

**AN INVESTIGATION INTO THE USE OF WHISTLE- BLOWING  
AS A MEANS TO CURB UNETHICAL BEHAVIOUR OF POLICE  
OFFICERS IN THE NELSON MANDELA BAY**

**By**

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degree of Magister Philosophiae in Public Administration &  
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**DECLARATION**

I declare that:

**AN INVESTIGATION INTO THE USE OF WHISTLE BLOWING AS A  
MEANS TO CURB UNETHICAL BEHAVIOUR OF POLICE OFFICERS IN  
THE NELSON MANDELA BAY**

is my own work, that all the sources used or quoted have been indicated and acknowledged by means of complete references, and that this Treatise was not previously submitted by me for a degree at another University.

**SIGNED** : \_\_\_\_\_

**DATE** : **April 2008**

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## SUMMARY

The use of whistle-blowing as means to curb unethical behaviour of police officers in the Nelson Mandela Bay is investigated in this study. In order to investigate this, various instruments were used, these are interviews and questionnaires. However the objectives of the study were:

- To examine the implementation of whistle-blowing in the SAPS.
- To develop strategies and measures that can be used to encourage whistle-blowing in the SAPS.

Broadly speaking, these objectives have been achieved by providing empirical evidence which shows that:

- Unethical behaviour by police officers is the most ethical challenge facing police officers in the Nelson Mandela Bay Area. This is based on the findings which emanate from the interviews.
- Whistle-blowing is used by police officers as an early warning system that alerts the superiors about misconduct before it is too late as it defects and deters wrongdoing.

However, the study suggests various strategies and measures to assist the implementation of whistle-blowing. These strategies include:

- Development of hotlines.
- Assurance of confidentiality and anonymity of disclosures.
- Response plan development.
- Training development.
- Regarding whistle-blowing as an ongoing communication.

This study also indicates that misconduct by police officers in the Nelson Mandela Bay area is not high. While whistle-blowing is considered as a key

tool in promoting individual responsibility and accountability among police officers.

In conclusion, recommendations are provided which could assist the SAPS and individual police officers to improve ethical conduct, and for improved measures and mechanisms to deal with unethical behaviour of police officers and recommendations for improved implementation of whistle-blowing process.

## KEY TERMS

- ❑ Whistle-blower
- ❑ Whistle-blowing
- ❑ Misconduct
- ❑ Disclosure
- ❑ Unethical behaviour
- ❑ Police officers

## LIST OF ABBREVIATIONS

- |         |   |   |
|---------|---|---|
| ❑ SAPS  | - | South African Police Services                       |
| ❑ EAP   | - | Employee Assistant Programme                        |
| ❑ CSVR  | - | Centre for the Study of Violence and Reconciliation |
| ❑ IDASA | - | Institute for Democracy in South Africa             |
| ❑ SDIP  | - | Service Delivery Improvement Program                |

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# CHAPTER ONE

## DEMARCATIION OF THE STUDY

### 1.1 Introduction

Since the advent of democracy in South Africa there have been enough incidents of unethical behaviour by public officials to write a book. There is evidence that a wide range of unethical practices are still occurring in a number of public service departments on a daily basis (Dlamini, 2001:1). Each of the three spheres of government is affected and these unethical practices are found at both high levels of seniority (at the top as well as lower down departmental hierarchies), one example being bribery used as a means of obtaining driving licences (Mafunisa, 2000:55).

According to Dlamini (2001:1), “reports about unethical behaviour of public officials in the country have become a common feature in the local media. This has resulted in a general decline in confidence in the government officials as well as ordinary public servants” (Africa News Online, 1998).

Mafunisa (2001:125) is of the opinion that “unethical behaviour by public officials is harmful to the government. Once it infects the blood-stream of any public institution, it causes irreparable damage to the public morals. Consequently people end up losing faith in the integrity of public administration, and if it is not diagnosed and treated, it will eventually destroy public credibility and institutional effectiveness”.

One of the Departments that has come under special scrutiny is the South African Police Service (SAPS). Take a look through any of South Africa’s major newspapers and there is sure to be a story or two mentioning some police act or pattern of behaviour which may be said to be inappropriate, immoral or illegal (Sayed and Bruce, 1998:1). These authors further argue

that “allegations of involvement of police officers in drug trafficking, car hijacking, docket theft, business scams, obstructing the ends of justice” and a whole host of other criminal activities such as murder, theft and assault are commonplace. In a newspaper poll surveying public attitudes towards the police, over half of the respondents viewed the police in general as “corrupt and having no integrity”.

Newham and Gomomo (2003:5) are of the opinion that “where there are police officials with powers to investigate crime and enforce the law, there will be individuals and organised groups who will try to influence these officials. They will try to do so by offering the police officials cash and other rewards. Also, the more this becomes the norm in the policing environment; the more policing resources are diverted from tackling crime. Instead, increasing numbers of police officers start using their powers to make extra cash, either by protecting criminals or by deliberately failing to enforce the law. As a result, unethical behaviour by police officers undermines the rule of law, and moreover becomes a direct threat to the consolidation of democracy in transitional societies in South Africa”.

Newham (2002:2) further argues that “unethical behaviour by police officers is an unfortunate challenge facing the police transformation process. While it has remained an official priority concern for the South African Police Service (SAPS) since 1996, there is little indication that the organisation to date is effectively overcoming the problem”. Carter (1997:14) supports this view by arguing that “the problem of unethical behaviour by police officers cannot be left unresolved, particularly because it is intolerable and harmful to the entire society. Its causes demand mechanisms that are effective in checking and minimising it. Inasmuch as there are effective forms of unethical conduct, strategies and measures to uproot it also vary”.

Within the SAPS one of the measures created to deal with the problem of unethical behaviour by police officers is the Independent Complaints Directorate which oversees the South African Police Service and the Metropolitan Police Services. Their mandate stems from the South African

Constitution of 1996. Since its inception in 1997, its role adheres to section 222 of the South African Interim Constitution (Act No 200 of 1993) which provided for the establishment of an independent mechanism under civilian control, with the object of ensuring that complaints are investigated in respect of offences and misconduct allegedly committed by members of the SAPS in an effective and efficient manner (Chetty, 2004:1).

According to Newham (2002:1), “in recent years approaches to examining the subject of unethical behaviour by police officers have shifted from asking whether or not unethical behaviour by police officers exists in any police agency, to asking questions about the size, nature, and the impact of the problem”. The following newspaper articles motivated this research.

- Female police officers claimed that for them to be promoted, they had to play ‘sex games’ with senior police officers (City Press, 14 August 2003:16).
- ‘Prisoner bribed cops to be with me, says girlfriend’ (Sunday Times, 8 April 2001: 24).
- Chief police whip facing fraud charges (The Star, 12 November 2000:2).
- “Give me R300 and I’ll drop charges” - Police sergeant arrested in sting involving woman and Anti-Corruption Unit (Weekend Post, 20 May 2003:14).

This study is intended to investigate the use of whistle-blowing as a tool that can be used to combat unethical behaviour of police officers in the Nelson Mandela Bay area by looking at whistle-blowing and how whistle-blowing can be used to disclose information on irregular conduct in the SAPS.

## **1.2 Problem statement**

There are several uncertainties about the nature of unethical behaviour in the contemporary SAPS. One of the most serious of these concerns is the extent

of such unethical behaviour. Since the birth of democracy in South Africa, there have been significant changes in society and government in terms of transparency. The public has begun to hear a lot more about the unethical behaviour of police officers from the media than ever before. Stories describing misconduct by police officers often make news headlines or appear regularly in newspapers, television and radio reports (Newham, 2002:5).

The problem to be investigated concerns the broad issues, debates, and arguments regarding whistle-blowing and unethical behaviour in the SAPS by investigating the nature, extent, causes and mechanisms currently in place in the SAPS to deal with unethical behaviour of police officers.

The following serve as research questions of this research project:

- What is the nature, the extent and causes of unethical behaviour of police officers in the SAPS?
- How effective is the implementation of whistle-blowing in curbing unethical behaviour of police officers?
- Are Police Officers clear about whistle-blowing and what its implications are and the specific practical measures needed to implement it in the SAPS?
- What are the advantages and disadvantages of implementing whistle-blowing in the SAPS?
- Which measures can be taken to encourage whistle-blowing in the SAPS

Creswell (1994:70) describes research questions as having two forms. One can either employ a guiding hypothesis followed by sub-questions, or make use of a 'grand tour' question. The grand tour question is very general but does serve to limit the extent of the enquiry. In addition to the above,

additional questions will be posed - questions that will help operationalize the research.

### **1.3 Aims of the study**

Police Officers are appointed to serve members of the public and not to promote private or selfish interests. However, police services internationally are characterised by allegations of improper or unethical behaviour and the South African Police Service is no exception (Newham and Gomomo, 2003:4). Allegations of unethical conduct by police officers have generated widespread concern and consequently a search for remedies. The urgent need to find an appropriate solution to this problem motivated this research.

#### **1.3.1 Primary Aim**

The primary aim of the study is to investigate the use of whistle-blowing in the SAPS as a means of curbing unethical behaviour of police officers in Nelson Mandela Bay.

#### **1.3.2 Secondary Aims**

The secondary aims of the study are;

- To determine the extent, nature and causes of unethical behaviour of police officers in the Nelson Mandela Bay.
- To examine the implementation of whistle-blowing in the SAPS.
- To determine strategies and measures that can be used to encourage whistle-blowing in the SAPS.

## 1.4 Research methodology

The validity and verifiability of this research is dependent on the choice of the methods that will be applied for collecting information, on how this information is broken up into analytical components, categorized and analysed. The appropriateness of the research methods will be important in this research, as it is these methods that will help gather data to test the hypotheses of the research. Kumar (1999:225) argues that “the central purpose of a methodological section is to explain to the readers how the research was accomplished – in other words, what the data consists of and how the data was collected, organised, and analysed”.

Since this is a qualitative research study, the method of investigation is descriptive. Descriptive studies are by definition, a reproduction and identification of present and existing conditions, needs and relations. They have practical aims since they are oriented towards the determination of the status of a given phenomenon rather than toward the isolation of causative factors (Mouly, 1978:231).

The methodological approach used in this investigation is qualitative by nature. Many writers have defined qualitative research as referring to the production of descriptions of how and why people do certain things. They add that it also refers to meanings, concepts, definitions and characteristics. (Berg, 1995:8).

Leedy and Ormrod (2001:148) write “qualitative research studies typically serve one or more of the following purposes:

- **Description.** Qualitative research methods can reveal the nature of certain situations, settings, processes, relationships, systems, or people.
- **Interpretation.** Qualitative research methods enable a researcher to:  
(a) gain insight into the nature of a particular phenomenon, (b) develop



new concepts or theoretical perspectives about the phenomenon, and  
or (c) discover the problems that exist within the phenomenon.

- **Verification.** Qualitative research methods allow the researcher to test the validity of certain assumptions, claims, theories, or generalizations within real world contexts.
- **Evaluation.** Qualitative research methods provide a means through which a researcher can judge the effectiveness of a particular policy, practice, or innovation”.

According to De Vos (1998:241), “the qualitative research method provides comprehensive answers and is able to set both open-and closed ended questions. It is a research approach that highlights participant’s perspectives, observations and insights and produces data in the participants own spoken words”.

The research methodology to be used in the study is described in the next section with reference to data collection, research design and data analysis and interpretation.

#### **1.4.1 Data collection**

In this study qualitative research method techniques for data collection will be used. The research objectives in this study require the use of one or more techniques for collecting the particular empirical data that is required. The techniques that will be used in this study are therefore individual interviews and documentary analysis. McMillan and Schumacher (1993:373) state that “qualitative research is more concerned with understanding the social phenomenon from the participant’s perspective”.

Data collection methods include interviews, observations and the distribution of questionnaires. Interviews will be conducted with senior police officers from different units of each police station.

This research relies on both primary (interviews) and secondary (documents) research data. According to Kumar (1999:105), “primary sources are constituted by the data which is unpublished and which the researcher has gathered from the people or organisation directly. On the other hand, secondary sources refer to any materials (earlier research, personal records, books, articles, documents, etc) that have been previously produced or published”. For secondary data purpose, library books will be used to explain different theories of whistle-blowing and unethical behaviour and their relevance in the SAPS. For primary data purposes, observations, structured interviews, surveys and questionnaires will be used.

#### **1.4.1.1 Interviews**

Interviews were held with police officers as direct interaction between the researcher and respondents. Structured and unstructured interviews were used to “allow the interviewer greater latitude in asking broad questions in whatever order seems appropriate” (Mc Millan and Schumacher, 1993:250).

Structured interviews were used in the study. The investigator asked a set of pre-determined questions, using the same wording and the order of questions as specified in the interview schedule. The intention was to uncover the belief and the thinking structure of the participants. The investigation can be complex, time-consuming and demanding. The duration of the interviews can vary from a couple of hours to many hours, depending on the emerging data. Kumar (1999:170) is of the opinion that “the advantage of using the interview method is that responses to be obtained are of a high quality”.

One of the main advantages of the structured interview is that it provides uniform information, which assures the comparability of data. Structured interviewing requires fewer interviewing skills than does unstructured interviews. The advantage of using this method of interviewing is that the responses to be obtained are of high quality (Mc Millan and Schumacher, 1993:250).

#### **1.4.1.2 Questionnaires**

A questionnaire is a set of tabulated questions in a form to be completed by the participant for the purpose of a research project (Yin, 1998:256). The researcher designed a questionnaire that met the basic principles laid down by Cozby (1997:96), namely that the questionnaire should clearly tabulate the information needed, questions be brief and clear and be easily completed by participants. Each participant was asked to complete all the questionnaire.

The questionnaire starts with some biological data, followed by close-ended questions in order for the respondent to have the opportunity to choose answers to their personal liking (Robson, 1993:243). These questionnaire reflected valuable insights into what participants thought of whistle-blowing and related problems in the SAPS.

The questionnaires were hand delivered to participants, saving time and money. Another advantage of personal delivery is that participants cannot claim that they did not receive the questionnaire. The researcher took the opportunity to immediately clarify any questions not understood by the participants.

#### **1.4.1.3 Observations**

The researcher's observation was used to supplement data collection by making inferences. Low inference observation is preferred since according to McMillan and Schumacher (1993: 256), "it requires the observer to record specific behaviours without making judgements in a more global sense". The researcher observed the participants conducting their daily tasks and keep journal records of his observations.

#### 1.4.1.4 Data analysis and interpretation

Writers like Yin (1998:246) in the field of research have argued that “qualitative research methods involve a continuing interplay between data collection and theory”. Furthermore, in qualitative research data collection, analysis and theory are more intimately intertwined. The data analysis for a qualitative study is a complex and a time-consuming process because the researcher is required to organise the data, to read the data carefully several times in order to get a sense of what they contain and to identify categories or themes as well as clarifying each piece of the data (Leedy and Ormrod, 2001:161).

According to Mouton (2001:108), “all field work culminates in the analysis and interpretation of some set of data, be it qualitative transcripts data or disclosure data, be it quantitative survey data, experimental recordings, historical and literary texts. Analysis involves “breaking up” the data into manageable themes, patterns, trends and relationships”.

The aim of the analysis in the study is to understand the various consecutive elements of one’s data through an inspection of the relationships between concepts, constructs or variables and to see whether there are any patterns or trends that can be identified or isolated, or to establish themes in the data analysis (Kumar, 1999:200).

Data analysis was done immediately after the collection of data used in this project. Also, the results of the observations, investigation and interviews will be analysed by using inductive analysis. Marshall and Rossman (1989:114) support this *modus operandi* when they contend that data collection and analysis form the basis of a continuous process in a qualitative research design. Data will be analysed qualitatively. This includes the identification of themes extracted from interview transcripts and questionnaires.

### **1.4.2 Research design**

Babbie and Mouton (2001:77) define a research design as a “blueprint or detailed plan of how the research study is to be conducted”. The design that will be used is qualitative, explorative, descriptive and contextual. Grinnel (1990:136) concurs with the above authors by stating that an exploratory design uncovers generalisations and develops hypotheses which can be tested later with more complex designs and data-gathering techniques.

The qualitative design chosen for this study is a phenomenological one. According to Maxwell (1998:80), this approach aims “to understand and interpret the meaning that subjects give to their everyday lives”. This research is aimed at exploring the subject perceptions and felt needs of the target population concerning the use of whistle-blowing as a means to curb unethical behaviour of police officers. Therefore this approach seems to be suitable for conducting an empirical study that makes use of evaluative research.

Phenomenology, according to Omely (1983:50), “is a strategy that is inductive and descriptive and which tries to describe, understand, explain and interpret the meaning of phenomena within the context in which they occur”.

### **1.4.3 Population**

According to Yegidis and Weinbach (1996:114) population can be described as “the entire collection of people or elements that share some defined characteristic(s)”. It refers to individuals in the universe who possess specific characteristics. Rubin and Babbie (1997:238) support this definition by stating that population is the theoretically specified aggregation of study elements. For the purposes of this research study the population will be made up of different levels/ranks of police officers based in three police stations under investigation in the Nelson Mandela Bay. These Police Stations are New Brighton, Kwazakhele and KwaDwesi. In each of these stations the focus was placed on police officers who some were selected as respondents. The

population is multi-racial, being composed primarily of African, Coloured, Indians and White South African police officers.

#### **1.4.4 Sampling**

According to Yegidis and Weinbach (1996:114), a sample is “the actual listing of sample elements or cases from which a sample is drawn”. Rubin and Babbie, (1997:237) support this definition by stating that the sample will be representatives of the population from which it is selected when all members have an equal chance of being selected in the sample.

As the study is qualitative in nature, purposive sampling is used. Patton (1990:169), says about purposeful sampling, “selecting information reaches cases for study in-depth”. This research will look for information-rich informants who are likely to be knowledgeable.

According to Schloss and Smith (1999:89), purposive sampling allows one to select people on the basis of one’s belief that they can or will contribute to and can also expand one’s database rather than selecting them on the basis of predetermined criteria. The selection of the participants depends on their experience in different practice settings and their knowledge of and involvement in the Police Service. The information given by the participants was treated as confidential.

#### **1.5 Conceptualisation**

The purpose of this section is to provide both short primary definitions and alternate definitions of the major concepts used in the research. Scholars have argued that there are two basic elements of a concept, namely, its connotative and denotative meaning. This section attempts to provide an exploration of the meanings of both these elements in this research. This section also serves to provide an indication of the researcher’s familiarity with the theoretical landscape related to the research problem (Mouton and

Marais, 1998:59). The following concepts are at the core of this research project:

**Code of conduct** can be defined as being “an instrument which not only identifies unacceptable conduct but also identifies and encourages conduct. The objective of the code of conduct is to show officials and the public in unambiguous terms what is regarded as acceptable” (Barrie, 1994:75).

**Corruption** is defined as “the act of bribery and misuse of authority as a result of consideration of personal gain which need not be monetary” (Heidenheimer, 1990:9). Nye in Williams (1983:16) in turn sees corruption as being “the behaviour which deviates from the formal duties of a public role because of a private gain – regarding pecuniary or status gain, or violates rules against the exercise of certain types of behaviour”.

Ladikos (1999:29) has divided corruption into two types, i.e. “petty” corruption and “grand or systematic” corruption. The former is commonly known as “small” corruption and the latter commonly known as “big corruption”. “Petty” corruption is referred to as “small” corruption because of the size of the obligation that the transaction buys. It happens everyday in society and in every segment of a community. In most cases “petty” corruption involves the exchange of money within the service, such as bribery, nepotism, doing favours, etc. Good examples are evading traffic fines by bribing the traffic officer or paying the Home Affairs official in order to speed the process for an identity document, passport or birth certificate (Novartis, 2000).

**Ethics** is defined as a “system of moral principles (relating) to that branch of philosophy dealing with values relating to human conduct, with respect to rightness or wrongness of certain actions and to the goodness or badness of the motives and ends of such actions” (Petrick and Quinn, 1997:42) . Morris (1999:450) defines **ethics** as “the study of the nature of morals and of specific moral choices to be made by the individual in this relation with the rules or standards governing the conduct of the members of the profession”.

**Unethical behaviour** is defined as “a deliberate or negligent conduct constituting a deviation from or breadth of the guidelines designed to inform an expected pattern of behaviour in a given situation” (Mafunisa, 2003:53).

The following definition has been adopted from the Public Service Ethics (Brussels: International Institute of Administrative Sciences, 1978:8), “ an **unethical conduct** denotes a situation wherever a public official (a Minister or a public servant), individually or collectively, exploits the official’s position (or gives the appearance of doing so) in a way which compromises public confidence and trust in the integrity of the office in particular and the government in general, or lets others (such as relatives or friends) use the names of such positions towards the achievement of private gain at the expense of the common good”. This definition covers those situations where a public official may not receive any direct financial gain for himself but may be able to help a relative, friend or others, including the demands of a superior officer, in administration.

**Whistle-blowing** as a concept and practice is described as “encompassing the disclosure of information by an employee or ex-employee which they reasonably believe evidences a violation of any law, rule or regulation, or gross mismanagement or gross waste of funds, an abuse of authority or a substantial and specific danger to public health and safety” (Hunt, 1998:222). It is important to make the point that whistle-blowing can be internal, that is within an organisation and by an employee, or external, that is about an organisation to a person or body external to the organisation and by an employee or ex-employee (Jonker,2004:156).

Camerer (2001:10) is of the opinion that “there is confusion about the meaning of the term whistle-blowing”. Whistle-blowers have unfairly acquired a bad reputation as being trouble makers, busy-bodies and disloyal employees and a major cause of this negative perception in South Africa is the unfair confusion of whistle-blowers with ‘impimpis’ apartheid era informants who betrayed their comrades often with devastating consequences. This historical context has unfortunately allowed the



stigmatisation of whistle-blowing as an activity to be despised rather than to be encouraged”. However, in ethics, **whistle-blowers** are referred to as “employees (or former employees) that sound an alarm outside the normal communication channels to appropriate audiences beyond the organisation in order to highlight any neglect or abuses that are opposed to the public interests” (French, 1993:136).

In South Africa whistle-blowing comes with its own rules attached. John Muller, the public servant who blew the whistle on unethical conduct in Mpumalanga, was hounded from his job and is now forced to run a creche in order to support his family. Mr Muller was an Mpumalanga traffic official who had uncovered a large-scale fraud in the issuing of driving licences in the province (The Star, 17 September 1999:9).

According to the Star, the case of Mr Muller is just one of a growing number of whistle-blowers in the public service who are being victimised. However the newly promulgated Protected Disclosures Act (Act 26 of 2000) makes provision for procedures in terms of which employees in both the public and private sector who disclose information about unethical conduct by their employers or fellow employees are protected from occupational detriment. The Protected Disclosures Act provides the necessary protection to workers against victimisation to enable them to come forward more freely to report on cases of unethical behaviour (Terreblanche, 2003:14).

The foregoing section has sketched both the concepts and a general theoretical paradigm of the topic of this research and these concepts have been operationalised in a manner that renders them observable (Marais and Mouton, 1988:23).

## **1.6 Limitations of the study**

- The fact that the study is confined to three Police Stations will justify other further investigations into the use of whistle-blowing in the SAPS over a wider geographical area.
- The fact that the sample used is selected only from the Nelson Mandela Bay area on the basis of accessibility is a limitation in itself. This constitutes a sample that will be taken to represent all Police Stations in the area.

## **1.7 Proposed division of chapters**

It is proposed that the study will be divided into the following chapters:

### **Chapter 1: Demarcation of the study**

This is a general introduction to the study. It presents the background and the orientation, statement of the problem, aim of the study and outlines the broad research questions. In this chapter, the significance of the study and the definition of key concepts that will be used in the study will be provided. It also describes the planned research methodology and design, followed by the limitations of the study and a preview of the chapters of this treatise.

### **Chapter 2: Literature study for whistle-blowing**

In this chapter the development and theoretical perspectives of the concept of whistle-blowing will be described. The chapter proposes perspectives on whistle-blowing as a communication phenomenon. It deals with the current status of whistle-blowing in South Africa in terms of legislations and the ethical considerations and how whistle-blowing may be processed in the organisation.

