THE EFFECTIVENESS OF THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE IN INVESTIGATING SECTION 28 (1) (B) DEATH AS A RESULT OF POLICE ACTION AND SECTION 28 (1) (G) POLICE CORRUPTION IN KWAZULU- NATAL, SOUTH AFRICA

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DEDICATION

This dissertation is dedicated to every individual who have been a victim of police corruption

and death/murder at the hands of the police,

To every police officer who put their lives in danger to protect us,

To the Independent Police Investigative Directorate Team

We are grateful for your hard work, and for fighting for us

We appreciate you.

I further dedicate this dissertation to my mother, Sethembile Mkhize,

for always motivating me to go for what I want in life.

It is your guidance and your support that kept me going.

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ABSTRACT

Background: South Africa's transition to a democracy brought with it a holistic accountability system geared towards aligning the South African Police with democratic principles. This study focuses on one component of this accountability system, the Independent Police Investigative Directive (IPID) which is responsible for the police misconduct and in ensuring accountability from the crimes committed by the police officers in SA. The aim of this study is to examine whether the IPID is an effective oversight mechanism in terms of ensuring accountability on the part of the South African Police Services (SAPS). It examines, in particular, the IPID's mandate to investigate corruption matters and deaths that result from police action within the SAPS, and to determine whether, in its current form and capacity, it is effectively fulfilling its mandate.

Methods: The study adopted a qualitative research approach. Data were collected from ten (n=10) IPID investigating officers who are responsible for the investigation of Section 28 (b) and (g) of the IPID mandate in KwaZulu-Natal. The sample was obtained using purposive sampling. Semi-structured in-depth interviews were conducted and recorded with a voice recorder. The data were analysed through thematic analysis.

Findings: The findings of the study revealed that the willingness of the public to offer bribes to the police officers results in low conviction rates. It was also revealed that greediness plays a major role in contributing to police corruption. The killings of suspects and innocent bystanders was also viewed as a major problem in the KZN province. The participant's revealed that the killings of police officers during their execution of their duties is the main factor that contributes to the killings of people.

The study also discovered that various challenges, such as a lack of evidence from complainants, a lack of police cooperation, a lack of complainants' cooperation in the investigation, and a lack of resources and manpower within the IPID, contribute to the low conviction rates of police corruption and death as a result of police action. As a consequence of the data, it appears that police corruption and death as a result of police action investigation tactics are inefficient owing to investigative challenges.

Keywords: Police officer, South African Police Service, Independent Police Investigative Directorate, Accountability, Conviction, Police Corruption, Death as a result of police action, Complainant, Suspect

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CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction

The South African Police officers are mandated to protect society from violence, enforce the law as well as securing the rights of the citizens as stipulated in the South African Police Service Act Number 68 of 1995. Police officials should, at all times, respect and protect human dignity and maintain and uphold the rights of all persons. However, it is often found that the same officials violate the same human rights mandated to be protected. Although police officers are guided by the Police Act (Act No. 68 of 2005), however, they disappointingly engage in a wide range of unlawful acts such as disproportionate use of force or firearms, torture, corruption, unlawful detention or arrests, and matters of discrimination or failure to carry out their duties (IPID, 2016). 'Human rights violations committed by police occur in a variety of situations. However in the context of this study the focus is on the intentional killings of people during protests by the police shows a violation of human rights since all people have a right to life (Cranston, 2018), and corruption perpetrated lowers the conviction rate, thus obstructing criminal justice, (Bruce, 2002). Specifically, the researcher identified a need to look at the effectiveness of the IPID in investigating such matters.

Police Corruption and death as a result of police action is not new, during the Apartheid era, the police were seen as brutal and violent in dealing with protesters, specifically Black civilians (Wilson, 2001). Literature consulted by the researcher stipulates that history is repeating itself as the police continue to engage in criminal acts that violate the Constitution and the rights of the citizens they are tasked to protect and respect. Cao and Huang (2000) argue that the discretionary powers wielded by individual police officers, as well as the operational discretion of the police in general, bear an additional risk of abuse of power. 'Although police officers have the power to arrest offenders, but somehow have the propensity towards misusing their power, with corruption being the norm; for instance, Punch (2009) states that police officers often demand money from offenders to destroy evidence on the dockets. Even though discretional powers are undoubtedly crucial in ensuring effective policing, it is equally crucial to ensure that police conduct is effectively scrutinised to prevent arbitrariness, impunity and eventually the loss of legitimacy in the eyes of the public (Brogden, 1994).

According to Eterno (2012), enforcement of the law by the police oversight bodies eventually leads to the prevention of police misconduct'or criminal response to particular incidents, but most importantly, it improves policing on a wider scale, thus strengthening the legitimacy of the police agency. For instance, an effective police oversight body increases conviction rates and this deters police officers from committing criminal offences. To reduce the number of reported corruption cases involving the police and death as a result of police action, including ensuring that the power granted to the police is not misused to an extent that violates the mandate of the police, Bruce (2005) talks about an architecture of police accountability that was systematically created within the broader processes of legal reform, the Independent Complaints Directorate (ICD). The core of this accountability mechanism was to ensure that the then South African Police (SAP) would operate in a democratic and human rightsorientated manner so as to acknowledge the fundamental linkages between policing and democracy (Bayley & Sammonds, 2001). During the transition from Apartheid era to the democratic dispensation in South Africa, a holistic accountability system was created to align the South African Police with democratic principles (Pillay, 2004).' This new architecture of accountability established an oversight body that would hold the SAPS to account (Omen, 2005). 'According to Brogden and Shearing (1993), during the Apartheid era, the police only favoured White people and Blacks were seen as a threat to the community.

When South Africa transitioned to the new democratic dispensation after Apartheid, the question arose as to whether the police would continue favouring the Whites only. Since 2012, it is not surprising that media reports, academic findings, and statistics provided in the IPID Annual Reports suggest that SA is still struggling with the problem of police corruption and death as a result of police action. In this context, the IPID Annual Report (2019 -2020) indicate that KwaZulu-Natal is the second highest province with the highest reported cases of police corruption and death as a result of police action compared to other provinces in South Africa. Against this backdrop, the researcher seeks to examine the causes of these two criminal cases committed by the police and how the IPID, as mandated to impartially investigate such matters to ensure accountability and fulfil its mandate. According to the IPID Strategic Plan (2019), the IPID aims at reducing criminal offences committed by police officials namely the SAPS and thus it increases police accountability.

The issue of a high number of cases reported to IPID and a low conviction rate raise the question whether this independent police oversight effectively increases police accountability. The study basically seeks to understand the nature and extent of police corruption and deaths resulting from police action. The scope of this research includes an evaluation of the challenges and effectiveness of the strategies used to address incidences of police corruption and death as a result of police action, which serves to highlight the need for police accountability. This study aims to determine if having such an organisation as the IPID is beneficial to SA; thus, it interrogates IPID's effectiveness in dealing with the crimes committed by the police, specifically corruption, and death resulting from police action.'

1.2 Background of the study

During the apartheid era, there was a lot of police violation of human rights , thus it was important to develop a system that will aid in reducing and ensuring that police officers who continue to violate the rights account. Therefore, in 1997, the Independent Complaints Directorate (ICD) was established. It was mandated to investigate complaints of brutality, criminality and misconduct perpetrated by members of the SAPS. 'It was later replaced by the Independent Police Investigative Directorate (IPID) when it proved to be ineffective as there was a lack of resources and insufficient funds to assist in the investigation of matters. The IPID was established on 1 April 2012 in terms of Section 206(6) of the Constitution of the Republic of South Africa (1996), which provides for the establishment of an independent police complaints body. According to the IPID Annual Report (2019/20), the mission of the IPID is to:

- To conduct independent, impartial and quality investigations of identified criminal offences allegedly committed by members of the South African Police Services (SAPS).
- To make appropriate recommendations in line with the IPID Act, whilst maintaining the highest standard of integrity and excellence.
- To ensure transparency and willingness to prosecute wrongdoers and to restore the public's faith in the SAPS (IPID Annual Report, 2020). '

According to IPID annual report (2019-2020), KwaZulu- Natal province remains the second highest province in teams of the number of reported cases of police corruption and death resulting from police action in the province.

The high number of reported cases of police corruption cases and deaths resulting from police actions cases in KZN, prompted the researcher to focus on the whether the investigation procedure used by the IPID investigators is effective enough to lead a conviction. In an attempt to contribute to positive policing and to avoid making the mistake of establishing a policing style that perpetuates the unlawful use of force by the police officers as well as to decrease corruption rate within the country, this study investigated this phenomenon in the KwaZulu-Natal Province as a starting point to the provision of scholarly knowledge of and insight into the increasing numbers of corruption committed by the police and deaths as a result of police action reported yearly in this province. The issue of police corruption and death as a result of police action was assessed through the eyes of the IPID investigating officers responsible for investigating cases of corruption and deaths allegedly involving members of the SAPS.'

1.3 Problem Statement

South Africa has a high crime rate committed by the police officials that continues to increase yearly. The number of reported cases of corruption and death as a result of police action are fluctuating, with Gauteng being the province with the highest reported cases of these crimes followed by KZN. Table 1.1 and 1.2 below illustrates the number of allocated cases of the crimes (police corruption and death resulting from police action) per province and the number of completed cases per province. As illustrated, in both tables, KZN remains the second highest province with the highest reported cases of police corruption and death resulting from police action. The high number of these reported crimes in KZN made the researcher to question whether the methods used by the IPID investigators in investigating these crimes are effective enough to lead a conviction. These figures simply highlight the influx of criminal offences allegedly committed by members of the SAPS that are supposed to be responsible for preventing and controlling a high volume of crime occurring in the country. A grave concern is that community members rely on the police for a crime free country, but the IPID statistics reveal that the same police officials who are supposed to protect the community from criminals are the ones that commit criminal acts.'The issue of police corruption and the killings of people by the police have eroded the community's loss of trust on the police. 'This therefore necessitates the need for adopting a strengthened civilian oversight system (Govender, 2016).

To assess the effectiveness of IPID, the researcher focused on the number of reported cases of police corruption and deaths that have resulted from police action and the number of completed cases per province, mainly focusing in KwaZulu-Natal province. The researcher mainly focused on KZN because it is one of the provinces with the highest reported cases of corruption and death resulting from police action.

1.3.1 Reported cases of corruption

Throughout history, many aspects of policing have evolved. However, corruption has remained relatively unchanged (Politics, 2003). Kappeler, Sluder and Alpert (1998,60) state that, "police corruption is not a new phenomenon, it has been the characteristic of the history of policing for a long time". This view is corroborated by Miller (2003:1) who reports that "statistics compiled by the South African Police Service (SAPS) indicates the existence of systemic corruption within the police force". Masuku (2001:1) also points out that "the perception of the police being ineffective and corrupt is in fact becoming pervasive". Scholars sentiments are corroborated by the IPID statistics which reveal that police corruption remains a major problem in the country (see Table 1 below).

Table 1.1: Illustration of the received cases of police corruption and the number of completed cases per province

Province	Received Cases	Decision Ready
Eastern Cape	4 (6.1%)	1
Free state	7 (10.6%)	4
Gauteng	29 (43.9%)	11
KwaZulu Natal	12 (18.2%)	8
Limpopo	4 (6.1%)	3
Mpumalanga	5 (7.6%)	4
Northwest	1 (1.5%)	1
Northern Cape	4 (6.1%)	2
Western Cape	0 (0%)	0
Total	**66**	**34**

Source: IPID Annual Report (2019/20)

Table 1.1 above provides statistics on the total number of police corruption cases reported per province during the 2019/20 financial year, obtained from the IPID Annual Report 2019/20. From the table above, the researcher could conclude that Gauteng had the highest number of reported cases of police corruption, which accumulates to 43%. KZN has the second highest number of reported cases of police corruption with 18.2% reported cases. Due to the drastic increase of corruption within the KZN province, room and motivation for this study to be conducted arose, as KZN is reportedly one of the province with the highest reported cases of police corruption. In order for one to ascertain the effectiveness of an organisation, the researcher saw a need to look at the number of reported cases of police action and number of completed cases.

As illustrated in the table above, KZN being the second highest province with a high number of reported cases of corruption, out of 12 reported cases of police corruption, a total of 8 cases were completed, that means 66.7% cases were closed/completed. It is against the backdrop of a high number of reported corruption cases in KZN that the main objective of the study is to investigate the effectiveness of the police oversight body, the IPID, in investigating criminal offences (police corruption and death resulting from police action) committed by the police officials in KZN. '

1.3.2 Disturbing numbers of death as a result of police action

The number of people who are dying in incidents involving police action is escalating, with KwaZulu-Natal having recorded the highest number of deaths. According to the IPID's 2017/18 Annual Report, out of 436 number of reported cases of deaths as a result of police action, included seven "innocent bystanders" shot dead by firearms belonging to the Police Service, 18 deaths of pedestrians struck by police vehicles and eight deaths, including one resulting from suffocation, recorded during police crowd management operations. Most deaths, however, were those of suspects: 165 died whilst committing a crime, with the majority having been shot by the police, and 142 died during their arrest but again, most were shot dead by the police (IPID: 2018).'

