before they can commence with the process of preparing a research report. In order to comply with this requirement, the researcher submitted a research proposal which sought to present and justify the need to study the identified research problem and to present practical means in which the proposed study will be conducted. After the acceptance of the research proposal, the researcher applied for ethical clearance certificate from the Ethical Clearance Committee of the College of Law which was approved **(Appendix A)**. Ethical clearance seeks to enhance moral, general ethics, and principles by promoting the rights of research participants and minimising any risks associated with their participation in a study. Ethical clearance further seeks to promote the researcher's integrity, transparency, and accountability (UNISA, 2012:9-10).
- **Gate keeper permission from the City of Johannesburg**
The necessary permission was requested from the City of Johannesburg as the gatekeepers to the research population to interview the participants. The researcher complied with the City of Johannesburg prescripts on

information security, and has not exposed any information obtained directly or indirectly that may compromise the security of the institution, tarnish the image of the City of Johannesburg and its stakeholders, or in any way endanger the research participants. Therefore, data collection began after the research proposal and ethical clearance were approved; and the empirical data collection commenced after approval was granted by the City of Johannesburg and the Head of the IAU as in **Appendix B**.

- **Identification and inclusion of research participants**

The inclusion of the research participants was based on their eligibility to take part in the study and the value they could add to the study rather than their ease of availability (The Belmont Report, 1979:5; & Salkind, 2010:589). This process was discussed in detail in section 6.5.2 of this research report.

- **Information and informed consent**

Codes of research make provision for the disclosure of specific items intended to assure that subjects are given sufficient information before taking part in a research. These items comprise of the research procedure, purpose, risks and anticipated benefits, and a statement offering participants the opportunity to ask questions and to withdraw at any time from the research (The Belmont Report, 1979:6). The researcher provided the participants with an overview and the objectives of the research and also ensured that participation in the study was voluntary by offering participants a chance to give informed consent and sign the relevant informed consent forms. Only one potential participant refused to take part in the study after the informed consent was read out. The informed consent is attached as **Appendix C**.

- **Protection from harm**

Beneficence is the process of ensuring that the wellbeing of the participants and the entire research community is protected by not causing harm or exposing them to any harm (The Belmont Report, 1979:4-5). Participants were not exposed to any physical or psychological harm. The researcher assured the participants that they will be protected against any physical or physiological harm during the course of the research. The wellbeing of the

institutions concerned was also ensured by requesting the relevant approval from the City of Johannesburg before commencing with the study and data collection.

- **Right to privacy and confidentiality**

Article 12 of the Universal Declaration on Human Rights (2010:3) requires that no one must arbitrary interfere with the privacy of another. In order to comply with these requirements, appointments were set with the participants and they were allowed to choose a place which was conducive for conducting interviews. In addition, confidentiality was guaranteed to the participants. Their responses were handled with strict confidentiality and will not be shown to anyone else, except if required by the researcher's supervisor. Names were not recorded during the interviews and the participants were only named as "participants 1 up to 7".

- **Honesty and integrity**

Article 19 of the Universal Declaration on Human Rights (2010:3) indicates that everyone has a right to freedom of opinion and expression which includes freedom to hold opinions without interference. The World Conference on Research Integrity (2010:1) also requires researchers to take responsibility for the trustworthiness of their research. As such, the researcher ensured that there was no misrepresentation of facts. Findings are presented as they are even if they are in contrary to the researcher's belief or opinion. All the sources were quoted throughout the research process and presented in the list of references.

- **Acknowledgement of sources**

Researchers should acknowledge in their reports the names and role of those who made a contribution to the research (The World Conference on Research Integrity, 2010:1). Acknowledgements were presented in the fore pages of this research report and all the sources consulted in this study were quoted and presented in the list of references.

The above ethics processes ensured that the study complied with international and local research codes of ethics on research, such as The Belmont Report; The United Nations Educational, Scientific and Cultural Organisation's (UNESCO) Universal

Declaration on Human Rights; the The World Conference on Research Integrity; and UNISA's code of ethics (UNISA, 2012:3-6).

6.10 SUMMARY

This chapter explained the research problem and further identified the relevant research question to guide the research. The research methodology, the methods of data collection, data analysis, and methods to ensure trustworthiness and quality of data were also presented in this chapter. This chapter also discussed ethical considerations applicable to this study. The next chapter presents the research findings.

CHAPTER SEVEN

PRESENTATION OF THE RESEARCH FINDINGS

7.1 INTRODUCTION

This chapter presents the research findings. The researcher made use of an interview schedule to conduct semi-structured interviews with seven investigators from the IAU. The purpose of those interviews was to determine how the participants view the problem of traffic policing corruption in the JMPD; to assess the effectiveness of the current JMPD anti-corruption measures; and further explore the investigators' attitudes and experiences regarding the role of intelligence analysis in detecting traffic policing corruption in the JMPD.

The interviews were audio recorded as discussed in section 6.6 and 6.7 of this study. Thereafter, the researcher listened to the audio recordings in order to familiarise himself with the content of the interviews. Verbatim transcription of the audio recordings commenced soon after the researcher listened to the audio recordings. After transcribing the audio recording, the researcher began with the data analysis process. The data were interpreted through the identification, listing, and analysis of codes. The codes were created using Atlas ti™ (open codes) and were assigned to passages of text in the transcribed interviews. In addition, the data were grouped into themes, groups of codes in line with the interview questions. For example, those codes that fell within the category of definition of corruption were grouped together and those that fell within the category of causes of traffic policing corruption were also grouped together under their own themes.

The analysed data is presented in a specific sequence in line with the interview schedule. Firstly, the researcher introduces the main theme and the purpose of the enquiry. Thereafter, the researcher presents the identified codes followed by verbatim quotation of at least two participants in order to provide a more inclusive insight into the data being analysed.

The total list of all identified codes is presented in **Appendix E**. The table contains codes and the frequency they occurred. The researcher identified 73 codes and

further assigned them into 15 groups of codes, main themes. The groups of codes are presented in the succeeding section of this chapter.

In the next sections, the tables are presented sequentially per group of codes in line with the interview schedule. The tables contain the category of main themes, codes, and the frequency of codes. The tables are also followed by direct quotation of at least three participants in order to provide a more inclusive insight into the data being analysed.

7.2 TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

This section deals with the general aspects of traffic policing corruption in the JMPD. This includes aspects such as the general definition of corruption; the definition of traffic policing corruption; forms of traffic policing corruption; the magnitude of traffic policing corruption; the possible causes of traffic policing corruption; and the impact of traffic policing corruption. The presentations herein are solely based on the views expressed by the participants and do not take into account views and expressions found in literature.

7.2.1 General definition of corruption

The purpose of this enquiry was to determine the meaning participants' assigned to the word "corruption". This sought to gauge the participants' general knowledge of the meaning of corruption. The codes that were mentioned the most by the participants in relation to the definition of corruption was "the violation of the rules and the code of ethics" (6 times) and "receiving undue benefits" (6 times). "Bribery" was mentioned (4 times), and contrary to common belief, "extortion" was mentioned the least (once).

Table 7.1: General Definition of corruption

Main Theme	Codes	Frequency	Total
General definition of corruption	Abuse of authority	2	19
	Violation of codes of ethics	6	
	Extortion	1	
	Receiving undue benefits	6	
	Bribery	4	

Taking into account the identified codes above, Participant (3) stated that:

“Corruption, according to my understanding remember when you I am just saying corruption in general remember when you are employed as an officer you go through the course where they teach you ethics and the rules to abide by regulations, so out of regulations what you’re doing if you are going to be corrupt you will be off the regulation and you will not be honouring the oath that you took by when you got employed so its if I had to put it is to rubbish the system for me...”

On bribery, Participant (5) commented that:

“My understanding in corruption, I think I think it’s when the two parties like the let me give you an example like a JMPD official with the member of the public while on the road, they don’t agree in issuing fines most of the time they like to negotiate bribery which is against to the policy of JMPD”.

In corroboration, Participant (4) commented that:

“Where you bribe the officer not to give you a ticket or if you want him not to discontinue the vehicle...”

On the other hand, Participant (4) defined corruption in this manner:

“It’s when you get money for reward when it’s not authorised as a public servant for you to take it, it revolves around a lot of things...”

Participant (7) was in agreement and stated that:

“Corruption is basically to create some sort of ehheh disguise or some sort of a process in order to deceit and benefit from that deceit...”

In an organisational context, corruption entails a number of employee misbehaviors. The participants’ responses above have confirmed that there is no singular definition of corruption. Corruption may mean different things to different

people. Nonetheless, all the definitions provided by the participants suggest that the organisation concerned will suffer some direct or indirect loss in the process.

7.2.2 Definition of traffic policing corruption

The purpose of this part of the interview was to understand the participants' view of traffic policing corruption in line with the general definition of corruption. The code that emerged the most in relation to the definition of traffic policing corruption was "bribery" (12 times), "receiving undue benefits" (4 times), and "extortion" (3 times). On the other hand, "omission" only appeared once.

Table 7.2: Definition of traffic policing corruption

Main Theme	Codes	Frequency	Total
Traffic policing corruption	Entails bribery	12	20
	Entails extortion	3	
	Entails omission	1	
	Entails receiving undue benefits	4	

Considering the above, Participant (1) understands traffic policing corruption as:

"What I understand about corruption is that it's when a person offers you something so that you cannot be charged or arrested for a crime that he has committed. In fact, you would try to hide something you will offer a bribe to a police official so that he doesn't investigate the matter further".

Participant (7) added that:

"Traffic policing corruption will be based mainly on either officers taking bribes or soliciting a bribe, or it could be we do something for you in order to exchange something for ourselves".

Furthermore, Participant (2) added that:

"I can make a scenario for example an officer find a motor vehicle with some defects instead of charging that person because is lawfully then I say Ma'am give me some money so that I don't give you a fine, so that is I'm using my position as a traffic officers to benefit unlawfully form the motorist instead of giving that person a fine or a warning and say that go and fix that whatever,

should I find you next time with the very same thing defects I will charge you”.

The analysis of the emerging codes and the participants’ comments above indicate that receiving bribes in lieu of traffic fines is the most common form of traffic policing corruption in the JMPD.

7.2.3 Forms of traffic policing corruption

Herein, the researcher sought to ascertain the different forms of traffic policing corruption perpetuated by the members of the JMPD. “Offering of a bribe” in lieu of traffic fines was mentioned the most (8 times) followed by “extortion” (4 times). “Misconduct” was mentioned the least (once).

Table 7.3: Forms of traffic policing corruption

Main Theme	Codes	Frequency	Total
Forms of traffic policing corruption	Bribery	8	13
	Extortion	4	
	Misconduct	1	

Participant (7) views the most common forms of traffic policing corruption as:

“I want to basically make it clear that the forms of traffic policing corruption it will be first to start with a bribe, that’s your first or the main form that would be bribery then it will be soliciting or extortion of a bribe”.

In support, Participant (2) describes the forms of traffic policing corruption as:

“Like I have just said. Normally the traffic officer will go out and try to enforce the law but instead of enforcing they will then benefit yah by obtaining money form the motorist...so corruption involves bribery”.

Furthermore, Participant (1) indicated that:

“It is there it happens but most of the time is when an officer sees a gap to extort money from a motorist, then it will take place”.

All the codes identified above constitute acts of corruption. Therefore, it may be concluded that there is a clear understanding amongst the participants what the different or most common forms of corrupt activities within the JMPD are...

7.2.4 Magnitude of traffic policing corruption

This enquiry sought to gauge the participants' perceptions of the magnitude of traffic policing corruption in the JMPD. This enquiry did not take into account of the recorded statistics of reported or investigated cases of traffic policing corruption in the JMPD. The code that appeared the most in relation to the magnitude of corruption in the JMPD was "high" (9 times) and on the other hand, "low" was mentioned once.

Table 7.4: Level of traffic policing corruption in the JMPD

Main Theme	Codes	Frequency	Total
Level of traffic policing corruption	High	9	10
	Low	1	

In respect of the magnitude of traffic policing corruption in the JMPD, Participant (4) remarked that:

"It's its high".

Participant (1) also emphasised that:

"It is very high, it is very high, ehh it is very high..."

Nonetheless, one participant had a different view. The participant indicated that the level of corruption within the JMPD cannot be measured with certainty. This is due to the fact that there are two consenting parties and that not all cases are reported by the motorists. Considering this, Participant (7) commented that:

"The magnitude of corruption is debatable because at this point in time the amount of cases that you do get that's reported will either come from your hotline complaints okay, or it will be walk-in complaints or it will be your telephonic complaints through the radio room. Some would come through the PRO some would come from people that you know, people that would have stepped in similar situation like that, or it would be mhhh the media, so there

is various forms where that staff come from, but not all of that is true”.

Participant (7) elaborated on the above by stating that:

“It could be a situation that it can be an informative type of a report that they give you or it could be a situation that at that specific moment when they got a fine from the JMPD member they now to get back at him and turn it around an now say you know what you wanted money from me, so you know it depends”.