### **Chapter 3: The ethical dimension of police management and administration**

Here, a theoretical overview of ethics in police management and administration is provided in full cognizance of the South African perspective. It further examines the nature and the extent, types and causes of unethical behaviour by police officers. Finally, a strategic approach to combating unethical conduct among police officers is also provided.

### **Chapter 4: Research methodology**

In this chapter the research methodology that was followed throughout the study is highlighted. It indicates how the research fieldwork was conducted and documented, and how the data was analysed. Specifically the qualitative research paradigm applied in the study and the chosen data collection method namely, interviewing, questionnaires and observations are discussed.

### **Chapter 5: Presentation and discussion of the research results**

In this chapter the empirical data collected is outlined. This is done by presenting and discussing the responses of the interviewees and the results of the research questionnaire. The data collected throughout the investigation is analysed, interpreted and discussed.

### **Chapter 6: Recommendations and conclusion**

This brings the treatise to an end by providing recommendations based on the findings of the study. In this chapter a summary of the preceding chapters and relating all chapters to the objectives of the treatise are included.

## **1.8 Conclusion**

The main purpose of this chapter was to demonstrate how the research was planned and executed. The background, problem statement, the purpose of the study and the definition of concepts were also given attention.

# CHAPTER TWO

## LITERATURE STUDY FOR WHISTLE-BLOWING

### 2.1 Introduction

The traditional perception of the whistle-blower in South Africa is far from positive. It could almost be said that a whistle-blower is often made out to be a more undesirable character even a traitor than those who are guilty of poor corporate governance. In this chapter, public opinion on whistle-blowing and whistle-blowers will be challenged, because if understood correctly, whistle-blowing is not about informing in a negative, anonymous sense. Rather as the United Kingdom's Committee on Standards in Public Life puts it, it is about "raising a concern about malpractice within an organisation", and in this way is a key tool in promoting individual responsibility and organisational accountability. The main aim of this chapter is therefore to conduct an exploratory study, based on a comprehensive literature review, to explore, elucidate and critically assess the current status of whistle-blowing in South Africa.

The first section of this chapter explores the development and theoretical perspectives of the concept, and proposes perspectives on whistle-blowing as a communication phenomenon. The second section deals with the current status of whistle-blowing in South Africa in terms of legislation to protect whistle-blowers in the context of recent-anti corruption initiatives. A brief summary is given of the Protected Disclosure Act, Act 26 of 2000, and of the Code of Ethics for Public Servants. Some of the practical implications of whistle-blowing programmes in organisations are touched upon. The last section of this chapter operationalizes the whistle-blowing process and proposes criteria for dealing with whistle-blowing in the organisation.

## **2.2 The historical background of whistle-blowing**

Whistle-blowing can be traced back to 1963 in the USA when Otto Otopka of the State Department, revealed classified documents on security risks to the chief counsel for the Senate Subcommittee on Internal Security and was dismissed from his job for improper conduct by the Secretary of State at the time (Petersen and Farrel, 1986:3). Various actions have been taken in support of whistle-blowers internationally. One such action towards acknowledging the whistle-blower as a 'do-gooder' is probably the suggestion made by the United Kingdom Government Committee that whistle-blowers should be included in the British Honours systems for their good corporate citizenship (Vinten, 2000:166).

Two paradigms can be identified in studying the concept of whistle-blowing. The first paradigm is seeing the whistle-blower as a 'wrong-doer' and the second one is seeing the whistle-blower as a 'do-gooder'. According to Near and Miceli (1996:515), "whistle blowers are employees who are in the wrong place at the wrong time, and because of the nature of their occupation, they will act if they can, and successfully cause the termination of the wrongdoing". Whistle-blowers are usually people finding themselves in unusual places forced to play a part in the whistle-blowing process due to circumstances (ibid). Some studies indicate that most whistle-blowers are do-gooders and do not suffer retaliation against them. Hunt (1998:45) states further that "results from case studies indicate that the existence of whistle-blowing myths and the misinformation that perpetuate it may lead to the perception that whistle-blowers are wrongdoers".

Whistle-blowing research has been hindered by the lack of a sound theoretical foundation to interpret as well as the lack of appropriate methods for observing the phenomenon. Most empirical studies have relied on case studies, which hamper the generalizability of the findings. Previous studies examined whistle-blowing mainly from an organizational behaviour perspective and identified personal characteristics and organisational

variables as the main characteristics that may contribute to whistle-blowing or that group conformity may impede the whistle-blowing process (Greenberger, Miceli and Cohen, 1987:121).

Until the 1980s, the problem was mainly viewed from legal, philosophical and policy perspectives where some inconsistencies in rulings existed due to the lack of legislation. Based on this, various authors realized the importance for organisations to acquire a theoretical framework for investigating whistle-blowing (Near and Miceli, 1996:509). Near, Dozier and Miceli (1991:14) are of the opinion that “various theoretical perspectives have been proposed (or tested empirically), ranging theories about power relationships, justice theory, organisational change and ethical climate”.

Based on existing theories that have guided research in other areas of organisational behaviour, the following approaches have been used to conceptualise the concept of whistle-blowing:

- The expectancy theorists (for example, Vroom, 1964:14) see the individual's force to blow the whistle as a function of the perceived likelihood that outcomes such as managerial attention to the complainant, recognition of the whistle blower's identity, public attention, would ensure action.
- The reinforcement theory framework (for example, Skinner, 1953:15) argues that “the wrongdoing serves as a discriminative stimulus for action when similar wrongdoings (stimuli control) have been followed consistently by successful opposition in the past positive managerial reaction. In this case, wrongdoing settings may serve as a signal of ‘don't act’”.
- The threat of retaliation theory is linked to the previous theory in arguing that this threat would prevent would-be whistle-blowers from taking action. This approach postulates that an individual's desire and

ability to manipulate the environment ('self efficacy') is essential to their well-being which may motivate them to perform acts that demonstrate this self-efficacy, but the risk of feared consequences and situational uncertainty of whistle-blowing could influence efficacy expectations (Nader, Petkas and Blackwell,1972:14).

- The efficacy theory argues that perceived efficacy and willingness to file a future complaint were closely related to perceived change in managerial attitudes, but not to retaliation. According to them, efficacy serves as a necessary condition for action (Nader et al, 1972:16).
  
- The prosocial behavioural perspective (for example, Dozier and Miceli (1985:14) and others argues that "whistle-blowing is not an act of pure altruism but is more appropriately viewed as 'prosocial' behaviour involving selfish (egoistic) and unselfish (altruistic) motives on the part of the person who wants to blow the whistle, and that certain stable personality characteristics of individuals may interact with their perceptions of organisational situations that attempts to benefit other parties believed to be harmed by the wrong doing and suggests that predictors of other types of prosocial behaviour may also envisage whistle-blowing". Near et al, (1997:274) argue that "individuals with an internal locus of control are more inclined to prosocial behaviour (helping and crime reporting) than those with an external locus of control and will therefore be more likely to blow the whistle".

From the above, it is clear that where the expectancy and reinforcement models of motivation see beliefs as a function of the organisational environment (including the power relationships among the person and the actions) and the individual's reinforcement histories or personality characteristics, it seems that situational circumstances are suggesting that whistle-blowing will be efficacious or altruistic and will evoke more whistle – blowing than otherwise (King, 1997:46).

Barker and Dawood (2004:119) argue that “although the problem of unethical conduct by public servants can be traced back to the 1960s in America and the 1980s in South Africa, the concept of whistle-blowing has become an important phenomenon in modern organisations in the past decade. Subsequently, it is clear that the concept of whistle-blowing should be conceptualised in terms of a theoretical framework to provide a context for its analysis (Barker and Dawood, 2004:119)

French (1998:138) writes in this regard “in the context of government service, a whistle-blower is a public official who on his own accord informs the relevant authorities regarding acts where either the same or another public official was asked to perform specific activities likely to cause harm to the public welfare or individual citizens or specific activities that are likely to defeat the stated purpose of that government office”.

Camerer (2001:2) defines whistle-blowing as [a] bringing an activity to a sharp conclusion as if by a blast of a whistle (Oxford English Dictionary), [b] raising a concern about a malpractice within an organisation or through an independent structure associated with it (UK Committee on Standards of Public Life), [c] giving information (usually to the authorities) about illegal or underhand practices (Chambers Dictionary), [d] exposing to the press a malpractice or cover up in a business or government office (US, Brewers Dictionary), [e] whistle-blowing is an overt operation and concerns making public certain issues by a public official acting on his/her own accord who believes that his/her motives will stand up to public investigation. Thus whistle-blowing concerns complaining about another public official.

Based on the above definitions of whistle-blowing, it can be deduced that whistle-blowing is a process in which an employee (former or current) discloses confidential information to the outside world relating to illegal, illegitimate or unethical practices (like danger, fraud, corruption or other illegal conduct) linked to an organisation (French ,1983:136). Four components of whistle-blowing can be identified:



- An individual performs an action or series of actions intended to make the information public. The intention associated with the act of whistle-blowing is to make the information public, although there may be a variety of reasons for taking the action.
- The information becomes a matter of public record. Successful whistle-blowing requires that the information becomes public and that it is accessible to others as part of a formal or open record.
- The information is about possible or actual, important wrongdoing in an organisation, *viz.* illegal, dangerous or unethical activities in the organisation.
- The individual who makes the information public is not a journalist or an ordinary citizen but is a member or former member of the organisation. Thus, “whistle-blowers sound an alarm outside the normal communication channels to an appropriate audience beyond the organisation in order to highlight neglect or abuses that are opposed to the public interest” (Uys,2004:176-179).

Based on the above characteristics of whistle-blowing, it is also clear that whistle-blowing consists of the following three crucial elements:

- A perception by a person within an organisation of morally incorrect conduct.
- The communication of this perception to parties inside and outside the organisation.
- A perception by those in authority in the organisation that this communication should not have taken place (French, 1983:136).

King (1997:419) supports this point of view by saying “whistle-blowing occurs whenever an individual takes it upon himself/herself to point out what he/she believes to be unethical or inappropriate behaviour. However such action is often met with a great deal of resistance from others in the organisation. Superiors view such action as being an outrage to their authority or as a challenge to the organisation which they find useful to protect. Colleagues and subordinates are often unwilling to express their support either for fear of losing their own jobs or because of fear for the future of the organisation”. Lastly, whistle-blowing is an extreme measure and has a moral price attached to it as French (1983:136) puts it, “it violates the (public official’s) regular obligation to be loyal to his her superiors, office and department”.

### **2.3 Whistle-blowing in the South African context**

In his speech at the Anti-Corruption Summit in Cape Town 1998, the Deputy President of South Africa Mr Thabo Mbeki said that the culture of entitlement, so prevalent in our community, had contributed to the ‘name it, claim it’ syndrome where individuals sought an elusive moral justification for engaging in unethical conduct, and that public servants were obliged to serve the public with integrity (Barker and Dawood, 2004:119).

South Africa’s transition to democratic rule has been characterised by high levels of unethical conduct by public servants, including widespread corruption. Several initiatives have been undertaken in recent years to promote accountability and to fight unethical behaviour. These efforts include establishing specialised bodies such as the Specialised Investigating Unit, hosting anti-corruption conferences, as well as passing legislation such as the Promotion of Access to Information Act and the Protected Disclosure Act (Sangweni, 2004:2).

Sangweni (2004:2) further argues that “resolutions taken at the National Anti-Corruption Summit in April 1999 made specific reference to “developing, encouraging and implementing whistle-blowing mechanisms, which include

measures to protect persons from victimisation where they expose corruption and unethical practices". During February 2001 the Protected Disclosures Act which protects bona fide whistle-blowers came into force. This law is therefore a crucial weapon in the armoury of anti – unethical efforts to encourage honest employees to report wrongdoing. As such, this law should be welcomed as a crucial corporate governance tool to promote safe, accountable and responsive work environments in both the public and the private sector (Jonker, 2004:5).

A survey that was conducted by the Institute for Security Studies among an expert panel of people who attended the above anti-corruption conference confirms the importance attached to whistle-blowing as an effective tool in the fight against unethical conduct. When asked to rank the effectiveness of 30 different anti corruption controls, "legal protection for whistle-blowers" was placed in the fourth highest position, scoring 62.3% and regarded as "very effective". Barring public officials from holding public office led the way with 68% (Camerer, 2001:3).

Sangweni (2004:3) supports this point of view by stating further that "an organisation that positively encourages whistle-blowing stands a far better chance of demonstrating that it is properly run and managed. The existence of a working whistle-blowing policy can be pivotal in legal proceedings. This is because, in determining liability and in setting the penalties, the courts may well take account of whether a whistle was blown and, if not, why not".

Sangweni (2004:3) maintains that "one of the key obstacles faced in the fight against corruption is the fact that individuals are often too intimidated to speak out or "blow the whistle" on corrupt and unlawful activities that they observe occurring in the workplace, although they may be obliged to in terms of their conditions of employment. Under the Public Service Code of Conduct, public servants in the course of their official duties shall report to the appropriate authorities, fraud, corruption, nepotism, maladministration and any other act which constitutes an offence, or which is prejudicial to the public interest".

Often those who stick their necks out are mostly victimised and intimidated and until recently have had little recourse. A large cause of the problem is that in South Africa whistle-blowers can be confused with “impimpis” - apartheid era informants who informed on their comrades with often devastating consequences. This historical context has unfortunately allowed some to stigmatise whistle-blowing as an activity to be despised rather than encouraged (Camerer, 2001:1).

### **2.3.1 Legislative framework**

An important measure in the fight against corruption and unethical conduct is appropriate legislation which not only deals with corruption but should also contain the necessary penalties and fines as deterrents. Legislative measures should not be drawn up in such a manner that it leaves the impression that public servants have a tendency towards unethical behaviour. Measures should rather be drawn up which would prevent officials from being guilty of unethical behaviour (Andrews, 1994:39).

Legislation provides powerful ammunition in the fight against unethical behaviour in the workplace as it provides ‘protection’ for employees who would otherwise be too intimidated to disclose information of unlawful or corrupt behaviour, practice or conduct by either employers or fellow employees (Camerer, 2000:2). Legislation promotes the concept that the workplace must ideally be an environment where every individual is accountable for his or her actions. The concept of trust is a difficult and complex endeavour. More often than not, the whistle-blower becomes a victim of unwelcome behaviour; reprimands, undue criticism, exclusion, rejection, isolation, the recipient of verbal and written warnings, and referrals to psychiatrists. It is in view of this that whistle-blowers would first look for reasonable indications of protection in the law, and without legislation, whistle-blowers may be tempted to remain silent (French, 1993:136).

The Constitution clearly sets ambitious standards for public administration. Moreover, many obligations are entrusted to public institutions and it is expected that all such obligations be performed diligently and without delay.

The following legislative measures will now be discussed:

- The Protected Disclosure Act, 2000 (Act 26 of 2000); and
- Code of Ethics for Public Servants.

### **2.3.1.1 The Protected Disclosure Act, 2000 (Act 26 of 2000)**

The Protected Disclosure Act No 26 of 2000 or more informally 'The Whistle-blowers Act' makes it abundantly clear that the South African government must resolve and make a commitment to freedom of speech and possess the intention to create a climate of transparency in both the public and private spheres. It also makes extensive provision for procedures to enable and assist employees to make protected disclosure on the unlawful or irregular conduct of their employers or co-workers, without fear of victimisation or reprisal. It is imperative that the disclosure be true and be made in good faith (Government Gazette, 2000:4).

This law encourages honest employees to raise their concerns and report wrongdoing within the workplace without fear. It should be welcomed as a corporate governance tool to promote safe, accountable and responsive work environments (Sangweni, 2004:3).

In terms of Section 1 of the Protected Disclosure Act, a 'disclosure' is defined as follows:

"Any disclosure of information regarding any conduct of an employer, or an employee of the employer, made by any employee who has reason to believe that the information concerned shows or tends to show one or more of the following":

- [a] That a criminal offence has been committed, is being committed or is likely to be committed;
- [b] that a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject;
- [c] that a miscarriage of justice has occurred, is occurring and is likely to occur;
- [d] that the health or safety of an individual has been, is being or is likely to be endangered;
- [e] that the environment has been, is being, or is likely to be damaged;
- [f] unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No 4 of 2000), or
- [g] that any matter referred to in paragraph (a) to (f) has been, is being or is likely to be deliberately concealed”.

The procedures enshrined in the Protected Disclosure Act are of paramount importance in that they offer the potential whistle-blower protection from ‘occupational detriment’. ‘Occupational detriment’ in relation to the working environment is defined in terms of the Protected Disclosure Act, Act 26 of 2000, as follows:

- Being subjected to any disciplinary action;
- Being dismissed, suspended, demoted, harassed or intimidated;
- Being refused transfer or promotion;
- Being transferred against his or her will;
- Being subjected to a term or condition of employment or retirement which is altered or kept altered to his/her disadvantage;
- Being refused a reference or being provided with an adverse reference, from his or her employer;
- Being denied appointment to any employment, profession or office;
- Being threatened with any of the above-mentioned actions;
- Being otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities and work security (Government Gazette, 2000:4).

The objectives of the Act are to:

- Protect an employee, whether in the private or public sector, from being subjected to any occupational detriment on account of having made a protected disclosure.
- Provide for certain remedies in connection with any occupational detriment suffered on account of having made a protected disclosure; and
- Provide for procedures in terms of which an employee can, in a reasonable manner, disclose information regarding improprieties by his or her employer.

In addition to having legislation, it is imperative that organisations devise and implement their own unique code of ethics (Sangweni, 2004:24).

#### **2.4 Whistle-blowing as a communication phenomenon**

On the basis of a comprehensive literature survey, it is clear that limited attempts have been made to study the process of wrongdoing as a communication phenomenon. In this regard, King (1997:419) emphasises that “previous studies ignored the interpersonal issues with regard to whistle-blowing”. He proposes that, it should be examined from a communication perspective by focusing on two potentially interacting variables, namely the relational closeness and severity of the wrongdoing, as these have not been addressed by any previous research. In his research, King (1997), focusses on how interpersonal relationships interact with a situational variable, namely the severity of the wrongdoing. The results indicate that relational closeness between an observer and a wrongdoer influences the decision to report it, and that the severity of the wrong doing is related to the likelihood of reporting a wrongdoing through internal channels (if available) in spite of the fear of retaliation.

A communication perspective on whistle-blowing emphasises the importance of open channels of communication to ensure information dissemination within the organisation. Glauser and Steward (1990:108) accentuate the

importance of transmitting information up the organisational hierarchy and indicate that open channels between superiors and subordinates will alleviate external whistle-blowing.

Glauser and Steward (1990:108) also argue that “if whistle-blowing is seen as a communication phenomenon from a theoretical point of view, whistle-blowing behaviour may be influenced by the organisation’s culture and structure and it could be argued that if an internal structure and proactive communication strategy is available, it will create an ethical atmosphere within the organisation encouraging employees to report unethical behaviour in an ethical manner”.

## **2.5 Whistle-blowing programmes**

Evidence supports the value of implementing the most effective programme for encouraging employees to promptly blow the whistle on suspected corporate impact misconduct. Jernberg (2004:7) argues that “internal controls and audits are obviously critical to uncovering and deterring misconduct. However, employee whistle-blowing is noted in various surveys as either the first or the second most common means by which misconduct is detected”. The single most effective means of detecting occupational fraud is through tips offs and complaints. There is of course, a wide range of employee misconduct where employee reporting programmes are important. Corporations, companies and departments should have programmes for reporting basic ethical issues, such as harassment, misconduct and discrimination (Jernberg, 2004:8).

Whistle-blowing programmes have two very basic goals, first, to reduce the frequency of loss, and secondly, to reduce the severity of loss. To accomplish these goals, a whistle-blowing programme must:

- **Encourage Reporting** - anonymous reporting is generally considered one means of encouraging reporting. However, getting employees to



report on complex issues involving unethical conduct will likely require more.

- **Encourage early reporting.** The severity of loss from fraud is proportionate to the time that it goes undetected, thus encouraging early reporting.
- **Convince would-be fraudsters that reporting will occur.** This is critical to deterrence. The strength of the commitment to supporting the whistle-blower is essential to making people believe that the whistle will be blown against senior management.
- **Properly investigate informant's information.** Getting accurate and complete information is central to responding promptly and correctly, which will again affect the loss severity. The vetting process also addresses the informant's concern about being wrong. More complex, serious issues obviously need more thorough, professional review.
- **Assure effective follow-up with the informant, including anonymous informants.** The ability to promptly get follow-up information from the informant may be important in formulating the right response quickly, thereby helping them stem the loss.
- **Maintain a proper record of reported matters and actions taken.** The issue for Directors is whether the characteristics of the whistle-blowing process are designed and implemented to most effectively reduce the severity and frequency of loss from misconduct (Jernberg, 2004:7).

Jernberg (1994:8) further argues that “to properly analyse a whistle-blowing programme for unethical conduct, it is important to have a context for assessing its potential severity and frequency. While each board will have to make its own assumption, there is survey data that can help. This data indicates why it is important for organisations to be engaged in implementing

the strongest possible programmes. The whistle-blowing programme must be designed from the perspective of reporting when employees' prudence dictates negatively rather than any positive assumptions of management integrity. The challenge in getting employees to report on senior executives involved in corporate impact misconduct is serious".

## **2.6 The whistle- blowing process**

In order to understand the whistle-blowing process, it is necessary to discuss it in terms of the steps in the whistle-blowing process; how to deal with it in the organisational context; including anonymity, responses to whistle-blowing and the effects of whistle-blowing on the organisation (Barker and Dawood, 2004:129).

### **2.6.1 Role players in the whistle-blowing process**

Near and Miceli (1996:91) identify the following elements as role players in the whistle-blowing process:

- **Individual characteristics** like moral development/behaviour (including moral judgement, religious and social responsibility, etc) personal variables like low self-esteem, field dependence, intolerance of ambiguity or job situation (pay, job performance, supervisory status, professional status, job satisfaction and job commitment to name a few).
- **Situational conditions** that can be divided into wrongdoing characteristics (like quality of evidence, type of wrongdoing, wrongdoer low social status, seriousness).
- **Power relations** and the amount of power that individuals or units have in the organisation.

- **Other factors** like loyalty, issues of conformity, social and/or financial support and membership of professional groups.

Based on the above factors identified by Near and Miceli (1996:513), they proposed three competing theoretical perspectives for going the whistle-blowing route. The whistle-blower's moral development, the whistle-blower's loyalty, and the situational variable and their potential interaction affecting other personal variables. Near and Miceli (1996:513) further argue that "whistle-blowing should be viewed theoretically as a dynamic relationship between several societal actors: the whistle-blowers, the wrong doer(s), the recipient of complaints, co-workers, the immediate supervisor and the dominant coalition or top management team of the organisation, which are influenced by the interactions among them".

## **2.6.2 Dealing with whistle-blowing in the organisation**

For organisations to act fairly, they have to be given the chance to deal with the wrongdoing or consider whether it is in fact wrong doing. This means that the organisation must be informed timeously to enable it to act proactively. In order to do this, it is essential that the organisation have a whistle-blowing strategy in place, which should ideally include the following:

- Appropriate and assessable internal channels to report wrongdoing (this could include channels such as complaints, grievances and disciplinary procedures);
- Alternative channels if these channels are in fact the very people who are implicated in the matter of concern (Near and Miceli, 1996:130).

In practice, a person might opt for a third option, the option to remain silent, especially if he or she realises that his or her facts could be mistaken or that there might be an innocent explanation, especially if the superiors are aware of it and remain silent. A person might also consider his or her private interests before taking action (Andrews, 1989:66).

It is clear that a paradigm shift in the organisational culture is crucial. This paradigm shift should be away from external restrictions (when wrongdoing is belatedly dealt with) to tougher internal controls with a preventive management system to curb deviant behaviour. This viewpoint is clear in the statement made by Mr Thabo Mbeki the Deputy President of South Africa in 1998 who said, in his speech at the anti-corruption summit conference, “*the organisational culture of the public sector must change with a paradigm shift from external sanctions (when misconduct is belatedly addressed) to stronger internal control with anticipatory management systems to check deviant behaviour*” (Sangweni, 2004:6).