Recent statistics on police misconduct indicate that nationwide, 392 people have died as a result of police action and 95 cases of death resulting from police action were reported in KZN between 2019 and 2020 (IPID Annual report,2019/20). Table 1.2 below illustrates the number of death as a result of police action cases received per province and the number of cases completed.

Table 1.2: The number of reported cases of death as a result of police action and the number of completed cases per province

Province	Received cases	Decision Ready
Eastern Cape	40	18
Free state	23	12
Gauteng	108	27
KwaZulu Natal	95	39
Limpopo	21	5
Mpumalanga	29	12
Northwest	9	4
Northern Cape	3	0
Western Cape	64	24
Total	**392**	**141**

Source: IPID Annual Report (2019/20)

The above depicted table illustrates that 392 cases of death as a result of police action were reported to IPID during 2019/20 financial year, 141 number of these cases were decision ready. As illustrated, KZN remains one of the province with the highest reported cases of death as a result of police action cases with 95 reported cases.

Out of 95 reported cases of death resulting from police action in KZN, 39 cases were completed cases/ decision ready. This questions the effectiveness of the IPID regarding the investigation of cases to ensure conviction. 'It is important to understand some of the challenges affecting the effectiveness and efficiency of the IPID's investigation process. A low conviction rate means that the criminal justice system is not serving its mandate and this puts the community members in danger.

This, therefore, makes it imperative to assess the effectiveness of the IPID in investigating cases of death occurring as a result of police action and the role played by the failure to secure conviction for a large number of such cases.'

1.4 Scope of the study

The aim of this study is to examine whether the IPID is an effective oversight mechanism in terms of ensuring accountability on the part of the South African Police Services (SAPS). It examines, in particular, the IPID's mandate to investigate corruption matters and deaths that result from police action within the SAPS, and to determine whether, in its current form and capacity, it is effectively fulfilling its mandate. The criminal behaviour exhibited by the SAPS in KZN, especially corruption perpetrated by the police and death as a result of police action, motivated the researcher to examine the effectiveness of the oversight body, the IPID, in investigating these two types of crime committed by the police.

The researcher conducted an in-depth study on the effectiveness of the IPID in investigating these two types of crime committed by members of the SAPS. In order to examine the effectiveness of the IPID, it is important to consider the number of reported cases against the number of successful outcomes of the cases. The IPID'S statistics on police convictions, with respect to cases of police corruption and death as a result of police action, do not fully expose the extent in KwaZulu-Natal. 'Nonetheless, they do indicate the progress that the IPID has made in terms of ensuring police accountability. Further, Vetten (2005) stated that arrests, prosecution and conviction rates demonstrate justice for the victims.

The IPID report (2017) suggests that several barriers impeded the unsuccessful investigation, prosecution and conviction of police officers accused of being corrupt and being responsible for the death of members of the public. In the light of these statistics and their implications, this research evaluates the IPID's overall completed cases, against the number of reported cases thus uncovering the challenges that impeded the conviction of police officers for their corrupt behaviour and the death of persons as a result of their action.'

1.5 Rationale for the study

The study was highly motivated by the high number of reported cases of police corruption and death as a result of police action cases in the Kwa-Zulu Natal province. The researcher saw a need to cover the gab of limited literature around the issue of effectiveness of the Independent

Police Investigative Directorate (IPID) in investigating police corruption and death resulting from police action.

1.5.1 A lack of scholarly literature that assesses the IPID

The IPID is an important police oversight body that investigates crimes committed by the police whose responsibility is to protect community members. 'The different police oversight bodies that are operational across SA are all tasked to fulfil the same objective, that is, to decrease criminal behaviour amongst the police officials. A lack of such information within the country prompted the researcher to focus on the IPID and its effectiveness in ensuring police accountability through the elimination of criminal behaviour amongst the police officials. There is insufficient literature that focuses on the assessment of the IPID, and this is one of the knowledge gaps that the study seeks to fill. Montesh and Dintwe (2008) evaluated the ICD and found that the organisation was an ineffective police oversight body as it depended on the SAPS to solve criminal cases and it lacked power and resources. However, there is a lack of scholarly literature that assesses the challenges and effectiveness of the newly developed IPID.' There had been a high number of declined cases and many instances where cases had been closed without the suspected offenders being convicted owing to a lack of incriminating evidence. It therefore follows that the challenges and effectiveness of the strategies currently being applied strategies by the IPID be explored and assessed qualitatively to ensure police accountability.

1.5.2 Value of the study

The findings deriving from this study will enable various stakeholders to note the important procedures they should undertake before reporting a case of corruption involving the police and death as a result of police action to the IPID. 'The study also strives to identify the shortcomings and areas for improvement in organisations such as the SAPS, and IPID. The study findings may therefore be applied to research articles. From a theoretical standpoint, the empirical knowledge collected from this study will promote an understanding of policeinduced corruption and death as a result of police action, as well as the efficiency of the IPID in investigating these crimes, and this understanding may become applicable in practical situations.

1.6. Objectives of the study

The above-mentioned background justifies the need to examine the effectiveness of IPID in investigating corruption and deaths resulting from police action in KwaZulu-Natal.

In order to adequately articulate the research aim and to draw informed conclusions, the following objectives have been formulated:

i.   To discover the nature and extent of death as a result of police action and corruption cases committed by SAPS officials in KZN;

ii.   To identify the causes of corruption and death as a result of police action according to the IPID investigators;

iii. To establish how the IPID investigates cases of corruption and death as a result of police action involving the police in KZN; and

iv.   To ascertain the effectiveness of the IPID in investigating death as a result of police action and corruption committed by SAPS in KZN.

1.6.1 Main arguments in terms of the research objectives

The first two primary objectives focused on the nature and extent of police corruption and death as a result of police action as well as the main causes of these crimes. The types and frequency of these cases of police corruption and death as a result of police action were published by the IPID in its annual reports; however, the causes, nature and extent of these criminal acts were either overlooked or omitted in these annual reports. Hence, there was a need to understand the causes, nature and extent of cases of police corruption and death resulting from police action as enshrined in the IPID reports. The third objective paid attention the methods used by the IPID in investigating these two types of crime and sought to determine whether these methods are effective enough to bring about conviction, which is the fourth objective that focuses on the effectiveness of IPID. As there are high numbers of reported cases of these two types of crime in KZN, the low conviction rate remains a serious cause for concern. The researcher asserts that this issue could be unravelled by exploring and identifying the challenges that investigators experienced in the process of investigating cases of corruption and death as a result of police action. By being able to identify these challenges the study would facilitate the development of strategies that address these encounters and thus improve the effectiveness of the criminal justice system in SA.'

1.7 Research questions

i. What is the nature and extent of death as a result of police action and corruption cases committed by police officials in KZN?

ii. What are the causes of police corruption and death as a result of police action in KZN?

iii. How does IPID investigate death as a result of police action and corruption cases in KZN?

iv. How effective is the use of IPID in investigating death as a result of police action and corruption in KZN?

1.8 Significance of the study

Literature that focuses on the effectiveness of the IPID in investigating cases of police corruption and death as a result of police action perpetrated by members of the SAPS against members of the public is scanty; therefore, the study will enrich the body of scholarly knowledge in terms of addressing the effectiveness of the police oversight body (IPID) in investigating police corruption and deaths occurring as a result of police action. The study will also avail information to the public regarding the reporting of criminal offences committed by the police, particularly the procedure they must follow when reporting such matters. It will bring awareness to the community as a whole since the twin problem of police corruption and death as a result of police action has become a pervasive social issue. 'Therefore, the findings will benefit the South African society. The study also aims at alarming the government and police institutions regarding the magnitude of the problem of police corruption and death occurring as a result of police action. By focusing on Section 28(1) (b) and Section 28(1) (g) of the IPID mandate, strategies that effectively deal with the challenges faced by the IPID will be addressed. If these challenges are addressed, an effective and efficient independent police oversight body becomes a reality.'

1.9 Research methods

To answer the research questions and research objectives underpinning the study, the researcher used a qualitative research approach placed within the realm of a descriptiveinterpretive research paradigm that uses the phenomenological strategy of inquiry.

The qualitative research approach allowed the researcher to gain informed insights into the problem of police corruption and death as result of police action, in addition to providing the researcher with the opportunity to understand the causes, nature and extent of these crimes from the perception of the IPID's investigative officers. The researcher conducted in-depth interviews with ten (n=10) participants selected by means of a purposive non-probability sampling technique. This technique was employed because the interviewed participants had rich data on various issues relating to police corruption and death as a result of police action. The data provided by the participants was analysed thematically and key themes were developed, thus forming the key discussion points to solicit the participants' views, exposing their understanding and experiences relating to the problem of police corruption and death as a result of police action.'

1.10. Chapter sequence and content

Chapter 2- Literature review

This chapter discusses the literature that is relevant to effectiveness of Independent Police Investigative Directorate in investigating police corruption and death as a result of police action. 'The literature review provides a background to the study of the IPID, police-induced cases of corruption and death as a result of police action in KwaZulu-Natal. The literature review places the current research into the existing body of knowledge.'

Chapter 3- Theoretical Framework

This chapter outlines the theoretical model underpinning the study. 'The theoretical model demonstrates an understanding of the different models and concepts relevant to police corruption and death as a result of police action relevant to this research.'

Chapter 4- Research Design

This chapter is an in-depth description of the research methodology and various research techniques used in soliciting data for this study. 'Furthermore, the chapter gives an in-depth explanation of the data collection instruments utilised in the study.'

Chapter 5- Data Analysis and Presentation

This chapter provides an interpretation of the results collected in line with the aims and overall objectives of the research.

Chapter 6- Recommendations and Conclusion

This chapter provide recommendations and suggestions for further research on the effectiveness of the IPID.

1.11 Conclusion

Communities rely on the police for crime prevention, but reliance wanes when the law enforcement agents that are vested with this responsibility commit the crimes they should prevent. 'This chapter has stated the topic with reference to its history of the police oversight body (IPID) by examining if this oversight body is effective enough to fight police corruption and death as a result of police action. The chapter outlined what it aims to achieve and the objectives were developed and outlined. Moreover, a brief summary and breakdown of the following chapters that constituted the dissertation have been provided to guide the reader through the research. The following chapter offer more in-depth discussions and historical literature of what has been briefly highlighted in this chapter.'

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter provides an overview of the literature on the phenomenon under study. Literature review intends to orientate the reader on what earlier empirical studies have found on police corruption and death as a result of police action. A literature review is an essential part of a research project. According to Kraska and Neuman (2008), a literature review assumes that knowledge accumulates, and that people learn and build on what others have done. It is imperative for the researcher to find out what other researchers have discovered about the topic being investigated. Therefore, this chapter scrutinises and discusses the nature and conceptualisation of police corruption and death as a result of police action in KwaZulu-Natal (KZN) and the effectiveness of the Independent Police Investigative Directorate (IPID) in holding police accountable for their misconduct. It is pivotal to discuss these issues as the silence surrounding the crimes committed by police officials is alarming.

Police officials are legally obliged to respect and protect the rights of the community members (Smit et al., 2004). They are obligated to perform their duties in a manner that is consistent with the Constitution (Swanepoel et al., 2014). The 1996 Constitution of the Republic of SA provides that members of the South African Police Service (SAPS) have the responsibility to protect and secure the inhabitants of the Republic of SA and their property (Constitution, 1996). In addition, the vision, mission, and code of conduct of the SAPS agree regarding the powers given to the members of the SAPS, which are to be used in a responsible manner, thus creating a safe and secure environment and working actively towards preventing all forms of corruption. The Constitution further states that the objective of the police is to maintain public order, and to uphold and enforce the Law (Assembly, 1996).

The mandate and responsibility of the South African Police Service is to deliver professional service to all community members in SA (South African Police Service (a), 2013). The police should also police within the precincts of Section 7(2) of the Constitution, which states that, the state must respect, protect, promote and fulfil the rights in the Bill of Rights (Assembly, 1996). If the police break the law, they should be subject to disciplinary action or criminal charges (Bradley and Walker, 1986).