Even though there was one divergent view, the majority of the participants were in agreement that the level of traffic policing corruption in the JMPD is high. This could be an acknowledgement that the JMPD is faced with a challenge of this epidemic.

7.2.5 Causes of corruption

The purpose of this section of the interview was to ascertain the possible causes of corruption in the JMPD. Eleven codes were identified as the possible causes of traffic policing in the JMPD. Of the eleven codes, “greed” appeared (11 times) followed by “leadership” (9 times) and “motorists” (6 times). Factors such as “low salaries”, “poor supervision”, “opportunity”, “non-rotation of staff”, and “organisational culture” were mentioned the least (once each).

Table 7.5: Causes of traffic policing corruption in the JMPD

Main Theme	Codes	Frequency	Total
Causes of traffic policing corruption	Organisational culture	1	37
	Greed	11	
	Ill-discipline	4	
	Lack of supervision	2	
	Leadership	9	
	Motorists	6	
	Nepotism	2	
	Non-rotation of staff	1	
	Opportunity	1	
	Poor supervision	1	
	Low salaries	1	

The participants identified various causes of traffic policing corruption in the JMPD.

Considering this, Participant (2) stated that:

“No, if you can’t manage your own life you can’t manage what you have what you are receiving, greedy, if you are greedy you know obviously you will then put yourself in that misconduct so it’s not all about receiving less it’s just greedy...”

Participant (3) concurred that:

“It’s greedy, because I cannot say it about money. If you check people that are corrupting the system and everything they are driving luxurious cars it not like they are taking that money to the poor, its greediness so and so can’t be me, I must drive an X5 that its, that how it works its greediness because I cannot tell that we you are underpaid because of your cost that you like your financial crisis but if you seriously go to other departments for JMPD we are paid, even though we are not on the same ration but you can live it’s a normal wage living if I can put it in that way”.

Participant (1) also opined that:

“Poor management number one, for me it is the main point. There is poor management. People, it’s like people they don’t know what they are doing. There is no control within kuma (in the) police departments”.

In addition to the possible causes above, Participant (7) indicated that:

“The possible causes that would be as I have just mentioned to you, it could be a member of the public who got a fine, and that we get a lot...trying to avoid (a fine)”.

Similarly, participant (4) suggested that:

“You get fraud ahhhh corruption with money where you bribe the officer not to give you a ticket or if you want him not to discontinue the vehicle”.

From the synopses above, it is clear that a variety of factors contribute to traffic policing corruption in the JMPD. Even though the participants were not in solid agreement on what the main cause is; their suggestions are critical in the attempt to combat traffic policing corruption in the JMPD. Factors such as low salaries, poor supervision, opportunity, non-rotation of staff, and organisational culture were also said to be the least contributory factors. Taking this into account, the different causes of corruption will require different methods and levels of responses.

7.2.6 Impact of traffic policing corruption

In this section, the researcher seeks to gauge the impact of traffic policing corruption in the JMPD. The code that appeared the most in respect of the impact of traffic policing corruption was, “contributes to road fatalities” (5 times), followed by “impacts on economy”, “impacts on the image of the JMPD”, and “impacts on society”, all appearing (4 times). The contribution of traffic policing corruption to lawlessness was mentioned the least (once).

Table 7.6: Impact of traffic policing corruption

Main Theme	Codes	Frequency	Total
Impact of traffic policing corruption	Impacts on economy	4	20
	Impacts on the image of the JMPD	4	
	Contributes to lawlessness	1	
	Contribute to road fatalities	5	
	Impacts on society	4	
	Affects staff morale	2	

The participants have indicated that traffic policing corruption has a negative impact on road safety, the image of the JMPD, and the economy. Participant (1) commented that:

“There is a lot, because now as traffic officers most of the guys on the road they are not doing what they are supposed to be doing. The accidents on the road are because of that, because now people are not doing what they are supposed to be doing. The only interest is taking money from the motorists”.

In corroboration, Participant (4) commented that:

“The increase of the road traffic accidents it’s because the officers will rather take the money instead of taking the vehicle or the skoroskoro (un-roadworthy vehicle) off the road”.

In line with the image of the JMPD, Participant (7) had this to say:

“The impact is of such a nature that it not only impact the Department the image of the Department the trustworthy of the officials, it impacts the whole system right through to the tope when it comes to law enforcement”.

Participant (2) also added that:

“Again it tarnishes the image of the Department. We we are no longer seen as people who are supposed to enforce the law, but as what can I say, robbers. The trust between the community and the police department is compromised you see those are the impact that I can say corruption does to the department and the community”.

On the issue of the economy, Participant (2) held the view that:

“It impacts the economy as well of the country in a negative way, mhhh in that the Department is supposed to receive some revenue now that I am enriching myself instead of of bringing some revenue to the department then that has a negative impact to the economy cos (because) we must understand that we are working for the Government though it is a local government but if the local government grows in terms of revenue it helps infrastructure lots of things are expected by the community around the money that is received...”

The participants indicated that traffic policing corruption has multiple impacts. However, its most severe impact is its contribution to road fatalities. This suggests that it is essential for anti-corruption agencies to device appropriate and effective means to deal with the scourge of traffic policing corruption in the JMPD. Apart

from road fatalities, the negative impact that traffic policing corruption has on the image of the JMPD could hamper its ability to render an effective metropolitan policing and particularly so, traffic policing service. Similarly, the economic impact of traffic policing corruption cannot be ignored as this may have long-term effects to the City of Johannesburg and the Country, especially during the current economic challenges.

7.3 CURRENT MEASURES TO DETECT TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

In this section, the one-on-one semi-structured interviews were used to explore the experience of investigators on the current measures applied by the JMPD to detect traffic policing corruption. Furthermore, this section sought to understand the effectiveness of those measures and what could cause those measures to be ineffective.

7.3.1 Current measures to detect traffic policing corruption

With this question, the researcher sought to understand the current measures applied by the JMPD to detect corruption. Under the main theme “current measures to detect traffic policing corruption”, the code “hotlines” appeared the most (13 times). The code “Internal Affairs Unit” appeared second most (7 times) and “walk-ins” was mentioned third most (6 times). “Audits” appeared the least (once).

Table 7.7: Current measures to detect traffic policing corruption in the JMPD

Main Theme	Codes	Frequency	Total
Current measures	Audits	1	35
	Awareness campaigns	4	
	Hotlines	13	
	Internal Affairs Unit	7	
	Walk-ins	6	
	Adhoc inspections	4	

The participants have cited hotlines, the establishment of the IAU, and walk-ins as some of the main measures applied by the JMPD to detect traffic policing corruption in the JMPD.

Participant (7) indicated that:

“You got your hotlines, your hotlines will then provide then not an ear to hear but to to utter their frustration and anger and unhappiness with the service they receive, or the manner in which the service was provided but also to give them the opportunity to report it to somebody and something will be done about it”.

Participant (2) also indicated that:

“We have a toll free number that we normally give to them that should you find yourself as victim of such officers who demand bribery from you this is the numbers phone us we have officers who are in the area patrolling waiting for such, they will call the hotline number then immediately will then dispatch an officer who is nearby the area to go and investigate if he is lucky they will find the officer on the scene obviously we will do the necessary by doing further investigation with the allegations made by the motorist or the victims”.

On the IAU issue, Participant (3) indicated that:

“Mhhhh, internal affairs is is one of the current measures...”

Participant (1) added that:

“Well we got this Unit, Internal Affairs that is trying to fight corruption...”

In relation to walk-ins, Participant (4) commented that:

“We deal with complaints walk-in complaints and phone complaints if a member of the public phones we respond there, we do visible policing where we patrol around as well and that’s about it”.

The detection of traffic policing corruption requires the application of a variety of techniques. Herein, it can be noted that the JMPD has established a variety of measures to detect traffic policing corruption in the JMPD. Some of the measures

such as the hotlines are aimed at making it easier for members of the public to report incidents of corruption or unethical behaviour against JMPD officials. On the other hand, walk-ins may pose a challenge to the members of the public as they might be fears of victimisation by members of the JMPD.

7.3.2 Effectives of the current measures

This question was directed at establishing the effectiveness of current measures applied by the JMPD to detect traffic policing corruption. Understanding how investigators view the effectiveness of the current measures will assist in ascertaining that the current measures are sufficient to deal with corruption or whether they need to be augmented by additional measures. The code that appeared the most was “current measures are not effective” (5 times), and on the other hand “current measures are effective” appeared (4 times).

Table 7.8: Effectiveness of the current measures to detect traffic policing corruption in the JMPD

Main Theme	Codes	Frequency	Total
Effectiveness of current measures	Current measures are not effective	5	9
	Current measures are effective	4	

There are divergent views in respect to the effectiveness of the current JMPD anti-corruption measures. Some participants have expressly suggested that the current measures were not effective. While some participants have, by implication suggested that the current measures are not effective.

On this question, Participant (1) opined that:

“For me Internal Affairs is there but it is not operating the way it is supposed to be operating...”

Participant (4) also opined that:

“I would say they are, not hundred percent effective there is a ratio of two percent effective, the rest in not effective”.

Some participants such as Participant (7) commented that:

“In general I would say even if its only one corruption or corrupt cat it’s an achievement if we can change one person a day it’s an achievement and that is the motto the the motto we work on, if we can catch one a day then we start stopping corruption and its not to say that if we have got less complaints”.

Participant (5) also commented that:

“Yahhh they are effective a lot because remember sometimes when they call us we are not always like in time to attend that...like for example a member of the public will call us and say that at such a corner there is officers that I suspect they are taking bribery maybe they took twenty rand from me, by the minute we arrive there they will be gone”.

Furthermore, Participant (2) commented that:

“Mhhhh, I can say it is working though we have not reached to a level that we can say we are a what, we have reached an area whereby we can say there is no more corruption”.

On the same issue, Participant (2) further commented that:

“So so far I can say it is working because we have seen results in terms of prosecution, if you can look at those cupboards we have a lot of dockets and we have successfully prosecuted those cases and some of them were dismissed even at labour court we won the cases. So I can say it is working”.

Taking into account the manner in which the participants expressed their views above, it may be concluded that the current measures to detect traffic policing corruption are less effective than they were expected to be.

7.3.3 Factors inhibiting the effectiveness of anti-corruption measures

The purpose of this section was to find out what could be the factors if any, which could inhibit the effectiveness of the current anti-corruption measures. The code

“lack of leadership” was mentioned the most (6 times) followed by “inadequate resources” and “uncooperative witnesses” both (5 times). Furthermore, the “lack of independence” of the IAU was mentioned (4 times) whereas “lack of expertise” and “inappropriate sanctions” was mentioned the least (once each).

Table 7.9 Factors inhibiting the effectiveness of the current anti-corruption measures

Main Theme	Codes	Frequency	Total
Inhibiting factors	Lack of expertise	1	26
	Inappropriate sanctions	1	
	Lack of independence of Internal Affairs Unit	4	
	Lack of leadership	6	
	Inadequate resources	5	
	Slow response time	2	
	Lack of strategy	2	
	Uncooperative witnesses	5	

The participants highlighted the lack of proper leadership and the reluctance of witnesses or victims to cooperate when investigations are conducted as some of the main factors contributing to the ineffectiveness of the current anti-corruption measures. In addition, the participants highlighted the under-staffing of the IAU and shortage of technological resources; and the lack of independence of the IAU as some of the inhibiting factors that contribute to an increase of corruption in the JMPD department.

On leadership/management, Participant (1) commented:

“Because really for me icorruption I (corruption is) into e important (the important thing) in management, if your management they know what they are doing then that will solve all the problems that we are having”.

In addition, Participant (3) commented that:

It’s an issue of leadership, and sometimes you get more demoralised by issues that are happening, favouritism is there you say I know even if I can come up with the something like that they will not take me koptoo (in mind) you know you are so even get

used to in the system you are flowing with the system and say I'm used to this and I'm used to this..."

On the issue of witnesses or victims, Participant (4) pointed out that:

"You get complainants that are hundred percent behind their complaint and you get complainants that come in and they report it via telephone or email their case is open and you can't get hold of that person, or as soon as that investigation is finished and the persecution process continues, you can't get hold of them at all..."

In corroboration, Participant (5) pointed out that:

"Yahh, most of the people they report in hotline and sometimes they they email or they themselves come here and at the end of the day they don't want to follow the matter, they just decided not to follow that, what I don't know".

Participant (7) also indicated that:

"The problems that we encounter it's not effectiveness, it I the counter-effectiveness that we are talking about there because that point in time especially with the hotline you are getting calls either through Deloitte or through our offices mhhhh the hotline that is the radio room mhhh whereby people want to be anonymous now why do you report it in the first place if its anonymous".

When probed what could be the possible causes of the above, Participant (7) continued to state that:

"I think it is the three of them, it is a lack of trust because they don't know who they are dealing with ok , it's a lack of of mhhh or the fear of testifying because the officer or they think the officer got all the information based on the fine that they have issued, so obviously they have got all the information and the copies in the book...on the end of the day its a bit of a situation this guys are so scared they are going to be victimised by this officers".