### **2.6.3 Anonymity and whistle-blowing**

In most organisations, there is a culture of aversion towards the perception of the whistle-blower who is seen as a sneak, informer, rat and squealer or as a troublemaker, hence the term wrongdoer. Based on this perception, people tend to bend the rules on misconduct, leaving it to others to deal with, or to contact a regulator anonymously. A person acts anonymously when his or her identity is not made public. Two schools of thought exist as to whether or not anonymity should be guaranteed. Does the public have the right to know the whistle-blowers identity, or does he or she have the right to withhold it? (Jernberg, 2004:112).

According to Elliston (1982:114), “anonymity is neutral, the middle ground between secrecy and privacy, and blowing the whistle creates the paradigm of bad manners or snitching behind a person’s back where they cannot defend themselves, which may disrupt group cohesion and threaten group solidarity. On the other hand, the seriousness of the incidents might harm the group, which forces the individual to make a moral judgement, which could be appraised in various ways and to various extents. In most cases, anonymity is encouraged, but it should not be prohibited”.

#### **2.6.4 Steps in the whistle-blowing process**

Whistle-blowing can be encouraged in the organisation if the right process is in place and people are encouraged to report through the relevant channels. A key component of this process is fairness rather than confidentiality. In order to treat it fairly, it is important to have the following definite steps in place to ensure that the disclosure causes the least damage (King, 1997:131).

##### **Step 1- Reduce opportunities for illegal or unethical conduct.**

Effective screening of new employees is crucial and no opportunities should exist to motivate illegal or unethical conduct. In addition, regular reinforcement and motivation to do the right thing and to avoid wrongdoing through dynamic enforcement of ethical codes should be part of organisational policies (Near and Miceli, 1985:509).

##### **Step 2 - Establish whether the activity observed is actually wrongful.**

An activity will be wrongful if it is illegal, illegitimate or unethical and the decision to report the activity should be determined. Factors like the seriousness of the act, that reporting it will be efficacious, that no alternative actions can be taken and that the whistle-blower's personal situation does not influence the decision, for example financial and emotional support, costs and individual characteristics (Near and Miceli, 1985:509).

##### **Step 3 - Use internal mechanisms in the organisation to raise concerns.**

Internal reporting mechanisms or critical information systems at the most appropriate level where the misconduct can be addressed should be in place to ensure employers do not use other more damaging channels like an external regulator or the media. Miceli and Near (1992:14) indicate in their research that employees in organisations with clearly defined channels for the reporting of wrongdoing will use them, regardless of whether the wrongdoer is a high-ranking official in the organisation. An effective internal system for the raising of concerns should include the following:

- A clear statement that a malpractice is taken seriously in the organisation and an indication of the types of actions regarded as malpractice;
- Respect for confidentiality of staff raising concerns if they wish, and an opportunity to raise concerns outside the line-management structure;
- Penalties for making false and malicious allegations;
- An indication of the proper way in which concerns may be raised outside the organisation if necessary (Camerer, 1996:46).

#### **Step 4 - Use organisational processes/procedures.**

This could minimise damage and disruptions in order to correct the situation locally and rapidly. Once the whistle has been blown, the organisation should respond or take action, even if there is a dispute as to the legitimacy of the activity. The organisation may decide to ignore the whistle-blower or take steps to silence him or her, which might be legitimate, based on the organisational policies or dominant coalition beliefs. The danger is that open door policies run by a corrupt management might work against whistle-blowers and serve to identify the trouble makers to be ejected (Camerer, 1996:48).

#### **Step 5 - External whistle-blowing.**

External whistle-blowing is justifiable only as a last resort if internal channels have been exhausted or are unavailable or unusable or when organisational procedures/ policies are not in place. Whistle-blowers may use this channel if they think the case will be treated as more credible and there must be an effective follow up of all bona fide disclosure (Mail and Guardian, 2003).

Such outside disclosure raises ethical and legal issues of confidentiality and secrecy and they also influence the balance of relationships between the state and the media. An outside disclosure will involve at the least some regulatory intervention and inconvenience and, at worst, unjustified adverse publicity. This will cause unnecessary damage and disruption to a responsible organisation that could have dealt with the matter properly had it been aware of it (King, 1997:520).

## **2.7 Responses to whistle-blowers**

Whether the whistle has been blown through the available internal channels or as a last resort to a regulatory body or the media, the whistle-blower will experience negative (being seen as a wrongdoer) or positive (being seen as a do-gooder) responses to his or her action, depending on the culture of the organisation (Camerer, 1996:47).

Camerer (1996:42) identified the following responses that might be expected:

- Degradation ceremonies that punish and alienate resisters and protesters occur when the whistle-blower suffers at the hands of colleagues who feel betrayed.
- Superiors may punish whistle-blowers by questioning their judgement and competence, terminating their employment or blacklisting them from their positions.
- Ceremonies or status evaluations may occur that reinforce the whistle-blower's conviction that they are acting in the right way.
- Whistle-blowers may be made out to be scapegoats (by punishing the 'messenger'), which means that they suffer grievously for their efforts and might fear retaliation.

### **2.7.1 The effects of whistle-blowing on the organisational image**

The effects of whistle-blowing on the image of an organisation can be positive or negative. Apart from the effect of whistle-blowing on the authority structure and functioning of the organisation, which may disrupt member relations, various arguments may be posed that whistle-blowing can have a negative effect on the organisational image. The main reason is the fact that organisations can be exposed, often without being aware of it, and may suddenly face widespread media coverage (mostly negative) and public objection. Whistle-blowing can also benefit the organisation, especially if problems can be brought to the attention of top management, which may alter

these actions and avoid public disapproval, costly court cases, infringement of legislation and other negative outcomes (Jensen, 1987:133).

According to Bromley (1998:150), "whistle-blowers play a crucial role in organisational regulatory unit relationships – providing otherwise unobtainable information, enhancing the regulatory units' claims to defence of public interest and detracting from any organisation's claims of extreme or biased regulatory activity".

Celand and Dehn (2004:2) suggest that "whistle-blowing matters to all organisations and all people. This is because every business and public body faces the risk that something it does will go seriously wrong. Yet while employees are the people best placed to raise the concern and so enable the risk to be removed or reduced, they are also the people who have the most to lose if they do. Unless organisations foster a culture that declares and demonstrates that it is safe and acceptable to raise a genuine concern about wrongdoing, employees will assume that they face victimisation, losing their jobs or damaging their career. The consequence is that most employees will stay silent where there is a threat- even a grave one – to the interests of others. This silence can mean that those in charge of organisations place their trust in the systems that they oversee rather than in the people who operate them. This denies them a fail safe - safe opportunity to deal with a serious problem before it causes real damage".

In addition, Near and Miceli (1996:42) argue that "the consequence of this culture is that it discourages normal, decent people from questioning wrongdoing that they come across in their jobs. It encourages employees to be guided exclusively by their own short-term interests and undermines any sense of mutual interests between the workforce, the organisation and those it serves. While its effect is the most damaging and direct in relation to the workplace wrong-doing, it also influences the way employees behave when they come across unethical conduct in the work place".



## **2.8 A whistle-blowing strategy to ensure a positive image**

Various authors see whistle-blowing as a symptom of a shortcoming in the organisational system that should be provided for by the new expectations of accountability, where accountability entails the vigilance to provide a clarification and justification to relevant others for a person's acts and oversight (Hunt, 1998:133).

Vinten (2002:45) states further that "if whistle-blowing is viewed as a communication phenomenon, it should be dealt with in an effective and proactive way, meaning that organisations should have a strategy in place. This strategy should be proactive and involve prevention (to avoid it at all costs), information (keeping the employees, actions taken and alternative procedures available) and response (policies in dealing with the whistle-blower, relevant stakeholders and the media). To facilitate the process of whistle-blowing internally, which is the preferred option, organisations should have an effective internal system to raise concerns". This system should inter alia, include the following:

- A clear statement that a malpractice is taken seriously in the organisation and an indication of what is seen as a malpractice.
- Respect for the confidentiality of staff raising concerns and opportunities to raise issues outside the line management structure to other parties or to provide alternatives.
- Penalties for making false and malicious allegations.
- Guidelines on how to raise concerns outside the organisation if deemed necessary.
- Demonstrable systems for whistle-blowing.
- Commitment by management to the whistle-blowing process and to support the whistle-blower.
- Proper communication channels to document and address wrong doing.

In addition, the following optional methods could be included:

- An internal committee could be established to take account of good practice and to facilitate the whistle-blowing process.
- An alternative is to establish and manage a hotline, as most employees are afraid to report allegations to personnel in the organisation itself (Barker and Dawood, 2004:134).

If an internal whistle-blowing strategy is not in place or if individuals feel that it is not safe and acceptable to blow the whistle internally, they will blow the whistle externally to authorities or the media. Outside disclosure not only raises ethical and legal issues of confidentiality and secrecy, but also influences the relationship between the organisation, the government and the media. Furthermore, outside disclosure will involve regulatory intervention and at worst, unjustified unfavourable publicity. Because legal systems do not protect workers who blow the whistle outside, reports will usually be made anonymously, which makes it difficult to investigate the allegations and may ultimately lead to blackmail (Borrie and Dehn, 2003:46).

## **2.9 Conclusion**

It can be concluded that whistle-blowing matters to all organisations and to all people, not just those few who are corrupt or criminal. This is because every business or public body or institution faces the risk of things going wrong or unknowingly harbouring a corrupt individual. Where such risk occurs, usually the first people to realise or suspect the wrongdoing will be those who are best placed to sound an alarm or blow the whistle. Such people have the most to lose if they do so.

It is clear that a shift in the whistle-blowing culture of an organisation is needed. It is proposed that whistle-blowing should be viewed as a communication phenomenon and that the organisation should ensure that it has a communication strategy and an internal structure in place. Instead of

organisations where individuals turn a blind eye or do not want to be involved in these problems, organisations should facilitate the whistle-blowing process to ensure that whistle-blowers are praised, not penalised for their actions to ensure the positive image of an organisation. Consequently, it is imperative that a distinction be made between the whistle-blower as a wrongdoer or as a do-gooder.

Various measures should also be initiated by the government, which include anti-corruption legislation and legislation for the development of more efficient monitoring and the management of whistle-blowing systems and programmes. These have been accentuated in this chapter. Whistle-blowing is about seeing the truth of things for what they are and holding out for that truth in spite of discomfort. Lastly, this chapter explains why whistle-blowing is a key tool in the fight against unethical behaviour and how the new approach to this topic can help authorities and organisations to prevent and deter unethical conduct.

# CHAPTER THREE

## THE ETHICAL DIMENSION OF POLICE MANAGEMENT AND ADMINISTRATION

### 3.1 Introduction

Over the past two decades, both academics and practitioners in the field of police management and administration have become more interested in the ethics of police services. The South African Police Service (SAPS) is no exception. Since the democratic transformation process started in 1994 it has been confronted with ethical dilemmas such as fraud, unjustifiable nepotism, conscious victimisation, luxury overseas trips undertaken at the taxpayer's expense, receipt of bribes, disclosure of confidential information, and discrimination in the workplace on a daily basis (Cheminais, Van der Waldt and Fox, 1998:77).

Police ethics management and administration consists of identifying, clarifying and applying democratic values and principles. And although this is an enormous task, its necessity lies beyond doubt. The application of these values and principles will ensure that these functional activities are executed in accordance with ethical norms. In a democracy like South Africa, police officers must remember that they are operating within a political context. This means that they have to follow the guidelines which are consistent with their democratic responsibilities.

This chapter examines an under researched area of policing - that of the ethical dimension of police administration and management. This will be done by analysing the ethical context of police management and administration. In the balance of this chapter the ethical guidelines which are basically founded on the body politic and community values are outlined.

The second part of this chapter deals with the extent and nature of unethical conduct by police officers in South Africa. A working definition of unethical conduct will be used as a basis to outline and distinguish between various forms of unethical acts. Different kinds of unethical acts will be presented and some examples will be given. Finally, a strategic approach to dealing with the problem in the police is presented. This will be used to evaluate SAPS's approach to one of the most significant challenges facing police transformation in South Africa today.

### **3.2 Ethical context of police management and administration**

In order to understand the relevance of ethical frameworks in police management and administration it is necessary to define the concept of ethics. Although a clear academic distinction can be drawn between morality and ethics, authors often use the two terms interchangeably. When embarking on a discussion of morality and ethics, actions are often called ethical actions when they are regarded as morally correct. Similarly, reference is made to codes of moral conduct as codes of ethics. Consequently, the overlapping use of the terms can create confusion (Van der Westhuizen, 2001:32).

Van der Westhuizen (2001:32) goes on to say that "it is important for the morally and ethically correct police officer to make a distinction between the two terms. This distinction is important, not only for philosophical reasons, but because the term ethics emphasises the police officer's active involvement in looking for morally correct decisions and positions". Three key issues regarding ethics are relevant:

- They call the police officer to action,
- They require reasoning, and
- They encourage the police officer to seek guidance as to the proper course of action (Denhardt, 1995:108).

Van Fleet and Peterson (1994:124) argue that "an interesting dimension of the ethics debate is the fact that the police officer must note the distinction

between something that is ethical and something that is legal. The law is very exact and precise and defines various kinds of actions as either acceptable or unacceptable. In contrast to the law, ethics go beyond the law and are based more on prevailing societal norms. This means that an action can be illegal and ethical, legal but unethical, or both illegal and unethical. It is obvious that there are differences of opinion as to whether an action can be regarded as ethical yet illegal”.

Many people think of ethics simply in terms of absolute standards of right and wrong. Unavoidably, there are other factors to be taken into consideration. Police management and administration are influenced by ethical frameworks and beliefs from the outside as well. Basically, police officers are faced with three key contextual dimensions, namely, personal ethics, organisational ethics and environmental ethics (Van der Westhuizen, 2001:33).

### **3.2.1 Personal ethics**

Any worker’s personal ethics are a major determinant of ethical behaviour and the way in which actions will be taken (Beardwell and Holden, 1995:416). Every individual worker’s ethics are determined by, amongst others, one’s family, peers, past experiences and situational factors (Fisher, Schoenfeldt and Shaw, 1990:745). Family influences play a key role in determining an individual worker’s beliefs as to what is right or wrong. A key determinant of a police officer’s personal ethics are peer influences, and on balance, it is probably accurate to say that peer influences are one of the most important contextual factors in determining a police officer’s personal ethics. Particular examples include childhood friends, classmates and others in a police officer’s social network. All these peers can have a specific influence on ethical behaviour in day-to-day policing activities. For example, peer pressure, as it was experienced from school days, can help determine in which way a police officer will deal with questionable activities such as shoplifting and drug abuse (Luthans, 1995:65).

Leopold, Harris and Watson (1999:313) affirm that “as a police officer develops and grows in the workplace past experiences can also play a key role in determining the evolution of ethical standards. There is overwhelming evidence that unethical behaviour in a given situation, which is related to negative consequences, could result in more ethical behaviour next time”.

Leopold, et al. (1999:314) further argue that “such behaviour will probably be more ethical and result in feelings of guilt”. Van Fleet and Peterson (1994:125) support this view when they say that “situational factors are also important in determining personal ethics. At any point in a police officer’s career there are events that may occur in a perhaps random way and have the potential to determine behaviour positively or negatively. Even the most honest and hard-working police officer could be influenced by such situational events”.

### **3.2.2 Organisational ethics**

The specific organisational context is important for ethical police management and administration. Organisational influences, which determine ethical behaviour, derive from ethical codes and disciplinary measures among other factors.

Over the years a tendency has developed amongst public officials not to express publicly their misgivings about public policies and the conduct of public sector institutions. Normally those who are critical and involved in “wave making” against government activities are more likely to be ostracised than applauded. This is largely because the political, management and administrative systems have traditionally demanded “conformity rather than conviction” (Jun, 1986:272). Organizational ethics in the public sector demand loyalty and acceptance on the part of the individual worker. In return the worker gets security, advancement and the shared adventure of a common institutional companionship. This ethic is also dominant in the South African Police Service and is confirmed with the implementation of ethical codes and disciplinary measures (Swanepoel, Erasmus, Van Wyk and Schenk,

2000:7003).

Codes of ethics perform an important function in police management and administration in the sense that they inform employees of the minimum ethical standards of behaviour expected of them. They also provide guidelines for disciplinary action when someone contravenes the code (Jun, 1986:273). More specifically, disciplinary measures ensure that employees conduct themselves in accordance with an organisation's rules and standards of acceptable behaviour (Andrews, 1985:225). In other words, if a police officer contravenes the stipulations of the ethical code, punishment could be expected. Organisational ethics are necessary but not the only way of shaping ethical frameworks. The environmental context also has to be taken into consideration.

### **3.2.3 Environmental ethics**

It could be said that the political environment is the most important determinant of ethics in the South African Police Service. Theoretically, political representatives (who form the legislature) are responsible for determining policy and police officers are responsible for their implementation. Actually, this means that these policies set by the elected politicians determine the ethical context for police management and administration (Denhardt, 1995:121).

According to Van der Waldt and Du Toit (1997:49), "one should be aware of the possible ethical implications of the political dimension in environmental ethics. On the other hand the police officer is expected to be accountable to the legislature who determined the policy. A good synonym for accountability is 'answerability'. Actually it means that when something goes wrong, someone must be held responsible". The possibility is always there that political representatives can create too many laws and regulations. These can curtail the police officer to such an extent in the execution of the policies that rules are bent which leads to unaccountable and unethical behaviour. By the same token, too little regulation can provide opportunities to become engaged



in questionable ethical practices (Van Fleet and Peterson, 1994:128).

For a police officer to respond blindly to legislation may not always be in the public interest and could have serious ethical implications. Political representatives must secure reaffirmation from their constituencies every five years by means of elections. Winning an election puts the emphasis on the efficient and effective rendering of police services and short-term achievement of administrative goals. However the political pressures may force police officers into implementing “quick and dirty” administrative solutions, which may often happen at the cost of bypassing ethical standards (Jun, 1986:273).

### **3.3 Ethical guidelines for police management and administration**

Police management and administration is a field of activity with its own characteristics. As it forms an integral part of public administration, the fundamental guidelines (“ethos”) of the larger unit will also apply to its parts. Therefore police officers should ensure that their behaviour conforms to the broader public administration ethical guidelines prescribed by the body politic and community values (Cloete, 1997:11).

#### **3.3.1 Guidelines from the body politic**

The South African Constitution, Act 108 of 1996, governs the system of police management and administration in South Africa. In essence, this means that the South African Constitution of 1996 provides the essential foundation within which police officers must perform their daily activities. Moreover, it provides the legal framework and guidelines that have a direct influence on the management of unethical practices (Wessels and Pauw, 1999:159). But what are these guidelines enshrined in the Constitution? In terms of section 195 (1) of the Constitution, public administration must be governed by the following democratically guided values and principles:

- A high standard of professional ethics must be promoted and

maintained;

- Efficient, economic and effective use of resources;
- Public administration must be development-oriented;
- Services must be provided impartially, fairly, equitably and without bias;
- People's needs must be responded to, and the public must be encouraged to participate in policy making;
- Public administration must be accountable;
- Transparency must be fostered by providing the public with timely, accessible and accurate information;
- Good human resources management and career development practices, to maximise human potential, must be cultivated;
- Providing the public with timely, accessible and accurate information must foster transparency ; and
- Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation (The South African Constitution, 1996: 107).

The Constitution clearly sets ambitious standards for public administration. Moreover, many obligations are entrusted to public institutions and it is expected that all such obligations be performed diligently and without delay. It is also necessary to stress that the new Constitution reaffirms the Bill of Rights as set out in Chapter 2. The Bill of Rights is a cornerstone for democracy and binds all legislative and executive institutions of the state at all levels of government.

Van der Westhuizen (2000:54) argues that "these guidelines about fundamental rights will have to be taken into consideration when police officers are engaged in the execution of laws and regulations and other rules of police management and administration. They entrench the democratic values of human dignity, equality and freedom. For example, with regard to equality they stipulate that police officers may not unfairly discriminate against anyone on any grounds, including race, gender, sex, pregnancy, marital

status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth”.

Van der Westhuizen (2000:54) further argues that “apart from specific guidelines in the Constitution, police officers also have to adhere to the factor of political supremacy. What the factor political supremacy implies for police management and administration is that Parliament has to be accepted as the policy-making institution”. Hays and Kerney (1995:204) go on to say that “parliament is the authoritative dictator of values and has to provide guidelines on how police management and administration should function. That is to say, Parliament has the final say on police management and administration. In practice this means that the police officer must execute the policies set by parliament and follow the guidelines thereof. One of the key policies which should be executed is the South African Police Service Act 68 of 1995. The police officer should bear in mind that he or she cannot determine the nature and extent of this Act without Parliamentary approval”.

According to the value statement of the SAPS each member of the service should hold the following values:

- Protect everyone’s rights and be impartial, respectful, open and accountable to the community.
- Use powers in a responsible way.
- Provide a responsible, effective and high-quality service with honesty and integrity.
- Evaluate service continuously and make every effort to improve it.
- Use resources in the best possible way.
- Develop the skills of all members through equal opportunity.
- Co-operate with the community at all levels of government and other role players (Reynecke and Fourie, 2001:273).

### **3.3.2 Guidelines from community values**

Denhardt, as cited by Van der Westhuizen (2000:54) outlines that man's existence on earth and as part of a community is governed by what he/she perceives to be his/her own values as well as values which form part of man's culture. Denhardt (1995:81) goes on to say that "values, for a police officer, are the bases of his preferences and decisions, provide the standards by which the police officer lives and may even give direction and meaning to everything that the police officer believes in and undertakes". Values thus represent the individual's perceptions of what is good or bad and right or wrong as well as fulfilling the function of guiding an individual in the fulfilment of his /her duties (Van Fleet and Peterson, 1994:156).

Ethical guidelines are taken further with guidelines emanating from society or community values. Applying ethics to the concept of community values is practical in the sense that the police officer questions the "adequacy" of actions in the light of obligations to the public. Through personal reflection during the policing process, the police officer may come to modify personal ethical standards by considering the views of actors in the community. Knowing the correct course of action is not enough. The views of others in the broader field of the community should be taken into account in determining what is good, fair and just. In doing this the police officer is likely to construct a more useful view of the situation and will probably make a choice that reflects his/her ethical responsibility towards others (Jun, 1986:278).

According to Cloete (1997:80), "in a democratic state like South Africa it is expected of a police officer to adhere to community values such as fairness and thoroughness. A value such as fairness has traditionally been considered important for democratic police management and administration and has largely been achieved by the judicial "Rule of Law" principle". Police officers need to display a positive attitude when performing their duties and responsibilities by putting the interests of the public first". Cheminais et, al. (1998:80), write that "another key community value is thoroughness. The ethical issues posed by the requirements of thoroughness are indeed

widespread. A first step in promoting thoroughness in policing is to maintain a high standard of work. This can be ensured by putting into operation proper performance appraisal systems in order to evaluate the activities of police officers. In addition, thoroughness can also be promoted by providing good quality police services without wasting money and material”.

### **3.4 The nature and extent of unethical conduct by police officers**

While the inclination to label some types of behaviour as immoral or unethical may be understandable, from an analytical perspective such an approach is untenable. It means proceeding with inquiry armed with only a vague notion of what is actually being studied. Without a more concrete and refined idea of what unethical conduct is, one cannot clearly identify which particular practices are unethical. Not knowing what it is that unethical practices have in common limits the effectiveness of any attempt to analyse the consequences of such practices, determine their possible causes, and propose strategies to combat or eliminate them (Sayed and Bruce, 1998:1). In short, one is unable to contribute effectively to an understanding of the problem and a discussion of how it needs to be addressed. Therefore, before proceeding directly to the heart of the public debate, there is a need to first identify, examine (or re-examine) and grapple with the basic concepts involved. There is a need to try and answer the question: What is unethical behaviour?