Further, Mishra (2005) indicated that the community depends on the police to protect a full range of human rights through the effective enforcement of the country's criminal law. The SAPS should strive to create a safe and secure environment for all South African's and those who leave in it, to prevent and investigate anything that may threaten the safety or security of communities, and to ensure that criminals are brought to justice (Leggett, 2003). SA's first democratic elections, which occurred in April 1994, ushered in police accountability within the broader processes of legal reform. This was to ensure that the Police would operate in a democratic and human rightsorientated manner to acknowledge the fundamental linkages between policing and democracy (Bayley, 2001; Sammonds, 2001). This new architecture of accountability included a range of laws and mechanisms which directly and indirectly hold the SAPS and Metro Police Service to account.

Lumina (2006) defined oversight as involving the idea of taking responsibility for the operation, implementation, and/or outcome of a process, programme, organisation, institution, or effort. An oversight mechanism is a system or process used to maintain a watchful eye (Lumina, 2006). Berg (2013) indicated that those doing community work need monitoring to ensure that their work is effective, of high quality, and follows rules and regulations. An oversight mechanism is used to hold individuals and groups to account by ensuring that they operate legally, ethically, and responsibly, and for producing the services, products, and/or outcomes they are mandated to provide. Born (2004) stated that effective oversight mechanisms are, thus, necessary to balance the powers of law enforcement officials and ensure that individuals, as well as the agency, operate within the confines of the law. This does not only lead to the prevention of acts of misconduct or criminal response to incidents, but also improves policing on a wider scale, thus strengthening the legitimacy of the police agency (Rauch, 2000).

Law enforcement officials worldwide play a significant role in protecting society from violence; thus, they enforce the law and secure the rights of people (Frankel, 1980). In doing so, they should always respect and protect human dignity and maintain and uphold the rights of all persons. However, they can also be violators the exact rights they should protect. Rowley and Slack (2004) define literature review as a critical and in-depth evaluation of previous research ideas and findings or a summary and synopsis of a particular area of research, thus allowing a reader to vindicate their pursuance of a particular research. A good literature review expands on the reasons behind selecting a particular research question.

It brings previous research together and explains its relevance to the current research (Goddard and Melville, 2001). The researcher studied the works of various authors to determine their understanding of the police oversight system, the Independent Police Investigative Directorate (IPID) which investigates police corruption and death that occurs as a result of police action in KwaZulu-Natal. The research questions facilitated the collection of the relevant literature. To ensure an effective oversight role, Attard (2009) recommended that multiple actors are required to balance and mutually reinforce each other. This comprises internal accountability structures within the police agency, accountability to the branches of the State, particularly the judiciary, public accountability, and accountability to external oversight mechanisms (Prenzler, 2000). Though all the above-named actors undoubtedly play an important part in holding police accountable, this paper mainly focuses on the external oversight mechanism, namely the IPID, which is crucial in ensuring independent and impartial oversight over the police agency.

2.2 The Nature and Conceptualisation of Police Corruption in SA

2.2.1 Understanding police corruption

Police corruption in SA is extensive, as well as varied in nature and it represents a serious problem which needs to be addressed if the SAPS and other public services in SA are to gain public respect and perform their tasks effectively (Sayed and Bruce, 1998:1). According to Faul (2010), corruption poses a serious challenge to the SAPS. The common understanding of corruption is based primarily on various opinion surveys; in other words, corruption is perception-based (Bodasing, 2002). Most of these surveys were done among the members of the public and different spheres of government, but none has focused exclusively on the perceptions of police officers. For this reason, the researcher investigated and analysed the perceptions of the IPID personnel on SAPS.

Hale (1989, cited in Gaines and Kappeler, 2015:406) asserts that many people consider any crime committed by the police as evidence of corruption. The author further states that there is considerable disagreement among police experts as to which behaviours should be termed corruption. The crime presently known as corruption was known in the common-law crime as bribery (Burchell, 2006:889). The author further asserts that corruption derives from the old French word 'briber, meaning to beg, or something given to a beggar. The English meaning perceives corruption as relating to giving gifts. The term denotes dishonest or illegal profits, and it means to damage, or spoil a person (Bosman, 2012).

According to the Prevention and Combating of Corrupt Activities (PCCA) Act, 12 of 2004, corruption is the misuse of public powers, office, and authority for private gain. In terms of Section 3 of the PCCA Act Number 12 of 2014, the corruption is a general crime committed by any person who accepts or offers to accept any gratification (Swanepoel, Lotter and Karels, 2014). The National Prosecuting Authority (NPA, 2008) defines corruption as the misuse of public office with a corrupt intent. In addition, Joubert (2010) mentions that corruption is a social phenomenon that negatively impacts on society. However, Faull (2007) argues that for any act to be corrupt it must involve an abuse of entrusted power for personal gain. In this study, corruption is understood as a crime involving the abuse of the power entrusted to public officials. The crime may include acts of bribery, nepotism, extortion, fraud, and theft committed for personal gain. It involves the act of offering or receiving benefits, thus influencing public officials to commit themselves to or omit their official duty. Punch (2009:18) asserts that police corruption is committed when police officials knowingly do or not do something that is against their duty for personal gain. Thus, police corruption involves various acts committed by police officials, placing personal gain ahead of their duty (Cox and Mc Camey, 2011). The authors further maintain that police corruption may result in the violation of police procedures, criminal law, or both. The State or police officials may be held liable for any damage arising from wrongful action done by the police (Joubert, 2010). According to Newham and Faull (2011), one example of police corruption is the dishonest, unethical, or criminal behaviour of a police official who steals property from a crime scene.

2.3 Types of police corruption

A study conducted by Gaines and Miller (2005) reported that the 1971 Knapp Commission found that corrupt police officials fall into two categories: Grass Eaters and Meat Eaters. Scaramella et al. (2011) describe grass eaters as police officials who are engaged in minor acts of corrupt practices. The term meat eaters refer to the police officials who are engaged widely in serious corruption (Gaines and Miller, 2005). Meat eaters are the police officials who aggressively misuse their police powers for personal gain (Mackey, 1997). On the other hand, Reseachomatic (2011) stated that the most common types of police corruption are bribery and extortion. Prenzler and Ransley (2002) created different types of police corruption and misconduct.

2.3.1 Graft or classic corruption

Classic corruption involves the misuse of power or position by the police official for their personal gain (Penzler, 2009). For instance, a police officer may be bribed by the offender or offender's family to do as they please. Classic corruption may also involve a police officer benefiting through theft of goods from a crime scene, which may contaminate the evidence at the crime scene. Classic corruption includes gifts and discounts, which are sometimes referred to as petty corruption because they are usually small in value but entail the giver's expectation of favourable treatment by police (Sigler and Dees, 1988). An example of classic corruption would be the recently reported case of a South African police officer demanding cold drink from an offender at a roadblock in Durban CBD. According to the reporter, Mohammed (2020), the police official was not aware that the third passenger was recording the conversation which then landed on the hands of the media. Such crime can also be classified as petty corruption, as it consists of tips, commissions or discounts given to police officials in exchange for favours. Literature confirms that the act of police receiving inducements is usually for their personal benefit. Ticket fixing involves police officials cancelling traffic tickets as a favour to their friends or their family members (Newburn, 1999). This always happens with Metro police officials as their duty revolves around giving tickets to reckless drivers.

2.3.2 Process corruption

Process corruption is another form of misconduct involving police officials who steal valuables from a crime scene, and it may include tempering with, or fabricating evidence (Scaramella et al., 2011). This often happens because of favouring the suspect; thus, police destroy incriminating evidence linked to the suspect. The frame-up occurs when police officials plant or add to incriminating evidence (Newburn, 1999). Addition to that, process corruption sometimes occurs when suspects are not informed of their rights or are denied their legal advice (Newham and Faull, 2011).

2.3.3. Bribery

Bribery is a crime in which public officials end up performing duties in a manner that benefits the briber rather than the community (Burchell, 2006). Occasionally, police officials are voluntarily offered something of value, thus influencing their performance of an official duty (Gaines and Kappeler, 2015). Punch (2009) emphasises that bribery is an offence involving a police official agreeing not to lay charges or pursue an investigation in exchange for a reward.

Bribery involves nepotism, and delegation of authority according to self-interest rather than merit (Wraith and Simpkins, 2011). Bribery involves police officials failing to enforce the law in exchange for monetary remuneration (Scaramella *et al.,* 2011). Reporting to the Portfolio Committee on Police, the Consortium for Refugees and Migrants in SA asserts that the police confiscated the legal documents of foreign nationals, forcing them to pay bribes in return for their release (US State Department, 2010). The researcher defines bribery as a crime involving the unlawful and intentional act of agreeing to wrongdoing in exchange for a reward. It involves the giving and receiving of money or anything that may influence the behaviour of the police official. Agreeing not to prosecute a crime for a reward betrays the community's trust in the police and should consistently be regarded a punishable offence. Corruption is prevalent within society. The problem is that some of these petty crimes, which include bribery incidents, are not reported. Most South Africans are often hesitant to report such cases as the police officer is seen as embodying power and authority. Therefore, such crimes do exist in SA and evidence indicates that they are being committed by police officers as well.

2.4 Description codes and sub-categories of corruption currently proposed by the IPID.

Police officials involve themselves in different activities that are categorised as corruption by the Section 23 (b) of the IPID Act of 2011. A police official that requests for a bribe or a member of the public who offers a bribe or money to a police officer contributes to what is referred to as corruption within the IPID Act (Punch, 2009). Corruption is not normally reported because it involves two people who are equally in need, the police official, and the offender. These are some of the categories of corruption proposed by the IPID Act under Section 28 (1) (g). Faull (2007) and Scaramella, Cox and McCamey, (2011) concur on the definition that corruption involves the abuse of power for personal gain.

However, corruption is not defined in the IPID Act and this possibly implies that the IPID should base its definition of corruption on the definition proffered by the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 which defines corruption as

"*Any public officer who directly or indirectly accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person".*

Table 2.1: Annual intake per circumstance- Corruption (2018/19)

CORRUPTION PER DESCRIPTION	INCIDENT(S)	PERCENTAGES
Corruption-Aiding escape from custody	1	1%
Corruption- Extortion/soliciting a bribe	81	75%
Corruption- Issuing of fraudulent vehicle certificate	1	1%
Corruption- Sale, theft, and destruction of police dockets	13	12%
Corruption- Sale, theft and/or disposal of exhibits	12	11%
TOTAL	108	100%

(Source: IPID Annual Report (2018/19)

Table 3 above illustrates the annual intake cases of corruption and their description from Section 23 (1) (g) of the IPID Act of 2011. As illustrated above, bribe cases are mostly reported, with 75% followed by the sale of police dockets (12%). This table sums up the different types or incidents of corruption committed by the members of the SAPS.

2.4.1. Corruption – aiding escape from custody

A police official who receives payment or other benefit for helping an offender to escape police custody has committed a criminal offence (Goldsmith, Halsey, and Groves, 2016). In this context, custody is defined by Britton (2000) as a period commencing upon a person being taken into detention by means of verbal instruction or physical force by members of the SAPS, in a manner that would be understood by a reasonable person as being done for purposes of arrest. Police officials often approach the offender and give them an offer; quite often, offenders pay the police money and are allowed to escape from custody. Both the police and the offender benefit from such a criminal activity and neither the police official nor the offender reports such a criminal activity. A news article published in IOL (2018) reported that a former South African Police Service (SAPS) constable was arrested on allegations of aiding a suspect to escape from lawful custody in the Northwest Province. The 38-year-old man was arrested by the provincial Organised Crime Unit officers for allegedly committing murder and rape.

The suspect attempted to escape whilst awaiting trial. It was discovered later that the former police officer allegedly assisted in executing the escape plan (IOC News, 2018).

2.4.2. Corruption – extortion or soliciting a bribe.

Occasionally, police officials are voluntarily offered something of value to influence their performance of an official duty (Gaines and Kappeler, 2015). According to Punch (2009), bribery takes place when a police official agrees, in exchange for a reward, not to lay charges or undertake an investigation. Police officers have made it a norm to request, coerce or intimidate a person to provide them with a gratification to perform or not to perform an act. The act may be one that the police officer is forbidden from doing by law or regulations (for example, releasing a detained person from custody) or one that the police officer is obliged or technically able to do as part of their duties (for instance, arresting a foreign national without required paperwork) (Gordon and Miyake, 2001). News24 published a case reported to the police by a tuck shop owner after three police constables demanded cash from the tuck shop owner as police officers discovered that the owner had no legal documentation to sell goods. The police constables demanded a sum of R1000 to avoid charging or arresting the owner for trading without a valid permit. It was later revealed that the police officials were off duty when the incidence occurred and were arrested by their own colleagues for corruption (Singh, 2019; News24,2019).