Looking at the issues of resources, Participant (4) commented as follows:

“Our unit is very small, we don’t have enough manpower to cover investigation, its proactive, prosecuting officers, dealing with the Departmental accidents, we just don’t have enough manpower so it’s demoralising for everyone here...”

On the issues of the independency of the IAU, Participant (1) indicated that:

“For me Internal Affairs is there but it is not operating the way it is supposed to be operating because we are supposed to be an independent body from JMPD. We were supposed to be operating from a different place than operating in the same place where officers are operating”.

In corroboration, Participant (3) indicated that:

“Another measure that can be put in place is to reinforce this unit because it also has its own dynamics of failures and good things that the individual you are coming same car you pre happening, you are policing the very same officers that are in your building, in your building it does not make sense for the individual for example you coming you park there, I am not saying move us somewhere but let it be a special”.

The participants highlighted a number of factors that might be the cause of the current anti-corruption measures to be less effective. The awareness of these factors is of high importance for the JMPD anti-corruption efforts. This awareness could assist policy and decision makers to address the inhibiting factors individually as opposed to the total overhaul of the current measures.

7.3.4 Importance of combating traffic policing corruption

This question is a mirror image of the question of the impact of traffic policing corruption. The earlier research question sought to identify the impact of traffic policing corruption, whilst this one seeks to understand the importance of curbing traffic policing corruption in the JMPD. In essence, this question seeks to rationalize the need to adopt and implement effective anti-corruption measures. The code

that emerged the most in relation to the importance of combating traffic policing corruption was “reduce road fatalities” (6 times) followed by “boost image of JMPD” and “boost economy” (5 times each). The code that emerged the least was “boost staff morale” which appeared once.

Table 7.10: Importance of combating traffic policing corruption

Main Theme	Codes	Frequency	Total
Importance	Reduce criminal activities	3	20
	Boost economy	5	
	Boost image of JMPD	5	
	Reduce road fatalities	6	
	Boost staff morale	1	

The participants have indicated that effectively combating corruption is likely to reduce road fatalities. The participants also mentioned that combating traffic policing corruption is likely to boost the economy and the image of the JMPD. In this regard, Participant (1) held this view:

“It will eliminate amaaccidents amaningi (a lot of accidents) and crime iza yehla (will be reduced) within the City”.

On the issue of economy, Participant (2) indicated that:

“Like I spoke of revenue, economy, that will obviously grow obviously there will be jobs because of you see ahhh we are unable to hire new recruits if we don’t have revenue as a result we don’t have jobs that we can create for those who are jobless”.

Moreover, Participant (7) made this comments in respect of the image of the JMPD:

“Trust relationship will be rebuilt between the department and the members of the public through the anti-corruption campaigns and there will also be a situation”

The participants have acknowledged the importance of combating traffic policing in the JMPD. Combating traffic policing corruption has several benefits as described by the participants above. Therefore, investing in effective anti-corruption measures will definitely bring positive returns.

7.4 THE APPLICATION OF INTELLIGENCE ANALYSIS TO DETECT TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

In this section, the participants were asked to evaluate the meaning that they assigned to intelligence analysis. This section further sought to understand how intelligence analysis may be applied to detect traffic policing corruption in the JMPD and what could be the factors that may inhibit its effective application.

7.4.1 Definition of intelligence

This question sought to understand the meaning participants gave to concept intelligence. The code that emerged the most in the definition of intelligence was “investigation and prosecution” (7 times) and “gathering information” (3 times). The code “case management system” also emerged once during the discussion.

Table 7.11: Definition of intelligence

Main Theme	Codes	Frequency	Total
Definition of intelligence	Case Management System	1	11
	Gathering of information	3	
	Investigation and prosecution	7	

At the most, the participants confused intelligence with the Case Management System (CMS) and the investigation and prosecution process. Nonetheless, there was some mentioning of intelligence as the gathering of information by the research participants. In this regard, Participant (7) defined intelligence in this manner:

“It would be the information that you can gain, the information that you have gain out of situations like I said to you earlier on , like the trafficking of the vehicles, the the amount of complaints that has been issued against a certain person or individuals that are busy with stuff that they are not supposed to do that you will pick up through complaints that come in, the tendencies all that information can build the Department to be stronger and to become more wary of what is going on inside their ranks and their fraternity...”

Participant (4) also defined intelligence as:

"Its ehmm looking at patterns which are created by the public or the officers in the manner of how they do things so you build up intelligence against this person and you know he is always on this corner taking money at that corner, so you will know where to go and find this officer if you want to catch him".

On the other hand, Participant (1) defined intelligence as:

"Intelligence is whereby as management you are able to keep track of everything that is happening within your Unit, for instance if officers have effected an arrest you should be able to keep track of that arrest to ukuthi did it really happen, who made that arrest, how far has that arrest gone... lam, not sure if I am answering that question, because you come to JMPD you will find officers saying maybe we have arrested umunto (a person) for drunken driving but at the end of the day ukuthi what happened after tha nobody knows. Let's say we have arrested ten people were arrested for drunken driving or neg and reck (negligent and reckless driving) and maybe two were sentenced to ten years or whatever, that is not happening we don't have those records within JMPD because I have never heard management saying we release our statistics to show our arrests and convictions you understand"

Participant (3) defined intelligence as:

"Intelligence is broad nehh, according to me when you are talking about intelligence, for me it will be broad cos you will be talking about investigation, you will be talking about prosecution, you will be enforcing all..."

Understanding the broader concept of intelligence would be valuable in understanding aspects such as the intelligence process and will further shed some light into the definition of intelligence analysis and its application to crime

problems. Therefore, understanding intelligence is a pre-requisite to understanding intelligence analysis.

7.4.2 Definition of intelligence analysis

The purpose of this question was to establish whether the research participants' have knowledge on what intelligence analysis is. The code that was mentioned the most is the "identification of trends and patterns" (8 times) followed by "collection and analysis" (2 times) and the "use of undercover agents" (once).

Table 7.12: Definition of intelligence analysis

Main Theme	Codes	Frequency	Total
Definition of intelligence analysis	Collection and analysis	2	11
	Identification of trends and patterns	8	
	Use of undercover agents	1	

At the most, the research participants were able to define what intelligence analysis is. The research participants referred to intelligence analysis as the ability to identify trends, the knowledge of suspects, and the knowledge of the crime situation.

Considering the above, Participant (1) defined intelligence analysis as:

"Ehhh you analyse amapatterns (patterns) of crime within your area, amapatterns ukuthi (patterns how), how, what is the most offence committed by the motorists then you put steps in place so that you prevent those. So if doing you are going to do your analysis then it will help you to combat icrime (crime) within you area, but if there is no analysis made then you are as good as..."

Participant (7) also defined intelligence analysis as:

"Well is the analysing of all sorts of trends, movements, mhhh frequencies of places, people that they are dealing with, all that, information that you can draw a picture and all that dots you can connect in order to create a web of of staff that is happening around you".

Furthermore, Participant (4) added that:

“Like I said, you analyse all the complaints that you get, and you will see the trends that is forming with that”.

From the participants’ answers above, it is clear that there is a common understanding of what intelligence analysis is. The proper understanding of the term intelligence analysis will shed some light into its application to crime problems and specifically so, to traffic policing corruption in the JMPD. This will assist in tackling the problem of traffic policing corruption proactively.

7.4.3 The use of intelligence analysis to detect traffic policing corruption in the JMPD

This is the heart of the study. In this section, the researcher sought to evaluate how intelligence analysis could be applied to detect traffic policing corruption in the JMPD. It answers the research question: “to what extent can intelligence analysis be used to detect traffic policing corruption in the JMPD?” The participants mentioned that intelligence analysis may be used to “deter and prevent corruption” (7 times), “detect corruption” and “identify trends” (4 times each), and “for planning purposes” (once).

Table 7.13: The use of intelligence analysis to detect traffic policing corruption

Main Theme	Codes	Frequency	Total
Application of intelligence analysis	To detect corruption	4	16
	To deter and prevent corruption	7	
	For planning purposes	1	
	To identify trends	4	

The participants showed a clear understanding of how intelligence analysis could be applied to detect traffic policing corruption in the JMPD. The participants indicated that intelligence analysis may be applied to identify and target specific suspects; understand the corruption situation; target specific activities; serve as deterrence; and to conduct proactive investigations. In this regard, Participant (1) commented that:

“Because when you go out you make sure that you target those areas and you are visible in those areas because the best way to combat crime is to be visible so that you deter corruption or crime from happening”.

Participant (4) stated that:

“You know who your bad apples are, you take action against those people”.

In elaboration Participant (3) stated that:

“So it assists you in identifying the behaviour of officials ... yes to say that the the method of operation, they call it modus operandi how do they operate”

Lastly, Participant (7) stated that:

“It can can show us where do they frequently do stuff especially with the bribery, corruption, and extortion... will pick-up trends and we will start pulling that trend in in order to stop corruption so that at the end of the day you can start curbing that corruption and be firm. Intelligence is your key performance area when it comes to investigations to establish informants on the road, in the area”

The comments by the participants above confirms that’s the application of intelligence analysis could augment the current measures of detection such as reports by victims. The use of intelligence analysis will not be dependent on the victim reporting but will be driven by the investigator’s quest to detect traffic policing corruption in the JMPD based on the intelligence at his or her disposal.

7.4.4 The value of intelligence analysis in detecting traffic policing corruption

The purpose of this section of the interview was to investigate how participants perceive the value or worthiness of intelligence analysis in detecting traffic policing corruption. It tried to establish the possible outcomes that intelligence analysis will bring when applied to detect of traffic policing corruption in the JMPD.

Understanding the possible benefits that intelligence analysis could bring will assist in determining whether the method it is worth implementing or not. The only code that emerged during this enquiry was that intelligence analysis “can add value” in detecting traffic policing corruption in the JMPD. The said code appeared six (6) times.

Table 7.14 The value of intelligence analysis in detecting traffic policing corruption in the JMPD

Main Theme	Codes	Frequency	Total
Value of intelligence analysis	Can add value	6	6

The participants reiterated that intelligence analysis could be of value in combating traffic policing corruption. It will be of value in the identification of corrupt officials; it will reduce criminal activities related to corruption; it will assist in the prevention of corrupt activities; and will also be of value in the reduction of corrupt activities within the JMPD. Considering these opinions, Participant (8) opined that:

“Because when you go out you make sure that you target those areas and you are visible in those areas because the best way to combat crime is to be visible so that you deter corruption or crime from happening at way they they will stop from engaging in corrupt activities”.

Participant (4) also opined that:

“Yes, it can definitely add value because you know when to take action against officers”.

Moreover, Participant (3) held this opinion:

“Yes, it adds value because if you detect it then you can prevent it, akere (hey) you detect something so that you can put prevention measures akere (hey)...Yahh (yes) if you go to the root cause, you know when they say prevention is better than cure, because you would have analysed what is the cause of this officers taking the money, and then if the officers are happy they will never take the

money they will do what is necessary and then they will issue fines and then they will stop being corrupt themselves”.

The participants linked this line of enquiry with the enquiry on the application of intelligence analysis. All the participants have agreed that intelligence analysis could add value in detecting traffic policing corruption in the JMPD.

7.4.5 Factors that may inhibit the effective application of intelligence analysis

In this sub-section, the researcher sought to identify factors that could prevent the effective application of intelligence analysis in detecting corruption in the JMPD. There is an array of internal and external factors that could prevent any anti-corruption agency from forming and utilizing intelligence to combat corruption. The identification of those factors will aid anti-corruption agencies in devising appropriate measures to deal with those factors. The code that emerged the most in this enquiry is “inadequate resources” (6 times); and “lack of skills”, “lack of strategy”, and “uncooperative witnesses” (3 times each).

Table 7.15 Factors that may inhibit the effective application of intelligence analysis in detecting traffic policing corruption in the JMPD

Main Theme	Codes	Frequency	Total
Inhibiting factors	Lack of skills and expertise	3	15
	Inadequate resources	6	
	Lack of strategy	3	
	Uncooperative witnesses	3	

The participants have identified a number of factors such as inadequate resources; uncooperative witnesses; and lack of effective strategies; lack of skills as factors that could inhibit the effective application of intelligence analysis in detecting traffic policing corruption in the JMPD. On the aspect of uncooperative witnesses, Participant (2) commented that:

“All I can say without the help of the community it becomes very difficult for the members of the internal Affairs to exercise their powers against such activities. We rely mostly on members of the public”.

Participant (8) added that:

“Lack of cooperation nehhh, and respect form the members of the public that cause them to end up in hot water and then turn around and state that officers wanted money that’s where all the argument started”.

On the issue of resources, Participant (4) commented that:

“If we have as Internal Affair have manpower to do the analysis and to actually go out and check the areas especially when you get the same location the whole time you will know where to send your people then”.

On the same issue of resources, Participant (2) also commented that:

“No we not mhhh we need more so that if possible we have kind of satellite stations in every corner of Gauteng or Johannesburg City so that the response time can be much less and can be effective. Right now the City of Johannesburg is a very big area and we are less than I can say right now we are a total number of thirteen investigators including myself”.