One analyst has observed, “no one has ever devised a universally satisfying one-line definition of unethical behaviour of police officers. Rather than attempt to do so, this chapter will seek to formulate a working definition, something that can serve as a tool to further guide the study of the problem of unethical conduct by police officers. What is sought is a flexible yet precise and practical definition, one that is able to distinguish between what is and what is not unethical conduct, while still remaining in touch with the more general, public usage of the term. In addition, the purpose in attempting to define unethical behaviour by police officers is to raise some of the major problems encountered in such an attempt”. Cohen (1990:462) puts it “ to

arrive at a reasonably satisfying analytical definition requires working through a rather difficult and at times, complicated terrain, where a host of concepts and their meanings need to be evaluated” (Klockars, 1998:14).

Unethical behaviour can be explained as behaviour which does not conform to the generally expected behaviour for a person in a given situation in a specific society at a specific time (Klockars (1998:56). Cohen (1990:462) concurs with this view that “deviant behaviour is behaviour which violates institutionalised expectations, that is, expectations which are shared and recognised as legitimate within a social system”. However, it must be noted that unethical administration is the antithesis of accountable administration. Whenever the notions of public responsibility and trusteeship are abdicated in favour of exploitation of public office for private gain, a condition for institutionalised corruption exists (Dwivedi, 1985:61). In such conditions:

- Dishonesty among officials becomes common;
- Individual corruption is protected and even exposed and receives little or no punishment;
- Individuals engaged in systematic corruption become accustomed to it, and when caught claim innocence and unfair treatment ; and
- Collective guilt in such administrative units encourages the rationalisation of existing internal procedures and no efforts are made to effect serious control of unethical activities (Dwivedi, 1985:62).

Camerer (2000:45) maintains that “opinion surveys provide a source of information about the public perceptions of the extent of unethical behaviour by police officers. However, while a number of surveys have been conducted on the public’s perceptions of the police in general, only a small number have specifically focused on the issue of unethical conduct”. A rare survey into police detectives’ attitudes was undertaken by the University of South Africa’s Professor Ben Smith (1998), who found that a majority of the participants agreed with the statement ‘many police officers are corrupt’.

In a nationwide representative survey on police service delivery, Louw and Pesler (2001) found that of those members of the public who stated that

policing services had deteriorated, the primary reason given for this belief was that, the police are corrupt (Newham, 2002:6). Newham (2002:6) goes on to say that “because the word ‘corruption’ is generally recognised as having negative connotations, respondents to the survey could be including various problems they have experienced. Taking all these factors into consideration, the few surveys touching on the issue reveal that police corruption is considered to be serious by a substantial number of South Africans”.

The question is often asked, ‘What is the extent of corruption and misconduct in the police service?’ Sometimes there are questions about whether corruption and misconduct by police officers are getting better or worse. One of the biggest problems facing any organisation interested in tackling corruption is the lack of information available to answer these questions. For example, according to Newham and Gomomo (2003:14), “an incident of police corruption occurs when a detective accepts money from a criminal suspect who wants to ensure that not enough evidence will be gathered to lead to a conviction in court. In such a case, as in most other incidents of police corruption, neither the corrupt police member nor the criminal suspect will report the incident as both are liable for criminal sanction. The victim of crime might suspect a problem but would not have any evidence that such a deal had been made. It follows that few incidents of police misconduct see the light of day”.

Given the clandestine nature of the phenomenon, it is widely accepted that debates about the extent of unethical conduct by police officers and its increase or decrease, are almost always bound to be inconclusive (Klitgaard, 2004:14). Klockars (2000:2) expands on the problems this can have for policy makers: “Misconduct is extremely difficult to study in a direct, quantitative, and empirical manner. Because most incidents of misconduct by police officers are never reported or recorded, official data on misconduct by police officers are best regarded as measures of a police agency’s anti-corruption activity, not actual levels of misconduct”.

Whereas it may be almost impossible to ever gauge accurately the amount of misconduct taking place in any given police agency, there are certainly

indicators that provide insight into the nature of the misconduct an organisation is facing. Sherman (1999:375) puts it as follows “any statement about police misconduct by any source from newspaper stories to interviews with convicted police officers can open a window to the organisation of misconduct at that point in time to which the statement refers. Some windows will provide a more complete view than others, but all will offer some information of value”.

Sherman (1999:375) further argues that “although there is little information on the extent of unethical conduct by police officers before 1994, there is no doubt it existed throughout the police force. While for the majority of the population, the organisation in its entirety was corrupt as it had become a tool for brutal political oppression along racial lines, there is sufficient evidence that the abuse of power for personal gain was relatively widespread and occurred at the highest level under apartheid.

While the media are potentially a valuable source for gauging police misconduct, they are far from reliable in giving an accurate picture of the extent of unethical behaviour by police officers. Of those few cases that do make it to the media, it is not always clear if the allegations reported on have been verified. Criminal trials involving police misconduct often take longer than a year to finalise. Unless high-profile figures are involved, the media generally provide insufficient detail for the researcher to gain a clear understanding of what the incident entailed. As a result, media reporting on incidents of police misconduct in South Africa generally tends to be ad hoc, sensationalist and generally thin on detail. Although they are flawed, the media are nonetheless a useful source of information about misconduct by police officers (Sayed and Bruce, 1998:24).

To get a sense of what could be learned about unethical behaviour by police officers in South Africa from press stories, Marks (2001) collected and analysed the instances of unethical acts by police officers reported over a 15-month period from February 2000 to April 2001. Of the 22 types of unethical acts identified in the international literature on the subject, 16 were reported in



the press. From this study they concluded that it seems reasonable to assert that the occurrence of reports on so many different types of unethical conduct by police officers in South Africa is fairly extensive as well as being varied in nature (Marks, 2001:13).

Opinion surveys provide another source of information about the public's perceptions of the extent of unethical behaviour by police officers. However, while numbers of surveys have been conducted on the public's perceptions of the police in general, only a small number have specifically focused on the issue of corruption. On the public sector corruption more generally, the Institute for Democracy in South Africa (IDASA) found that almost 50% of the population believed 'almost all' or 'most' public officials were involved in corruption (Camerer, 2000:12).

Louw and Pesler (2001:121) found that of those members of the public who stated policing services had deteriorated, the primary reason given for this belief was that 'the police are corrupt'. Furthermore, because the word 'corruption' is generally recognised as having negative connotations, respondents to surveys could be including various problems they have experienced under the term. But even taking all these factors into consideration, the few surveys touching on the issue reveal that police corruption is considered a serious problem by a number of South Africans (Newham,2002:24).

It is therefore undeniable that corruption by police officers is a significant problem facing the SAPS and remains a central factor undermining the ability of the police to deliver effective policing services.

### **3.5 Types of unethical acts by police officers**

Sayed and Bruce (1998) conducted a review of the international literature published over the last two decades, and managed to identify 22 types of practices that can be described as unethical and specific to the police. These practices fall into the following seven main categories:

### **3.5.1 Favouritism**

- Looking the other way for family and friends.
- Looking the other way for colleagues and influential people.
- Using police influence to provide illegitimate assistance to members of the above groups.

### **3.5.2 Bribery and extortion**

- Taking a bribe for non-enforcement of a violation.
- Bribery for the obstruction of the criminal justice.
- Bribery for direct intervention in the criminal justice process.
- Extortion.
- Limited paid protection to criminal operations.
- Regular paid protection to criminal operations.

### **3.5.3 Kickbacks**

- Paying for favouritism regarding the delegation of legitimate tasks.
- Payment (among police officers) in return for the awarding of work-related opportunities for corrupt incomes.
- Payment regarding delivery or favourable treatment in respect of delivery of legitimate services.
- Payment for delivery of illegitimate services.

### **3.5.4 Diversion of police resources**

- Officers or commanders selling, or providing disproportionate police services, during or after working hours.
- Officers or commanders selling legitimate police services to criminals.
- Targeting (using police powers illegitimately to help or victimise certain groups).

### **3.5.5 Deceptive practices**

- Falsely enhancing the performance reports of self or others in the police.
- Making false statements or committing perjury.

### **3.5.6 Theft**

- Stealing from a crime scene and other areas of legitimate police presence.
- Stealing of docket.
- Stealing from stored goods, such as evidence and recovered property.

### **3.5.7 Premeditated criminal activity**

- Premeditated criminal acts for personal gain.
- Extensions of corruption, such as pooling of corrupt money among police officers or selling stolen goods (Newham, 2000:4).

Of the 22 types of unethical acts identified above, sixteen were found to have been reported in the South African Press over the fifteen-month period between February 2002 and April 2003. This study therefore suggests that unethical behaviour within the SAPS is quite widespread and varies in nature (Newham, 2000:5).

Sayed and Bruce (1998:18) are of the opinion that “what the categories outlined above have in common, is that the act is committed for a form of gain that is materially tangible. Nevertheless, the actions do result in clearly identifiable benefits for the officer in question since in all other respects they fit the definition of unethical conduct”. Furthermore, many forms of police misconduct are difficult to distinguish from police corruption while others are more straightforward. The following is a list of some types of misconduct that, due either to occupational power not being used or no identifiable benefit being derived, clearly do not fall under the heading of corrupt practices,

according to the definition of corruption provided in Chapter 1.

- Sleeping on the job;
- Drinking or using drugs on the job;
- Feigning illness, injury or some other indisposition to obtain exemption from duty;
- Reckless driving;
- Using threatening language or adopting an insolent attitude towards fellow employees; and
- Displaying gross discourtesy towards any person (Sayed and Bruce, 1998:14).

While the above list contains practices easily distinguishable in police corruption any form of misconduct is problematic. A discussion of these forms of misconduct (some of which are forms of criminality ostensibly engaged in for purposes of police work) which do not clearly qualify as corrupt, serves to underline the importance of flexibility in using any one definition of police misconduct. Some of the major forms of such misconduct or criminality are:

- Discrimination (e.g. harassment or physical abuse of members of a specific racial or other group);
- Brutality, torture, assault of vagrants, witnesses or suspects);
- Selective law enforcement (e.g. not pressing charges against valuable informers);
- Providing drugs to informants (as payment for information);
- Falsification of evidence (e.g. stopping and searching an alleged drug trafficker without any grounds for suspicion);
- Illegal searches and seizures (e.g. claiming drugs were on the suspect when in fact they were in the room);and
- Excessive force (e.g. inappropriate use of lethal force) (Raymond, 1996:19).

According to Manning and Redlinger (1995:115), “in some cases, the above acts may be examples of either gross negligence, improper conduct or police

criminality (without any obvious gain) by the police, often resulting in some form of victimisation. An isolated case of a racially motivated beating or the torture of the detainee are examples where the act is not so much an instance of 'police corruption' but of police brutality". Manning and Redlinger (1995:115) further argue that "when such victimisation is not an isolated case, but rather part of the perceived targeting or terrorising of some groups in society for the benefit of those able to direct police actions, then the actions may be viewed as instances of broader 'corrupt' or 'illegitimate' use by the police".

### **3.6 Causes of unethical conduct by police officers**

There has been a tendency in the past to focus mainly on poverty and starvation as the causes of ethical problems. Yet perspectives on unethical conduct show that in some of the poorest communities in the Nelson Mandela Bay area, people are of the opinion that they should improve their socio-economic conditions without becoming involved in wrong practices. Moreover Van der Westhuizen (2001:36) outlines that "available evidence shows that the cause of unethical conduct revolves around greed and is clearly a question of personal morality and integrity". In addition to understanding the forms of unethical acts by police officers it can also help in developing measures to tackle the problem. Based on the wide range of studies, American criminologist, Dr David Carter, summarises the various factors that contribute to unethical acts in the police as being:

- Greed ;
- Personal motivations, such as ego, sex, or the lust for power;
- Cultural intolerance;
- Socialisation from peers and/ or the organisation;
- Poor selection of officers;
- Inadequate supervision and monitoring of behaviour;
- Lack of clear accountability for the police officer's behaviour; and
- No real threat of discipline or sanctions (Newham, 2000:4).

Ellwyn Stoddard (1983) explains how socialisation can play a significant role as a “new recruit can be socialised into accepting illegal practices by mild, informal negative sanctions such as the withholding of group acceptance”. If the police officer embraces these unlawful practices, it is clear that the norms of this new reference group can take precedence over the formal norms of the police service. This will usually be the case if there is little support within the police for those that “blow the whistle” on corruption (Newham, 2000:5).

Newham (2000:5) further argues that “corruption can also become endemic in certain police units where the environment of certain tasks can leave police especially susceptible to corruption. Units dealing with such crimes as drugs and illegal aliens are particularly susceptible to endemic corruption”. Manning and Radlinger (1999:20) highlight how police members working in such areas often find themselves on the ‘invitational edge of corruption’. This is because these types of crimes are usually secretive in nature, extremely difficult to regulate seeming endless in occurrence and large sums of cash may be available to the corrupt officer.

On the other hand, experts in the field of behavioural sciences look at the recruitment steps in the hiring process as being the crucial time to screen candidates in terms of acceptable or unacceptable behaviour or predictors of future problems. There is a need for more professional testing to determine an applicant’s mental and physical abilities, as well as deeper background investigations and better interviews to bring out personality problems (Carter, 1997:21). This belief has been echoed by a number of experienced international police officers such as Paul Myron (1999), chief of the Los Angeles Detective Division, who states that his department would select “only about 4% of all who apply, the brightest, healthiest, most upright 4%”. There are, however, a number of genetic factors which can be regarded as the causes of unethical conduct. These factors will be discussed below.

The causes of unethical behaviour by police officers deserve specific attention and in particular the wrongful passing of public money into private hands and the inefficient use of government resources (Clarke, 1983:65). Unethical

behaviour is also caused by secrecy in government decision-making, and often-hindered progress. Illiteracy and ignorance are regarded as the main causes of unethical behaviour (Mafunisa, 2000:18).

### **3.6.1 Discipline**

Throughout the transformation of the South African Police Service there have been plenty of complaints about the lack of monitoring of behaviour and instilling of discipline by supervisors. For example, all the respondents to a subsequent Centre for the Study of Violence and Reconciliation (CSVr) study of the police disciplinary procedures raised a substantial decline as a serious problem confronting the transformation of the SAPS (Newham, 2000:6).

Newham (2000:6) also argues that “While the reasons for this decline are woven into the complexities of transformation, the effect in terms of corruption has been twofold. Firstly, the energy spent on trying to ensure a basic level of service delivery keeps attention away from the warning signs of a competent yet corrupt corps. Secondly, many in the police believe that the disciplinary system is ineffectual and therefore start to develop a sense of impunity. Consequently, perceptions of individual accountability can start to break down and some police members may become more open to engaging in corrupt practices”. Carter (1997:1) maintains that “ such a situation provides more opportunities for individual police members to feel that they have more discretion and may be more likely to “take chances” that could be construed as misconduct, for example, using police vehicles during working time for private business without permission”.

Lawrence Sherman (1983:34) provides an “evolutionary view” of unethical conduct by police officers that is useful in explaining how this situation can open the door to increased misconduct by police officers. The police member begins committing minor violations when it is clear that detection is unlikely. In having to deal with the departure from being totally honest to being able to break a regulation, the member may find ways of trying to justify what he did. Often such justifications are based on a sense of entitlement, e.g. “I do not get

paid enough and therefore I should be entitled to make use of my police powers and opportunities to suit my personal needs”.

Although this is a useful theory in understanding how some police members become corrupt, it does not explain why some members carry on until they are involved in serious criminal corruption. However, the point needs to be made that effective supervision; discipline and accountability of police members can go a long way preventing “good cops” from embarking on what may become a slippery slope towards difficult moral justifications and increasing levels of misconduct and corruption (Pope, 1996:94).

### **3.6.2 Public perceptions and impunity**

Although the public perception of police misconduct is not necessarily accurate, opinion polls do provide indicators of the general attitudes and experiences of society. A survey conducted by the Sowetan in 2004 on public perceptions towards the police had alarming results. To the question, “Why do you think criminals are often not convicted after their arrest?” 67% responded “because police officers accept bribes” (Smit, 2005:15).

Newham (2000:7) argues that “once police corruption becomes systematic, it begins to foster a sense of impunity among criminal individuals or groups in society. Certain communities in society then see powerful criminals as untouchable. The result is that communities feel that they are not protected by the police. Consequently, they cease to place trust in the criminal justice system as a whole and the police in particular. Furthermore, police corruption can have a negative effect on those honest police who are trying to do their jobs properly”.

The effect on the police morale can be devastating if police officers, who have been working hard to capture dangerous and wanted criminals, find later that such a person has been allowed to escape by corrupt police members. Also, the more honest police members see those around them getting away with making money from corrupt activities. So, the greater the pressure will be to



adopt the “if you can’t beat them join them attitude” (Newham, 2000:7).

### **3.6.3 Inadequate control and accountability**

If control is applied ineffectively, dishonest officials may exploit this for their own gain. Measures such as channels of communication should be created organisationally to make accountability possible. Accountability ultimately ends with the political head or minister of a department who must account to Parliament and therefore the public (Van der Waldt, 1994:49). This implies that if control is ineffectual, dishonest officials can exploit the situation for their own gain. Organisational measures should be implemented to provide for accountability.

### **3.6.4 Complex legislations**

The application of complex legislations sometimes leaves room for unethical and ineffective conduct. Owing to regulations and technical points, which are difficult to understand, their application sometimes leads to their ultimate failure. Incorrect interpretation also leads to inconsistencies, which result in the achievement of the institution’s goals not being successful (Van der Waldt, 1994:66). This suggests that because of the complexity of legislation and technical points, their implementation and control may at times be at variance with their actual purpose. According to Van der Waldt and Helmbold (1995:161), “officials cannot be expected to be experts on all technical points. The manager should be aware of this and control measures should be implemented”.

### **3.6.5 Inadequate procedures and manuals**

The procedures officials have to follow can at times conflict with what officials experience in practice. Unless manuals are practical and written in a way that is relevant to specific circumstances, officials may be left feeling uncertain about how to conduct themselves appropriately. Police officers are also expected to make value judgements that cannot be found in a manual. These

judgements may be in conflict with the objectives of the institution (Van der Waldt, 1994:50).

In agreeing with Van der Waldt, emphasis can be focused on the fact that if manuals have not been written in a way that is practical and relevant to specific circumstances, officials may feel uncertain about their appropriate behaviour. Police officers are also expected to make value judgements in specific circumstances that are not contained in manuals. The value judgement that must then be made may be contrary to the objectives of the institution as well as the needs of the community.

### **3.6.6 Ineffectual management and organisation**

If an institution is managed poorly from an organisational point of view, this naturally gives rise to the fact that goods or services cannot be rendered effectively and efficiently. If an official's productivity is not measured and evaluated, he or she can exploit this. The services of the organisation or government department which must be rendered, must also comply with specific criteria so that effectiveness is not neglected and a breeding ground for unethical behaviour is not created (Van der Waldt, 1994:66).

### **3.6.7 Psychological factors**

Van der Waldt and Helmbold (1995:162) are of the opinion that "a man is a fallible being with numerous failings such as the craving for power, covetousness and avarice which occur in all people to a lesser or greater extent. If a situation presents itself in which one of these failings may come to the fore, it may be expected that a person will be tempted to place self-interest before the public interest. Management should be wary of such situations in order to prevent them. Other factors which can play a role in the unethical behaviour of police officers are his or her education, inadequate training and development of the person".

From the above two causes of unethical conduct, it can be deduced that

ineffectual management can result in an institution providing ineffective products or services, or none at all. If the promotion of goods and services is not measured or evaluated, officials may take advantage of the situation. With regard to psychological factors people are fallible by nature and are inclined to crave power and money in varying degrees. When the right conditions are created, it is to be expected that people will be vulnerable to temptation. In such a situation personal interests could come before the interests of the public. Management must identify situations such as these and do everything possible to eliminate and reduce them.

### **3.7 Strategies for proper ethical conduct**

Van der Westhuizen (2000:37) argues that “the responsibility for the management of ethical strategies rests with the police service itself. Fighting unethical behaviour requires a clear ethical commitment by the political head and senior managers. The government came to an agreement with police officers (through their organised labour representatives) about the basic principles that should be used to resolve ethical issues in the South African Police Service”.

In the first place, Chapter 10 of the South African Constitution, 1996, stipulates that public administration (including policing) must be governed by among other things, democratic ethical principles (values) such as “a high standard of professional ethics”. Secondly, the government has also had to promote more ethical practices in the day to-day activities of the police service (Wessels, 1999:29).

In 1997 an SAPS code of conduct was developed and circulated throughout the police. All police members were given a small plastic card with the code written on one side and the rights of an arrestee on the other. During this time a Service Delivery Improvement Programme (SDIP) was designed. This was aimed at assisting police managers in identifying and solving specific problems related to the delivery of policing services at station level. More

recently, a new performance management system has been developed. It holds all SAPS employees accountable for particular work responsibilities. It must be recognised however, that the entire organisation is undergoing a process of transformation, so while many of these initiatives may have the long-term effect of promoting police integrity and thereby minimising corruption, they are not part of a coherent integrated strategy designed to achieve this (Newham, 2002:24).

The code of conduct was put into operation to provide guidelines to police officers with regard to their relationships with the legislature, political and executive office-bearers (for example, to loyally execute the policies of the government), and other employees (for example, to refrain from favouring relatives and friends in work-related activities) (Van der Westhuizen,19998:19).

Thirdly, section 7(3) of the Public Service Act 103 of 1994, also provides for police officers being held responsible for the effective management and administration of their offices, which include the maintenance of discipline and the promotion of good labour relations. Although it is not stated in direct terms, it can be inferred that all the above activities have ethical implications. Fourthly, the Standing Committee on Public Accounts in Parliament was established to investigate all anomalies and discrepancies pointed out by the Auditor General in the spending of funds in police management and administration (Van der Westhuizen, 2000:57).

In the fifth place, one of the key instruments for high standards of ethical conduct in police management and administration is the establishment of ethical structures (in general terms referred to as the watchdog agencies) such as the internal anti-corruption unit to tackle what was identified as a growing problem of police corruption (Newham and Gomomo,2003:5). Unfortunately the fight against unethical behaviour of police officers suffered a huge blow at the beginning of 2001 when half of the provincial anti-corruption units were closed down. This action was in line with the SAPS strategic approach towards moving skills and capacity from specialised units to police

stations where most policing takes place. Practically, however this decision was a significant strategic error (Samuel and Alpert, 2004:16).

During the strategic planning process held in 1999 to develop the SAPS strategic Plan for 2000-2003, police corruption was once again identified as a key obstacle confronting the police in achieving their goals. However, for the first time the problem of police corruption was linked more broadly to what was stated as the 'fundamental factor' central to undermining the delivery of police services by the SAPS, namely a lack of integrity (SAPS 2000b:1). Consequently, a draft national 'Service Integrity Framework' was developed to guide organisation-wide initiatives to combat corruption. This framework explicitly recognised that corruption in the police service 'is a reflection on the total organisation and cannot be attributed to a few bad apples' (SAPS 2000b:2).

Samuel and Alpert (2000:14) are of the opinion that "acknowledging the heterogeneity of the SAPS, the framework calls for both a prescriptive 'repressive' approach and 'preventive/ proactive focus' if corruption is to be curbed effectively. Ultimately, the framework document emphasises the link between a successful anti-corruption strategy and an investment in developing organisational capacity to sustain service delivery. Towards this end, the 'integrity framework' proposed a three-pronged approach that included preventive, education awareness and enforcement components".

Another ethical structure that has been in use for a number of years is the Public Service Commission. As the agency responsible for investigating, monitoring and evaluating human resource matters in the police services, the Public Service Commission acts in terms of the Public Service Commission Act 46 of 1997. In more practical terms the Public Service Commission can improve the ethical conduct of employees in the following ways:

- Raising awareness about human resource ethical issues;
- Promoting ethical behaviour;
- Disseminating ethical practices among police officers;

- Communicating a code of ethical conduct;
- Providing ethics in training;
- Taking the lead in enforcement proceedings; and
- Overseeing whistle-blowing procedures (Winstanley and Woodall, 2000:7).

### **3.8 Conclusion**

It can be deduced from the preceding chapter that the following arguments in relation to ethics in police management and administration apply. To manage ethics is not a trivial task. Knowledge of values coupled with responsibility within the organisation, enhances the possibility of making this a manageable task. The SAPS is undergoing rapid political changes and, in some cases, only cosmetic changes. The body of the SAPS consists of men and women that do everyday policing. They are people whose values should be protected. However, to protect something, one must first possess it. It is no use trying to change people's values through short courses or negative discipline. Energy should rather be channelled towards recruiting people whose values are in accordance with those of the SAPS.