Another bribery case occurred in Durban (Pinetown) where two policemen were caught on closed circuit TV (CCTV) camera allegedly soliciting bribes from drivers who had broken the law (News, 2006). The two police officers were caught on CCTV cameras accepting bribes from the drivers. Investigators identified the registration plates of the vehicles and were able to trace and arrest the drivers who had bribed the police officers. This led to the arrest of two police officers who were then charged with criminal offenses and were then suspended from work. It was reported that 60% of police officers had been arrested, facing both criminal charges and internal suspension on allegations of corruption.

A Durban police officer was arrested on allegations that he had tried to solicit a fine amounting to R3, 000 from a businessman (Times Live, 2020). The SAPS Spokesperson, Brig Jay Naicker, said the officer, based in Isipingo, south of the City of Durban, was responsible for issuing liquor licenses and second-hand goods licenses.

He said the accused officer approached the businessman over R9, 000 in outstanding fines, but the cop promised the man that he would ensure that the fines would be withdrawn at the court if he was paid an amount of R3, 000. This incident happened in February 2020. According to Naicker, the man paid the officer R1, 500, but the officer demanded the remaining amount (Times Live, 2020). The man decided to approach the SAPS Provincial Anti-Corruption Unit and a case of corruption was opened at Isipingo SAPS for further investigation. On Friday, March 13, 2020, at 1:45pm detectives from the Anti-Corruption Unit conducted a sting operation and the suspect, aged 48, was arrested at a service station in Isipingo as he received the cash from the informant, said Naicker (Times Live, 2020).

2.4.3. Corruption – issuing fraudulent certificates.

The fraudulent issuance of possessions including fake firearm licenses, police clearance certificates or drivers licences by police officials or public service employees has become a norm within the South African Police Services (Minnaar, 1999). The case of Gleeblands Hostel in KwaZulu-Natal, Umlazi, typifies this kind of crime as it was reported that SAPS officials sold firearms to the residents of the hostel. The IPID has failed to arrest the police officials involved in such corruption. Even though such incidences were reported five years ago, nothing has happened to such police officials. Another case which was published on the 7th of March 2014 by the News24 Achieves involved the former Durban Police Spokesperson, Vincent Mdunge, who failed his Matriculation exams in 1985 as well as a supplementary exam written in 1986. Mdunge was accused of fraudulently presenting a fake Matriculation certificate when he joined the SAPS in 1987. He was then arrested, facing three charges of fraud and one of uttering.

The IPID also arrested a warrant officer and a sergeant in a trap operation conducted on Friday 08 March 2013 (IPID, 2013). The suspects, a 45-year-old court orderly (warrant officer) based at Ntuzuma Magistrates' Court and a 41-year-old sergeant stationed at KwaMashu SAPS, were arrested by the IPID following a complaint of corruption made by a taxi owner from whom the suspect police officers allegedly solicited a bribe. It is alleged that the suspect police officers approached the taxi owner whose vehicle was imported in February 2013 and they informed him of their intention to impound the vehicle. They apparently informed the taxi owner that imported vehicles were no longer permitted to operate on South African roads. They then requested a bribe from the driver for them to process special documents that would enable his vehicle to continue operating on South African roads.

The police demanded R3000-00 after the taxi owner had pleaded with them not to charge him a lot of amount. The taxi owner was able to raise R2000-00 which he gave to the police officers on 22 February 2013. Arrangements were made for the police to return later to collect the remaining balance of R1000.00. The taxi owner lodged a complaint with the IPID and a trap operation was arranged. The operation was carried out on Friday 08 March 2013, leading to the arrest of the two police officers. The two suspect officers were arrested in the Newlands East Parlock area and the specially marked money used for the operation was found in their possession. The two suspects appeared at Ntuzuma Magistrates' Court on Monday 11 March 2013 and were each granted bail amounting to R2000-00. The case was remanded to 12 April 2013.

2.4.4 Corruption – sale, theft and/or destruction of police dockets

A police official intentionally and unlawfully sells, steals or destroys a police docket in return for a form of gratification and this form of corruption is referred to as sale, theft and/or destruction of police dockets (Sayed and Bruce, 1998). In 2012, a police official in Alexandra, Johannesburg, was arrested for allegedly accepting a R10 000 bribe in exchange for destroying a docket (News24, 2012). The 42-year-old warrant officer was arrested after receiving the money from the offender. The officer, who worked in the docket store, accepted the bribe from a man accused of having committed house robbery and hijacking. It was alleged that the officer had agreed to destroy the docket in exchange for money and was arrested soon after the money had been transferred into his account.

According to a news article published by Sibusiso Gwala (IOL, 2009), in 2008 alone, police stations lost 671 criminal dockets. Experts point fingers at corrupt cops, saying this is the only explanation for a 1 500 per cent spike in cases of lost dockets in the Northwest Province alone.

2.4.5. Corruption – sale, theft and/or disposal of exhibits

Van Heerden (1982) states that the taking of samples for further laboratory investigations forms an important part of the examination evidence. He further indicates that these samples may include those of blood, hairs, vaginal smears, intestines for toxicological investigation, tissue for histopathological investigation, fingernail scrapings, and a wide variety of foreign objects such as bullets. In terms of Regulation 4 of the Regulations Regarding the Rendering Forensic Pathology Service of the National Health Act, Number 61 of 2003, the Forensic Pathology has

the responsibility to: collect and maintain evidence relating to a body and any associated items at all times, and conduct a post-mortem investigation, including external and internal examination of a body and harvesting of material, tissue, or fluids for evidentiary of diagnostic purpose. According to Marais (1992), great care must be taken during the collection of all objects and samples in their intact, uncontaminated, and unmutilated state. He goes further to outline the fact that the identification, collection, and preservation of each item should be conducted as a separate entity. All the instruments used to collect the samples, and all containers holding them, such as bottles, test tubes and pillboxes, should be clean. Many a police official has alleged to have intentionally and unlawfully sold, stolen, or disposed of or destroyed an exhibit or relevant evidence linking the offender to the victim, whether registered with the SAP13 or not. Destroying physical evidence decreases offenders' conviction rate. When the police official has destroyed evidence, the offender will be set free as there will be no incriminating proof linking the offender to the criminal offence alleged to have been committed.

According to a news report (IOL, 2019), a 35-year-old female police officer who had spent one month serving in Worcester from Upington SAPS was caught on CCTV camera destroying evidence related to a drug case under investigation by the police. She was immediately arrested after all the evidence she had destroyed had been collected to build a solid case against her. The suspect was released on R500 bail after the case against her was vetted by the Senior State Prosecutor. She was eventually arrested in the Western Cape Province while on duty and was expected to appear at Worcester Magistrates' Court to face charges of theft and defeating the course of justice (IOL, 2019).

According to a report published in the Mail and Guardian (Miller, 2003) a member of the South African Police is three times more likely to commit a crime than the average South African civilian. This tendency can be explained by the extraordinarily high levels of temptation in areas such as the investigation of organised crime and high-profile criminals who thrive on compromising and corrupting police officials and the fact that police officials have very high levels of discretionary authority which they can exercise in circumstances where close supervision is somewhat impossible.

2.5 Causes of police corruption

This section discusses the main causes of police corruption; thus, it outlines the reasons police officers engaging in corrupt activities. According to a study conducted by Yusuf (2014), the failure of police recruitment and selection process, low pay, and the willingness by the citizens to bribe the police are said to be the main causes of police corruption.

2.5.1. Citizens' willingness to offer bribes to the police

Several incidents have been reported in SA in which some citizens have encouraged police officers to work from a compromised position (Newman and Faull, 2011). The researcher argues that in SA, the propensity towards committing unlawful acts and the willingness by members of the public to offer bribes to the police have helped to create and sustain police corruption. If there was no supply for corruption, the demand would not be so prevalent in SA; thus, if members of the public refrain from offering bribes or money to police officials and if it happens that a police official asks for or requests such, they report them and conviction is served, then there would be fewer cases of corruption reported in the Northwest Province.

2.5.2. The failure of the police recruitment and selection processes

According to Cummins (2015) and Rees and French (2010), recruitment and selection are the most expensive part of human resource management and an essential component of any organisation because when organisations appoint the right personnel for the job, train them properly and treat them appropriately, the employees do not only produce good results but also tend to stay with the organisation longer. The importance of productive recruitment and selection procedures cannot be overemphasised, regardless of the level involved. Poor recruitment and selection procedures result in the hiring or promotion of personnel who cannot or will not communicate effectively with diverse populations, exercise discretion properly, or perform the multitude of functions required of the police.

Even in the Twenty-first Century, questions still exist about whether current pre-employment screening techniques are capable of identifying that police candidate who can successfully complete the training academy and perform in an admirable manner on police patrol (Wright, Dai and Greenbeck, 2011). To understand police corruption, which has become a global phenomenon with grave social repercussions; it is necessary to examine its basic elements, the officers themselves and the process they undergo during training.

For one to understand the criteria of appointing the police official, it is crucial to determine whether the SAPS have procedures to do adequate background checks on recruits, specifically psychometric tests that adequately measure their suitability for police work and physical training to check their physical health. According to Yesuf (2014), it can be argued that prior to the World Cup in 2010, the South African Police Service embarked on a large-scale recruitment process. He further indicated that the haste characterising the recruitment of more officers in preparation for the World Cup led to a drop in standards of policing in SA.

2.5.3. Low pay

According to Treisman (2000), low pay reduces the morale of police officers. The police service is a very risky job. Many police officers put their lives in danger to protect and serve human life. Many feel that the rewards are not commensurate with the nature of the job they do. Based on this analysis, low pay should be seen as a factor motivating police officers worldwide to become more susceptible to corruption (Treisman, 2000). Arguably, if police officers are adequately paid, there would be no need for them to expect or ask for bribes from citizens. In addition, a burgeoning literature suggests that raising the salaries of government officials could reduce their propensity to solicit and accept bribes. At the country level, Van Rijckeghem and Weder (2001) show that countries with higher civil service wages have lower levels of corruption than those offering lower wages. Recent work on political corruption by Gagliarducci and Nannicini (2013) and Ferraz and Finan (2009) suggests that higher salaries for politicians reduce their levels of corruption. A growing number of laboratory and field experiments have also shown that raising wages or payments for workers reduces corrupt behaviour (Armantier and Boly, 2011; Van Veldhuizen, 2013). According to Van and Weder (1997), better pay enhances professionalism, integrity and reduces corruption. This may eventually boost the morale for serving police officers. Police salaries should be linked to performance. A reward for good performance in successfully combating crime is imperative. The researcher argues that an unhappy workforce will never deliver efficiently and effectively when it comes to policing the South African communities.

2.6 The extent of police corruption in SA

Although there is little information on the extent of police corruption before 1994, there is no doubt it existed within the police force. According to Caiden (1997), since the birth of democracy, society and government have made significant strides in terms of transparency.

Stories describing police corruption or other forms of criminality often make news headlines or appear regularly in newspaper, television or radio reports. Therefore, it imperative to enquire if police misconduct, particularly corruption, is getting better or worse since there is an independent organisation that investigates crimes committed by police and makes appropriate recommendations. The challenge that the IPD faces in trying to decrease the rate of corruption is the fact that such a criminal act persists unreported, resulting in a lack of information available to determine whether corruption is increasing or decreasing (Punch, 2000).

For example, when a police officer accepts money from a criminal suspect who desperately wants to be bailed out of prison, none of them will report the case. In such a case, as in most other incidents involving police corruption, neither the corrupt police officer nor the criminal suspect will report the incident as both are liable for criminal sanction. The victim of the crime might suspect a problem in the justice delivery system but would not have any evidence that such a deal had been made. It follows that few incidents of police corruption get to be reported, investigated and offenders end up being convicted (Sayed and Bruce, 1998). Given the clandestine nature of the phenomenon, it is widely accepted that debates about the extent of corruption and its supposed increase or decrease, are almost always bound to be inconclusive (Klitgaardt, 1984).

Figure 2.1 An article report about two warrant officers who were arrested for corruption

Title: Two warrant officers (SAPS) arrested for corruption.

An article published by News24 in February 2018, revealed that two SAPS warrant officers were arrested for corruption in Bayview, KZN. They were both arrested by the IPID following a complaint of corruption from a member of the public. The complainant had reportedly been arrested for assault and pointing of firearm. The two warrant officers demanded for R3000 to make the case disappear.They were arrested while having a meal bought with the money that was taken from the complainant. They were denied bail and they are current custody. They were also dismissed from SAPS.

Source: News24,2018

The above illustration reveals the method used by the IPID when investigating corruption matters and the importance of lodging a complaint with the oversight body to decrease criminal offences committed by the police officers. In SA, corruption occurring within the SAPS is one of the biggest threats to the country's national security. The reason is that if people are involved in thieving, they do not concentrate on fighting crime. So, every need or emergency demand that is created is about filling pockets and not about contributing to the fight against crime (Pillay, 2004). While the media is potentially a valuable source for gauging police corruption, it is far from being reliable in its portrayal of an accurate picture of the extent of corruption.