On the aspect of skills, Participant (1) commented that:

“We need to have people who are clued up with crime, people who understand”.

Participant (3) added that:

“One of the skills that you are mentioning is to attend more courses get more information”.

The views of the participants above were presented verbatim in line with the responses they provided to the interview schedule. The participants provided their views on the problem of traffic policing corruption in the JMPD. The participants also presented their views on the effectiveness of the current JMPD anti-corruption measures; and further offered their

attitudes and experiences regarding the role of intelligence analysis in detecting traffic policing corruption in the JMPD.

7.5 SUMMARY

Factors mentioned above are crucial to the success of an intelligence strategy. Witnesses and informants played a critical role as sources of information and their cooperation is of high importance in building the much needed intelligence for the effective and efficient detection of traffic policing corruption. Effective intelligence strategies are also important in combating corruption. Attempting to build intelligence in the absence of an intelligence strategy would not yield any positive results. As such, it is of extreme importance for the IAU to have a proper anti-corruption strategy which will also include the intelligence pillar. The provision of sufficient human and physical resources is also critical success factors in any anti-corruption effort. It is imperative for the IAU to dedicate sufficient resources to combating corruption and the intelligence function in particular. The engagement of intelligence institutions such as the SAPS CI and the SSA would also be of value in this regard. Against this background, the next chapter will focus on the interpretation of the research findings.

CHAPTER EIGHT

INTERPRETATION OF THE RESEARCH FINDINGS

8.1 INTRODUCTION

This chapter presents the researcher's interpretation of the data collected during the semi-structured interviews with the research participants who were involved in the investigation of traffic policing corruption in the JMPD. The interpretations contained herein include the contents of consulted literature and the views expressed by the research participants. Therefore, the interpretations of this researcher are based on the evidence contained in various literatures and the meaning participants ascribed to the different lines of enquires applicable to this study. The collected data was interpreted with the objective of obtaining clarity and new information on traffic policing corruption in the JMPD; the effectiveness of the current anti-corruption measures in the JMPD; and the use of intelligence analysis in detecting traffic policing corruption in the JMPD.

8.2 TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

This section sought to interpret the available literature on traffic policing corruption in the JMPD in line with the views of the participants. The researcher made a thorough interpretation and analysis of both the available literature and the codes that emerged during the interviews to come to a valid conclusion on the following: what constitutes traffic policing corruption in the JMPD; what are the factors that contribute to traffic policing corruption in the JMPD; what is the magnitude of traffic policing corruption in the JMPD; and lastly, what impact does traffic policing corruption have on the community.

8.2.1 General definition of corruption and traffic policing corruption

The codes that were mentioned the most by the participants in relation to the general definition of corruption were as follows: the violation of the rules and the code of ethics; receiving undue benefits; and bribery. The participants also

mentioned extortion as another form of corruption. The definitions provided by the participants are in line with the definitions contained in the review of literature as stated in section 2.2.1 of this study by authors such as Vorster (2013). These definitions are also in concurrence with the legal definition of corruption as defined in the applicable legislation.

In terms of available literature, there is no single agreement as to what constitute corruption. Therefore, the definitions of the participants are in agreement with the definitions of Gottschalk (2009), Seladyo and de Haan (2006), Vorster (2013), and Interpol (2001:np) that corruption entails the misuse of entrusted authority; omitting to carry out an appointed task; carrying out an appointed task for wrongful private benefit, and the solicitation or acceptance of a bribe. The South African legal framework such as the PCCAA also provides for the criminalisation of acts of corruption. This criminalisation of corruption in South Africa could be seen as a move by the South African government to deter many public officials who engage in corrupt activities. However, it is regrettable to note there is a never ending spike in corruption in the public sector in South Africa despite adequate legislative framework aimed at dealing with this scourge.

In view of the above findings, it is impressive to note that the participants understood what corruption was. The interpretations of the participants' response with regards to what corruption entails, is confirmation that the participants understand what corruption is in the context of traffic policing corruption in the JMPD. This understanding serves as a proper foundation for the understanding of traffic policing corruption and for the participants to be able to identify the elements of corruption when dealing with such cases within the JMPD. Thus, the ability to combat corruption should begin with the understanding of what corruption entails and further understanding the applicable legal and policy frameworks with which anti-corruption measures and enforcement activities will be based on. Apart from enforcement activities by the IAU and other anti-corruption agencies, traffic officials would know what is regarded as corrupt and unacceptable conduct when executing their official duties within the JMPD.

In relation with the definition of traffic policing corruption, the codes that emerged the most in relation to the definition of what traffic policing corruption was participants defined the terms as bribery, receiving undue benefits, and extortion. The participants also mentioned "omission" as a form of traffic policing corruption. Authors such as Vito (2011) commented that there is no singular definition of corruption. As such, the participants' responses gave different views of what traffic policing corruption is. Their definitions concurred with the definitions provided by various authors such as Klockars, Ivkovic, and Harberfield (2004) that police corruption is the abuse of power for private gain. In addition, Hope (2017) concur with some of the participants who also defined police corruption as omission to carry out an official duty. As it is with the general definition of corruption as contained in chapter two of this study, legal and policy frameworks also declare practices where JMPD officials receive undue benefits in lieu of enforcing the law as corrupt activities which are punishable in terms of the law and departmental disciplinary codes. In this regard, the views of the participants concurred with what is contained in literature review and legal and policy frameworks agree that the solicitation and acceptance of bribes by JMPD officials constitute acts of corruption.

From the opinions raised by the participants above, it is clear that the participants had the knowledge of what constitutes traffic policing corruption. The participants were able to draw comparisons between the general definition of corruption and traffic policing corruption. The only element that separated the two definitions from the perspective of the participants was that traffic policing corruption had to do more with members of the JMPD and other police agencies while other acts of corruption were perpetuated by officials in other sectors of the public service. The responses of the participants in both the definitions of the general acts of corruption and traffic policing corruption seem to support notions held by authors such as Seldayo and de Haan (2006) that corruption is mostly perpetuated by officials employed in the public sector. TI (2018) has also reported that corruption is more prevalent in the public service in South Africa. None of the participants' responses viewed corruption as acts of dishonesty perpetuated by persons in the private sector.

The understanding of the meaning of traffic policing corruption is an important aspect in the fight against corruption in the JMPD as it will assist investigators with the identification of the elements of the crime of corruption and traffic policing corruption in particular, when investigating allegations of corruption. This will add value in determining whether the crime of corruption has been committed or not and in formulating the appropriate criminal or disciplinary charges.

8.2.2 Forms of traffic policing corruption in the Johannesburg Metropolitan Police Department

The participants were in agreement that the offering of a bribe in lieu of traffic fines, extortion, and misconduct were the forms of corruption perpetuated by traffic police officers in the JMPD. These assertions concur with the views contained in literature; for instance Cerrah (2009) states that the acts of traffic policing corruption ordinarily take place between traffic police officers and members of the public daily, and involves the exchange of small amounts of money. Arrive Alive (2012) and JPSA (2010) also indicated that bribes are often offered where a motorist has violated traffic laws or regulations such as speeding, overloading, or driving an un-roadworthy vehicle in order to avoid a stiffer traffic fine associated with such a violation. Similarly, Snyman (2008) suggests that corruption also takes part between two consenting parties, which translates to corruption by the giver and corruption by the recipient. In both instances and as mentioned by the participants, corrupt acts occur when motorists voluntarily offer bribes to MPOs to avoid a traffic fine; or when MPOs use their authority to extract bribes from motorists. The views of the participants on what constitute corruption in the JMPD are also in line with what is prohibited by legal frameworks such as the PCCAA and POCA.

Though the participants did not explain how bribes are extracted from or paid by motorists, Minnaar (1999), Chene (2010a), and the JPSA (2010) mention that bribes may be paid in different forms. These may include all-expense-paid holidays; free liquor and meals; free hunting or fishing trips; free invitations to sporting events; sexual favours; excessive discounts or free services; and unearned benefits for friends, family or colleagues. Information on the applicable methods of paying

bribes to MPOs may be of value to the anti-corruption agencies when determining the net-worth of MPOs suspected to be involved in corrupt activities; financial profiling; and when effecting the provisions of the FICA and other related legislative frameworks.

The knowledge of the different forms of traffic policing corruption is an important step in the fight against acts of traffic policing corruption in the JMPD. A proper understanding of the corruption situation is likely to add value when devising anti-corruption measures as different acts of corruption will require different responses. By understanding the various manifestations of corruption in the JMPD, anti-corruption practitioners will be able to devise appropriate multipronged measures to deal with this scourge in the JMPD by focusing on amongst others appropriate awareness measures, prevention measures, and detection measures.

8.2.3 Magnitude of traffic policing corruption in the Johannesburg Metropolitan Police Department

The participants consistently indicated that the level of corruption in the JMPD is high. It was only mentioned in one occasion that the level of traffic policing corruption in the JMPD is low. Apart from this, statistics contained in various corruption indices reports as contained in section 3.3 of this study suggest that the level of corruption in the JMPD is high. The views of the majority of the participants in this study are in line with the interpretations by various indices, authors, and civil service organisations that corruption in the JMPD is a matter of concern as contained in section 3.3 of this study.

On the other hand, the review of the published CoJ annual reports for the financial years 2013/14, 2014/15, 2015/16, and 2016/17 give an indication that only a total of seventeen JMPD officials were charged with fraud, bribery, and corruption related misconduct during the said period. Taking this into account, Faull (2008) CW (2012); Heywood and Rose (2014); and Bruce (2014b) as presented in section 3.3 of this study argue that it is more prudent to rely on public perceptions rather than reported cases due to the fact that available data only reflects those minimal instances of detected and reported cases.

Similar to the line of enquiry on the forms of traffic policing corruption, the enquiry on the level of corruption in the JMPD is important as it will assist anti-corruption agencies to assess the level of corruption and the level of response required to address the problem of corruption in the JMPD. Even though one participant held a divergent view that the level of traffic policing corruption in the JMPD is low, the views of the majority of the participants together with the views held by the respondents in various corruption perception indices such as in the surveys conducted by StatsSA and Transparency International strongly suggest that traffic policing corruption in the JMPD is rife. The denial of the existence of corruption in the JMPD may also be detrimental to the efforts of effectively combating this scourge in the JMPD as discussed in detail in the next section.

8.2.4 Causes of traffic policing corruption in the Johannesburg Metropolitan Police Department

The main possible causes of traffic policing corruption in the JMPD were said by the participants to be greed; poor leadership; and motorists who are willing to pay bribes. Factors such as low salaries, poor supervision, opportunity, non-rotation of staff, and organisational culture were also mentioned by the participants as some of the least contributory factors. The assertions of the participants herein are in line with the assertions of a number of authors found in literature as presented in section 3.3 of this study. Authors such as Marais (2003) and Van der Merwe (2006) also suggest that greed encourages public officials to engage in corrupt activities. MPOs are remunerated by the JMPD and the taking of bribes from motorists may be seen as greed. The recurring act of taking and accepting bribes from motorists by MPOs often leads to a habit of living beyond the salaries provided by the JMPD. This results in officials becoming dependent on illicit money obtained through corrupt activities thus forcing MPOs to continuously engage in corrupt activities.

The CW (2012) and Newham (2012) also cited the willingness of motorists to pay bribes in lieu of traffic fines as a contributory factor. This was also supported by the participants that stated that motorists play a role in the prevalence of corruption in the JMPD as they normally initiate the offering of bribes to MPOs in order to avoid traffic fines. Even though the issue of opportunity was mentioned the least as a

contributory factor by the participants, Benson (1988), Grobler and Prinsloo (2012) and Snyman (2012) commented that opportunities present in the functions of JMPD officials such as discretionary powers and working in isolation without supervision create a desire for traffic officials to engage in corrupt activities. On the other hand, Masiloane (2007) and Newburn (1999) attribute the prevalence of corruption to organisational leadership. Thus, the possible causes of traffic policing corruption in the JMPD as told by the participants are similar with the causes of corruption contained in literature. The majority of participants were in agreement on what contributes to the prevalence of corruption in the JMPD.

In view of the above, the proper understanding of the various possible causes of corruption in the JMPD would serve as a valuable tool when devising corruption preventative measures such as human resources policies and practices; and operational preventative measures such as job rotation and the wearing of body worn cameras. This will further ensure that measures implemented by the JMPD deal specifically with the identified corruption risks as opposed to the implementation of general anti-corruption measures.

8.2.5 The impact of corruption in the Johannesburg Metropolitan Police Department

The participants acknowledged that traffic policing corruption impacts negatively on a number of issues. They indicated that traffic policing corruption contributes to road fatalities; impacts on the economy; ruins the image of the JMPD; and also contributes to lawlessness. Along these lines, the negative contributions of traffic policing corruption to road fatalities was mentioned the most by the participants. This is in line with the views of Oleinik (2015); and Verreck and Vrolix (2007) that there is a relationship between traffic policing corruption and road fatalities. Mphela (2011) also indicated that South Africa alongside with Nigeria contribute to more than half of the total number of fatalities in the Continent. This assertion when compared to the views of Oleinik (2015) means that, the bad behaviours of drivers on the roads are fueled by the fact that it is much easier for reckless and negligent drivers to buy themselves out of a traffic violation during their encounter with corrupt traffic officials. This is more prevalent when a violation could have

placed a motorist in jail; could have resulted in the incurrence of demerit points; or could have resulted in a stiffer traffic fine. This situation perpetuates the culture of reckless and negligent driving thus contributing to the scourge of road accidents and fatalities. Though this study does not seek to find a correlation between road fatalities in the CoJ and traffic policing corruption, the earlier suggestions that corruption contributes to road fatalities is also of significant importance when the implementation of effective anti-corruption measures are considered by the JMPD.