Secondly, ethics cannot be enforced; they can only be protected and supported. Management can support these values by living out their own and taking responsibility for the ethical standards of the SAPS. Politicians will not be able to change the ethical standards of the SAPS. Rather, the empowerment of managers coupled with a commitment to maintaining high ethical standards within the SAPS will. Thirdly, ethics in the SAPS will require special decision- making skills on the part of the individual police officer. An understanding of the myriad of competing values will be a basic requirement. But what will ultimately make the difference is the police officer's willingness to clarify facts and come to a reasoned conclusion based on moral principles.

It is imperative that a police officer's decisions be based on certain contextual frameworks, namely personal, organisational and environmental ethics. This requires a continued sense of awareness regarding the influences of the

family environment, peers, past experiences and situational factors on ethical conduct. In this regard, police officers must also understand the purpose of ethical codes and disciplinary measures as mechanisms to ensure proper ethical conduct. Lastly, measures to deal with unethical behaviour of police officers should not be viewed in isolation from one another but should rather be applied if possible simultaneously. Unethical conduct cannot be combated effectively if the moral will does not exist among police officers. Measures to deal with different types of unethical acts identified in this chapter will only be successful if the right ethical climate has been established in the police agency. Unless police officers know and understand what is meant by ethical behaviour and what constitutes it, the success of a campaign to combat unethical conduct will be limited. It is of crucial importance that a code of conduct is drawn up against which the police officer can measure his/her actions and view them in comparison with the code of ethics.

# CHAPTER FOUR

## RESEARCH METHODOLOGY

### 4.1 Introduction

In this chapter the research methodology of the investigation into the use of whistle-blowing as a means of curbing the unethical behaviour of police officers in the Nelson Mandela Bay is described. This entails a brief description of the qualitative research method and a motivation for the selection of this method. The method of selecting the accessible population and the sample are also addressed. The instruments of data collection namely observation, interviews and questionnaires are described.

The main purpose of this chapter is to demonstrate how the research has been planned and executed in pursuit of the proposed research objectives. This chapter seeks to indicate how the research fieldwork has been conducted, how the data was documented and how the data has been analysed.

### 4.2 Qualitative research method

In order to meet the aims of the study, the researcher used the qualitative research method. McMillan and Schumacher (1993:372) define qualitative research as a naturalistic inquiry, the use of non-interfering data collection strategies to discover the natural flow of events and processes and how participants interpret them. In this study considerable time was spent at three Police Stations to investigate the use of whistle-blowing as means of curbing the unethical behaviour of police officers and the related factors that may cause them to act unethically.

Bogdan and Bikken (2003:4) explain that qualitative researchers go to the particular setting under scrutiny because they are concerned with the context.



They further state that qualitative research is descriptive and the data collected takes the form of words or pictures rather than numbers. In this study a qualitative research method is used because it is descriptive. The aims of the study were;

- To determine the extent, nature and causes of unethical behaviour of police officers in the Nelson Mandela Bay.
- To investigate the use of whistle-blowing in the SAPS as a means of curbing unethical behaviour of police officers in Nelson Mandela Bay.
- To examine the implementation of whistle-blowing in the SAPS.
- To determine strategies and measures that can be used to encourage whistle-blowing in the SAPS.

According to Merriam (1998:5), qualitative research is an umbrella concept covering several forms of inquiry that help us understand and explain the meaning of social phenomena with as little description of the natural setting as possible. McMillan and Schumacher (1993:373) outline that understanding is acquired by analyzing the context of the participants and by narrating participants' meanings for these situations and events. Participants' meanings include their feelings, beliefs, ideals, thoughts and actions. The key concern is to understand the phenomenon of interest from the participants' perspectives, not from the researcher's (Merriam, 1998:6).

Qualitative research usually involves fieldwork (Merriam, 1998:6). In this study, the researcher has gone to people in person to investigate and observe their behaviour in its natural setting. Bogdan and Biklein (2003:6) outline that qualitative researchers tend to analyse their data and or evidence before interpreting the study. Bogdan and Biklen go on to say that meaning is an essential concern to the qualitative approach. Therefore in this study, the focus was on producing findings that will be meaningful to the stakeholders involved.

It is necessary to give a brief outline of quantitative and qualitative research in order to justify the reason for the use of qualitative research. The distinction

between these research designs is based on their different approaches to research. The most obvious distinction between quantitative and qualitative research is the form of data presentation. Quantitative analysis presents statistical results as represented in numbers, whilst qualitative analysis presents facts in a narration with words. In quantitative studies, there are established steps of procedures and steps that guide the researcher whereas in qualitative studies, there is greater flexibility in both the methods and the research process (McMillan and Schumacher, 1993:15).

Though the distinction between these research designs is not absolute, they can be viewed as useful devices for describing and understanding the researcher's selection of the research method in this study.

Qualitative research has been largely criticised for its perceived lack of scientificity. Berg (1995:112) dismisses this criticism. He argues that those who criticize the qualitative research method do so out of an erroneous equation of the term "empirical" with quantification, rather than with any real defect in the qualitative paradigm itself (Maykut and Morehouse, 1994:3). According to Maykut and Morehouse (1994:10), "qualitative research is based on a phenomenological position while quantitative research is based on a positivist position".

Van der Berg (1997:102) describes the phenomenological position when he says that phenomenology is satisfied with the conviction that that which appears to it is something of reality itself. In other words, the thing as well as its essence is present in the appearance. It is this connectivity between appearance and essence which makes for phenomenology, and perhaps by extension qualitative research, applicable to this particular study. The appearance, which cannot be ignored, must be investigated in terms of its essence by the use of compatible instruments of which qualitative research appears to be one. As Van der Berg (1997:102) would say "the phenomenological approach enables the researcher to analyse in words that which pre-scientific experience contains".

According to Sherman and Webb (1988:6), the qualitative research approach attempts to:

- **Describe** the essential qualities of the phenomenon.
- **Interpret** the meanings of, and relationships between, those qualities, and
- Give a supported **judgement** (or appraisal) as to the **significance** and **value** of those qualities.

The qualitative research approach provides various critical aspects that have to be kept in mind when it is implemented. According to Creswell (1994:121), the following aspects illustrate the advantage of the qualitative research approach. These aspects concern the following:

- **The context:** Human behaviour or experience is context bound. This human experience is therefore inseparable from social, historical, political and cultural influences. The individual attitudes and preferences are appraised in the context in which they occur.
- **The setting:** Qualitative research must occur in a natural environment such as a teaching situation in a classroom. It should not be contrived or artificial like a laboratory experiment. Qualitative inquiry takes place in the field, in settings where the subject of investigation is found. Qualitative inquiry does not identify, define and investigate or test the relationship between a particular set of independent variables, it rather studies human experience holistically, taking into account all factors and influences in a given situation.
- **The human being is regarded as a data gathering instrument:** The qualitative inquirer talks to people in a specific setting, observes their activities and also relies on fieldwork methods such as interviews. The qualitative inquirer deals with data in the form of words rather than numbers and statistics, although data can also be presented in numerical form. The inquirer also keeps a personal journal in which he records accounts of the participants' ideas and feelings.

- **An emergent research design:** The inquirer is never quite sure what the outcome of a particular setting will be, because the setting depends on the nature of the interaction between the inquirer and the respondents. The framework of the inquiry can only be characterised in a very general way, indicating how the study might unfold. This will be based on literature reviews relevant to the topic, to deepen the researcher's insight by investigating the problem as it relates to the community. The literature study in the previous two chapters serves this purpose.
- **The establishment of trustworthiness:** A variety of procedures can be followed to check the credibility of the data being gathered and to confirm the resulting insights. Among these techniques are the prolonged engagement at the site and the persistent observation to provide sufficient scope and depth to the findings. To enhance the dependability (equivalent to reliability) of the study, a qualitative inquirer often maintains as an audit, a trail or the materials that document how the study was conducted, what was done, and when and why.
- **Inductive/deductive analysis:** Most data collection and data analysis in qualitative studies is done inductively as the logical outcome of reasoning. De Vos (1998:241) explains that inductive reasoning analyses from the particular to the general or from the facts to the theories. Deductive reasoning on the other hand, investigates from the general to the particular, that is the application of a theory to a particular case. In qualitative research, the inquirer does not wait until all the data is gathered before he/she starts with data interpretation. From the outset of the first interview, the inquirer is reflecting on the meaning of what he/she has heard and seen, developing hunches about what has been observed and seeking to confirm or reject those hunches in any subsequent interviews.
- **Reporting:** Reporting of qualitative inquiry will vary, depending on the nature of the publication in which it appears. Qualitative studies are generally narrative in form and contain dense descriptions of the setting and the context. Rather than presenting tables of statistics and

graphic displays of numerical data, reports of qualitative studies contain the natural language of the participants in a study as drawn from the interview data and the documents.

Finally the researcher was able to conclude that the qualitative research method was best suited for this research because an effort was made to understand phenomena from the point of view of the people involved. The researcher listened to all the interviewees' viewpoints and drew conclusions from the interviews conducted with them.

### **4.3 Research sample**

According to Robson (1993:136), a sample is a selection of participants from the given population, depending on the purpose of the research. The researcher has used his prior knowledge of three police stations in the Nelson Mandela Bay and selected 10 participants from each station as interviewees.

Gay (1992:123) defines sampling as the process of selecting a number of individuals for a study in such a way that the individuals represent the larger group from which they are selected. The purpose of sampling is to gain information about a population. In this study, the researcher has chosen a purposeful sample because the research dealt with the behaviour of police officers who were identified as information-rich participants. These police officers were from KwaZakhele, New Brighton and Kwadwesi Police Stations.

The purpose of sampling is to identify parameters for the data collection. Steward and Shamdasani (1990:53) add that a sample must include phenomena that are representative of the whole. When applying a sampling process, the specific method chosen is the one that is most effective in the light of the nature of the particular study.

Robson (1993:86) is of the opinion that good sampling implies:

- A well-defined population.
- An adequately chosen sample and
- An estimate of how representative of the whole population the sample is.

According to Robson (1993:141), purposive sampling is based on the judgment of the researcher. McMillan and Schumacher (1993:378) mention that purposive sampling has the advantage of using few participants to reflect the required knowledge of the research topic.

Qualitative research concentrates on the richness of the data and therefore recommends purposive sampling. Purposive sampling, as defined by Struwig and Stead (2001:121), emphasizes research of information rich participants and does not rely on generalization. This method enabled the researcher to identify information-rich participants who share commonalities. For the purpose of this study, purposive sampling was used. The researcher used personal judgment to select a sample. The researcher assumed that the knowledge of the population could be used to judge whether a particular sample was representative.

McMillan and Schumacher (1993:379) highlight that one of the types of purposeful sampling is site selection. They further outlined that site selection means a site that is selected to locate people involved in a particular event. Therefore it requires a clear definition of the criteria for the site selection.

In this study the sample used comprised 30 interviewees (10 from each Police Station) which comprised the Station Commanders, Inspectors, Sergeants, Captains and Superintendents and Senior Superintendents and 75 questionnaires (25 to each Police Station) were distributed. As these are people who are busy with tight schedules, individual interviews were pre-arranged according to set dates during working hours. The police officers that were used for the interviews were from different ranks and they represented different units of each station.

McMillan and Schumacher (1993:163) suggest that the researcher must determine the size of the sample that will provide sufficient data to answer the research question and as a general rule a large size sample is preferred. However, there is no clear cut answer for the correct sample size, as maintained by Cohen and Manion (1994:89). They claim that this depends upon the purpose of the study and the nature of the population under scrutiny. Thus, a sample size of thirty subjects is held by researchers to be the minimum, if the researcher plans to use some of the data for its statistical analysis.

Therefore purposive sampling is an acceptable method of sampling for special situations such as this study. Purposive sampling strategies are easier to describe after the researcher has mapped the field; nevertheless, the proposals are sometimes written with little preliminary work. The intention of purposive sampling is to obtain small samples of information-rich informants (Newham, 2002:198).

#### **4.4 Research procedure**

Research permission was sought from the Area Commissioner in Mount Road, to conduct the research in these three police stations under his control (see Appendix C). After permission had been granted, the researcher arranged appointments to visit the Station Commanders of those stations under investigation. The researcher submitted the letter of approval to conduct the study to the Station Commanders. All the Station Commanders agreed to let their staff participate in the study. Staff members in general agreed to participate in the study and to make contributions towards the completion of the investigation.

The researcher briefed all the police officers about the nature of the study and interviewed those who were set aside to participate in the interviews. The researcher also indicated that participation was voluntary. Individual

interviews were conducted when participants were available at the arranged time.

Combinations of closed and open-ended questions (see Appendix A) were used in the interview. Closed questions were used to obtain personal information, while open-ended questions were used for the questions under investigation. It allowed for a variety of responses.

At the beginning of the study the researcher asked permission from the Area Commissioner to have access to pending and finalized cases of misconduct by police officers in those three Police Stations but this was not granted because according to the policy of the SAPS that information is confidential and it could not be given to anyone even to those who are members of the SAPS. However the researcher managed to obtain access to some of those documents of misconduct by police officers. This information was not enough for the researcher to come up with a clear indication of the extent of unethical conduct by police officers in these police stations. It provided the researcher with valuable insights, however, into the nature and forms of unethical conduct in the police force.

As already noted, many officers in higher ranks were willing to participate in the study although some of them became wary of the study. As the research got underway, they made themselves available for interviews. All interviewees were asked the same questions as they appear in the Interview Schedule. The interviewee's responses were tested by repeating the same questions in the follow-up interviews. The limited number of 10 interviews from each Police Station (a total of 30) has had a bearing on the understanding of the police officer's situation and limits the extent to which conclusions can be universalised.

Despite the difficulties encountered during the research, the researcher was able to obtain enough information which can result in the attainment of the research objectives and to be able to make some recommendations there



from. When data was collected, it was analysed qualitatively into general units of meaning.

#### **4.5 Methods of data collection**

The design and research methodology of this study was introduced in Chapter One. The rest of this chapter deals with the actual research process and the methodology applied in it. Qualitative research method techniques were used for data collection. The research was based on the descriptions and interpretations of the participants' views in the form of words. Merriam (2001:7) argues that in all forms of qualitative research, the researcher is the primary instrument of data collection and analysis since data is mediated through him/her as a human instrument. The researcher is responsive to the context and can adapt techniques to the circumstances and can process data immediately as the study evolves.

The research objectives of this study require the use of one or more techniques for collecting the particular empirical data that is required. The following data gathering methods were employed:

##### **4.5.1 Interviews**

Interviewing is a commonly used method of collecting information from people. In many walks of life we collect information through different forms of interaction with others. Any person-to-person interaction between two or more individuals with a specific purpose in mind is called an interview. On the one hand interviewing can be very flexible, when the interviewer has the freedom to formulate questions as they come to mind around the issue being investigated, and on the other hand it can be inflexible, when the investigator is to keep strictly to the questions decided beforehand (Kumar,1999:109).

The value of interviewing as one of the qualitative methods of collecting data is that it enables an emphasis on the quality of response as understood in its normal context. According to Powney and Watts (1987:22), "the advantage of

interviewing is that it avoids reducing the complex responses or behaviour of an individual to a single number in a maze of statistical calculations. The focus becomes the detail and quality of an individual or small groups' experience rather than the number of people who responded in a particular way".

Cozby (1997:96) recommends interviews in order for the researcher to immediately explain ambiguities and at the same time seek clarification from participants. This proved to be very advantageous where responses were incomplete, vague or off-the-track. The researcher was able to establish the underlying motives for specific responses in accordance with Robson's (1993:229) suggestions. Another advantage was that they proved to be flexible and, as such, the researcher could obtain elaborations on the aspects under discussion.

Individual interviews were conducted with 30 police officers (10 from each Police Station). Written notes were taken from each interview. The interviews afforded the opportunity for direct interaction between the researcher and the respondents. The researcher used a structured type of questionnaire when interviewing the participants and the questions in Appendix A served as guidelines for the interviews. Powney and Watts (1987:25) refer to the manageability of individual interviews when they say that individual interviews "are easier to manage; issues can be kept relatively confidential; analysis is more straightforward in that only one person's set of responses are gathered at any one time".

On methods of recording, Powney and Watts (1987:27) mention what they regard as 'the most common methods of recording interviews ... field notes and by audio tape recordings may assist in capturing human interaction and non-verbal cues'. Its disadvantage, according to Powney and Watts (1987:27), is that "it is difficult at the speed of normal discourse, it can intrude upon the interviewer's concentration and upon the flow of an interviewee's responses and – perhaps more seriously – can lead to the collection of only a small fraction of the data possible from an interaction.

#### 4.5.1.1 Interviewers and interviewees

The profile, background and expectations of the interviewer and interviewee are important aspects for understanding the process and outcomes of the interview. Powney and Wats (1987:35) make the simple but critical point that the interviewers are human, have certain implications not least of which are that “they have their own perspectives and biases which may not be made explicit and in some cases the interviewers might ignore or deny their bias. Powney and Watts (1987:35) explain that ‘bias’ is a ‘personal perspective’ which term they regard as ‘a less accusing term than bias, but it is inevitable that the interviewer’s perspective is also limited by his knowledge and experience as is the interviewee’s.

According to Powney and Watts (1987:36), the interviewer bias referred to above does not point to deliberately deceptive behaviour on the part of the interviewer. The point is made as follows “we are not suggesting that interviewers are either cheating or demonstrating undue bias. We are underlining the point that interviewing is as complex as any other social interaction. All in all we can’t avoid interviewer bias. To want to interview without interviewer influence is a contradiction in terms”.

Powney and Watts (1987:36) further argue that “the interview may be compromised by the interviewers’ inconsistency between and within interviews. This inconsistency, which itself arises from the interviewer’s ‘personality and involvement’, can be managed through the application of eleven basic rules that the interviewer has to observe”. According to these rules the interviewer must:

- Read the questions as they are worded in the questionnaire.
- Ask every question that applies to the respondent.
- Use prompt cards and other instruments when required.
- Only probe and in a non-directive way.
- Make sure he/she has correctly understood an answer and that it is adequate.

- Not answer for the respondent.
- Not give directive information.
- Not seek or give unrelated information
- Repeat a question or other action when requested by the respondent.
- When asked for clarification, give it non-directively.
- Act non-directively to obtain an adequate answer where it is inadequate (Powney and Watts, 1987:42).

#### 4.5.1.2 The interview schedule

An interview schedule is a written list of questions, open or closed-ended, prepared for use by the interviewer in a person-to-person interaction. An interview schedule is a research tool/instrument for collecting data, whereas interviewing is a method of data collection (Kumar, 1999:109).

The following discussion attempts to justify the interview questions (see Appendix A) within the context of the reviewed literature. Firstly, the interview questions would appear to meet the criteria for effective questions as discussed by Peterson (2000:59) under the Brusio acronym. The criteria are that the questions should be brief:

- **Brief:** this means that the questions should be simple and understandable.
- **Relevant:** this is a reference to the fact that a question that does not necessarily have to be asked should not be asked. Clearly the question on efforts that are being done by the Station or SAPS in general to try and combat unethical behaviour and corruption and mechanisms that are in place as anti-corruption measures (see Question 5) and what they think can be done to encourage whistle-blowing in the SAPS (see Question 12), are relevant because they seek to find the shortcomings of the current practices with a view to improving the situation.

- **Unambiguous:** this simply suggests that the question should not contain words with multiple meanings.
- **Specific:** a reference to the criterion that a question should be asked in such a way that on the one hand, the interviewee responds to the question in a way that meets the expectations of the research project. Yet on the other hand, the question should not be so specific as to suggest the actual answer.
- **Objective:** in terms of which the question should be 'balanced', 'not biased', and present the interviewee with alternatives (Peterson, 2000:59).

It can be reasoned that the questions used in this study conform strictly to the criteria so far mentioned.

#### 4.5.2 Questionnaires

A questionnaire is a set of tabulated questions in a form to be completed by the participant for the purpose of the research project (New Dictionary of Social Work, 1995:51). The researcher designed a questionnaire that met the basic principles laid down by Cozby (1997:96), namely that the questionnaire should clearly tabulate the information needed and questions should be brief and clear and be easily completed by the participants. Each participant was required to complete all the answers.

Though the term questionnaire suggests a collection of questions, an examination of a typical questionnaire will probably reveal as many statements as questions. This not without a reason. Often the researcher is interested in determining the extent to which respondents hold a particular attitude or perspective. This is the technique that is followed in the study (Peterson (2000:50). For example, if one can summarise the attitude in a fairly brief statement, one can present that statement and ask respondents whether they agree, or disagree with it. Rensis Likert (1998) has greatly formalised this procedure through the creation of the Likert scale, a format in which

respondents are asked to agree, strongly agree, disagree or strongly disagree, or perhaps to be neutral (Babbie,1998:148).

Huysamen (1994:127) with regard to the above refers to attitude scales. Attitudes scales are composed of sets of items which are supposed to measure different degrees of the attitudes towards the attitudinal object. These are based on different assumptions about the relationship between individuals' attitudes and their responses to the items. Summated or Likert scales consist of a collection of statements about the attitudinal object. In respect of each statement subjects have to indicate their degree of agreement or disagreement with its contention, on a five point scale (e.g. strongly differs, differ, undecided, agree, and strongly agree). Some statements represent a positive attitude, whereas others reflect negative attitudes (towards the attitudinal object).

Babbie (1998:148) is of the opinion that in asking questions, researchers have two options. They may ask open-ended questions, in which case the respondent is asked to provide his or her own answers to the questions. In the other case, closed-ended questions, the respondent is asked to select an answer from a list provided by the researcher. Close-ended questions are very popular because they provide a greater uniformity of responses and are more easily processed. Open-ended questions must be coded before they can be processed for computer analysis. This coding process often requires that the researcher interpret the meaning of a response, opening the possibility of misunderstanding and research bias.

Questions were personally hand delivered to participants, saving time and money. Another advantage of personal delivery was that participants could not claim that they had not received the questionnaire. The researcher also had the opportunity to immediately clarify any questions not understood by participants.

Welman and Kruger talk of several considerations that researchers should bear in mind when formulating research questions. Some of these

considerations are more important when options and beliefs are assessed than when information about biographical details and typical behaviour is to be collected. Peterson (2000:50) lists three criteria, among others, which serve as criteria to assess the effectiveness of questions. The criteria are that 'questions be brief, relevant and unambiguous'.

Melville and Goddard (1996:44) address the subject of criteria for effective questions albeit from the context of questionnaires. They cite, among others, two criteria namely that firstly, the questions have to be relevant to the subject under the review. Secondly they argue that questions should be sensitive and considerate to the circumstances of the interviewees. In this regard questions that may upset the respondents or evoke feelings of guilt should at best not be asked. If they have to be asked they should be asked at the end of the interview.

#### **4.5.3 Observations**

According to McMillan and Schumacher (1993:256), the word observation is used to describe data that is collected regardless of the technique employed in the study. Observational research methods also refer to a more specific method of collecting information that is very different from interviews or questionnaires. Observation in this study has been done in order to provide some information of the context or to provide specific incidents and behaviour patterns.

Observation is the best technique to use when an activity, or event or situation can be viewed first-hand or when participants are not able or willing to discuss the topic under investigation. What is written down or recorded from a period of observation becomes the raw data from which a study's findings eventually emerge. (Merriam, 1998:96). During the observation, the researcher used a non-participant type of observation and managed to make notes of all performances relating to unethical behaviour of police officers.

According to Kumar (1999:109). “non-participant observation is when the researcher does not get involved in the activities of the group but remains a passive observer, watching and listening to its activities and drawing conclusions from this”. As an observer, the researcher managed to watch, follow and record the activities as they were performed. After making a number of observations, conclusions were drawn about the functions police officers carry out. The researcher used low-inference observation, since according to McMillan and Schumacher (1993:256), it requires the observer to recode specific behaviour without making judgments in a more global sense”.