For the few cases that do make it to the media, it is not always clear if the allegations reported on have been verified (Enikolopov, Petrova, and Sonin, 2018). It seems reasonable to assert that the reports on so many different types of corruption published in the South African press in little over a year may indicate that police corruption in SA is extensive and varied in nature (Sayed and Bruce, 1998). Opinion surveys are another source of information on the public's perceptions of the extent of police corruption. Despite a number of surveys that have been conducted on the public's perceptions of the police in general, only a few have specifically focused on corruption.

With regard to public sector corruption in general, the Institute for Democracy in SA (Idasa) found that almost 50% of the population believed that almost all or most public officials employed by the SAPS were involved in corruption (Camerer, 2000). In 2009, the Institute for Security Studies conducted a survey on three Gauteng police stations and found that 85% of police respondents believed that corruption was a serious problem in the SAPS (Rose, 2011). A survey conducted by the SA's biggest daily newspaper, the Sowetan, revealed that 67% of its respondents reported that police members accepted bribes (Lodge, 1999). In addition, The Johannesburg Victimisation Survey revealed that of the reported instances of bribery and corruption, 53.6% involved members of the South African Police Service (Naude, 2000). The Corruption Watch recently published a report taken from 1,591 whistle blowers, and it indicates a marked increase in corruption within the very institution responsible for protecting the rights of all South Africans- the South African Police Service (Business Tech, 2019). The report showed that corruption involving the SAPS accounted for 9.2% of all the reported corruption cases , up from 6.3% in 2018. Corruption at licensing centres relatively remained unchanged at 3.4%.

Gauteng Province received the highest number of reports of police corruption, followed by KwaZulu-Natal Province, with the Western Cape and Limpopo Provinces sharing third position. A rare survey into the attitudes of police detectives was undertaken by University of SA's Professor Ben Smit (1998) who found that the majority of the participants agreed with the statement: 'Many police officials are corrupt'. In a nationwide representative survey conducted 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 were corrupt. It must be remembered that public opinion surveys are based on people's subjective opinions and do not always reliably reflect the actual state of affairs.

2.7 The prevention and combating of corrupt activities (Act Number 12 of 2004)

The Prevention and Combating of Corrupt Activities Act No.12 of 2004, Subsection 4, defines corruption as:

"Any public officer who directly or indirectly accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person" (page 10).

The Act is not only limited to 'accepting' but further include an act of

"Give(ing) or agree(ing) or offers to give to another person any gratification to the public officer, whether for the benefit of that public officer or for the benefit of that person" (page 11, b).

The Prevention and Combating of Corrupt Activities Act (Number 12 of 2004) defines corruption in relation to a public officer's actions of accepting anything; it can be monetary benefit from another person for the benefit of both the public officer and the person (Lambrechts, 2004). This activity explains why most corruption cases are underreported as both the public officer and the person come to an agreement in which both stand to benefit. For example, an offender who is guilty of a certain criminal act and does not want to serve their sentence may propose to offer the public official a certain amount of money just to facilitate the destruction of evidence or the disappearance of a docket. In these cases, both the public official and the offender benefit and neither of them may report such a criminal offence.

As provided for in the Prevention and Combating of Corrupt Activities Act No. 12 of 2004, a person is said to be found guilty of the offence of corruption when they:

> "*Act in a way that amounts to illegal, dishonest, unauthorised, incomplete or biased or misuse or selling of information or material acquired in the course or exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statute or contractual or other legal obligation that amounts to the abuse of a position of authority, a breach of trust, or the violation of a legal duty or set of rules designed to achieve an unjustified result, or that amounts to any other unauthorised or improper inducement to do or not to do anything is guilty of the offence of corruption*".

2.8 The conceptualisation of death as a result of police action

2.8.1 Murder

Joubert (2001) illustrates that a particular conduct that constitutes murder is causing another person's death. She adds that since the passing of an individual must be caused, murder can be committed in various ways – for example, firing a weapon at an individual, wounding with a blade or choking them resulting in death. The method causing the death is irrelevant as long as the person is killed as a result of the method used and that the killer had an intention to kill. She clarifies that the killing of another person may not constitute murder on grounds of justification, such as private defence or an officially capacitated and justified conduct. Joubert (2001) concludes that it is a requirement that the act of the killer be intentional. Gilbert (2004:275) puts it in practical terms by indicating that an individual who kills another person without lawful justification commits murder, if such a person performs the acts that cause death and:

1. He either intends to kill or do great bodily harm to that individual or another; or knows that such acts will cause death to that individual or another.

2. He knows that such acts create a strong probability of death or great bodily harm to that individual or another.

3. He is attempting or committing a forcible felony other than voluntary manslaughter.

2.8.2. Death as a result of police action

Bruce (2000) argues that death caused by police action and custody is instigated by a high number of attacks on and murder of police officials.

According to Bruce (2000), it is the offender's fault that the police end up killing them. According to Pigou (2002), investigations conducted by the police agencies into their own members are not properly investigated. He further highlighted that the main role of the IPID is to make assurance that investigations against the police are carried out properly (Pigou, 2002). Death as a result of police action means the death of any person, including a member of SAPS or the action of the members of the SAPS , that was caused, or is reasonably believed to have been caused, by a member of the SAPS while acting in his or her capacity as a member of the SAPS (Faull, 2013), and shall include a death that occurs in connection with the following:

Table 2.2: Annual Intake per circumstances- Death as a result of police action (2018/19)

Annual Intake per Circumstances- Death as A result of police Action	Incident(s)
A suspect died during the course of a crime	110
A suspect died during a course of escape	9
A suspect died during a course of investigation	24
A suspect died during a course of arrest	134
A bystander died during commission of a crime	6
Domestic violence deaths	33
Crowd management incidents	15
Negligent handling of a firearm leading to death	7
Negligent handling of a private vehicle leading to death	2
Negligent handling of an official vehicle	32
Private capacity deaths	21
TOTAL	**393**

(Source: IPID Annual Report (2018/19)

Table 4 above depicts the annual intake per circumstances- death as a result of police action. There were 134 individuals who died during the course of arrest, followed by 110 suspects who died during the course of a crime. Domestic violence-related deaths are also on the top list as Table 4 indicates.

Different scholars understand the situations in which death occurs as a result of police action. These different ways and descriptions in which death as a result of police action are highlighted below together with the news articles indicating real life incidences.

2.9 Situational context of death as a result of police action

2.9.1. Suspects dying during the course of an arrest.

According to Pigou (2002), suspects dying during the course of an arrest can be explained as an attempt by an official or member of the SAPS to keep a person in custody as instructed by authority of law. Keeping a person in custody can be done through verbal instruction or physical force. This action or process of keeping a person in custody could be understood as serving purposes of arrest and may include the use of lethal force against a person at the crime scene. As illustrated in Table 4, this type of death is highly recorded as most suspects die during the course of an arrest as highlighted in the 2018/19 IPID Annual Report.

2.9.2. Suspects dying during the course of a crime.

According to Faull (2013), this means a death occurring as a result of police action taken during a crime in progress (for example, a hostage situation or robbery). Most often, robbery suspects carry guns for their own protection and to prevent anyone from trying to stop them from their initially planned robbery. When police are alert to such behaviour, they approach the crime scene also armed to protect themselves and to prevent criminals from conducting their criminal activities. In this case, a crime suspect often initiates the shootout and police shoot back as a matter of self-protection, resulting in the death of suspect dies. A shooting incident occurred on Sunday, 14 July 2019 at Grassy Park Policing Area, Western Cape Province, between K9 police officials and some male suspects (IPID, 2019). It was alleged that three males, one aged 18 and the other two aged 26, were shot at and sustained some injuries during this incident. The IPID was activated and the investigators attended to the matter. The IPID eventually received a complaint of discharge of police official firearms in Grassy Park area where SAPS K9 police officials were alleged to have been attacked by means of firearms. It is alleged that

police officials returned fire and some suspects got injured during the shootout. The IPID investigators conducted investigations on the matter (IPID, 2019).

2.9.3. An innocent bystander died during an arrest, crime or escape.

This means a person's death occurring as a result of police action taken as police come into contact with persons committing a criminal act and, in this case, the deceased is not one of the persons committing, or suspected of being a part of conspiracy to the commission of the criminal act (Alexander, 2013). Faull (2013) highlighted that it was assumed that the IPID wants the category to reflect only persons deceased as a result of police action (that is, a police bullet) rather than including those who die as a result of the criminal actor's actions (that is, a bank robber's bullet while shooting at the police). The IPID's 2009 and 2011 annual reports indicated that the IPID investigated a number of cases in which police used deadly force against innocent civilians regardless of them not posing any threat to law enforcement officials. This raises questions about the police's justification for using lethal force. For instance, the Mercury Newspaper (2009) reported that in 2009, a young boy named Vuyolethu Jiya residing in Khayelisha, in the Western Cape Province, was shot by local police officials near his home. It was alleged that the police mistook him for someone else.

While the deceased was changing his car tyre, he noticed a police van approaching him and in a split-second gunshot were fired towards him. After being shot, the victim was allegedly assaulted the whole day at the police station and only taken to hospital at 12:00 midnight. The victim was reportedly discharged from hospital, but after two weeks, his condition deteriorated and was taken to the Khayelisha, Western Cape Hospital where he eventually died. It is alleged that at the time of his death, his body and private parts were swollen, implying that he had endured severe beatings (ICD, 2009). Another terrifying and horrible incident took place in 2009 in Mpumalanga Province, Secunda Community where police officials policing the area killed a three-year-old baby (Atlegang Aphane) Mthethwa (2009). The police officials were reported to have mistaken a metal pipe the boy was holding for a gun (ICD, 2009). In the same year, another case was reported of Olga Kekana from the Free State Province, Bethlehem, who was killed when police allegedly mistook the car, she and her three friends were travelling in for a hijacked vehicle. The young hairdresser was shot through the head while in the back seat of her grey Toyota Conquest. One of her friends, Andre Singo, was shot on the hand and thigh,

while another friend, Sofie Kgagara, was hit in the chest (ICD, 2009). It is evident in all the cases listed above that the police used excessive force not only at violent criminal suspects but also at innocent civilians who did not resist arrest or pose any threat to the law enforcement officials. Different articles and scholarly literature suggest that it is not always the case that police only use lethal force when dealing with dangerous criminals.

Apparently, the government's military approach in the handling of armed criminals is responsible for numerous human rights violations in the country. The News24 (2020), reported an incident that occurred in Alexandra, Gauteng Province, where Happy Ndobe was driving with his friend in the area when the shootout occurred between the police and alleged hijackers. The shootout resulted in an innocent bystander, Samantha Mathane Radebe being shot dead, with another innocent man being injured.

A witness reported the incident where he stated that:

"*We were driving from Tsutsumani Section. As we approached London Road, there was a Toyota Avanza taxi and Audi sedan ahead of us. The Audi was driving very slowly, while the Avanza, which had passengers, was following it. As we were driving, I then heard gunshots. At first, I thought they were firecrackers and I then saw a young boy running. Fortunately, I was opposite a filling station, I then drove there to take cover and the taxi followed us. We jumped out of the vehicle and saw that the Audi had stopped. A police van stopped in front of the Audi.*

Later, a white VW Golf arrived and parked near the Audi. I initially thought the shooting was a hijacking scene. As I went closer, a man was lying on the ground and his hands were handcuffed from the back. Later I heard that a woman and a man who were walking past during the incident had been shot. If I had known that it was Radebe, I would have gone to her and helped, since we knew each other," said Ndobe (News24, 2020).

Alexandra Police Spokesperson Captain Stephen Malatji said police were doing their routine patrol duties along Lenin Road, when they spotted a reported hijacked car at the Gautrain Station (IPID, 2020). He said, Police tried to stop the car, but a suspect pulled out a firearm and shot at the police, who retaliated and eventually the suspect was arrested. Then in the aftermath of the incident, it was discovered that two bystanders were shot in the crossfire. A lady casualty died on the scene, while a male was critically wounded. "The suspect and police firearms were all booked in for forensic investigation by the Independent Police Investigative Directorate (IPID) to establish which of the firearms were responsible for the wounds sustained

by the bystanders," said Malatji. The residents of Alexandra accused one of the police officers of deliberately shooting at the bystander.

The IPID Acting Spokesperson, Sontaga Seisa, confirmed that they were investigating the incident. The IPID is investigating the circumstances surrounding the death of the deceased. He said that the police did not know as to whether the police firearm was the one that killed the deceased, because it is alleged both the police and the suspects discharged their firearms (IPID, 2019). Seisa said no police officers had been arrested and that the hijacking suspect was expected to appear in court soon.