As indicated above, the participants have also indicated that traffic policing corruption has a negative impact on service delivery. This can be seen in inefficiency and the lack of quality service delivery as described by Tooley and Mahoai (2007). Moreover, an author such as in Newham (2006) indicates that traffic fines generate considerable revenue for local authorities. Therefore, in line with the participants' views, traffic policing corruption has a negative impact on the economy. Though the main aim of issuing traffic fines is not to generate revenue for the CoJ but to discourage lawlessness on the roads and penalize motorists who violate traffic laws, the CoJ is unable to achieve both these economic benefits of issuing traffic fines and the deterrence value of it as a result of corrupt JMPD officials.

In addition to the above, the participants have also indicated that traffic policing corruption has an impact on the image of the JMPD. Literature supports this notion in that, authors such as Faull (2009), Moran (2002), Klockars, Ivkovic, and Haberfeld (2002) are in agreement that corruption negatively affects the image of the police departments and encourages crime. As contained in literature, the scourge of corruption in the traffic law enforcement fraternity in South Africa and the JMPD in particular, has become so common that it is no longer seen as a big thing. This has a huge impact on the legitimacy and the image of the JMPD.

The negative impact of traffic policing corruption is multi-faceted. As such, probing the possible consequences of traffic policing corruption may shed some light on both its immediate and extended impact in the JMPD. This will indeed be of assistance to policy and decision makers when deciding on an appropriate

corruption risk response measures. Policy and decision makers will be able to assess whether traffic policing corruption in the JMPD may be tolerated or treated, and if treated, which level of treatment would be necessary to address with the identified corruption risks.

8.3 CURRENT MEASURES TO DETECT TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

This section sought to interpret the available literature on anti-corruption measures in line with the views of the participants. The researcher made a thorough interpretation and analysis of both literature and codes that emerged during the interviews to come to a valid conclusion on what are the current measures to detect traffic policing corruption in the JMPD; whether such measures are effective or not; and if not effective, what could be the factors contributing to their ineffectiveness. The researcher also made an interpretation on the importance of combating traffic policing corruption in the JMPD.

8.3.1 Current measures to detect corruption in the Johannesburg Metropolitan Police Department

The participants indicated that the commonly used method of detecting corruption in the JMPD is through hotlines. In assessing the various responses of the participants, the researcher grouped the reporting by email, faxes, telephone, and sms's as received from the complainants through the hotlines. Other methods of detecting corruption identified by the participants were the establishment of the IAU, ad hoc inspections, and walk-ins. The use of audits to detect traffic policing corruption was mentioned the least.

The views expressed by the participants in relation to the effectiveness of the current measures are consistent with available literature as discussed in chapter four of this study. Authors such as Faull (2009) indicated that MPDs in South Africa have some form of anti-corruption units aimed at combating corruption within those MPDs. This study has confirmed that the JMPD is one of the MPDs with such a unit. Literature has also mentioned the use of hotlines as a measure to detect

traffic policing corruption which concurs with the views expressed by the participants (South Africa, 2015d).

The participants also mentioned that the JMPD makes use of ad hoc inspections to detect traffic policing corruption in the JMPD. In concurrence, the participants have indicated that they conduct random visits on officials on patrol to check amongst others, whether the officials are not taking any bribes; whether the officials are fit to be on duty; and whether they have the necessary permits to possess a firearm. This method of combating corruption is found in literature as proposed by Faull (2008). The author further suggests that the patrol vehicles must be fitted with a vehicle tracking device in order to give a real-time location of the targeted patrol vehicles and also to assist anti-corruption agencies to establish the patrol routes preferred by a particular official as it is so with the JMPD patrol vehicles. The tracking devices also help to track officials that are reported by complaints through hotline devices.

On the other hand, the analysis of information presented by the participants does not indicate that the JMPD uses measures such as conflict of interest policies; staff rotation; ethics management; and the vetting of officials to prevent traffic policing corruption in the JMPD as contained in literature. These measures are also important in combating corruption. Measures such as the rotation of officials to different sections or positions are likely to reduce the likelihood of establishing entrenched corrupt relations with motorists. On the other hand, vetting will minimise the employment of persons who are not fit to be metropolitan police officials. Conflict of interest policies and ethics management will provide officials with a clear guideline on what is expected of them as public officials.

Considering the above, the study has confirmed that the JMPD uses some of the methods contained in literature such as hotlines and walk-ins to detect traffic policing corruption in the JMPD. The researcher also had an opportunity to witness in real time, a telephonic reporting of an incident of alleged corruption. The complainant was requested to give a description of the traffic officials and also to supply the registration number of the vehicle driven by the officials. During the

process, the IAU was able to trace the location of the vehicle used by the suspected officials using a vehicle tracking device. As a result, a team of investigators were dispatched to the scene and the officials were apprehended for questioning. This confirms the value and effectiveness of using technology to combat corruption.

8.3.2 Effectiveness of the current measures to combat corruption in the Johannesburg Metropolitan Police Department

Even though the study has confirmed that the IAU makes use of some of the methods to detect traffic policing corruption in the JMPD, the participants had mixed views on the effectiveness of the current measures. By a margin, the participants agreed that the current measures were less effective. The participants have mentioned a number of factors that render those measures less effective.

Authors such as Bruce (2014b), Van Niekerk and Olivier (2012), Kroukamp (2006:209), Konov (2011), and Masiloane (2007) indicate that a number of factors such as ineffective methods of detection, poor coordination amongst anti-corruption agencies, unwillingness of witnesses to provide information, and the secretive nature of corruption contribute to the ineffectiveness of various anti-corruption measures. With regard to the JMPD, those factors are discussed in detail in the subsequent section of this chapter.

8.3.3 Factors inhibiting the effectiveness of anti-corruption measures in the Johannesburg Metropolitan Police Department

The majority of the participants have cited the lack of leadership as a factor which plays a major role in the ineffectiveness of the current anti-corruption measures. The participants have also cited inadequate resources; and uncooperative witnesses as some of the prevalent factors that contribute to the scourge of corruption in the JMPD. Furthermore, the participants have mentioned the lack of independence of the IAU; the lack of expertise; and inappropriate sanctions as the least contributory factors to the ineffectiveness of the current measures.

In terms of available literature as presented in chapter four of this study, corruption normally involves two consenting parties, and the South African legal definition of corruption places criminal liability to both the giver and the receiver of

a gratification. This aspect renders the voluntarily reporting of corruption less desirable by the victim (Newham, 2002; Brook, Walsh, Lewis, & Kim, 2013). This is also relevant in the reporting of corruption in the JMPD as cited by the participants. Most often motorists will not report incidents of corruption as they have in some cases initiated such corrupt transactions by offering bribes to MPOs to avoid arrest or a stiffer traffic fine. Furthermore, literature indicates that whistleblowers in South Africa face a number of risks, such as risks to their personal safety and employment. This condition makes them more reluctant to report corruption (Madonsela, 2012; & Powell, 2012). In this light, the participants have indicated that witnesses are reluctant to report incidents of corruption for fear of reprisal from the MPOs. The opinions by the research participants that uncooperative witnesses and the fact that bribery is often initiated by the motorists weaken the effectiveness of the current anti-corruption measures are substantiated by sufficient literature. Police also tend to protect their own which encourages the 'blue code of silence' and the underreporting of corruption (Faull, 2008; Beigel, 1973; & Benson, 2008). Considering this, there have been isolated claims of members of the IAU being involved in the act of bribing a motorist to drop corruption charges against a member of the JMPD (IOL, 2010:online). If this is anything to go by, it may be an indication of the presence of the 'blue code of silence' in the JMPD.

On the aspect of leadership, authors such as Vyas-Doorgaperand (2007) and Dintwe (2013) commented that leadership plays an important role when dealing with the issue of corruption. The authors have opined that there is no clear indication that the South African government has the necessary political will to turn the tide against corruption. These views are in line with the views raised by the research participants that ineffective leadership and the tendency to tolerate corruption contributes negatively to the efforts to combat corruption in the JMPD.

Literature such as in Bruce (2014b); Montesh and Berning (2012) also put an emphasis on the independence of anti-corruption agencies. The independence of anti-corruption agencies such as the IAU is also fundamental to the effectiveness of anti-corruption initiatives as it allows the agencies to act freely from any influence.

In this regard, the participants have raised concerns about the lack of independence of the IAU. The participants have indicated that it is sometimes difficult to investigate one of their own. They have also commented that the fact that they operate in the same yard as traffic officials makes their job much difficult and have suggested that they should be declared an independent institution such as the Independent Police Investigation Directorate (IPID).

The participants have also specified that inappropriate sanctions also play a role in the ineffectiveness of the current anti-corruption measures. To corroborate this, various sources suggest that it is often difficult to prove a case of corruption in a court of law. Similarly, where disciplinary processes are instituted, the ineffective application of the disciplinary system, contributes to the ineffectiveness of such measures (Dintwe, 2009; Prinsloo, 2013; Vorster, 2013; Marais, 2003, Van Niekerk & Olivier, 2012). Even though sanctions do not always repair the damage that the corrupt behaviour has caused as mentioned by Feathers (2014), the researcher is of a view that they form an integral part of dealing with corruption and should be viewed as such by the JMPD.

Taking into account the above mentioned inhibiting factors, it is important for the JMPD to address these factors or device other measures that will not be dependent of the inhibiting factors cited herein. The overreliance on whistle-blowers should be discouraged as this reactive method has proven to be less effective. Therefore, the IAU should be able to detect traffic policing corruption proactively without relying much on whistle-blowers and motorists.

8.3.4 The importance of combating traffic policing corruption in the Johannesburg Metropolitan Police Department

The participants have indicated that combating traffic policing corruption in the JMPD is likely to reduce road fatalities; boost the image of JMPD; and boost the economy. The participants have also mentioned that combating corruption in the JMPD is likely to boost staff morale. The views of the participants are supported by available literature presented in chapter four of this research which also indicates that the consistent enforcement of traffic laws and regulations is important for

traffic safety (Oleinik, 2015; & Faull, 2008). Moreover, available literature suggested that traffic policing corruption has a negative impact on the image of an organisation and the economy. This also concurs with the views of the participants voiced in this study.

Taking into account both the impact of traffic policing corruption and the importance of combating it, it remains crucial for the JMPD to devise more effective measures that will address the scourge of traffic policing corruption in the JMPD. Since the use of intelligence was never mentioned by the participants as a measures to detect corruption in the JMPD, the next section seek to evaluate how intelligence analysis can be applied to detect traffic policing corruption in the JMPD.

8.4 THE APPLICATION OF INTELLIGENCE ANALYSIS TO DETECT TRAFFIC POLICING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

In this part of the study, the researcher sought to interpret the available literature on the use of intelligence analysis to detect traffic policing corruption in the JMPD in line with the views of the participants. The researcher made a thorough interpretation and analysis of both available literature and the codes that emerged during the interviews to come to a valid conclusion on what constitutes intelligence analysis; how can it be applied to detect traffic policing corruption in the JMPD; whether it will add value or not; and what are the factors that could affect its effective application in the JMPD.

8.4.1 Definition of intelligence

The participants had difficulties in defining intelligence. They referred more to intelligence as the investigation and prosecution process. On fewer occasions, the participants mentioned that intelligence is the gathering of information. However, it was not mentioned as to what happens to that information once it is gathered. This corresponds with available literature as in chapter five of this study that there it is often difficult to grasp what intelligence means. In most cases the word information is incorrectly used to refer to intelligence.

Even though authors such as Rollington (2013) commented that there is no agreement on what constitute intelligence, information is the foundation of intelligence. Intelligence cannot exist without information (Peterson, 2005; & Fuentes, 2006). The difficulties in defining intelligence by the participants could be an indication that this concept is foreign to them. It could be an indication that the use of intelligence does not form a major part of anti-corruption efforts in the JMPD. It further confirms that there is overreliance on less effective reactive measures such as reports by victims and whistleblowers. If the IAU had a clear strategy which has a pillar of intelligence, the participants would have been able to define this concept.

8.4.2 Definition of intelligence analysis

The participants indicated that intelligence analysis is the identification of trends and patterns. The participants also indicate that intelligence analysis is the collection and analysis of information. One participant also mentioned that intelligence analysis entails the use of undercover agents. The definitions of the participants were in line with available literature as contained in chapter five of this study. Intelligence analysis seeks to support decision making in amongst others, the detection and prevention of crime. It provides law enforcement agencies with important information on crime patterns and trends (Ratcliffe, 2007b; & Boba, 2005). The participants' understanding of what intelligence analysis entails is a positive step towards recognising the importance of this method in detecting traffic policing corruption in the JMPD.