During the interview process, the researcher observed specific behaviours from individual police officers as they were responding to the set questions. Such behaviours included their facial expressions, body language and even varying tones that reflected the true feelings of the interviewees about certain aspects.

#### **4.6 Ethical considerations**

Mouton (2001:238) suggests that the manner in which the researcher interacts with participants should be based on acceptable norms and values. Merriam (1998:213) states that in qualitative research, ethical dilemmas are likely to emerge with regard to the collection of data, the analysis of findings or because the participants may feel their privacy has been invaded or may be embarrassed by certain questions. Sometimes, they may feel frustrated by the questions and therefore not divulge all the information to the researcher. The participants may even modify their behaviour once they realize that they are being studied (Bailey, 1994:278).

The researcher first obtained permission from the Area Commissioner in Mount Road to conduct the research. Thereafter, Station Commissioners at the selected police stations were approached for permission. The researcher informed all the participants that participation was voluntary and that the data would be used for research purposes only. The researcher developed mutual



trust in the researcher-participant relationship by honouring commitments about confidentiality and privacy. The researcher interacted harmoniously with all the participants and tried to find a balance between the interests of the different participants.

Babbie (1998:38) is of the opinion that there are some vital non-scientific concerns that shape the activities of social researchers. These are ethical considerations that must be kept in mind as the researcher learns the logic and techniques of social research. According to Babbie and Mouton (2001:520), “an ethical issue arises out of our interaction with other people, other beings (such as animals) and the environment, especially where there is potential for, or is, a conflict of interests. The scientist has the right to the search for truth but not at the expense of the rights of other individuals. For example, researchers have the right to collect data by interviewing people but not at the expense of the interviewee’s right to privacy.

Just as practical considerations can prevent researchers from implementing research design or obtaining as large or diverse a sample as possible, so too can ethical consideration constrain scientific inquiry. Ethics may prohibit researchers from using experimental treatments that could harm research participants, from asking questions that would prove extremely embarrassing or threatening, from observations that would deceive or place subjects under duress, and from reporting information that would constitute an invasion of privacy (Kumar,1999:165).

In addition, researchers are expected to be completely honest in observing, analysing, and reporting findings, and to be responsible about the limits and application of scientific knowledge (Singleton, 1988:444).

## 4.7 Data Analysis

According to Creswell (1994:153) in qualitative analysis several simultaneous activities engage the attention of the researcher. The researcher is involved in collecting information from the field, sorting the information into categories, formatting the information into a story and actually writing the qualitative text. Marshall and Rossman (1999:153) state that each phase of data analysis entails data reduction as the reams of collected data are reduced into manageable chunks and interpreted as the researcher brings meaning and insight to the words and acts of the participants in the study.

Mouton and Marais (1990:102) recommend that a data analysis be undertaken. This includes the consolidation of facts from the different participants to form a comprehensive report. Data analysis was based on how the researcher understands the participants' responses in the various particular contexts as Mouton (1998:168) suggests this focus. Dey (1993:10) describes this process of qualitative data analysis in terms of meanings, which are mediated through language and actions and tied to a particular context.

De Vos (1998:337) agrees, setting out the following guidelines for data analysis:

- Pay attention to the words and non-verbal clues used by the respondent in order to capture his/her true meaning.
- Note the theme of each question and compare the statements or facts given by participants.

After conducting interviews and collecting the questionnaires as suggested by McMillan and Schumacher (2001:464) the researcher's coded field notes and the data were directly entered into displays using a personal computer. The researcher wrote the accompanying analytical text within the existing time. The researcher compared the interviewees' responses in order to identify similarities.

#### **4.7.1 Criteria for judging a qualitative research**

Trochim (2000:1) states that some qualitative researchers reject the framework of validity that is more commonly accepted in quantitative research in the social sciences. Trochim puts forward the proposed criteria suggested by Guba and Lincoln, which are based on four criteria for judging the soundness of qualitative research and they specifically offered these as an alternative to the more traditional quantitatively oriented criteria. The proposed criteria are discussed in the subsequent paragraphs.

##### **4.7.1.1 Credibility**

The credibility criterion involves establishing that the results of qualitative research are credible or believable from the perspective of the participant in the research. Since from this perspective the purpose of qualitative research is to describe and understand the phenomena of interest in the participant's eyes, the participants are the only ones who can legitimately judge the credibility of the results (Trochim, 2000:2).

##### **4.7.1.2 Transferability**

Transferability refers to the degree to which the results of qualitative research can be generalized or transferred to other contexts or settings. From a qualitative perspective transferability is primarily the responsibility of the one doing the generalizing. Herein the researcher has enhanced transferability by describing the research context and the assumptions that were central to the research (Trochim, 2000:3).

##### **4.7.1.3 Dependability**

Dependability is concerned with whether the same results would be obtained if we could observe the same thing twice. The idea of dependability emphasizes the need for the researcher to account for the ever-changing

context within which research occurs. The researcher is responsible for describing the changes that occur in the setting and how these changes affected the way the researcher approached the study (Trochim, 2000:3).

#### **4.7.1.4 Conformability**

Qualitative research tends to assume that each researcher brings a unique perspective to the study. Conformability refers to the degree to which the results could be confirmed or corroborated by others. There are a number of strategies for enhancing conformability. The researcher can document the procedures for checking and rechecking the data throughout the study. Another researcher can play 'the devil's advocate' role with respect to the results, and this process can be documented. The researcher can actively search for and describe negative instances that contradict prior observations. And after this study, one can conduct a data audit that examines the data collection and analysis procedures and makes judgments about the potential for bias or distortion (Trochim, 2000:3).

#### **4.8 Conclusion**

In this chapter the researcher discussed the research methodology of the study. He described the qualitative research approach that was employed in the execution of the study. Interviews, observations and questionnaires as the main sources of data collection were also discussed. It also indicates how the research fieldwork was conducted and documented, and how this was analysed. The data was analysed by applying the framework offered by McMillan and Schumacher (2001:464) and the findings were arranged in terms of the major themes. The next chapter presents and discusses the responses of the interviewees. It also presents the results of the research questionnaire.

# CHAPTER FIVE

## PRESENTATION OF THE INTERVIEW RESPONSES AND THE RESULTS OF THE RESEARCH QUESTIONNAIRE

### 5.1 Introduction

In this chapter the researcher presents, discusses and interprets the responses of the interviewees and the information gathered from the questionnaire. The responses are categorized into a series of topics under review which appear as Appendix A and B. The chapter is divided into two parts. The first part of this chapter is the presentation of the interviewees' responses. The second part is the presentation of the results of the questionnaire. This chapter does not engage with every issue that was raised in the interviews, but attempts to explore the key issues that were identified as impacting on the research topic. The report presents issues that emerged repeatedly in the interviews with police officers.

### 5.2 Responses to questions on the unethical behaviour of police officers

- With reference to the unethical conduct of police officers, the interviewees made the following comments:

The problem of unethical behaviour by police officers cannot be left unresolved since it is intolerable and harmful to the entire society. Misconduct by police officers is the most challenging ethical issue facing the SAPS and it is harmful to the organisation. It causes irreparable damage to police service morals. Consequently, people end up losing faith in the integrity of the police service. If it is not diagnosed and treated, it will destroy police credibility and institutional effectiveness. Even if it is treated, there is no guarantee that it will be eliminated or that the infected areas will be reached. The possibility of

stamping it out altogether is remote as long as the machinery responsible for eliminating it is also morally ineffective.

Misconduct by police officers has been a problem which spans all situations at all times because it is based on human weakness and wrong motivation. Even the lowest-ranking officer can exercise wide power, and because there are people who want to take advantage of that power the threat of misconduct by police officers is inevitable. This is not meant to be a cynical view of the problem, but rather a practical one. It is the practical administration that will be most successful in combating the unethical behaviour of police officers and keeping its influence to a minimum.

The interviewees also warned that if the situation in police stations is not addressed, it will surely aggravate people's anxiety, making the position of the SAPS increasingly precarious. Often likened to a disease, unethical conduct by police officers in such situations will only be effectively addressed once its existence is recognized. However, just as the discussion of some diseases is considered taboo, so too is the topic of misconduct in many police agencies.

Talk of it can make police officers, particularly at senior levels, visibly uncomfortable. This is because it draws attention to the murkier areas of policing which are often out of sight of the public. The existence of misconduct signifies the critical weakness of senior police officers to exorcise temptation in senior ranks, or to deny or play down its existence. Although acknowledging its existence is a step in the right direction, it does not follow that the action taken to deal with it will necessarily be useful or effective.

### **5.2.1 Responses to questions on common types of unethical conduct by police officers**

There is a variety of causes and forms of unethical conduct by police officers, but the most common form of unethical behaviour identified by the

interviewees seems to be “failing to report for duty” which has become a “traditional misconduct” and “coming to duty under the influence of liquor”.

- The interviewees singled out the following types of unethical behaviour by police officers:
  - (i) Negligent driving of government vehicles (causing unnecessary accidents).
  - (ii) Absence from duty without authorization (e.g. without producing a medical certificate).
  - (iii) Failure to comply with lawful orders or instructions.
  - (iv) Falsifying evidence or documents with the purpose of enhancing the performance of one self or another organisation.
  - (v) Stealing from stored goods, destroying evidence, or stealing turned-in, served or recovered property (e.g. stealing of cell phones, chains, necklaces stored in police compound).

The interviewees also mentioned that misconduct can be categorized into two categories:

- The first consists of serious cases which may lead to dismissal, or less serious cases which may lead to a written warning. Serious cases are cases that are associated with aiding escapees, possession of drugs and dagga, fraud and bribery.
- The second consists of less serious cases. These are cases that are linked to the so called “excommunicated” absence, late coming and insubordination.

In respect of less serious cases, the record of sanctions imposed by the station commissioner is kept at the station and does not necessarily get reported to the area disciplinary office. However, when a member repeatedly commits the same (minor) offence, station commissioners can recommend to the area’s disciplinary official that further action should be taken against that member in the form of a formal disciplinary hearing.

Another form of unethical conduct that was identified by the interviewees is the misuse of government assets, mostly the misuse of government vehicles for personal gain. Another form of misconduct that was identified by the interviewees is fraud, maladministration and corruption.

The list of pending and finalized cases of misconduct of which the researcher managed to have a glimpse indicates the type of action undertaken for each and every type of misconduct committed. These actions are taken internally which normally means disciplinary action or a hearing which is undertaken at station level and externally which is undertaken at area level and leads to suspension, dismissals and public prosecutions in court.

The other outcomes are either verbal or written warnings. In one case a police officer was dismissed for being involved in drugs and robbery. He was identified by the members of the community. In another case a police officer was arrested for fraud. He was bribed to certify a person dead by issuing a forged death certificate. He was sentenced to 24 months imprisonment.

### **5.2.2 Responses to questions on causes of unethical conduct of police officers**

- The interviewees identified the following causes and possible solutions for unethical behaviour:
  - (i) The absence of clear rules and not adhering to the code of ethics.
  - (ii) The existence of discretionary powers.
  - (iii) Low salaries and poor working conditions.
  - (iv) Lack of transparency, inadequate strategic vision and weak monitoring mechanisms.
  - (v) The overall culture of governance such as the lack of good exemplary behaviour by senior officers, self-enrichment or



ambiguity over public ethics which might influence lower-level officers to follow suit.

- The interviewees further identified the following as some of the causes of unethical conduct:
  - (i) The nature and extent of poverty. Poor people who can't find other legitimate means to supplement their meagre salaries will easily resort to crime or commit crimes as a means of survival.
  - (ii) Societal pressures for a better life lead individuals to undertake corrupt practices in order to improve their status.
  - (iii) Poor salaries in government.
  - (iv) Lack of transparency and accountability in government.
  - (v) Lack of proper measures to fight corruption/unethical conduct or rather the reluctance of the SAPS to expose corruption and unethical conduct and prosecute executives or employees who are guilty of misconduct.

The interviewees also singled out the following causes:

- (i) Lack of professionalism in the SAPS.
- (ii) Lack of discipline among police officers.
- (iii) Lack of strong command and control from senior police officers.
- (iv) Lack of proper training and values.

Poor / low salaries have been mentioned by many interviewees as the cause of corruption among police officers. Those who disagreed with this cited the following reasons for their disagreement. They argued that low salaries are not the actual cause of corruption, but the following reasons lead to it:

- (i) Mismanagement of personal income and poor budgeting by police officers.
- (ii) Ignorance or inexperience on how they should spend their income.
- (iii) Greed and material competition amongst officers.
- (iv) Too high expectations and needs that are astronomical.

- (v) Societal pressures.

One police officer defended his position that, “low salaries are not the cause of misconduct, but, if police officers are not realistic and accept that in life a person cannot have everything that a police officer who has been employed for ten years has, then the problems that are facing the department will continue”. He further lamented that, “If one looks at the salaries of police officers there is no doubt that lack of self discipline and lack of professionalism are the main causes of corruption among police officers”.

There are a number of cases that are directly linked to certain aspects of ethical standards. Maladministration, bribery, assault, misuse of government assets, police officers found loitering in town during work hours, are examples that show that some police officers lack self-discipline and professionalism and end up being involved in corrupt practices.

Absenteeism also contributes to corruption and relates to the lack of self-discipline. Some police officers have been accused of being absent from work without authorisation. Therefore the problem of each station having work overloads cannot be solved. This will have a serious impact on the supervision and control of subordinates. On the other hand this will continue to favour those who take advantage of the situation and further their own corrupt practices.

### **5.3 Responses to questions on measures and mechanisms to combat unethical behaviour in the SAPS**

- The interviewees identified the following “measures and mechanisms” that are in place in the SAPS to deal with misconduct:
  - (i) An Employee Assistance Programme
  - (ii) SAPS Disciplinary System and Internal Accountability
  - (iii) Code of ethics of the SAPS

### **5.3.1 Employment Assistant Programme (EAP)**

The EAP is defined as the work-site based programme designed to assist in the early identification and resolution of productivity problems associated with employees impaired with employees impaired by personal concerns; but not limited to health, family, marital, financial, alcohol, drug, legal, emotional, stress or other personal concerns which may adversely affect employee job performance (Newham, 2002:224).

The main aim of the Employee Assistant Programme (EAP) is to offer counselling to police officers on issues ranging from domestic violence, professional behaviour and management of personal income and similar problems. It is hard to confirm whether the programme is effective in the stations under review because of the spate of misconduct cases that are being reported.

### **5.3.2 SAPS disciplinary system and internal accountability**

The SAPS internal disciplinary system has transformed overtime. The disciplinary system has transformed from a highly punitive system, specifically referred to as 'negative discipline' to a system modeled under the new labour regulatory framework, described as 'positive discipline'. The new philosophy of discipline is to correct an official's behaviour to acceptable standards, rather than to punish them.

Earlier research highlighted that there were a variety of challenges facing the SAPS with the implementation of the new disciplinary system. Newham (2000) reveals that many commanders were uncomfortable with the new system at first and thought that overall levels of discipline had worsened in the SAPS as a result. Part of the problem was that enhancing the effectiveness of the disciplinary system had never been identified as an official priority in the SAPS. Consequently, this system had not received the type of attention and resources or other initiatives to improve service delivery by police officers.

Further research at station level has highlighted that a number of challenges were still being experienced after the new system was introduced. These station level challenges included:

- (i) A reluctance by supervisors and commanders to take disciplinary steps against members;
- (ii) disciplinary procedures take too long to finalise;
- (iii) inconsistent or inappropriate application of disciplinary procedures;
- (iv) inadequate recording and reporting of minor disciplinary offences;
- (v) inadequate training of police managers in the practical application of the disciplinary system;
- (vi) a general perception from lower level supervisors that discipline is largely the responsibility of senior officers.

Area-level police management is responsible for managing internal disciplinary procedures and prosecuting offenders of serious misconduct cases, while the role of station managers is largely administrative in respect of such cases. The station's disciplinary investigating officers are responsible for receiving complaints, conducting investigations and reporting to the station commissioner who reviews the discipline dockets before they are sent to the area office.

During this research, a number of challenges were identified in the management of internal disciplinary systems at station level. For example, there were concerns raised by some respondents about the quality of disciplinary records kept at station level. In some cases these are incomplete, resulting in persistent behaviour not being properly detected, and therefore sanctions for subsequent misbehaviour may be inappropriately too lenient. Importantly, poor record keeping of disciplinary records could hinder the ability of the area-level office to understand the full extent of the disciplinary problems in their areas.

Other problems identified included station commissioners not properly inspecting discipline case dockets, nor properly managing disciplinary investigations to ensure that proper procedures were followed or that thorough investigation was made and concluded within a reasonable time. Some of these problems are attributed to inadequate investigative training of the disciplinary investigating officer. The other view was that station commissioners are busy with a large number of line functions so that some supervisory functions are compromised.

### **5.3.3 A code of conduct for the SAPS**

According to the interviewees, the SAPS has shown its commitment in promoting ethical behaviour by having a code of conduct for its members. The SAPS code of conduct has the following objectives:

- To promote and maintain responsible conduct of police officers.
- To provide guidelines for police officers in exercising their discretionary powers.

It emphasizes certain aspects which police officers are expected to uphold. These aspects are :

- **Good ethics** in the workplace.
- **Integrity**: Employees of the SAPS should regard the truth as being of the utmost importance.
- **Respect for diversity**: The employees of the SAPS are expected to continually uphold the principles and ethical standards of the SAPS.
- **Respect for diversity**: Employees of the SAPS acknowledge the diversity of the people of our country and treat each person with equal respect.
- **Obedience to the law**: Police officers are required to respect and uphold the law at all times.

- **Service excellence:** Police officers at all times should perform their duties to the best of their abilities. Police officers should execute their duties in a professional and competent manner to enhance service delivery.
- **Public approval:** Police officers should always work with and for the approval of the community.
- **Corruption prevention:** Police officers are required to work towards preventing any form of corruption and to bring the perpetrators thereof to justice.

The SAPS code of conduct contributes to developing ethics and the accountability in police officers.

- With reference to the problems linked to the ineffectiveness of these mechanisms that are in place in the SAPS to deal with misconduct of police officers, there are problems which interviewees complained about. These are:
  - (i) Covering up of incompetence by police officers.
  - (ii) Lack of accountability amongst police officers.
  - (iii) Lack of trained staff to deal with disciplinary hearings.
  - (iv) 'I don't care' approach (it does not concern me). This often leads an officer to turn a blind eye to misconduct displayed by his colleagues.

#### **5.4 Responses to questions on whistle-blowing**

- A minority of the interviewees had negative perceptions about whistle-blowing. One police officer interviewed stated that:

*“Like many police stations in the Metro, we are experiencing an organizational characteristic referred to as the ‘blue curtain’”. This describes a situation in which police members generally do not report on each others’ indiscretions or misconduct. Police work takes place in messy*

and difficult circumstances which motivates officers to 'stick together' and 'watch each others backs'. Those officers that do report on their colleagues can expect to be labelled as 'sell outs' and often find themselves alienated and without support from their fellow officers.

This dynamic makes it exceeding difficult for police members to report or investigate their colleagues even where it is necessary. The norm for most of the rank and file is that even if they suspect that their colleague is up to something, it is better to look the other way rather than risk getting involved. Consequently, police members who are given the task to investigate misconduct committed by police members typically find that they do not receive cooperation from the suspect's colleagues.

The interviewees mentioned that, it is also not uncommon for investigators to experience verbal abuse and intimidation, even insults while investigating such cases. In their analyses of whistle-blowing, the interviewees emphasized that police officers have a significant obligation of loyalty to the organisation.

According to one interviewee, *"a whistle-blower hopes to stop the game; but since he is neither a referee nor a coach, and since he blows the whistle on his own team, his act is seen as a violation of loyalty"*. For both however, the duty of loyalty is not absolute, it is a duty that can be overridden in certain circumstances. These conditions are worked out by the interviewees in the following details:

- That an act of whistle-blowing stems from an appropriate moral motive for preventing unnecessary harm to others;
- that the whistle-blower uses all available internal procedures for rectifying problematic behaviour before public disclosure, although special circumstances may preclude this;
- that the whistle-blower has the evidence that would persuade a reasonable person;

- that a whistle-blower acts in accordance with his/her responsibilities for avoiding and or exposing moral violations;
- that the whistle-blower's action has some reasonable chance of success.

Most interviewees claimed that the general rule for whistle-blowing is that the disclosure causing the least damage is the appropriate route. Whenever possible, police officers are advised to use internal channels to raise their concerns. This means generally that the charge is laid internally within the station and at the most appropriate level where the charge of misconduct can be addressed. External whistle-blowing is considered by the police officers as a last resort and can be applied only if internal channels have been exhausted or are unavailable and unusable.

#### **5.4.1 Responses to questions on strengths and weaknesses of whistle-blowing**

- In response to the question on what they regard as strengths of whistle-blowing the interviewees identified the following:
  - (i) Whistle-blowers provide an early warning system that can alert their colleagues, employers or the public to danger or illegality before it is too late. They can be among the most loyal and high-spirited employees. Unfortunately there are still some people who believe that a whistle-blower is a dirty word and don't realize how whistle-blowing can save lives, jobs, money and reputations.
  - (ii) It detects and deters wrongdoing.
  - (iii) It gets to the authorities and to the organisation that you are serious about good governance.
  - (iv) It reduces the chance of anonymous or malicious leaks (including to the media).



- The interviewees identified the following as the weaknesses of whistle-blowing:
  - (i) Whistle-blowers in most cases may experience negative or more rarely positive responses to their actions, depending on the culture within the organisation.
  - (ii) Mostly, demigration ceremonies that punish and alienate resisters occur where the whistle-blower suffers at the hands of colleagues who feel betrayed.
  - (iii) A colleague, who has the power to harass them, may punish whistle-blowers by questioning their competence and judgment, terminating their employment, or even blacklisting them from other positions and effectively bringing their career development to a halt.
  - (iv) In practice whistle-blowers often suffer grievously for their efforts and as such, fear of retaliation is a major deterrent to potential whistle-blowers.

#### **5.4.2 Responses to questions on strategies that can be used to encourage whistle-blowing in the SAPS**

- With reference to strategies that can be used to encourage whistle-blowing, the following were highlighted.

##### **5.4.2.1 Development of hotlines**

Hotlines offer an attractive option for policy makers who wish to be seen taking action against misconduct. The purpose of a hotline is;

- To deter potential fraudsters by making all police officers and other stakeholders aware that the SAPS is not a soft target, as well as encouraging their participation in supporting and making use of the whistle-blowers' programme.
- To raise the level of awareness that the SAPS is serious about fraud.

- To detect incidents of fraud through encouraging whistle-blowers to report incidents which they witness.
- To assist police officers in managing the requirements of the Protected Disclosure Act, (Act 26 of 2000) by creating a channel through which whistle-blowers can report irregularities which they witness or which come to their attention; and
- To further assist police officers in identifying misconduct and areas of risk in order that control measures for prevention and detection can be improved or developed.

#### **5.4.2.2 Assuring confidentiality and anonymity of disclosure**

All reports by whistle-blowers should be treated confidentially as far as possible. Police officers must be aware that action taken as a result of their reporting may lead to their identity being revealed either by inference or as required, for example, in legal or disciplinary proceedings.

Anonymity is to be avoided as it can make the investigation of the allegations more difficult. Where possible, whistle-blowers should be encouraged to reveal their identities so that they can be asked for further information, if necessary. This also facilitates feedback to the whistle-blower. This is important in preventing them from thinking their report has been ignored, which might then drive them to act in a way that could exacerbate the situation. Yet, anonymous reports must not be ignored and should always be acted upon in the same way as any other (Kenyon, 2005:15).

#### **5.4.2.3 Response plan development**

Having whistle-blowing procedures in place is only part of the solution. A need to have a detailed plan as to how reports will be dealt with, what the responsibilities and reporting lines are in the organisation and, where appropriate, which external advisers need to be involved is essential.

#### **5.4.2.4 Training development**

Training needs to be developed and implemented for police officers. They should be informed of the objectives of the policy and how it will work (e.g. to whom they should report and what to expect by way of response and feedback). It should be made clear that whistle-blowing is not intended to replace normal grievance procedures. Furthermore, police officers should be encouraged to discuss concerns with those whom they normally report to, unless the situation dictates otherwise. Recipients need to know all of the above, as well as be trained in how to “interview” whistle-blowers in order to obtain the relevant information.