2.9.4 A suspect died during the course of an escape.

Most suspects commit criminal offences with the hope that they might not get caught or arrested for their criminal acts. Once a criminal offence has been reported and the offender has been brought to justice, they tend to explore means of escape, to evade serving their sentence for the crimes committed. According to Faull (2013), this occurrence includes any action by a member of the SAPS taken to prevent a person who, having been lawfully detained, from attempting to get away from police confinement or control or to permanently flee custody. According to a report by Mahamba (2019), an inmate was shot dead and two others were wounded while trying to escape from court. In his article, he reported that the police shot dead a prisoner, seriously wounding two others when they tried to escape from South Gauteng High Court in Johannesburg.

The Johannesburg CBD was buzzing with SAPS officers, Johannesburg Metropolitan Police Department officers and the Independent Police Investigative Directorate and forensic investigators after the police rearrested four suspects who had escaped after appearing in court for different cases (News24, 2019).

2.9.5 Domestic violence related deaths

This means deaths occurring as a result of police action, whether the member is on duty or otherwise, against a person or persons with whom he or she is in a domestic partnership as defined by the Domestic Violence Act No. 116 of 1998, including physical or sexual abuse (Faull, 2013). This category links to an important question raised at the start of the discussion relating to deaths as a result of police action (Robinson, 2000). The current definitions proposed by the IPID cover only deaths as a result of police action in an official capacity.

However, the IPID's definition then includes domestic violence-related deaths, which is something that often occurs when an officer is off-duty.

As such, the IPID includes the words 'and off-duty' in the above definition so that the category captures any deaths caused by police while off-duty (Faull, 2013).

2.9.5.1 Very Important Persons- Brigadier arrested for domestic violence

The IPID is investigating allegations of attempted murder against a Brigadier stationed at SAPS VIP KwaZulu-Natal Provincial Office. The allegations are that the Brigadier had an argument with his wife at their home on 20 October 2019. The argument was reported to have led to the physical struggle between the Brigadier and his wife, which ended up in the latter being shot on her arm. The Brigadier's wife was taken to hospital for medical treatment whilst the Brigadier handed himself to Phoenix Police Station. The Brigadier remained in custody and was expected to appear before the court in Verulam. The IPID investigations were opened to ensure that the matter was put to finality (IPID, 2019).

2.9.5.2 Policeman gets life sentence for Gender-Based Violence

The Independent Police Investigative Directorate (IPID) has in the past, present and future been denouncing itself on anyone that has respect for others, more especially crime against women and children. On 10 December 2019, the South Gauteng High Court in Johannesburg sentenced 37-year-old Ntsikelelo Webster Mchithwa, a former police constable, to life imprisonment and also declared him unfit to possess a firearm. He found guilty of murder after shooting and killing both his girlfriend's mother aged 55 and his 23-year-old girlfriend on 16 November 2014 in Vosloorus, Ekurhuleni.

2.9.6 Accidental discharge of a firearm leading to a death

Police use of force, particularly lethal force, is one of the most divisive issues of the TwentyFirst Century (Nieuwenhuys & Oudejans, 2010). When an officer discharges a firearm, it is a life-changing event. A single bullet which weighs about .02 pounds and is 10mm long can end a life or soil the image of those who are sworn to serve and protect the public. The police work with criminals to reduce crime rates in the country and to protect the community. When criminals commit an offence, they are armed for their own protection and they may use their weapons to scare their victims (Mitchell and Flin, 2007). When the police arrive at the crime scene, there is usually an exchange of gunshots between the police and the offenders and

this may lead to the death of the offender. The attacks on police by the offender cause death as police try to protect themselves.

This means accidental discharge of a firearm, State or non-State, resulting in the death of a person or persons. The IPID suggested that this category be titled 'Accidental discharge of a firearm'. The change has been made based on the assumption that this category is only intended to capture accidental discharges (Faull, 2013). Decisions relating to negligence are often decided in court. Sometimes police use their guns to scare the offenders, without necessarily shooting at them. The discharge of police firearm is also part of the IPID's mandate and is considered a criminal offence. The IPID investigates such matters and the reported cases of discharge of police firearm are escalating in SA. According to the IPID's annual report (2018: 40), this criminal offence is the second highest reported case within the IPID's mandate and most victims die as a result of such a criminal offence.

2.9.7 Vehicle collision or action involving or caused by police action

This means death as a result of a collision with or police action taken while police operate a vehicle of any type while on duty. This may occur during the tracing of suspects as both the police officials and the suspects will be chasing each other, a collision between the suspect's car and any other vehicle that may hinder the police from carrying out their duty may cause a collision. Such action may cause death and this is referred to as death as a result of police action (Langham, Hole, Edwards, and O'Neil, 2002).

According to a recent news report by News24 (2020), two suspects allegedly stole an AK-47 rifle from a car that crashed after the KZN shooting. It was reported that two men were arrested for allegedly stealing an AK-47 rifle following a shooting in KwaMashu, KwaZulu-Natal. A man was driving a vehicle in KwaMashu when he was attacked by unknown suspects travelling in another vehicle, as reported by police spokesperson Captain Nqobile Gwala. "They fired shots at him. Both vehicles crashed and the suspects alighted and hijacked a vehicle that was in the vicinity. Two men, who witnessed the incident, went to the suspects' vehicle and stole an AK-47 rifle with 18 rounds of ammunition". The police responded to the shooting incident, and after an investigation, arrested two suspects, both aged 29, who were allegedly found in possession of the AK-47 and ammunition. They were expected to appear in the Ntuzuma Magistrates' Court on charges of the illegal possession of a firearm and ammunition, attempted murder, carjacking, and possession of an unlicensed firearm.

2.9.8 Crowd management-related contexts resulting in death

The Regulation of Gatherings Act of 1993 (Act No. 205 of 1993) focuses on giving notice of an intended gathering and prescribes the procedures that must be followed when the Constitutional rights to protest, petition and freedom of speech are exercised. Further, the purpose of this National Standard Regulation is to regulate crowd management by members of Municipal Police Services during gatherings and demonstrations in accordance with the democratic principles of the Constitution and acceptable international standards (Alexander, Runciman, and Maruping, 2016). The National Municipal Policing Standard for Crowd Management during Gatherings and Demonstrations Act (Act No. 307 of 2008) explains this conceptualisation as police action taken in a crowd management context involving the formal policing of assemblies, demonstrations and all gatherings. In SA, people are almost always on strike for better services, jobs and salaries. Even during the Apartheid era, Black people mostly stacked for better life, rights and for better education, leading to the killing of many people by the police. Usually, the police use force and shootings to control or manage crowds, but such force always leads to the killing of innocent souls. During service delivery protests, as discussed in a study conducted by the Centre for the Study of Violence and Reconciliation in collaboration with Society, Work and Development Institute (von Holdt et al., 2011), many protestors were assaulted and tortured by the police. A case in point is the incident that occurred in 2007, where Sbu Zikode and Philani Zungu from Abahlalibase Mjondolo (a shack dwellers' social movement in Durban) were arrested and assaulted by police for organising a service delivery protest against lack of housing and sanitation in their squatter camps.

In 2011, two protestors were killed by the police, with many others being subjected to assault and torture in Ermelo (News24, 2011). Dumisane Mahaye, a community leader in Ermelo, was also assaulted and harassed by law enforcement officials. On the whole, there is growing concern about the police assaulting and killing political activists and protestors in South African communities. It is important to note that many cases of death resulting from police action are not reported to the IPID due to the fact that people do not know where to go if they have been assaulted or have known of someone who has been killed by the police; hence, Langa and Merafe (2011) regard the IPID as a "toothless" State institution in dealing with their complaints.

Another case was reported and investigated; the IPID, which includes a shooting scene at the Tshwane University of Technology (TUT), Soshanguve Campus, occurred on 23 August 2018 (IPID, 2018). According to the report received from the South African Police Service (SAPS), it is alleged that students had held SRC elections during the day and at about 18:00, police were called to the campus after the presiding officer was allegedly held hostage and assaulted by the students. The police drove into the campus in about 10 police vehicles and they managed to rescue the presiding officer. As the police were leaving the campus, the students allegedly barricaded the entrance to the campus and started throwing stones at the police and their vehicles. There were about 2000 students. The police reported that they fired at the ground with R5 rifles and that when they left, no one was injured but police vehicles were damaged. The police were later informed that a student had been shot and injured. The student died in an ambulance en-route to hospital on the R80 Road. Police firearms were seized for ballistics testing. The postmortem was held on 24 August 2018 at Garankuwa Mortuary. The Independent Police Investigative Directorate (IPID) has received a notification of a death as a result of police action from the SAPS Bela. It is alleged that on 07 February 2017 at about 20:00, there was a protest held by community members from Bela. Public Order Police members from Thohoyandou, Giyani and Modimolle were called to disperse protesters with rubber bullets. The deceased, 11-year-old Karabo Khumalo was with his mother. The deceased was shot with a rubber bullet on the head and was rushed to a local hospital.

2.10 Causes of death as a result of police action

2.10.1 Shooting

Police use of force, particularly lethal force, is one of the most divisive issues of the Twenty First Century (Nieuwenhuys and Oudejans, 2010). When an officer discharges a weapon, it is a life changing event. A single bullet which weighs about .02 pounds and is 10mm long can end a life, make one to forfeit a pension, or deface the image of those who are sworn in to serve and protect communities. The police are mandated to reduce crime rate in the country and to protect the community. When the criminals commit a criminal offence, they are armed to protect themselves and to scare their victims (Mitchell and Flin, 2007). When police arrive at a crime scene that may be involving arm robbery, cash in transit or car high jacking, there is usually an exchange of gunshots between the police and the offenders and this may lead to the death of the offender. The attacks on police by the offender causes death as police try to protect themselves.

2.10.2 Attacks on police

Another issue which has become a cause for concern and which is related to the problem of the high number of police action and custody deaths is that of the high number of attacks on and murder of members of the SAPS. In fact, the two problems in some ways reinforce each other in different ways. Thus, high levels of victimisation of the police may feed into fear on the part of the members of the police, which encourages them to resort to higher levels of violence. In turn, higher levels of police violence may contribute to violence against the police (Conradie, 2000). At the same time, the problems are related to some components of a strategy to prevent police custody and action causing deaths might also reinforce measures to reduce the number of deaths of police officers. Particularly, if there are common issues, there may even be value; therefore, in linking a programme for improved prevention of police action and custody deaths with measures to improve the safety of police officers and measures to reduce the number of attacks on the police.

2.10.3 The issuing of firearms to members and their responsibilities while off-duty

Cantor and Slater (1995) discussed the two problems which are related to the issuing of firearms to members of the police while they are off duty. Such problems may include the following:

Firstly, the current system virtually involves all members being issued with firearms on a permanent basis. This is associated with a number of problems including high incidences of suicide committed by members of the SAPS, unlawful and unjustified killings and other shootings by members of the SAPS while off-duty, other undesirable behaviours including the use of firearms for the purpose of intimidating persons including family members, as well as creating a motivation for, and escalating levels of violence in, attacks on police officers. Domestic violence and killings mostly occur due to the fact that police are issued with guns even when they are off duty.

Secondly, there is a generalised expectation that SAPS members will "place themselves on duty" when they encounter criminal activity while they are off duty. This expectation feeds into the need for members of the SAPS to be armed while off–duty, which in itself, feeds into attacks on members of the SAPS as well as the other undesired consequences outlined above.

This requirement also contributes to the stress which members of the SAPS are exposed to, which sometimes leads to foolhardy action on the part of the members of the SAPS. Regarding the issuing of firearms to SAPS members, considerations which need to be considered include the issue of identifying behaviour or other factors which point to a risk of suicide or violence by the police officer. Furthermore, legal provisions relating to firearm ownership and possession and the potential for persons to be declared unfit to possess firearms also have implications for members of the SAPS.

2.11 Violence as part of the job

Cases of police being shot dead by suspected criminals are used as justification for police to use maximum force (Skolnick and Fyfe, 1993). Police work with criminals and according to Duff (2013), a criminal is someone who has committed an unlawful act, which is punishable by the state and has caused harm in the community. The role of a police official is to protect the community and to reduce criminal offences by increasing conviction rates. Working against criminals endangers one's life; therefore, one must protect themselves at all times. The police are exposed to a dangerous lifestyle and this sometimes results in them being killed while on duty. Hence, they use force which sometimes leads to killings as they protect themselves from dangerous occasions (Westly, 1970). Bruce (2000) found that police often abuse Section 49 of the Criminal Procedure Act 51 of 1977 which provides that police officers have legal justification to use force in carrying out arrests, and it includes the rules governing the degree of force to be used, as well as the circumstances in which such force may be employed.