8.4.3 The use of intelligence analysis to detect corruption in the Johannesburg Metropolitan Police Department

As mentioned previously, this is the heart of the study. The researcher sought to evaluate how intelligence analysis could be applied to detect traffic policing corruption in the JMPD. The participants mentioned that intelligence analysis may assist the investigators to deter and prevent corruption; detect corruption; and identify corruption related trends. The participants also indicated that intelligence analysis may be applied for planning purposes.

The most important aspect of any anti-corruption efforts is to detect corruption without relying too much on the victims or whistleblowers. As contained in available literature in chapter five of this study, acts of corruption tend to benefit both parties concerned. In the traffic environment, corruption tends to benefit the corrupt traffic officer and the motorist who wants to get way with a hefty traffic fine.

The participants have also mentioned that in some cases they will receive a tip-off on an ongoing corrupt activity but when they arrive at the purported scene of incident, they will find that the traffic officers and the victim are nowhere to be found or the gratification has been taken away by the traffic officers. This on its own makes the investigation of traffic policing corruption very difficult. Therefore, the application of proactive measures such as intelligence analysis becomes significant.

In light of the above, literature as presented in chapter five indicates that the use of intelligence analysis is most likely to assist anti-corruption agencies in better understanding the corruption environment. Once the corruption environment is better understood, anti-corruption agencies will then be able to device appropriate measures to prevent, detect, deter, or disrupt corrupt activities. Anti-corruption agencies will also be able to dedicate appropriate resources to deal with the level of corruption present in that environment.

Intelligence analysis will also be able to assist anti-corruption agencies with the identification of targets. This will indeed ensure that resources are used economically. The participants have indicated that they conduct random inspections on traffic police officials that are on patrol. While this may also serve as deterrence, its mere random application may result in the wastage of valuable resources. In this regard, the researcher is of a view that such inspections must be target oriented. The use of intelligence analysis will ensure that targets are identified beforehand.

In addition to the above, intelligence analysis may be used to support investigations. The views expressed by the participants together with available

literature confirm that the use of intelligence analysis could aid the IAU in many aspects. The IAU may benefit significantly from this valuable anti-corruption method by being able to identify targets; deter corrupt activities; prevent corrupt activities; disrupt corrupt activities; and have a better understanding of the traffic policing corruption environment (Budhram, 2015; Ratcliffe, 2003; Horne et al, 2014; Oliniki, 2010; Rosenblum, 2012; OECD, 2010; Peterson, 2005; Boba, 2005; Govender, 2012; Berning & Masiloane, 2010; Horne, 2009; Innes & Sheptycki, 20000).

8.4.4 The value of intelligence analysis in detecting corruption in the Johannesburg Metropolitan Police Department

All the participants were in agreement that the use of intelligence analysis could be of value in detecting traffic policing corruption in the JMPD. In line with the discussion above, the participants indicated that the use of intelligence analysis could add value in a number of anti-corruption activities, such as the proactive detection of traffic policing corruption; the identification of corrupt traffic officials; identification of trends; and the prevention of corrupt activities. The participants also alluded that intelligence analysis could also add value during the investigation of traffic policing corruption in the JMPD and could further serve as a deterrence to corrupt traffic police officials or other traffic police officials who want to engage in corrupt activities. The views of the participants herein are in line with the views advanced by authors such as Oliniki (2010), Rosenblum (2010), Horne et al (2013) that intelligence may serve as deterrence to corrupt activities; assist in the proactive detection of corruption; and further contribute to the better understanding of corruption trends.

In light of the above, the value of intelligence in detecting traffic police corruption in the JMPD cannot be overemphasised. As described by authors such as Brinza (2013), Konov (2011), Dintwe (2013), and Mashiloane (2014) reactive methods such as whistleblowing, management reviews, and hotlines are less effective in combating corruption, and this also holds truth with the JMPD as expressed by all the participants. Therefore, the application of intelligence analysis as described by authors such as Budhram, 2015; Ratcliffe, 2003; Horne et al, 2014; Govender, 2012;

Berning & Masiloane, 2010; and Horne, 2009 and also as agreed to by all the participants could be a more effective method of combating corruption in the JMPD. The difficulties of relying on less effective measures such as whistleblowing and reporting by victims renders it appropriate for the IAU to adopt the use of intelligence analysis as a valuable, proactive, and effective method of detecting corruption in the JMPD.

8.4.5 Factors that may inhibit the effective application of intelligence analysis to combat corruption in the Johannesburg Metropolitan Police Department

Whilst the application of intelligence analysis may add value in the detection of traffic policing corruption in the JMPD, a number of factors may prevent its effective application. In this regard, the participants have mentioned a number of factors that may inhibit the effective application of intelligence analysis in the JMPD. The participants have mentioned inadequate resources; the lack of skills; the lack of strategy; and uncooperative witnesses as factors that could inhibit the effective application of intelligence analysis to detect traffic policing corruption in the JMPD.

On the aspect of uncooperative witnesses, the views of the participants herein correspond with literature contained in section 4.8.10 of this study. Authors such as Ivkovic (2005) and Bezuidenhout (2008) indicated that victims of police corruption are unlikely to report such to the police as a result of the loss of trust in the police. The DPSA (2008) has also indicated that victims or witnesses did not feel adequately protected to blow the whistle on corrupt elements for fear of intimidation and victimisation, lack of confidentiality, lack of trust, and inadequate protection for whistleblowers.

In light of the above, similar views were expressed by the participants. The participants have indicated that the victims will report an incident and fail to provide adequate information or fail to attend as a witness in a criminal or disciplinary proceeding. The participants also indicated that the mere fact that the traffic officer might have seen the personal details of the witness during their first interaction puts them off to give information of the incidents or testify in a

disciplinary or criminal proceeding due to fear of victimisation. Thus the lack of interest, the fact that the motorist is usually a consenting party to a corrupt transaction, and the fear of victimisation might inhibit the intelligence gathering process.

Schneider (1995) and Cope (2004) have also commented that a weak intelligence capability and the inability to use analytical products may hinder the effectiveness of intelligence analysis. The lack of an intelligence strategy, inadequate resources, and the improper staffing of the intelligence function will also hinder the effective application of intelligence analysis (Gottschalk, 2009; den Hengst & ter Mors, 2012; Schneider, 1995; Mc Dowell, 1997; Gottschalk & Gudmundsen, 2010). These views correspond with the views expressed by the participants. The participants have expressed their concerns on the inadequate staffing of the IAU and inadequate technological resources. The participants have also commented on the importance of a strategy and the expertise of the investigators. They have indicated that there is a lack of strategy and that the investigators lack the necessary skills and expertise to collect and make use of an array of information related to traffic policing corruption in the JMPD. Both these factors are important for the effective execution of an intelligence function.

Literature as discussed in section 5.8 of this study pointed to aspects such as legislative requirements; incorrect perceptions about intelligence; quality of the intelligence product; and failure to adhere to the rule of law as some of the factors that could inhibit the effective application of intelligence analysis. Even though these factors are also very important, the participant could not mention them as some of the possible inhibitors.

In order to ensure the correct implementation of an intelligence function and the successful application of intelligence analysis to detect traffic policing corruption in the JMPD, the JMPD ought to eliminate the above mentioned inhibiting factors. An environment conducive for the collection of information, its conversion to intelligence, and its further analysis is a prerequisite for the success of the IAU in combating traffic policing corruption. Thus, it is of utmost importance for witnesses

to be able to provide corruption related information without fear of victimization or reprisal. In this instance, investigators must be able to make use of skills, expertise, and technology to make sense of an array of information at their disposal to combat traffic policing corruption. Furthermore, management ought to provide the necessary support and guidance to the investigators in order to enable the smooth functioning of the IAU.

8.5 SUMMARY

In this chapter, the themes and codes which emerged during the data analysis process were reflected against available literature, statistics, and legislation related to traffic policing corruption and intelligence analysis in an attempt to assign appropriate meaning to all of them.

On the matter of traffic policing corruption in the JMPD, the interpretation of the participants' views in relation to relevant literature and legislation indicated that corruption in the JMPD is a matter of concern. Both literature and the participants indicated that traffic policing corruption in the JMPD is rife. In addition, literature and the participants have confirmed that traffic policing corruption has multiple effects with the contribution to road fatalities as the most concerning effect. Other effects included the damage to the image of the JMPD and an impact to the local economy.

In relation to the current measures applied by the JMPD to detect traffic policing corruption, the participants mentioned that the JMPD applies a number of measures to detect traffic policing corruption in the JMPD. The measures identified by the participants are similar with the ones contained in literature. However, both literature and the participants were in agreement that measures such as the use of hotlines which was mentioned the most as an anti-corruption measure in the JMPD are less effective in combating traffic policing corruption in the JMPD. A number of factors were raised by the participants who were also in concurrence with available literature such as the reluctance of witnesses to report corruption or take part in the disciplinary or criminal proceedings. Taking into account the fact that the anti-corruption measures identified by the participants were less effective, the

researcher brought in the issue of the use of intelligence analysis as a measure to detect traffic policing corruption in the JMPD. In this regard, the participants struggled to comprehend the meaning of intelligence. However, they were able to discuss what intelligence analysis meant and how it could be applied to detect traffic policing corruption in the JMPD. The participants also confirmed that the use of intelligence analysis will definitely add value in detecting traffic policing corruption in the JMPD.

Even though the participants acknowledged that intelligence analysis could be of value in detecting traffic policing corruption in the JMPD, a number of concerns were raised by the participants which could prevent the effective application of intelligence analysis. The participants mentioned factors such as inadequate resources, reluctance of witnesses, the lack of expertise, and the absence of a proper strategy as the factors that could derail attempts to make use of intelligence analysis to detect traffic policing corruption in the JMPD.

CHAPTER NINE

SUMMARY, RECOMMENDATIONS, AND CONCLUSION

9.1 INTRODUCTION

This study was conducted with the purpose of understanding and describing the extent to which intelligence analysis may be applied to detect traffic policing corruption in the JMPD. In order to achieve this, it was important to first understand the problem of traffic policing corruption in the JMPD; assess the current measures to detect traffic policing corruption in the JMPD; and the effectiveness of those measures.

As this study was aimed at describing the extent to which intelligence analysis may be applied to detect traffic policing corruption in the JMPD from the perspectives of the investigators, it provided anti-corruption scholars with an opportunity to interpret this phenomenon from the perspective of those who are involved in the investigation of traffic policing corruption on a daily basis.

This chapter will begin by providing a brief overview of the previous chapters and the summary of findings. Thereafter, the researcher will provide recommendations based on the review of literature, the views of the research participants, and the data analysis process. Furthermore, the researcher will provide a conclusion on how current JMPD anti-corruption measures may be improved. The researcher will also provide recommendations for future research.

9.2 BRIEF OVERVIEW OF THE CHAPTERS

In chapter one, the researcher identified and presented the research problem; spelled out the demarcation of the study; discussed the aims and objectives of the study; defined key theoretical concepts that are relevant to the study; and highlighted the envisaged value of the study.

In chapter two, the researcher explored the general overview of corruption in the public service in South Africa. The key objective of this chapter was to explore the extent of corruption in the public service in South Africa and also to compare the South African approach to combating corruption to international best practices.

Chapter three explored the legislative framework around the functions of the JMPD. It further explored the various manifestations of corruption within the JMPD; measures to deal with such manifestations; and factors that may render such measures ineffective.

In chapter four, the researcher discussed the problem of traffic police corruption in the JMPD. Herein, factors such as the functions of the JMPD; characteristics and the extent of corruption in the JMPD; factors contributing to the prevalence of corruption in the JMPD; and the current measures to combat corruption were discussed.

In chapter five, the researcher discussed the crime intelligence community in South Africa and the legislative requirements for conducting intelligence activities. The chapter also explored the intelligence process and the levels of intelligence in the context of anti-corruption. This chapter further discussed how intelligence analysis could be applied to combat corruption in the JMPD.

Chapter six provided a comprehensive overview of the research process applicable to this study. It explored the research methodology and the relevant concepts applied in research. It further mapped out the research work relevant to this study. The contents of this chapter included the philosophical worldview applicable to this study, the nature of the research approach and design, methods that were applied to collect the needed data, data analysis procedures, and the methods to ensure trustworthiness and quality of the study. This chapter concluded with an overview of the ethical principles within which the research was conducted.

Chapter seven presented the data collected from the interviews. This chapter presented the participants' views on the problem of traffic policing corruption in the JMPD; assessed the effectiveness of the current JMPD anti-corruption measures; and further explored the investigators' attitudes and experiences regarding the role of intelligence analysis in detecting traffic policing corruption in the JMPD. The themes, codes, and groups of codes identified during the data analysis were presented in Appendix E of this study.

In chapter eight, the researcher presented the interpretation of the data collected during semi-structured interviews with the research participants involved in the investigation of traffic policing corruption in the JMPD. This was done by reflecting about the participants' views with the contents of consulted literature. Therefore, the interpretations of the researcher are based on the evidences contained in the literature review and the meaning participants ascribed to the different lines of enquires.