#### **5.4.2.5 Regarding whistle-blowing as an on going communication**

The important messages concerning whistle-blowing need regular reinforcement from senior management and throughout the organisation. Over time it may be beneficial to publicise examples of successful action taken as a result of whistle-blowing.

### **5.5 Presentation of the questionnaire results**

The responses obtained by means of questionnaires were translated into tables, and these tables were analysed and are interpreted in the following paragraphs.

Table 5.5.1 below outlines the Demographic profile of the respondents.

**TABLE 5.5.1: A DEMOGRAPHIC PROFILE OF THE RESPONDENTS**

Age	Freq. Distrib.	
18-30	3	4.4%
31-40	27	39.7%
41-50	30	44.1%
51-55	6	8.8%
56+	2	2.9%
Total	68	100%

Gender	Freq. Distrib.	
Male	38	55.9%
Female	30	44.1%
Total	68	100%

Race	Freq. Distrib.	
Black	27	39.7%
White	21	30.9%
Indian	7	10.3%
Coloured	13	19.1%
Total	68	100%

Service	Freq. Distrib.	
0-4 years	5	7.4%
5-9 years	2	2.9%
10-14 years	20	29.4%
15-19 years	24	35.3%
20-30 years	17	25.0%
Total	68	100%

Rank	Freq. Distrib.	
Inspector	18	26.5%
Sergeant	10	14.7%
Captain	23	33.8%
Superintendent	12	17.6%
Commander	5	7.4%
Total	68	100%

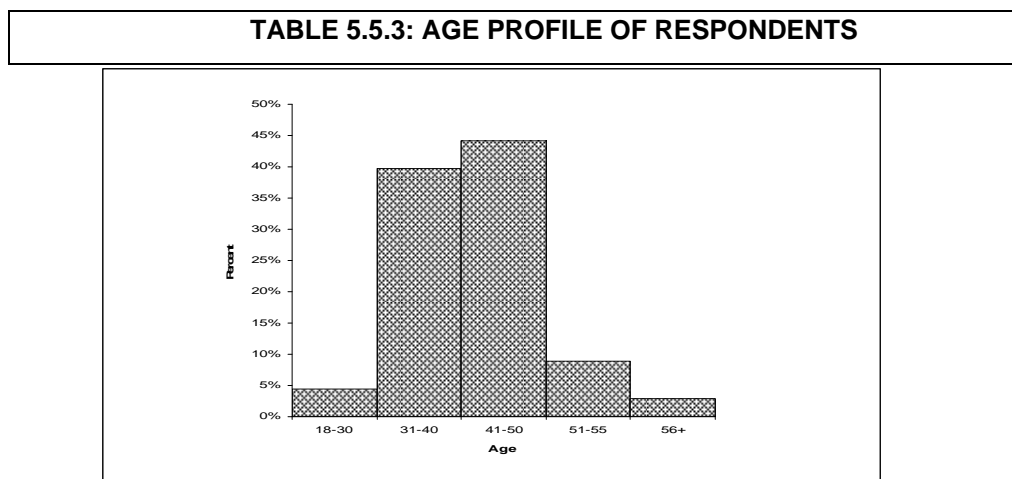
Source: Section A of the questionnaire

It should be noted that all calculated percentages are based on the sample of 68 completed questionnaires. Some of the more general findings of the survey can be found in the table listed as Appendix D. In the following paragraphs, descriptive statistics will be used to explain the responses.

From Table 5.5.1 it can be deduced that 44.1% of the respondents are between 41-50 years of age. The majority 55.9% of the respondents are males. Whilst 44.1% are females. These respondents were taken from different racial groups but the majority were blacks with 39.7%, followed by whites with 30.9%. Coloureds obtained 19.1%, while Indians obtained 10.3%. Only 7.4% of the respondents have been in the police service for 4 years, whilst 29.4% have been in the SAPS for about 10-14 years. As many as 35.3% have been in the SAPS for 15-19 years, while 25.0% of the respondents have been in the police service for 20-30 years. The majority of the respondents were captains with 33.8%, followed by Inspectors with 26.5%.

### 5.5.1 Personal profiles of the respondents

The envisaged sample size of the respondents was 75 and the researcher managed to test 68 (see Table 5.5.1). The majority of the respondents (55.9%) were males, with females representing 44.1%. The ratio gave a fair proportion of male/female representation, with the possibility of proportional results in research. Table 5.5.2 reflects the age of the respondents.

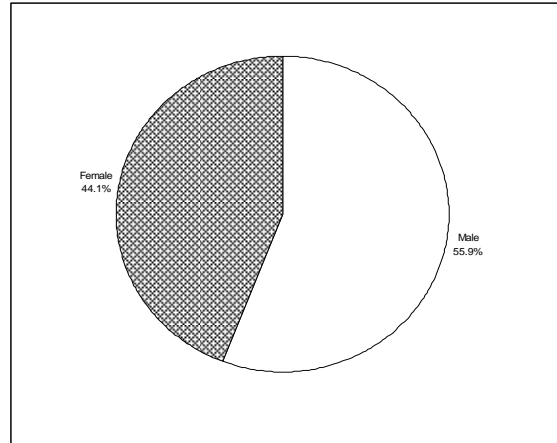


Source: Section A of the questionnaire

As can be seen from Table 5.5.2, the majority of the respondents (44.1%) were 41-50 years as opposed to those who fall in the age bracket of 18-30. This indicates that the SAPS is represented by police officers who are

between the ages of 41-50 because those of the 18-30 are still at lower ranks (4.4%). Table 5.5.3 indicates the gender of respondents.

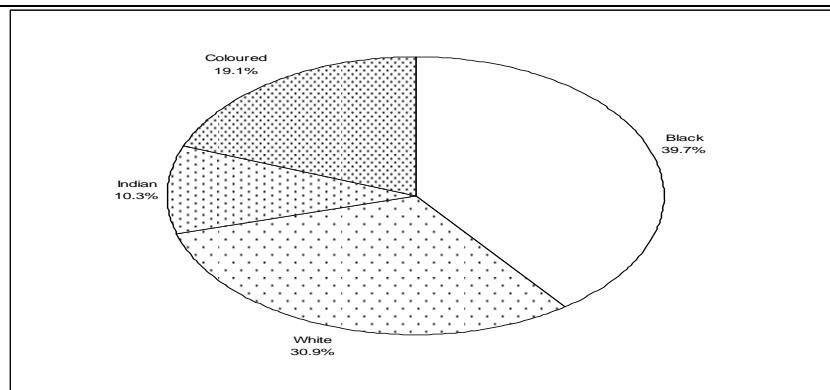
**TABLE 5.5.3: GENDER PROFILE OF RESPONDENTS**



Source: Section A of the questionnaire

Table 5.5.3 indicates that the majority of the respondents are males. Males operated 55.9% in those three police stations used as the sample group, whilst females operated 44.1% thereof. It also illustrates the extent to which the presence of males overshadows that of females among police officers in the Nelson Mandela Bay area. This fact however, is not particularly significant, as the sample was relatively small and to some extent the results be a reflection of how the sample was selected.

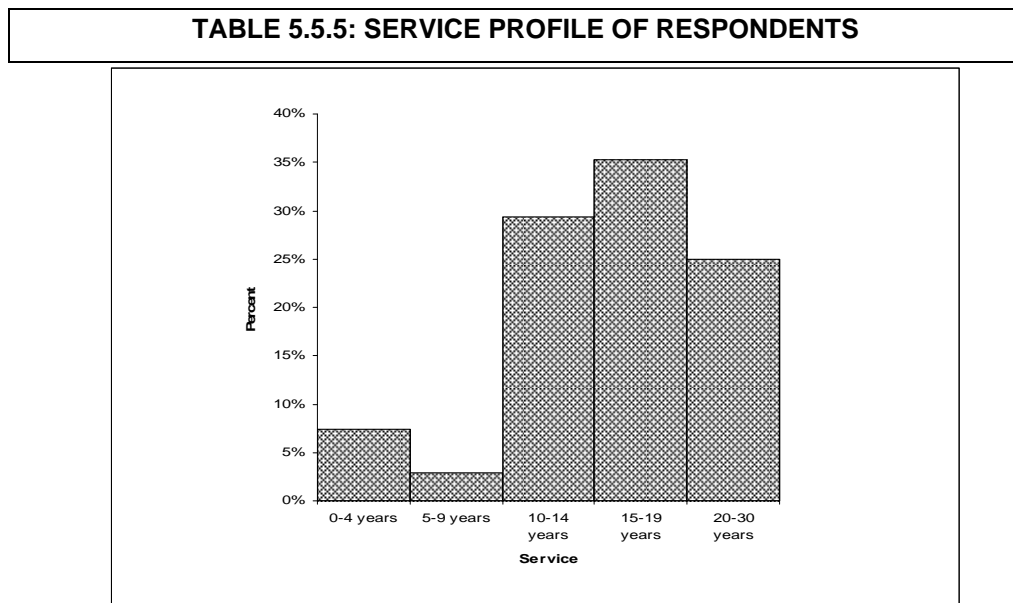
**TABLE 5.5.4: RACE PROFILE OF RESPONDENTS**



Source: Section A of the questionnaire

Table 5.5.4 illustrates that the respondents were taken from all racial groups. With blacks at 39.7%, followed by whites with 30.9%, and coloureds at

19.1%, with Indians having 10.3%. Table 5.5.5 below illustrates the service of the respondents.



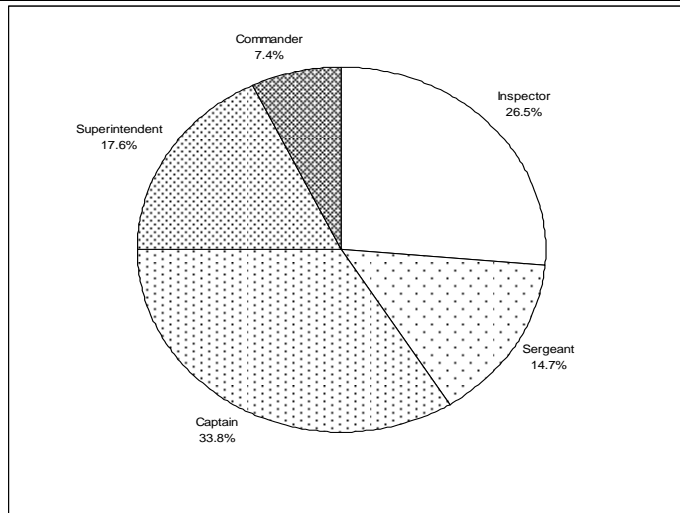
Source: Section A of the questionnaire

Table 5.5.5 indicates the following:

- ❑ 0-4 years service (7.4%),
- ❑ 5-9 years service (2.9%),
- ❑ 10-14 years service (29.4%),
- ❑ 15-19 years service (35.3%),
- ❑ 20-30 years service (25.0%).

These statistical findings clearly indicate that the majority of the respondents had 15-19 years of service, followed by 20-30 years of service, followed by 10-14 years of service, with 5-9 years followed by 0-4 years at the bottom. Table 5.5.6 indicates the rank profile of the respondents.

**TABLE 5.5.6: RANK PROFILE OF RESPONDENTS**



Source: Section A of the questionnaire

Table 5.6 can be summarized as follows. The majority of the respondents are captains by rank, followed by Inspectors 26.5%, while superintendents were in third place with 17.6% followed by sergeants with 14.7%, with 7.4% being Commanders.

## 5.6 The analysis and interpretation of results

Interpretation deals with the perceptions of police officers about whistle-blowing. Section B of the questionnaire used in this study deals with perceptions of police officers about whistle-blowing and consists of 10 questions (see Appendix 2) for a copy of the questionnaire. Most questions investigated a specific element of whistle-blowing. The results were obtained by using descriptive statistical techniques and are shown in Table 5.6.1 to Table 5.6.19.

### 5.6.1 Opinions about whistle-blowing

- The statement deals with whistle-blowing and reads as follows :

*“Whistle-blowing is about raising a concern about misconduct within an organisation”.*



The responses (see Table 5.6.1) below indicate that 85.3% of the respondents agree with the statement, while 7.4% of the respondents disagree with the statement that whistle blowing is an act that deserves praise.

**Table 5.6.1**

	Freq. Distribution.	
Strongly Disagree	1	1.5%
Disagree	2	2.9%
Neutral	3	4.4%
Agree	57	83.8%
Strongly Agree	5	7.4%
Total	68	100%

Source: Section B of the questionnaire

- The next statement dealt with the preferred method of whistle-blowing and reads as follows:

*“The best way of blowing the whistle is to blow the whistle internally”.*

The response (see Table 5.6.2) indicates that 83.8% of the respondents agreed with the statement, while 7.4% of the respondents disagreed. The responses further indicate that 2.9% of the respondents were neutral, while 1.5% of the respondents strongly disagreed with the statement and 4.4% of the respondents strongly agreed with the statement. There is a significant difference of 76.4% between the respondents who agreed with the statement and those who disagreed with the statement.

**Table 5.6.2**

	Freq. Distribution.	
Strongly Disagree	1	1.5%
Disagree	5	7.4%
Neutral	2	2.9%
Agree	57	83.8%
Strongly Agree	3	4.4%
Total	68	100%

Source: Section B of the questionnaire

- The next statement reads as follows:

*“The best way of whistle-blowing is to blow the whistle externally”.*

The response (see Table 5.6.3) indicates that 51.5% of the respondents disagreed with the statement and that 36.8% of the respondents agreed. This indicates that the majority of the respondents exhibited a positive attitude towards external whistle-blowing because external whistle-blowing is justifiable only as a last resort if internal channels have been exhausted or are unavailable or unusable or when organizational procedures/policies are not in place.

**Table 5.6.3**

	Freq. Distribution.	
Strongly Disagree	2	2.9%
Disagree	35	51.5%
Neutral	3	4.4%
Agree	25	36.8%
Strongly Agree	3	4.4%
Total	68	100%

Source: Section B of the questionnaire

- The following statement is about the key obstacles that exist against unethical conduct. It reads as follows:

*“One of the key obstacles in the fight against unethical conduct by police officers is the fact that individuals are often too intimidated to speak out or ‘blow the whistle’ on corrupt and unlawful activities they observe done by their colleagues”.*

The responses (see Table 5.6.4) below, indicate that 83.8% of the respondents agreed with the statement, while 8.8% of the respondents strongly agreed with the statement. Camerer (2001:2) argued that “although employees may have the duty to report misconduct in terms of their conditions of employment, those who do stick their necks out and

raise concerns are mostly victimised intimidated and would have little recourse to legal remedies”.

**Table 5.6.4**

	Freq. Distribution.	
Strongly Disagree	1	1.5%
Disagree	1	1.5%
Neutral	3	4.4%
Agree	57	83.8%
Strongly Agree	6	8.8%
Total	68	100%

Source: Section B of the questionnaire

- The statement below deals with the impact of whistle-blowing:

*“Often those who stick their necks out and raise concerns about the wrong-doing are victimised, intimidated, harassed and isolated by their colleagues.”*

The statistical findings of this statement below in Table 5.6.5, indicate that 70.6% agreed with the statement, while 22.1% disagreed with the statement. Camerer (2001:2) argues that, “one of the key obstacles in the fight against unethical conduct is the fact that without legal protection, individuals are often too intimidated to speak out or blow the whistle on corrupt practices they observe in the workplace”. It can be for this reason that some of the respondents agreed or disagreed with the statement.

**Table 5.6.5**

	Freq. Distribution.	
Strongly Disagree	0	0.0%
Disagree	15	22.1%
Neutral	1	1.5%
Agree	48	70.6%
Strongly Agree	4	5.9%
Total	68	100%

Source: Section B of the questionnaire

- The following statement is about the key obstacles against unethical conduct. The following statement deals with the fear of blowing the whistle and reads as follows:

*“While police officers are usually the first to know about the wrong doing, they feel they stand to lose the most by speaking up”.*

The response to this statement in Table 5.6.6 indicates that 73.5% of the respondents agreed with the statement and that 5.9% of the respondents strongly agreed with the statement. Stoddard (2006:4) agrees with the statement that while police officers as employees are people best placed to raise a concern and so enable the risk to be removed or reduced, they are also the people who have the most to lose if they do.

**Table 5.6.6**

	Freq. Distribution.	
Strongly Disagree	1	1.5%
Disagree	10	14.7%
Neutral	3	4.4%
Agree	50	73.5%
Strongly Agree	4	5.9%
Total	68	100%

Source: Section B of the questionnaire

- Perception of whistle-blowers as ‘impimpis’, or troublemakers. The statement deals with whistle-blowers being labelled as ‘impimpis’ and as troublemakers and reads as follows:

*“ The fear of being labelled ‘impimpis, a ‘sneak’ or a troublemaker and appearing disloyal to colleagues, and the fear of being required to provide irrefutable evidence are powerful disincentives to speaking out”.*

The response rate on this statement in Table 5.6.7 indicates that 80.9% of the respondents agreed with the statement, while 14.7% of the respondents strongly agreed with the statement. This indicates that whistle-blowers have unfairly acquired a bad reputation as being

troublemakers, busybodies and disloyal employees. A major cause of this negative perception is the unfair confusion of whistle-blowers with 'impimpis'- apartheid era informants who betrayed their comrades often with devastating consequences (Camerer, 2001:1).

**Table 5.6.7**

	Freq. Distribution.	
Strongly Disagree	0	0.0%
Disagree	1	1.5%
Neutral	2	2.9%
Agree	55	80.9%
Strongly Agree	10	14.7%
Total	68	100%

Source: Section B of the questionnaire

### 5.6.2 Whistle-blowing in the SAPS

This section deals with the presentation of the research results about the extent to which police officers agree or disagree with the following statements.

- The first statement reads as follows:

*“Police officers will not blow the whistle if they assume they risk victimization”*

Table 5.6.8 below indicates that 83.8% of the respondents agreed with the statement, while 5.9% strongly agreed with the statement. Only 2.9% of the respondents disagreed with the statement whilst 5.9% of the respondents were undecided. Therefore these results imply that in order to promote the culture of whistle-blowing, whistle-blowers should be protected.

**Table 5.6.8**

	Freq. Distribution.	
Strongly Disagree	1	1.5%
Disagree	2	2.9%
Neutral	4	5.9%
Agree	57	83.8%
Strongly Agree	4	5.9%
Total	68	100%

Source: Section C of the questionnaire

- The second statement is about how police officers view the act of blowing the whistle and reads as follows:

*“Those that have blown the whistle are often referred as informers, ‘impimpis’ and trouble makers”*

The response rate (see Table 5.6.9) indicates that 85.3% of the respondents agreed with the statement, while 7.4% strongly agreed with the statement. When these scores are combined this will mean that 92.7% agree with the statement.

**Table 5.6.9**

	Freq. Distribution.	
Strongly Disagree	0	0.0%
Disagree	4	5.9%
Neutral	1	1.5%
Agree	58	85.3%
Strongly Agree	5	7.4%
Total	68	100%

- The next statement reads as follows:

*“If one spills the beans, even if it’s for the good of the organisation, it won’t be seen in a positive light.”*

The response rate on Table 5.6.10 to the above statement indicates that 58.8% of the respondents agreed with the statement, while 5.9% strongly agreed. This indicates that even though whistle-blowing is a good practice for the organisation, there are those individuals who take it as a thing to be despised rather than to be encouraged.

**Table 5.6.10**

	Freq. Distribution.	
Strongly Disagree	0	0.0%
Disagree	21	30.9%
Neutral	3	4.4%
Agree	40	58.8%
Strongly Agree	4	5.9%
Total	68	100%

Source: Section C of the questionnaire

- The third statement reads as follows:

*“While some police officers are usually the first to know the wrongdoing, many feel that they stand to lose the most by speaking up.”*

The response rate on Table 5.6.11 indicates that 61.8% of the respondents agreed with the statement. On the other hand, 30.9% of the respondents disagreed with the statement. Those who agree with the statement are of the opinion that many whistle-blowers have fallen victim to intimidation, harassment, isolation or referral to psychiatrists.

**Table 5.6.11**

	Freq. Distribution.	
Strongly Disagree	0	0.0%
Disagree	21	30.9%
Neutral	2	2.9%
Agree	42	61.8%
Strongly Agree	3	4.4%
Total	68	100%

Source: Section C of the questionnaire

- The fifth statement reads as follows:

*“Raising a concern about a malpractice committed by another officer jeopardizes the working relations between the two officers”.*

The response rate on Table 5.6.12 indicates that 55.9% of the respondents agreed with the statement and 32.4% disagreed with the statement.

**Table 5.6.12**

	Freq. Distribution.	
Strongly Disagree	0	0.0%
Disagree	22	32.4%
Neutral	5	7.4%
Agree	38	55.9%
Strongly Agree	3	4.4%
Total	68	100%

Source: Section C of the questionnaire

- The sixth statement is very similar to the fifth statement and reads as follows:

*“Raising a concern about a malpractice committed by another police officer will lead that officer to be in trouble and sometimes to being dismissed”*

The response rate on Table 5.6.13 indicates that 54.4% of the respondents agreed with the statement, while 32.4% disagreed with the statement. This indicates that those who agreed with the statement are of the opinion that those found guilty of misconduct, the SAPS will deal with them.

**Table 5.6.13**

	Freq. Distribution.	
Strongly Disagree	3	4.4%
Disagree	22	32.4%
Neutral	2	2.9%
Agree	37	54.4%
Strongly Agree	4	5.9%
Total	68	100%

Source: Section C of the questionnaire

- The seventh statement reads as follows:

*“Whistle-blowing leads to efficient and effective administration and management”.*

The response (see Table 5.6.14) indicates that 83.8% agreed with the statement, on the other hand 7.4% of the respondents disagreed with the



statement. This is in line with the advantages mentioned earlier by the interviewees when they said one of the advantages of whistle-blowing is that:

- It detects and deters wrong doing.
- it gets to managers the information they need to make decisions and control risks; and
- it enables the superiors/ the organisation, when something is going wrong, to take the necessary corrective action in time.

**Table 5.6.14**

	Freq. Distribution.	
Strongly Disagree	0	0.0%
Disagree	5	7.4%
Neutral	3	4.4%
Agree	57	83.8%
Strongly Agree	3	4.4%
Total	68	100%

Source: Section C of the questionnaire

- The eighth statement is about the protection of whistle-blowers and reads as follows:

*“For police officers to come out with information about misconduct, they should be protected by the organisation”.*

As many as 77.9% of the responses (see Table 5.6.15) agreed with the statement, while 16.2% strongly agreed with the statement. According to Sangweni (2005:6), “the protection of whistle-blowers will encourage honest employees to raise their concerns and report wrongdoing within the work place without fear”.

**Table 5.6.15**

	Freq. Distribution.	
Strongly Disagree	0	0.0%
Disagree	3	4.4%
Neutral	1	1.5%
Agree	53	77.9%
Strongly Agree	11	16.2%
Total	68	100%

Source: Section C of the questionnaire

- The ninth statement is similar to the eighth statement and reads as follows:

*“In order to encourage whistle-blowing in the police agency, the identity of whistle-blowers should therefore be protected”*

In terms of Table 5.6.16 below, 66.6% of the respondents agreed with the statement, while 26.5% strongly agreed with the statement. The protection of whistle-blowers also emerged from the interviewees as one of the strategies that can be used to encourage whistle-blowing in the SAPS.

**Table 5.6.16**

	Freq. Distribution.	
Strongly Disagree	0	0.0%
Disagree	3	4.4%
Neutral	1	1.5%
Agree	46	67.6%
Strongly Agree	18	26.5%
Total	68	100%

Source: Section C of the questionnaire

- The last statement of the questionnaire dealt with types of misconducts by police officers. These types were listed as follows:

**(i) Excessive Absenteeism**

Table 5.6.17 indicates that 50% of the respondents agreed with the fact that excessive absenteeism is one of the commonest types of misconduct by

police officers in the Nelson Mandela Bay, while 45.6% strongly agreed with the statement.