Bruce (2000) further found that the police abuse Section 49 in its earlier form as they just shoot to kill any fleeing suspect, even if the circumstances are not reasonable and justifiable enough for the use of maximum force (Maepa, 2002). This prompted the State to amend Section 49 so that it could be in line with the constitutional guarantee of right to life. Despite this amendment, cases of police using lethal force resulting in deaths are still on the increase. Amnesty International (2011) has raised some concerns about the alarming increase of criminal suspects dying as a result of excessive use of force by the police.

2.11.1 Section 49(2) of the Criminal Procedure Act 51 of 1977

This section regulates the use of force by the police, particularly the use of lethal force in affecting an arrest (Maepa, 2002). Section 49 of the Criminal Procedures Act was amended in November 1998, but the amendment has not been operationalised partly because of the controversy surrounding the implications of the new Act. Precisely, the key issue appears to relate to whether the amended Act clearly defines the circumstances in which police officers may use lethal force or whether it places unfair demands on police officers in terms of interpreting the circumstances in which they are permitted to use force (Bruce:2011. Furthermore, it appears clear that the adoption of defence-of-life shooting policies (which permit shootings only to defeat an immediate threat to life or to prevent the escape of a demonstrably life-threatening individual) has been a major factor in reducing the overall level of fatalities resulting from shootings by police (Maepa, 2002).

It should be noted that the adoption of such policies has usually been followed not only by "marked decreases in shootings by police" and "increases in the proportion of the shootings that are responses to serious criminal activity" but also by greater or unchanged officer safety, and no resultant adverse impact on crime levels or arrest[s]" (Geller and Scott, 1991: 465). Regarding police shootings, the major cause of death occurring during custody and police action, therefore, appears to be the implementation of an amendment to Section 49 of the Criminal Procedure Act, which is based on the defence–of- life approach, which would potentially be a key measure in reducing the overall number of these deaths.

2.12 The procedures for an investigation into a death

Hanzlick (2016) outlines the process followed by case workers or investigators when investigating a death-related matter. The author highlights that if the case is the notification of a death, a case worker on standby must attend to the crime scene as soon as it is possible to do so. It is important for the case worker to obtain and record all the relevant information regarding the location of the crime scene, the time that the notification was made and the time the death occurred. When the IPID case worker arrives at the crime scene, according to Carpenter and Thompson (2016), they must firstly advise the SAPS member in charge of the scene to preserve the crime scene and to keep it intact in order to avoid tempering with the physical evidence that may link the victim to the offender. It is also crucial for the IPID investigator to request for a

briefing from the officer that reported first in the crime scene on what transpired on the crime scene in order to have an idea of the whole incidence.

According to the African Policing Civilian Oversight Forum (2013), the IPID investigator must inspect any wounds or bruises on the body of the deceased and make note of each and exact location, identify the deceased and record his or her name, surname, as well as age and gender and must ensure that all the vital clues and forensic evidence have been marked and photographed in their original position by the Local Criminal Record Centre.

The IPID investigator is also tasked to collect all the exhibits from the crime scene for processing by the Forensic Science Laboratory and ensure that the exhibits are booked in with the SAP13 at the Police Station within that jurisdiction. Witnesses play a crucial role in the investigation of criminal matters. The IPID investigator is obligated to identify all the witnesses to the crime and obtain their particulars for interview as soon as it is practically possible; and he or she should also obtain the particulars of the members of the SAPS involved for future interview. After an investigation of the crime scene the IPID investigator must ensure that the exhibits are sent to the Forensic Science Laboratory within 48 hours. Upon receiving exhibits back from the Forensic Science Laboratory, the investigator needs to return the exhibits to the Police Station for them to be booked back into the SAP13. The IPID investigator is also tasked to visit all the identified witnesses to collect information about what transpired on the crime scene.

2.13 Police culture and police sub-culture

Culture is a way of life that varies from place to place, and it changes over time. It manifests in numerous forms such as behaviours, attitudes, norms, and so on. There is abundant literature on culture generated over the last few decades (Crank, 2004). Culture was first described in its most basic form when ethnographers observed social components and units among people that inhabited the same vicinity. Globally, culture ordinarily recognises the embodiment of human life in different social orders and gatherings. However, it was only recently that police culture has been associated with the concept of culture (Crank, 2004). Manning (1989:360) defines culture as "accepted practices, rules, and principles of conduct that are situationally applied and that generalize rationales and beliefs". Reiner (1992:109) states that police culture is "a pattern of set understandings which help [police officers]to cope with and adjust to the pressures and tensions which confront [them]." Culture can be further defined as an assimilated

form of human values, beliefs, morals, behaviours and attitudes that are determined by human capacity to comprehend and learn as well as the ability to transfer information and knowledge to subsequent generations and descendants (Van Maanen, 1978).

Police culture and subculture are terminologies that describe the specific characteristics, values, morals, attitudes and behaviours of police officers. Police culture is considered to be the collective occupational values and ideologies that are embraced by police officers within their specific occupational environment (Van Maanen, 1978). According to Reiner (2000:116), police culture is "generated by distinct experiences associated with specific structural positions", whereas subculture refers to a group or groups within a group. Police subculture is therefore the distinguishable differences between members of the police that depict variables within the police culture.

2.13.1 Cop culture

There is one occupational culture within the police force, and that is what is referred to as "cop culture". According to Reiner (2000), police occupational cultures can collectively be defined as shared values, beliefs, norms, working practices, and the informal rules police officers use to justify their work in the world of policing. Thus, "cop culture" is an executive culture within the police force, and though it is not the official rules, it is still widely practised within the police force (Crank, 2014).

Many studies always use "cop culture" to ignite the key debate in contemporary policing; this has been stimulated by public concerns that police are a professional entity operating in our society, and that the work of these professionals involves danger and risks (Reiner, 2000). According to Vera and Koelling (2013), police officials are tasked to protect public safety and to prevent criminal activities from occurring; so, they should uphold these responsibilities. The public expects police officers to exhibit the highest standard of work, but they do not truly understand the complexity of police work. Working within these ambiguities, there is a need for police officers to develop a special way of life to endure the whole policing system.

Reiner (2002) conceptualises "cop culture" as involving different underlying values, and these may determine the police's working behaviour. It can be seen as a reference for the police to understand their way of policing and the policing styles within the policing organisation. As many criminologists are mostly concerned about how the cop-culture shapes the ways in which

officers use their discretion, one can make use of the police culture to further understand and interpret how the police use their discretion power (Westmarland, 2008). Discretion power plays an important part in determining police role; police use this specifically authorised power when they have to make decision that relate to their operations.

Apparently, it is impossible to fully implement the law, as there are still differences between "law in practice" and "law in theory" (Law, 1990). In this case, the police need to make good use of the knowledge learnt from the training school and experiences obtained from the senior officers as references. The police have to face thousands of decision-making process at their work, for example, whether to arrest or warn a careless driver. Discretion power affords them a wide range of methods to enforce the law correctly. In this case, cop culture may affect their perception on criminal behaviour or the criminals. Finally, it may directly change and control the results or even the justice system.

According to Skolnick (1966), the police view themselves as the safeguards of society; they are working in danger and they are required to be suspicious of such. They need to use their authority to enforce the law in order to protect the society. Within this framework, Skolnick (1966) pointed out that the police always face a dilemma; thus, they are working under pressure to achieve results in the form of law enforcement, but they are restricted by the rule of law in their enforcement of the law. Also, as their work is closely watched by the public (Newburn and Reiner, 2007), these exert greater pressure on police work, and thus provide them an environment to develop a set of unique cultural values for dealing with their works.

Though the public may see this culture as deviant, it has been accepted and justified as normal in the context of cop culture. Individuals have their unique cultures, which are their ways of living and this influence how people think and behave. By examining police culture, one determines how the police think, behave and act through an evaluation of the effectiveness of the police oversight body; hence, one might understand how the police operate. According to Paoline (2003:200), police culture "is a valuable concept in understanding many aspects of policing from learning the roles, day-to-day functioning, investigating forms of police deviance, keeping the police accountable, and the success of reform efforts". In support of this notion, Terpstra and Schaape (2013) state that police culture involves lack of accountability, resistance to innovation, adverse treatment of members of ethnic minorities, or lack of compliance with formal rules. A lack of accountability and compliance with formal rules reflects absence of a strengthened and effective oversight body that holds the police officials

accountable for their criminal behaviour. Brown (1995:26) defines culture as "a product of historical processes".

2.14 Police culture themes

Three police culture themes have traditionally been described as opposing, in relative terms, the effective implementation of community-oriented policing. These themes are the police culture themes of solidarity, isolation and cynicism (Chan, 2007; Steyn, 2006; Reiner, 2000). Themes of solidarity, isolation and cynicism are prominent in police culture and appear in the works of Skolnick (1994), Niederhoffer (1967), Reuss-Ianni (1983), Van Maanen (1978), Manning (1989), and Crank (2004).

2.14.1 Police culture theme of isolation

Reuss-Ianni and Ianni (1983:258) describe isolation as "an attitude when police officers experience immense difficulty in building and maintaining relationships with those who belong to different occupations." According to Reuss-Ianni and Ianni (1983), the vast majority of occupational trauma that employees endure within the police organisation is caused by stress, interpersonal relations between co-workers, and daily endangerments. Van der Westhuizen (2001) identifies trauma and stress occurring on duty but argues that these stressors are often kept completely secret among members and are rarely disclosed to partners and family members. Police officers believe that they are expected to be composed at all times; however, in doing so they are compelled to conceal their feelings and thus they become hardened, which propagates the culture of isolation (Violanti, 1996).

Police officers become embedded in their police occupation, which isolates and detaches them from individuals outside the police force, such as their family, friends and the community in which they reside (Skolnick, 1996; Reuss-Ianni, 1983). Many police officers experience social rejection because of the nature of their work and the assumption that people outside the police force cannot apprehend the rigors of their occupation. In this context, one should consider the vigorous time schedule that is related to a police officer's vocation, particularly as shift work requires that they work at different hours in dangerous situations during the day or at night. The police are expected to implement laws that affect the populace; thus, they are in turn socially rejected and isolated by the public. Moreover, the double standards played by many officers who have to implement decrees but fail to comply with the same rules and regulations

themselves, serve to distance the community from police officers, and the result is that socialisation often occurs only among members of the police.

Reuss-Ianni (1983) develops various hypotheses that address the 'us versus them' outlook. For instance, the police use isolation to preserve and protect their profession which they believe 'outsiders' such as academics, the courts, politicians and their communities know little about. The statement 'do not trust the new guy until you have him checked out' is also indicative of the self-imposed isolation among police officers, as this statement assumes that new recruits or police officers that have transferred from other police stations should not be trusted unless they have proven themselves. This insinuates suspicion among police officers, reflecting that they fail to trust anyone and this attitude thus contributes towards the concept that numerous cultures exist within the police culture.

Reuss-Ianni (1983) further suggests that the attitude 'I do not trust your bosses to look out for your interests' proposes that bosses are perceived as egocentric and self-absorbed and are insensitive to the needs of their subordinates. This enhances the sense of isolation low ranking officers may experience in the workplace thus enforcing an antagonistic relationship between patrol or uniform officers and their supervisors. Police officers continue to experience difficulties as they consistently have to shift between the cultural world of police work and that of their civilian environments. Skolnick (1994) insinuates that officers occupying higher ranks in the police hierarchy require that subordinates do their menial tasks, which are referred to as their 'dirty work' in general parlance. Social isolation and social solidarity are interlinked and can be interpreted as a complex 'push' and 'pull' phenomenon that has influential powers over the organisation and the community.

2.14.2 Police culture theme of cynicism

Banton (1964:144) explains that cynicism affects a police officer because he or she is "frequently a critic of society through what he [she] sees in the courts as well as on the beat; he is in an unparalleled position to observe the machinery of society in operation." When police officers perceive the world negatively, they depict a negative portrait of mankind.

Nierderhoffer (1969:9) has an exceptional view of cynicism as he asserts that "cynicism is an ideological plank deeply entrenched in the ethos of the police world…they lose faith in people,

society and eventually themselves…the world becomes a jungle in which crime, corruption and brutality are normal features of a terrain."