9.3 SUMMARY

This study was aimed at evaluating the extent to which intelligence analysis could be applied to detect traffic policing corruption in the JMPD. The study began by exploring the dimensions of corruption in South Africa and particularly so, the problem of traffic policing corruption in the JMPD. It looked at the different forms of traffic policing perpetuated by JMPD officials; the magnitude of traffic policing corruption in the JMPD; and its impact. The study also looked at the current measures applied by the IAU to detect traffic policing corruption in the JMPD and their effectiveness.

Based on the findings of the study it can be deduced that traffic policing corruption in the JMPD is a matter of concern. The study also found that the current measures to detect traffic policing corruption in the JMPD are not as effective as they should be. This is as a result of a number of inhibiting factors discussed earlier this study. Furthermore, the study established that the IAU does not apply intelligence analysis to detect traffic policing corruption in the JMPD.

9.4 RECOMMENDATIONS

The research has focused on how the use of intelligence analysis may add value in detecting corruption in the JMPD. The majority of the findings from the semi-structured interviews with the IAU investigators clearly reflect the absence of an effective corruption detection method in the JMPD. In addition, the research has also attempted to find out what good practices exist locally and internationally for effectively detecting corruption and factors that may inhibit the effectiveness of various anti-corruption initiatives. In this light, various authors as discussed in

section 4.3 of this study have cited weaknesses in anti-corruption measures such as hotlines, whistleblowing, and victim reporting. These authors continued to recommend the use of intelligence analysis as a more effective method to detect corruption.

In the absence of recommendations on how to improve the detection of corruption in the JMPD, this research would be fruitless and of no meaning. Keeping in mind the significance of the findings of this research, the researcher makes the following recommendations:

9.4.1 Improve knowledge of what constitute traffic policing corruption

The analysis of the responses provided by the participants revealed that the participants have knowledge of what constitute acts of corruption. This knowledge will enable the participants to identify the crime of corruption and its related elements when investigating allegation of corruption in the JMPD. More specifically, on the aspect of traffic policing corruption, the views of the participants on what actions constitute traffic policing corruption were also in line with the definitions provided by various authors. Therefore, the participants have confirmed their knowledge of what constitute traffic policing corruption.

The knowledge of what constitutes an act of corruption should also be transferred to the public in general so as to allow members of the public to have an understanding of what constitutes corruption by the giver in terms of the PCCAA. This may be achieved through seminars; courses; workshops; and self-learning.

9.4.2 Keeping abreast with the different manifestations of traffic policing corruption and the modus operandi of perpetrators

The participants' statements were clear that all the participants had knowledge of the current diverse forms of traffic policing corruption perpetuated by traffic policing officers in the JMPD. The participants mentioned bribery, extortion, and misconduct as forms of corruption perpetuated by JMPD officials. This knowledge is important for anti-corruption purposes as it will aid the IAU when devising anti-corruption measures. Nonetheless, it is recommended for the IAU to keep abreast with new developments on how officials engage in corrupt activities. In keeping

abreast with these new developments the officials will often change the manner in which they ask for gratification from the motorists. The exchange of gratification would not necessarily take place at the point of contact with a motorist and will not entail the obvious exchange of money between the two parties. It may include bank deposits, third-party transfers, or the illegal exchange of valuable gifts. It has also been reported by the JPSA that JMPD officials also ask for sexual favours, especially from young women motorists, in lieu of traffic fines. However, the latter has not been confirmed by the participants during the study. Thus it becomes important for the IAU to keep abreast with the latest trends and patterns on traffic policing corruption acts in the JMPD. This can be achieved by studying trends in other MPDs locally and internationally as well as through engaging with members of the public and officials who may have knowledge of how JMPD officials solicit bribes from motorists.

9.4.3 Acknowledging the existence of corruption

The participants indicated that the level of corruption in the JMPD is high. However, the analysis of annual reports published by the City of Johannesburg for the period 2013-2017 as discussed in section 4.3 of this study indicate that only a total of 17 MPD officials were charged with fraud, bribery, and corruption related misconduct during the said period. Taking into account the various corruption perception indices, the statistic contained in the JMPD reports may not be a true reflection of the level of traffic policing corruption in the JMPD. This could be attributed to one of a number of factors, namely, the underreporting of traffic policing corruption by motorists; the under detection of corruption by the JMPD; or the under-publishing of traffic policing corruption statistics by the CoJ to avoid bad publicity.

Considering the above, the first step in the fight against corruption is to acknowledge that corruption exists in an organisation. This will enable the organisation to dedicate adequate time and effort to deal with the existence of corruption in such an organisation. In this light, the researcher recommends that the CoJ should accurately publish identified cases of traffic policing corruption and further acknowledge the existence of traffic policing corruption in the JMPD.

9.4.4 Enhanced anti-corruption awareness campaigns

The participants have also agreed that traffic policing corruption has a number of consequences. Both the immediate and extended consequences were identified by the participants. This awareness is an indication that the participants know how important it is to combat traffic policing corruption in the JMPD.

On this aspect, the researcher recommends that awareness campaigns by the JMPD on traffic policing corruption should not only be centered around informing members of the public on what constitute traffic policing corruption and how members of the public should report incidents of traffic policing corruption. Awareness campaigns should also make the public aware of the impact of traffic policing corruption. Members of the public ought to know that traffic policing corruption contributes to, amongst others; road fatalities, lawlessness, and also affects the local economy. The motorists must also be made aware that engaging in acts of bribery is a criminal offence and it makes them liable for arrest.

The researcher also recommends the intensification of anti-corruption awareness campaigns within the CoJ and also within the JMPD. This can be done through various communication media such as posters, radio, television, social media, and newspaper campaigns. Such awareness campaigns should look at highlighting what constitute acts of traffic policing corruption; the impact of traffic policing corruption; and where members of the public can report incidents of corruption.

The participants have also indicated the importance of combating traffic policing corruption in the JMPD. The participants have a clear knowledge of the benefits of combating traffic policing corruption in the JMPD. Considering this, the researcher recommends that the positive impact of combating traffic policing corruption should also be included in the anti-corruption campaigns. This is likely to motivate members of the public to report incidents of traffic policing corruption, and is also likely to discourage motorists from engaging in corrupt activities.

9.4.5 Application of proactive anti-corruption measures

The participants dwelled predominantly on measures that available literature indicates as being less effective in combating corruption. Literature as contained in

section 4.7 of this study has revealed that measures such as whistleblowing and hotlines are problematic when adopted as the main methods of detecting corruption. This is due to the fact that corruption tends to benefit both parties concerned and the corrupt motorist will not see a need to report the incident. Furthermore, the fear of victimisation by whistleblowers is one of the factors that render whistleblowing and hotlines less effective. Therefore, the overreliance on these measures might be problematic for the JMPD as it will not yield the desired results in terms of combating traffic policing corruption in the JMPD. Considering this, it is recommended that the JMPD should consider other proactive measures of detecting traffic policing corruption in the JMPD such as the use of body-worn cameras and the use of intelligence.

9.4.6 Leadership commitment

The participants have identified issue such as poor leadership as one of the factors affecting the effectiveness of anti-corruption measures in the JMPD. The participants' views correspond well with the factors identified in literature as factors contributing to the scourge of corruption in the public service in South Africa. In this light, it is recommended that the JMPD leadership display total commitment in dealing with the issue of corruption in the JMPD. This will entail, amongst others, setting the tone from the top; setting of codes of ethics within the JMPD separate from the Council's codes of ethics; total acceptance of the problem of corruption within the JMPD; and the provision of sufficient human, physical, financial, and technological resources to deal with corruption in the JMPD.

In addition to the above mentioned leadership factors, JMPD leadership should commit to the development of new and effective strategies to deal with corruption in the JMPD. This may be achieved by understanding the different types of corruption and developing smart responses to such. It is also important for the JMPD leadership to develop formal and informal processes to change behaviour of traffic police officers; to identify ways of leveraging resources to support and sustain anti-corruption efforts; and to adopt international best practices of dealing with corruption in a workplace.

9.4.7 Protection of whistleblowers

The participants were able to identify factors that could inhibit the application of intelligence analysis in the JMPD. Most similar to the factors that render the current JMPD anti-corruption measures not as effective as they should be, the participants have identified uncooperative witnesses as a factor that could inhibit the effective application of intelligence analysis to detect traffic policing corruption in the JMPD. The participants' views are partially in line with the views of the various authors as contained in the available literature, in that the participants have omitted to mention factors such as adherence to the rule of law; role ambiguity; and the lack of coordination with other anti-corruption agencies as factors that inhibit the effective application of intelligence.

Considering the above, the wellbeing of witnesses and whistleblowers is of great importance when combating corruption. In this regard, the researcher recommends the protection of whistleblowers in line with the Protected Disclosures Act, Act 26 of 2000; and the protection of JMPD members who expose corruption against adverse consequences.

9.4.8 Independence of the IAU

The participants have cited concerns of partiality over the role of the IAU and its positioning within the JMPD. The participants have indicated that the IAU is not as independent as it is supposed to be. In this light, the researcher recommends the separation of the IAU from the JMPD. The IAU should be incorporated into the City's Group Forensic Division (GFD). The proposed component within the GFD will only focus on traffic policing and licensing corruption. This is likely to boost the image and enhance the independence of the IAU; contribute positively to the morale of the investigators; boost the society's confidence and trust; and also ensure the transfer and sharing of skills.

The transfer of corruption cases by the IAU to the Road Traffic Management Corporation's (RTMC) National Traffic Anti-Corruption Unit (NTACU) for further investigation could also be of value in ensuring that allegations are investigated fairly; minimising exposure of members of the public to members of the JMPD

during investigations; minimising the blue code of silence; and boosting the confidence of the victims or whistleblowers.

9.4.9 Provision of adequate resources

The participants have identified inadequate resources as one of the factors affecting the effectiveness of anti-corruption measures in the JMPD. The participants' views in this regard, are in line with the findings contained in literature. Taking this into account, it is recommended that the JMPD should provide sufficient human, physical, financial, and technological resources to deal with corruption in the JMPD.

9.4.10 Adoption of international best practices

The analysis of international best practices on combating corruption discussed in section 2.5 of this study has provided some benchmark with which the South African government has to be measured against in its fight against corruption. These International best practices have made several recommendation of combating corruption which the South African government can adopt, such as establishing legal, policy, and institutional frameworks to combat corruption; the centralisation of anti-corruption efforts; and the use of intelligence.

In light of the above, the researcher recommends that the IAU should adopt international best practices of dealing with corruption and align them to the unique needs of the JMPD. It is also recommended that the IAU should establish information sharing forums with other anti-corruption agencies to deal with the scourge of traffic policing corruption in the JMPD.

9.4.11 Creation of Traffic Policing Corruption Information Centre

The absence of a central point for the collection and coordination of traffic policing corruption information in the JMPD hampers the ability of various anti-corruption agencies to effectively combat traffic policing corruption. This is as result of more than one anti-corruption agency operating in the same jurisdiction. The creation of a central point for receiving, storing , and analysing information; and disseminating intelligence to the investigators within the IAU is a crucial step towards the success of the intelligence function. The creation of this centre will also allow for inter-

agency sharing of information with other anti-corruption agencies. The coordination of information between relevant agencies is also important toward anti-corruption efforts. All these, require a good anti-corruption strategy which has a pillar of intelligence. The researcher is also of an opinion that the use of technology may be the most appropriate and efficient means of storing and retrieving information, and anti-corruption agencies tasked with the investigation of traffic police corruption in the JMPD should consider investing in this valuable tool.

9.4.12 Application of intelligence analysis to detect corruption

All the participants were in agreement that the application of intelligence analysis to detect traffic policing corruption in the JMPD will add value. The participants have agreed that the use of intelligence analysis will assist in the identification of targets; the prevention and detection of traffic policing corruption in the JMPD; and for anti-corruption planning purposes. Intelligence analysis may also be used during the investigation of corruption and may also be used to disrupt corrupt activities.

In light of the above, the researcher recommends the full implementation of the intelligence function within the JMPD. This intelligence function as described by Budhram (2015) does not imply the use of clandestine and covert means or taking over the functions of the SAPS CI or the SSA. Rather, it entails a business process model which determines where anti-corruption resources are needed and facilitates the organisation of corruption related knowledge. Furthermore, it coordinates anti-corruption activities and allows lessons to be learnt from those anti-corruption activities. The in-house intelligence function is likely to add value in combating traffic policing corruption in the JMPD.

The researcher further recommends that the IAU should adopt this valuable method of detection to supplement the current measures that are in place to detect traffic policing corruption in the JMPD. Considering this, it is important to reiterate the benefits of intelligence analysis in detecting traffic policing corruption

in the JMPD. Intelligence analysis is likely to add value in combating traffic policing corruption in the JMPD by assisting the IAU to:

- Better understand the corruption environment in the JMPD;
- Plan and allocate resources properly;
- Analyse corrupt activities in the JMPD;
- Identify targets or officials suspects to be involved in traffic policing corruption;
- Apply knowledge-based decision making;
- Predict the occurrence of corrupt activities;
- Disrupt corrupt activities; and
- Engage better in traffic policing corruption related investigations.