**Table 5.6.17**

Strongly Disagree	1	1.5%
Disagree	1	1.5%
Neutral	1	1.5%
Agree	34	50.0%
Strongly Agree	31	45.6%
Total	68	100%

Source: Section C of the questionnaire

### (ii) Drinking on duty

Table 5.618 indicates that 50% of the respondents agreed with the statement, while 45.6% strongly agreed with the statement.

**Table 5.6.18**

	Freq. Distribution.	
Strongly Disagree	2	2.9%
Disagree	0	0.0%
Neutral	1	1.5%
Agree	29	42.6%
Strongly Agree	36	52.9%
Total	68	100%

Source: Section C of the questionnaire

### (iii) Negligent driving of government vehicles

The responses (see Table 5.6.19) indicate that 50% of the responses strongly agreed with the statement while 45.6% of responses agreed with the statement.

**Table 5.6.19**

	Freq. Distribution.	
Strongly Disagree	1	1.5%
Disagree	1	1.5%
Neutral	1	1.5%
Agree	31	45.6%
Strongly Agree	34	50.0%
Total	68	100%

Source: Section C of the questionnaire

**(iv) Coming on duty under the influence of liquor**

The responses (see Table 5.6.20) indicate that 52.9% of the respondents strongly agreed with the statement, while 42.6% agreed with the statement. These types of misconduct were also identified during the interviews.

**Table 5.6.20**

	Freq. Distrib.	
Strongly Disagree	2	2.9%
Disagree	0	0.0%
Neutral	1	1.5%
Agree	29	42.6%
Strongly Agree	36	52.9%

Source: Section C of the questionnaire

**5.7 The key findings**

What seems apparent from the above presentation is that misconduct by police officers in the Nelson Mandela Bay is not high. It is further argued that ethical behaviour, like all learned behaviour, is shaped by experience. In more hostile environments, where temptations, insults and threats are common place, acting ethically poses a greater challenge. And this is the dilemma facing the police. They work in a professional environment that challenges the high ideals that draw new recruits into policing.

The interviewees identified and addressed various forms of unethical conduct by police officers. These included various types of unethical acts both in operational and organizational settings. Self-interested types of misconduct saw officers improperly exploit resources and behaviour that is self-indulgent and ego-rewarding at the expense of others.

The interviewees emphasized the importance of changing the police organizational culture to effectively combat unethical behaviour of police

officers. This is based on the argument that punitive or reactive approaches (focusing primarily on investigations and prosecutions) are usually inadequate measures to tackle endemic misconduct by police officers. The interviewees also considered that the absence of recognition and reward for ethical behaviour contributes to unethical behaviour and that awareness of unpunished unethical acts contributes to unethical behaviour of police officers.

Many police officers considered whistle-blowing as an early warning system to avert possible risks to the organization. They considered whistle-blowing as a key tool for promoting individual responsibility and accountability among police officers. They indicated that those who genuinely blow the whistle face an accurate dilemma. Internal whistle-blowing was considered to be the preferred method by many police officers. However the fear of being labelled “sneaks” or troublemakers, the fear of “breaking ranks” and appearing disloyal to colleagues, and the fear of being required to provide irrefutable evidence are powerful disincentives to speaking up.

## **5.8 Conclusion**

This chapter includes the presentation of the interviewees’ responses in the context of the research questionnaire and interview schedule. Descriptions of the findings were supported by relevant quotes from the interviewees. Chapter 6 will make recommendations for addressing the issues identified and highlighted in Chapter 5.

# CHAPTER SIX

## RECOMMENDATIONS AND CONCLUSIONS

### 6.1 Introduction

This chapter presents recommendations and conclusions that emanate from the specific concerns that have been highlighted in Chapter Five. The first section adopts the rationale that implicit in the problems that have been raised are solutions to the same perceived problems. These recommendations are divided into three sets which are recommendations for improved ethical conduct, recommendations for improved measures and mechanisms to deal with unethical behaviour of police officers, and recommendations for improved implementation of the whistle-blowing process. These recommendations include those from interviewees, as well as ideas that emerged out of the literature reviewed in the study. The recommendations are designed to provoke creative thinking as to how some of the shortcomings identified by the interviewees could be addressed. They need to be implemented in meaningful ways if positive ethical changes are to occur in police work.

### 6.2 Recommendations for improved ethical conduct among police officers

- Guidelines concerning ethics in police work should be made more explicit and more useful.
- Develop concrete examples and give clear directions for how ethical guidelines can be appropriately applied.
- Communicate inside and outside the SAPS those instances where ethical guidelines have and have not been applied appropriately as a way to make guidelines more useful.
- Initiate programmes to convey to all officers that a genuine commitment to ethics exists within the police service.

- Initiate strategies for the recognition and reward of ethical behaviour and convey those strategies to all officers.
- Initiate strategies to ensure that those who report unethical conduct do not get punished, and convey those strategies to all officers.
- Increase strategies for the detection and punishment of unethical behaviour, and convey those strategies to all officers.
- Expand the procedures for the detection and punishment of unethical behaviour by police officers.
- Recognise and reward the ethical behaviour of individual officers.
- Initiate programs to convey that honesty is important within the police service.
- Emphasize what is the right behaviour for all officers, rather than focusing on wrong behaviour.
- Create ethics advisory groups that include administrative and operational officers, and individuals from outside the police service, to ensure a proactive and coordinated approach to the management of ethics in police work.
- Establish and communicate to all officers the seriousness of different types of unethical behaviour.
- Establish and communicate to all officers the appropriate punishment for unethical behaviour.
- Ensure that similar levels of seriousness of unethical behaviour are punished similarly, irrespective of the rank or the duties of the officer involved.
- Emphasize the responsibility of individual officers to encourage ethical behaviour and to report the unethical behaviour of co-workers.

### **6.3 Recommendations for improved measures and mechanisms that deal with unethical behaviour of police officers**

- Internal accountability mechanisms should form part of the day-to-day management of the police service.

- Internal measures should be critical for ensuring transparency and public legitimacy through ensuring that police officers act in accordance with social norms and within the legal framework.
- Improving the relationships between the SAPS and external overseeing bodies.
- Enhancing the co-ordination of the various internal measures and mechanisms so as to share information and increase their collective impact on promoting democratic policing.
- A greater focus from external police overseeing bodies on the functioning and effectiveness of the internal SAPS Disciplinary system.
- A review of the SAPS disciplinary system so it becomes a more effective management tool to identify performance and conduct challenges facing the organisation.
- A review of the SAPS disciplinary system so as to identify its current shortcomings and ensure targeted interventions towards improved effectiveness.
- University, College, or Technikon graduates within the police service who show a sense of discipline and professionalism should be mentored and deployed in managerial positions.

#### **6.4 Recommendations for the improved implementation of whistle-blowing in the SAPS**

- Whistle-blowing should be made clear, through a consultative process, to senior and lower-rank police officers that it is both safe and acceptable for them to raise concerns about wrongdoing.
- This consensus-based policy should be displayed in writing.
- Procedures and rules on reporting concerns should be reviewed by using a consultative process to generate these rules and procedures.
- Where concerns are raised by police officers, responses should take place within agreed time frames to the message 'do not shoot the messenger'.
- Where a protected disclosure has been made, reasonable steps should ensure that no colleague, manager, or other person within the police service victimizes the whistle-blower.



- The identity of the whistle-blower should be kept confidential by using all reasonable means.
- The confidentiality clauses in contracts of employment should be checked.
- Success stories of whistle-blowing should be publicised.
- Managers must be assured that they understand how to act if a concern is raised.
- They should be assured that police officers have the right to blow the whistle.
- A whistle-blowing policy should be introduced and promoted.
- Police officers should see the policy in action.
- Remember that it is never easy to report a concern particularly one which may turn out to be fraud or corruption.
- Try to ensure that management is open to such concerns before they become part of a grievance and do not let management's lack of action itself become a grievance.
- Make sure that the concerned police officers will be supported and protected from reprisals. Do everything you can to respect their confidentiality.
- Make sure that police officers have another route to raise a concern, perhaps to a senior rank officer of the same unit.
- Remind police officers of relevant external routes if they do not have confidence to raise the concern internally.
- Emphasise to all police officers that victimizing employees or deterring them from raising a concern about wrongdoing is a disciplinary matter.
- Make it clear that abusing this process by raising unfounded allegations maliciously is also a disciplinary matter.
- Offer to report back to the concerned police officer about the outcome of the investigation and where possible, on any action that is proposed.

## 6.5 CONCLUSION

This study sought to investigate the use of whistle-blowing as a means to curb unethical behaviour of police officers in the Nelson Mandela Bay Area. It is evident from the interview responses that unethical behaviour of police officers is one of the challenges facing the SAPS in the Nelson Mandela Bay Area. Thereafter, the researcher investigated the extent to which whistle-blowing is used to deal with the problem.

On the basis of the research findings, the following conclusion can be made. The extent of unethical behaviour of police officers in the Nelson Mandela Bay is not high although there are police officers who do not take unethical conduct seriously. For example, many interviewees considered coming on duty drunk and absence from duty without authorization as a norm among police officers. This is a clear indication that some police officers are not prepared to act ethically and professionally. This is linked to the lack of self-discipline and professionalism.

It is worth mentioning that whistle-blowing is used in the SAPS as a tool to disclose misconduct. There are however still those police officers who regard whistle-blowing as a thing to be disguised rather than to be encouraged. The majority of the responses agreed that whistle-blowing is an effective tool in the fight against unethical conduct and in promoting individual accountability.

Advantages and disadvantages of whistle-blowing were identified. As were measures and mechanisms that can be used to encourage whistle-blowing. For the purpose of this study whistle-blowing was defined as the “pursuit of a concern about a wrongdoing that does damage to a wider public interest. It is therefore part of the continuum of the communication process which begins with raising a wrongdoing with a line manager. However, it goes beyond that of the line manager who does not deal with it or is not the appropriate person to be approached”.

In **Chapter One** the background and problem statement, the purpose of the study and the definition of concepts were given attention.

In **Chapter Two** the literature on whistle-blowing was reviewed. Theoretical perspectives on whistle-blowing were described. It was also highlighted that because of some confusion about the meaning of the term, whistle-blowers have unfairly acquired a bad reputation as being troublemakers, busybodies and disloyal employees. A major cause of this negative perception in South Africa is the unfair confusion of whistle-blowers with '*impimpis*' – apartheid era informants who betrayed their comrades often with devastating consequences.

The first section of this chapter explored the development and theoretical perspectives on whistle-blowing, and proposed perspectives on whistle-blowing as a communication phenomenon.

The second section dealt with the current status of whistle-blowing in South Africa in terms of legislation and ethical considerations. The last section operationalised the whistle-blowing process and proposed criteria for dealing with whistle-blowing in the organisation.

The objective of **Chapter Three** was to discuss ethics in police management and administration in the South African perspective. Four principles in relation to ethics in police management and administration were identified. These principles are as follows:

- Ethics in the South African police service require special decision-making skills on the part of the individual officer.
- Police officers' decisions are based upon certain contextual frameworks, namely, organizational, personal and environmental ethics.
- As professionals, police officers should take cognisance of ethical guidelines prescribed by the broader public administration field. These guidelines require that police officers should adhere to the provisions of the new constitution.

- Police officers can achieve ethical conduct by following a number of strategies. These range from adherence to the constitutional ethical principles (values), a code of conduct and legislative measures such as the Public Service Act 103 of 1994.

The following types of unethical acts by police officers were identified:

- Favouritism
- Bribery and extortion
- Kickbacks
- Diversion of police officers
- Deceptive practices
- Theft and
- Premeditated criminal activity.

It was also found that the following various factors contribute to unethical conduct of police officers:

- Greed
- Personal motivations, such as ego, sex, or the lust for power
- Cultural intolerance
- Socialization from peers and/ or the organisation
- Poor selection of officers
- Inadequate supervision and monitoring of behaviour
- Lack of clear accountability of the police officers' behaviour
- No real threat of discipline or sanctions.

In **Chapter Four** the research methodology that was used in the study was discussed. The study has applied a qualitative research methodology in an attempt to address the research problem. This research method was found to be appropriate mainly because it is, among other things, explorative. The purpose of exploratory research is to gain insight into a situation, phenomenon, community or person of which very little is known (Bless, Highson and Smith, 1995:42).

After choosing the research method it was also imperative to identify the data-collection methods. The study made use of observations, interviews and questionnaires. The study has also looked into issues of ethical considerations that must be kept in mind when doing research. When researchers think about how to conduct research they must think about the research ethics as well. Among issues of ethical considerations that have been highlighted in the study are that no harm must come to the subjects, informed consent is necessary, privacy or voluntary participation is essential, deception is to be avoided, anonymity and confidentiality are important. The latter part of the research methodology dealt with data analysis and interpretation as classified in terms of the interview schedule and research questionnaire.

**Chapter Five** dealt with the interpretation of the research findings from both the interviewees and from the research questionnaire. This chapter is divided into two parts. The first part is the presentation of the interviewees' responses. The second part involved the presentation of the research questionnaire results. This chapter can be said to be the crux of this treatise. The findings were categorised. These categories include common types of misconduct that were identified by the interviewees. Causes of these types of misconduct were identified. Measures and mechanisms that are in place in the SAPS to deal with unethical conduct were also identified. These included:

- A code of ethics for the SAPS
- An Employee-Assistance Programme
- An SAPS disciplinary system and Internal Accountability.

It was found that whistle-blowing is regarded as an early warning system to avert possible risk to the organisation. It is preferable to use internal whistle-blowing. The various advantages and disadvantages of whistle-blowing were identified. Strategies that could be used to encourage whistle-blowing in the SAPS were identified. These strategies included hotlines, witness protection, anonymous reporting, confidentiality, response plan development and development training. Statistical analysis of the research questionnaire indicated that many police officers see whistle-blowing as a tool for raising

concern about misconduct within an organisation. In that way it is a key tool in the fight against misconduct and in promoting individual responsibility and organizational accountability.

**Chapter Six**, which is the current chapter, provides recommendations and a conclusion based on the findings of the study in order to assist individual police officers and the SAPS as a whole. These recommendations are grouped into three categories, as follows:

- Recommendations for improved ethical conduct by police officers.
- Recommendations for improved mechanisms to deal with unethical behaviour by police officers.
- Recommendations for improved implementation of whistle-blowing in the SAPS.

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# APPENDIX A

## INTERVIEW SCHEDULE

1. What is your general view on unethical conduct of police officers in this station?
2. What are the common types of unethical acts by police officers that you normally experience?
3. What could be the real causes of those common types of unethical acts?
4. How and by whom were these cases reported to you?
5. Is there any effort that is being done by the by the Station or SAPS in general to try and combat unethical behavior and corruption or do you have any mechanism in place such as Anti-Corruption measures?
6. Are those mechanisms effective?
7. If not, what are the problems or if yes, then why do we still have so many reports about police officers being involved on unethical acts?
8. Is whistle-blowing worth it?
9. What would you consider to be the key strengths of whistle blowing?
10. What would you consider to be the key weaknesses of whistle blowing?
11. Do you have any cases of unethical conduct against police officers that were brought forward by means of whistle-blowing?
12. What do you think can be done to encourage whistle-blowing in the SAPS?

## APPENDIX B

### RESEARCH QUESTIONNAIRE

Please answer all the questions

This questionnaire:

- Contains questions and statements about the use of whistle-blowing in the police service.
- Takes about **5-10** minutes to complete.
- Should be completed individually.
- Should be returned to me or to the secretary of the Station Commissioner within 48 hours after receiving it.

When answering the questionnaire, please:

- Tick the appropriate box that represents your response to the question or statement.
- If you wish to comment on any question or elaborate your answers please write any further comments on the back page of the questionnaire.

If you have any questions:

- Contact Mr SA Mboyi,  
041-464 5298/ 073 3248 921  
E-mail 205047343@nmmu.ac.za

Thank you.

SA Mboyi.

### POLICE OFFICER'S CONSENT DECLARATION

I hereby confirm that I participated in answering this questionnaire of my own free will, and have been made aware of the reasons why this research is being undertaken.

I agree to participate in this research without being forced to do so by anyone.

\_\_\_\_\_  
Name & Surname

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

<b>SECTION A: BIOGRAPHICAL INFORMATION</b>
--

Please tick one box next to the appropriate answer you choose.

1. Please indicate your age.

18-30 years	<input type="checkbox"/>
31-40 years	<input type="checkbox"/>
41-50 years	<input type="checkbox"/>
51-55 years	<input type="checkbox"/>
+ 56 years	<input type="checkbox"/>

2. Gender:

Male	<input type="checkbox"/>
Female	<input type="checkbox"/>

3. Race

Black	<input type="checkbox"/>
White	<input type="checkbox"/>
Indian	<input type="checkbox"/>
Coloured	<input type="checkbox"/>

4. For how long have you been working in the Police Service?

0-4 years	<input type="checkbox"/>
5-9 years	<input type="checkbox"/>
10-14 years	<input type="checkbox"/>
15-19 years	<input type="checkbox"/>
20-30 years	<input type="checkbox"/>

5. Please indicate your rank

Inspector	<input type="checkbox"/>
Sergeant	<input type="checkbox"/>
Captain	<input type="checkbox"/>
Superintendent	<input type="checkbox"/>
Commander	<input type="checkbox"/>

<b>SECTION B: OPINIONS ABOUT WHISTLE-BLOWING</b>
--

For each of the following statements, please tick the box which best describes your opinion about whistle-blowing. Please rate your agreement or disagreement by ticking the appropriate box using the following scale.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

1. Whistle-blowing is about raising a concern about misconduct within an organization.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

2. Whistle-blowing is an act that deserves a moral praise.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

3. The best way of whistle-blowing is to blow the whistle internally.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

4. The best way of whistle-blowing is to blow the whistle externally .

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

5. Whistle-blowing is a key tool in the fight against misconduct and in promoting individual responsibility and organizational accountability .

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

6. One of the key obstacles faced in the fight against unethical conduct by police officers is the fact that individuals are often too intimidated to speak out or 'blow the whistle' on corrupt and unlawful activities they observe done by their colleagues.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

7. Often those who stick their necks out and raise concerns about the wrong- doing are victimised, intimidated, harassed and isolated by their colleagues.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

8. While police officers are usually the first to know the wrong-doing, they feel they stand to lose the most by speaking up.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

9. Raising a concern about a malpractice committed by my colleague is a key tool in promoting ethical behavior, individual responsibility and organizational accountability.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

10. The fear of being labeled 'impimpi's', a 'sneak' or a trouble maker and appearing disloyal to colleagues, and the fear of being required to provide irrefutable evidence are powerful disincentives to speaking up.

**SECTION C: WHISTLE- BLOWING IN THE SAPS**

Below are a number of statements. Please indicate the extent to which you agree or disagree with the following statements.

1. Police Officers will not blow the whistle if they assume they risk victimization.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

2. Those that have blown the whistle are often referred as informers, 'impimpis' and trouble makers.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

3. If one spills the beans, even if it's for the good of the organisation, it won't be seen in a positive light.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

4. While some police officers are usually the first to know the wrongdoing, many feel that they stand to lose the most by speaking up.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

5. Raising a concern about a malpractice committed by another officer jeopardizes the working relations between the two officers.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

6. Raising a concern about a malpractice committed by another police officer will lead that officer to be in trouble and sometimes dismissed.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

7. Whistle-Blowing leads to efficient and effective administration and management.



**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

8. For police officers to come out with information about misconduct, they should be protected by the organisation.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

9. In order to encourage whistle-blowing in the police agency, the identity of whistle-blowers must therefore be protected.

**Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

10. Do you agree or disagree with the fact that the following are types of unethical acts by police officers that needs whistle-blowing.

Excessive Absenteeism =

**Strongly Disagree Disagree Neutral Agree Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Drinking on duty =

**Strongly Disagree Disagree Neutral Agree Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Negligence driving of government vehicles =

**Strongly Disagree Disagree Neutral Agree Strongly Agree.**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Coming on duty under the influence of liquor =

**Strongly Disagree**   **Disagree**   **Neutral**   **Agree**   **Strongly Agree.**

**Thanking you for participating in this survey, your contribution is greatly appreciated. Please return your questionnaire to me or to the secretary of the station commissioner as soon as you finish it. A copy of the report compiled from this survey will be sent to all participatory stations upon request.**

## APPENDIX C



PO Box 77000  
Port Elizabeth  
6031  
10 May 2006

The Area Commissioner  
Mount Road Police Station  
Private Bag X6077

Dear Sir

### **REQUEST TO DO RESEARCH IN THREE POLICE STATIONS IN THE NELSON MANDELA BAY**

I am a registered student for a Masters Degree in Public Administration and Management at the Nelson Mandela Metropolitan University. As part of the fulfillment of the requirements for the degree, I have to do a research project. I'm researching, **"An investigation into the use of whistle blowing as a means to curb unethical behaviour of police officers in the Nelson Mandela Bay"**.

I therefore request your permission to do this research in three of the police stations under your jurisdiction. These police stations are New Brighton, Kwazakhele and KwaDwesi. I will be doing observations in the form of visits in these police stations. I will also arrange interviews with the identified police officers in each of these three police stations. Police Officer's answers will be assured of total confidentiality in all information received from them. Your kind co-operation on the matter will be highly appreciated.

Yours Obediently.

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S.A. MBOYI.

## APPENDIX D

SOUTH AFRICAN POLICE SERVICE



SUID-AFRIKAANSE POLISIEDIENS

PRIVATE BAG X6077  
PRIVAATSAK X6077

EMAIL: [pe-areacomm@saps.org.za](mailto:pe-areacomm@saps.org.za)

TEL NO: 041-3946326/327  
FAX NO: 041-3496650

Your Reference / U Verwysing: -

My Reference / My Verwysing: 3/9/5

Enquiries / Navrae: CAPTAIN JOHN BADENHORST

THE AREA COMMISSIONER  
SOUTH AFRICAN POLICE SERVICE  
PORT ELIZABETH  
6000

2006-05-19

Mr SA Mboyi  
CELL NR: 073 3248 921

*P*ROPOSED RESEARCH : INVESTIGATION INTO THE USE OF WHISTLE BLOWING AS A MEANS TO CURBS UNETHICAL BEHAVIOUR OF POLICE OFFICERS IN THE NELSON MANDELA BAY : MR SABELO ADVOCATE MBOYI  
STUDENT NUMBER: 205047343

1. Your application to visit the SAPS stations of New Brighton, Kwazakele and Kwadwesi to assist with your proposed research is hereby approved.
2. This letter is to be produced to the relevant Station Commissioner who will assist without any disruption to the optimal functioning of that station.

*Kind Regards!*

  
ASSISTANT COMMISSIONER SOE  
AREA COMMISSIONER : PORT ELIZABETH  
[MM NTSWAHLANA]

09/SC's Whistle Blowing [CB]

# APPENDIX E

## Language Quality Assurance

Mrs K.A Goldstone  
Dr P.J.S Goldstone  
14 Erasmus-Drive  
Summerstrand  
Port Elizabeth  
6001  
South Africa

Tel/ Fax: +27 41 583 2882

Cell: +27 73 006 6559

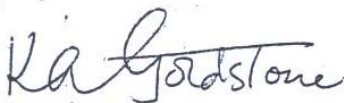
Email: [kate@pemail.co.za](mailto:kate@pemail.co.za)

[pat@pemail.co.za](mailto:pat@pemail.co.za)

10 October 2007

### TO WHOM IT MAY CONCERN

We hereby certify that we have language edited the treatise prepared by Mr Sabelo Mboyi, entitled *AN INVESTIGATION INTO THE USE OF WHISTLE-BLOWING AS A MEANS TO CURB UNETHICAL BEHAVIOUR OF POLICE OFFICERS IN THE NELSON MANDELA BAY* and that we are satisfied that, provided the changes we have made are effected to the text, the language is of a standard fit for publication.



**Kate Goldstone**

BA (Rhodes)

SATI No: 1000168

UPE Language Practitioner (1975-2004)

NMMU Language Practitioner (2005)



**Patrick Goldstone**

BSc (Stell)

DEd (UPE)

*Language Quality Assurance – Certification Statement*