In light of the above, intelligence analysis will add value in both instances of proactive and reactive responses to corruption in the JMPD.

9.4.13 Adherence to the rule of law

In terms of available literature, one of the factors that contribute to the ineffective application of intelligence in law enforcement is non-adherence to the rule of law. Though all the participants did not comment whether they adhere to the rule of law when executing their duties, the researcher recommends that the IAU should adhere to the rule of law when implementing the intelligence function and also when performing other anti-corruption functions. This will eliminate unnecessary litigation against the IAU and also ensure that the principles of good governance are complied with.

9.5 RECOMMENDATION FOR FUTURE RESEARCH

The study revealed that the current measures applied by the IAU to detect traffic policing corruption in the JMPD are not as effective as they should be. As such, it is suggested that the same evaluation be conducted on the NTACU. This NTACU is an independent unit responsible for the investigation of corruption within the traffic fraternity in South Africa alongside with other anti-corruption agencies (RTMC, 2017). The independence of this Unit makes it a more appropriate unit to combat traffic policing corruption in South Africa, including the JMPD. However, its success

is also dependent on the application of more effective methods of detecting and combating traffic policing corruption in the traffic fraternity in South Africa, and the elimination of the inhibiting factors identified in this study.

A similar study could also be conducted in other MPDs in South Africa to establish whether there would be similarities or differences in the findings. This will add value in ascertaining whether a single agency responsible for the detection and investigation of traffic policing corruption in the traffic fraternity in South Africa such as the NTACU is a more viable option or not.

9.6 CONCLUSION

This research was directed at evaluating the extent to which intelligence analysis could be applied by the IAU to detect traffic policing corruption in the JMPD. Based on the findings of the study, it can be deduced that the current measures applied by the IAU to detect traffic policing corruption are not as effective as they should be. Moreover, the IAU does not apply intelligence analysis to detect traffic policing corruption in the JMPD. Therefore, the findings and recommendations outlined above are useful in the application of intelligence analysis as a proactive method of detecting traffic policing corruption in the JMPD and may also be transferred to other MPDs in South Africa.

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APPENDIX A: ETHICAL CLEARANCE



COLLEGE OF LAW RESEARCH ETHICS REVIEW COMMITTEE

Date: 2017/02/06

Reference: ST 107/ 2016

Applicant: M T Nkhoma

Dear M T Nkhoma

(Supervisor :Mr W Maluleke)

DECISION: ETHICS APPROVAL

Name	M T Nkhoma
Proposal	An evaluation of incorporated analysis in detecting corruption in the Johannesburg Metropolitan Police Department.
Qualification:	Masters in Criminal Justice

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%20Dapp%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.*



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

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

Note:

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

Kind regards



PROF D GOVENDER
CHAIR PERSON: RESEARCH ETHICS
REVIEW COMMITTEE
COLLEGE OF LAW



PROF R SONGCA
EXECUTIVE DEAN:
COLLEGE OF LAW

APPENDIX B: LETTER OF APPROVAL COJ



City of Johannesburg
Department of Corporate & Shared Services
Office of the Group Head: Group Human Capital Management

6th Floor, B. Bosh
Metropolitan Centre
156 Civic Boulevard
Braamfontein

PO Box 1046
Johannesburg
South Africa
2000

Tel: +27(0) 11 407 0000
Fax: +27(0) 11 339 1678
www.joburg.org.za

Memorandum

TO : Mr. Moses Thabo Nkhoma
UNISA
Degree MA in Criminal Justice

FROM : Enoch Mafuyeka
Deputy Director: Employee Relations and Development

DATE : 06 September 2017

SUBJECT : "AN EVALUATION OF INTELLIGENCE ANALYSIS IN DETECTING
CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE
DEPARTMENT"

The above matter refers to the letter received on the 16 August 2017, in which a request was made to conduct a research in the City of Johannesburg.

The City of Johannesburg hereby grants permission to conduct the above-mentioned study, on the provision that proof of granting ethical clearance be provided prior to commencement of the study.

Please note that your research topic deals with sensitive matter and therefore you are requested to act with caution, use your research for academic purposes only.

Please note that on completion of the study, a copy of the research report should be submitted to the City of Johannesburg in honour of your commitment.

The City of Johannesburg wishes you the best during the period of research.

Please do not hesitate to contact us if we can be of further assistance.


Kind Regards


Enoch Mafuyeka
Deputy Director: Employee Relations and Development
Tel: (011) 407-7250
Email: Enochm@joburg.org.za

06/09/2017

SUBJECT : "AN EVALUATION OF INTELLIGENCE ANALYSIS IN DETECTING
CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE
DEPARTMENT"

APPROVED/NOT APPROVED



Christo Marais
Acting Group Executive Director: Group
Corporate and Shared Services
Date: 7/9/2017

APPENDIX C: INFORMED CONSENT FORM



INFORMED CONSENT FORM

TITLE: AN EVALUATION OF INTELLIGENCE ANALYSIS IN DETECTING CORRUPTION IN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

Introduction

1. You are invited to participate in a research study being conducted by Mr. Moses Thabo Nkhoma, towards the degree of Master of Arts in Criminal Justice and assisted by the Department of Police Practice, University of South Africa. The broad aim of the study is to explore the attitudes and experiences of JMPD Internal Affairs Unit officials regarding the role of intelligence analysis in detecting corruption in the JMPD. The study attempts to shed light on the discussions on roles and competencies in corruption detection; and successes and challenges of countering corruption. Based on the findings of this study, the researcher will provide with recommendations for future improvements. Permission has been asked and granted by the City of Johannesburg to conduct this research.
2. You are under no obligation to take part in this study and you may withdraw your participation at any time. However, your contribution is of crucial importance. Your anonymity will be guaranteed – your name is not required. All information will be treated with confidentiality.
3. The study will be most helpful for research and perhaps to the JMPD's Internal Affairs Unit.
4. If you have any questions about this research and its findings, you may contact Mr. Moses Thabo Nkhoma, at 082 370 3332. You may also contact the supervisor, Prof H.F. Snyman, at the Department of Police Practice, Brooklyn House, UNISA, Tel: 012 4339464.

Notification of Audio Recording

3. Your attention is drawn to the fact that the interview will be audio recorded to ensure that valuable information elicited during the interview is captured and the context of the information can be reviewed in detail. Following the interview, the recorded material will be transcribed. You may peruse the transcription of the recording of the interview in which you participated at any time.

Ethical Approval

6. The proposed study has been submitted to the University of South Africa, College of Law Research Ethics Committee (the Committee) and written approval has been granted by that committee.

Consent

I have read the above information relating to the study and have also heard the verbal version, and declare that I understand it. I have been afforded the opportunity to discuss relevant aspects of the study with the researcher, and hereby declare that I agree voluntarily to participate in the study.

I indemnify the university (UNISA) and any employee or student of the university against any liability that I may incur during the course of the study.

I further undertake to make no claim against the university (UNISA) in respect of damages to my person or reputation that may be incurred as a result of the study or through the fault of other participants, unless resulting from negligence on the part of the university (UNISA), its employees or students.

I have received a signed copy of this consent form.

Signed at on

APPENDIX D: INTERVIEW GUIDE

APPENDIX A: INTERVIEW GUIDE

Title: An evaluation of intelligence analysis in detecting corruption in the Johannesburg Metropolitan Police Department

Degree: Master of Arts in Criminal Justice

Researcher: M.T.K. Nkhoma

Student Number:

37060929

Section 1
1. This section deals with traffic policing corruption in the JMPD
1.1 Can you describe to me what your understanding of corruption is in general?
1.2 What is your understanding of traffic policing corruption?
1.3 What are the forms of traffic policing corruption in the JMPD?
1.4 What is the magnitude of corruption in the JMPD?
1.5 In your view what are the possible causes of corruption in the JMPD
1.6 What is the impact of traffic policing corruption?
Section 2
2. This section deals with current measures to detect traffic policing corruption
2.1 What measures are in place to detect traffic policing corruption in the JMPD?
2.2 What is the effectiveness of the measures identified above?
2.3 In your view what are the factors that may inhibit the effectiveness of various anti-corruption measures.
2.4 What is the importance of combating traffic policing corruption?
Section 3
3. This section deals with the application of intelligence analysis in detecting traffic policing corruption
3.1 What is intelligence in the law enforcement context?
3.2 What is your understanding of intelligence analysis?
3.3 How can intelligence analysis be applied to detect traffic policing corruption in the JMPD?
3.4 In your view, what value can intelligence analysis add in detecting traffic policing

corruption in the JMPD?

3.5 What could be the factors that may inhibit the effective application of intelligence analysis to detect corruption in the JMPD?

APPENDIX E: LIST OF CODES

List of codes deduced from semi-structured interviews with investigators

Code	Frequency	Code	Frequency
Intelligence analysis can add value	6	Traffic policing corruption entails the abuse of authority	2
Traffic policing corruption entails bribery	12	Traffic policing corruption entails extortion	3
Traffic policing corruption entails omission	1	Traffic policing corruption entails receiving undue benefits	4
Traffic police corruption is caused by organisational culture	1	Traffic police corruption is caused by greed	11
Traffic police corruption is caused by ill-discipline	4	Traffic police corruption is caused by lack of supervision	2
Traffic police corruption is caused by lack of leadership	9	Traffic police corruption is caused by motorists	6
Traffic police corruption is caused by nepotism	2	Traffic police corruption is caused by non-rotation of staff	1
Traffic police corruption is caused by opportunity to be corrupt	1	Traffic policing corruption is caused by poor supervision	1
Traffic policing corruption is caused by low salaries	1	Traffic policing corruption is high in the JMPD	9
Traffic policing corruption is low in the JMPD	1	Intelligence is Case Management System	1
Intelligence is the gathering of information	3	Intelligence involves investigation and	7

		prosecution	
Intelligence analysis is collection and analysis of information	2	Intelligence analysis is the identification of trends and patterns	8
Intelligence analysis is the use of undercover agents	1	Lack of skills and expertise will inhibit the use of intelligence analysis	3
Inadequate resources will inhibit the use of intelligence analysis	6	Lack of strategy will inhibit the use of intelligence analysis	3
Uncooperative witnesses will inhibit the use of intelligence analysis	3	Combating traffic policing corruption will reduce crime	3
Combating traffic policing corruption will boost economy	5	Combating traffic policing corruption will boost the image of the JMPD	5
Combating traffic policing corruption will reduce road fatalities	6	Combating traffic policing corruption will boost the morale of staff	1
Traffic policing corruption has an impact on the economy	4	Traffic policing corruption has an impact on the image of the JMPD	4
Traffic policing corruption contributes to lawlessness	1	Traffic policing corruption contributes to road fatalities	5
Traffic policing corruption has an impact on the society	4	Traffic policing corruption has an impact on staff morale	2
Intelligence analysis can be applied to detect corruption	4	Intelligence analysis can be applied to deter and prevent corruption	7
Intelligence analysis can be	1	Intelligence analysis can	4

used for planning		be applied to identify trends	
Corruption is the abuse of authority	2	Corruption is the violation of code of ethics	6
Corruption is when you extort money	1	Corruption is when you receive undue benefits	6
Bribery is a form of traffic policing corruption	8	Extortion is a form of traffic policing corruption	4
Misconduct is a form of traffic policing corruption	1	The current measures are effective	4
The current measures are not effective	5	We use audits to detect corruption	1
We use awareness campaigns to detect corruption	4	We use hotlines to detect corruption	13
We use Internal Affairs Unit to detect corruption	7	We use walk-ins to detect corruption	6
We use ad-hoc inspections to detect corruption	4	Lack of expertise is a weakness of the current measures	1
Inappropriate sentence is a weakness of the current measure	1	The lack of independence is a weakness of the current measures	4
Lack of leadership is a weakness of the current measures	6	Lack of resources is a weakness of the current measures	5
The response time is a weakness of the current measures	2	Lack of strategy is a weakness of the current measures	2
Uncooperative witnesses is a weakness of the current measures	5		

APPENDIX F: EDITING CERTIFICATE

Judith.hatili@gmail.com

Hloni.freelancing@gmail.com

2018/10/05

To whom it may concern,

This letter serves to confirm that we edited and proofread a Master's dissertation, as qualified **freelance editors**. Please see the details as well as terms and conditions for the editing hereunder:

Client: Moses Thabo Nkhoma

Nature of editing done: layout of document, correct sentence construction, format and spelling.

Title of report : An evaluation of intelligence analysis in detecting corruption in the Johannesburg Metropolitan Police department

Academic institution: University Of South Africa

Supervisor: Professor Rika Snyman

Formatting style used: Calibri 12

Referencing style used: Havard referencing style

We hereby declare that we edited and proofread the above dissertation.

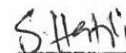
Profession

name and surname

signature

Language Practioner

Sibongile Hatili



Language Practitioner

Lehlohonolo Phatudi