Researchers such as Rubinstein (1973), Skolnick (1966), Holdaway (1983) and Brown (1981) found that suspicion is an attribute shared by members of the police force. Police officers are drawn to marginal groups owing to their possible association with crime. Significantly, suspicion is a component in training (Skolnick, 1966). Police officers fundamentally possess cynical, distrustful and unenthusiastic views of society and countless officers have insinuated an absence of respect for authority figures (Reiner, 1978). However, police officers also view the public who are disrespectful and impolite towards them from a cynical and distanced stance. Waddington (1999) hints at a form of treachery on the part of senior management as a result of the differences between their occupational tasks and those occupying subordinate ranks. In this context therefore, Reuss-Ianni and Ianni (1983) argue that attitudes of solidarity and cynicism are engendered among proactive police officers, which enhances these police cultures in the organisation. Van Maanen (1978) found that police officers consider police work as an integral part of the protection of society, but they believed that their occupation was largely undermined by senior management and occupations related to the justice field. De la Garza (2015), who examined homicide and robbery and the levels of cynicism among a small sample of detectives, found lower levels of cynicism, which was contrary to the hypothesis of the study.

This scholar argues that a smaller population sample leads to an inability to generalise the outcomes of police culture investigations. Niederhoffer (1967) defines cynicism as a loss of passion, zest and eagerness towards a particular situation or occupational environment, whereas Buzawa (1984) proposes that cynicism may occur among police officers as a result of the affirmative action policy and guidelines. Levels of cynicism may also vary among shifts and ranks, as was found by Dorsey and Giacopassi (1987).

Extensive studies found that police cynicism does not only increase shortly after academic training, but can affect several components of the police, be it training, relations with citizens, or commitment towards duties (Alpert and Dunham, 1997; Broderick, 1987). Anderson and Tengblad (2009:53) identify "mutual disrespect and lack of confidence between police management and patrolling police officers" as sources of cynicism. Moreover, Graves (1996) argues that high crime rates lead to a heavier workload which promotes employee pessimism that eventually develops into cynicism. A study conducted by Terry (1989) concluded that

there was no significant difference in the culture of cynicism amid police officers and other occupational groups; however, the study further argued that it was evident that other occupations did not encounter the same amount of danger and stress as the police in their employment environments.

Niederhoffer (1967) concludes that the call for professionalism in the police occupation is the root cause of cynicism. This scale measuring the level of cynicism among police officers has found cynicism to be multi-dimensional; however, the measuring instrument lacked internal reliability (Langworthy, 1987; Regoli, 1976). Conversely, Lester (1980) appraised Niederhoffer's (1967) scale of measuring cynicism as effective, accurate and reliable, and concluded that higher cynicism scores were related to a higher probability of negativity among police officers. Crank et al. (1986), Bolton and Houlihan (2005), and Thomas and Davies (2005) found that police officers with advanced education exhibited minimal signs of cynicism.

Police officers implement the law; hence, personnel that are displeased with the organisation's manifestation of antagonism towards the enactment of their duties and obligations. Officers who had served within the organisation for a long period had progressed attitudes pertaining to cynicism in comparison with new recruits (Hickman, Piquero and Piquero, 2004). Hickman (2008) argues that cynicism can be strongly influenced by the type of environment and occupational situation in which the officer works and confirms that proliferation may occur in such environments, which contributes to negative attitudes and behaviour in a police institution. Cynicism among police officers consists of feelings of distrust, pessimism, suspicion and disparagement towards the police organisation (Niederhoffer, 1967). Police cynicism is generally directed towards everyone within an officer's milieu, and this culture negatively affects these environments.

For example, Van Maanen (1978) argues that cynicism is the origin of tribulations experienced in the milieu of a police force and, if left uncontrolled, it can lead to dire consequences for police bureaucrats and the police organisation in general. Cynicism can manifest in officer-tooofficer dialect and in their behaviour and attitudes towards official work and supervisors. Wilt and Bannon (1976) propose that new police recruits tend to imitate the behaviour of senior officers in order to conform to the ideologies and attitudes of the police force, which continues throughout training and thereafter as they get settled in their occupational positions. Police recruits are trained and educated in police academies on the conceivable hazards and dangers they are likely to encounter whilst undertaking police work. They are thus trained to comprehend, conceptualise and operationalise relevant concepts of suspicion, conflict and

danger, which means that they are instructed to advocate the use of cultural knowledge. Cynicism can promote isolation in officers, thus promoting pessimism towards their occupation, and this could pave the way for bribery, corruption and fraud.

2.14.3 Police theme of solidarity

Unarguably, a police constable needs the full support of his or her colleagues whilst on duty. Police officers have a reputation for backing one another, especially when faced with violent and confrontational situations. Without the solidarity and support of his or her colleagues, a police officer may find it difficult to function properly (Holdaway, 1983; Punch, 2009; Loftus, 2009). Both police culture and solidarity provide a fertile ground for the propagation of corruption which tends to thrive unreported. In an environment where the code of silence is sustained by reward and acceptance into the dominant police culture, no police officer would like to become a whistle blower for fear of reprisal or isolation.

Policing is not done in isolation; the risky nature of the job demands that police officers rely on each other during patrols. Police officers are sometimes dishonest enough to protect their colleagues if need arises or when confronted by external threats (Holdaway, 1983; Reiner, 2010). A sense of solidarity is fortified amongst the various ranks in the SAPS (Reiner, 2000) and it clearly manifests as an 'us versus them' scenario. Police officers are 'unified' by attitudes and behaviours that encourage solidarity as they withstand gruelling shift changes as distinct units, facing the challenges of separating their professional and private existence, and having to intensely depend on colleagues.

Reuss-Ianni and Ianni (1983:258) argue that "relationships among officers are structured in such a way that they are mutually supportive, and their common interests bind them into a cohesive brotherhood that personalises task performance as well as social relationships." According to Skolnick (1966), solidarity can thus be advantageous to police officers in the sense that colleagues and teammates are able to work together harmoniously, thereby propagating effective productivity in police work. However, it can be considered a disadvantage when police officers take an oath of confidentiality and loyalty and thus use their solidarity as a means of conspiracy that may result in corruption, bribery and dishonesty, practices that reinforce the spirit of camaraderie among members of the police force (Harris, 1978).With regards to corruption, bribery and fraud, many officers expect support and complete 'secrecy' from new officers before they are trusted and allowed into the

'brotherhood' where they have to conform to the behaviour and attitudes of their fellow police officers. Many officers 'turn a blind eye' at corruption, especially if they are rejected by society and the citizens, they police.

Thus, police officers have no option but to try to conform to the existing police culture even if it is corrupt (Reuss-Ianni, 1983). In this context, Gray (1983) suggests that solidarity manifests in the institutionalised practice of 'covering up' for one another. Scholars have maintained that officers become socialised into a police culture, thereby insinuating that police officers acquire attitudes and behaviours from training; they are then socialised into the police culture, and thus gain knowledge and acceptable behaviour from colleagues and peers (Van Maanen, 1978). However, this perspective fails to clarify the perception that police officers possess their own set of moral standards, values, attitudes and behaviour prior to police training; hence, new recruits are not empty vessels that simply acquire new attitudes but rather, they are influenced by new ones.

The South African Police Service has thus embraced a police culture underpinned by the 'us versus them' attitude (Ainsworth, 1995). Emphasis is placed on 'familial values' that encompass a sense of togetherness. It affords members emotional support that enhances the 'us versus them' approach which leads to a division between the police and the community. The effects of the post-apartheid developments on the police can be a potential source of solidarity because, subsequent to apartheid, interrelations were prioritised for the amalgamation of communities, including the SAPS (Gordon, 2001). Police officers develop leniency towards intergroup conflicts and become reliant on colleagues.

Moreover, police officers have a continuous imprint attached to members, which makes it increasingly harder for them to socialise with outer occupational groups, thereby fortifying solidarity and a sense of belonging amid members. According to Crank (2004), solidarity is used as an apparatus in buoying police group identity and safeguarding bureaucrats within the police organisation against outside criticism. Crank (2004) adds that the sense of solidarity experienced by police officers also encompasses bitterness and resentment which result in clashes between opposing groups that contest police performance of tasks on a daily basis. The danger that characterises their occupational environment further contributes towards the strengthening of loyalty and trust among members, exuding high levels of the spirit of camaraderie and the adoption of a military stance.

A core element in the solidarity theme comprises prominent ethics and principles that morally portray individuals and institutions outside the police organisation and its members as iniquitous and flawed; these out-groups are, for example, the public, the judicial system, and higher-level management.

Police officers view themselves as nonpareil and an elite class of their own (Hunt and Magenau, 1993). Police officers view the citizens they police with scepticism and mistrust. Solidarity has therefore proved to be an interesting concept to academics who have increasingly placed concealment and illegal and immoral police practice under scrutiny. However, the upward trend in solidarity and 'esprit de corps' among police officers has coincidently resulted in increased isolation, which is discussed in the next section.

2.15 Police accountability institutions and mechanism

The main objective of the police officer's work is to maintain public order by reducing criminal behaviour within the community. For the police to fulfil these objectives, they use their power to arrest and use force. Nowadays, police officials have a propensity for misusing their powers; therefore, there is a need for the establishment of a civilian oversight body that controls the misuse of these powers by the police officials (Walker, 2001). It is a fundamental principle of a democratic society that the police should be held to account for their actions. Accountability includes both the police's actions and performance. Agency-level accountability involves the performance of law enforcement agencies with respect to controlling crime and disorder and providing policing services to the public (National Institute of Justice, 1999). Individual-level accountability involves the conduct of police officers with respect to lawful, respectful, and equal treatment of citizens. Effective accountability is vital to the achievement of policing goals. Experts such as Bayley (2002) and Harries (2005) argue that law enforcement agencies that reduce problematic officer behaviour will enjoy greater trust among citizens and, as a result, will receive greater cooperation from citizens in programmes designed to reduce crime and disorder (Bayley, 2002; Harris, 2005).

The police have massive powers, which they may use to preserve the safety, liberty and rights of citizens. Thus, police power is a double-edged weapon that represents liberty and oppression. Depending on the character of the society, the police may exercise their powers of surveillance for proactive crime prevention, arrest, investigation, search, seizure, interrogation, detention, bail and prosecution to promote or undermine the safety, freedom,

rights and dignity of citizens (Alemika, 2003). On realising this double-edged nature of police powers and discretion, governments in different countries have introduced various measures and processes to ensure that the police do not abuse their powers with impunity.

However, these measures have not eliminated police misconduct due to political culture and the ineffectiveness of accountability mechanisms existing in different nations. In a democratic society, the powers of the police should be exercised for the advancement of cultural and democratic ethos and in accordance with the rule of law or due process. Given the nature of police work and culture, the temptation to use coercive powers to achieve illegitimate goals is enormous. Alemika (2003) further maintains that the most difficult problem in the political and administrative management of the police in any nation is that of ensuring effective deterrence against police misuse of their enormous powers, especially in the light of the high levels of invisibility and discretion that are embedded in police work.

In relation to criminal behaviour exhibited by the police, a central development in policing was the establishment of the Independent Police Investigative Directorate (IPID), which plays an important role in the professionalisation and demilitarisation of the SAPS, which are processes that aim to increase police accountability (IPID Strategic-Plan, 2020; 2015) by prosecuting wrongdoers in order to restore public faith in the SAPS (20 Years of Policing in a Democracy, 2015). The effectiveness of the IPID, which is contradicted by the failure of the NPA to prosecute police officers, raises the question bordering on whether SA really ability has to shift from the culture of corruption and death of suspects as a result of police action to a community service policing approach.

2.16 Police accountability

2.16.1 The principle of police accountability

Accountability involves a system of internal and external checks and balances aimed at ensuring that police perform the functions expected of them to a high standard and are held responsible if they fail to do so (Walker and Archbold, 2018). Hudson (1971) indicated that accountability seeks to prevent the police from misusing their powers, to prevent political authorities from misusing their control over the police, and most importantly, to enhance public confidence and the re-establishment of police legitimacy. Walker and Archbold (2018) define accountable policing as a process in which the police accept being questioned about their

decisions and actions and accept the consequences of being found guilty of misconduct, including sanctions, and having to compensate victims. Without such transparency, corruption and other forms of police misconduct will continue to thrive, given that some secrecy is inevitably associated with misconduct (Punch, 2009).

An enhancement of accountability can improve police legitimacy and increase public confidence, which, in turn, reinforces the integrity of the system. The IPID has only been in operation since mid-2012; hence, it remains to be seen how its new mandate is fulfilled and whether capacity and resource constraints will still hamper its effectiveness given its now larger mandatory caseloads. Goldsmith (1995) stated the need for a realist perspective and a networked system of accountability, which is an important consideration within the South African context. However, besides the operational aspects of creating a more networked approach, one of the greatest obstacles to the oversight organisation is not the police institution itself, but a political system ill-disposed to strengthen police accountability.

2.16.2 IPID's strategies to ensure police accountability.

One of the ways of ensuring that police operate in a good manner and that they do not abuse their power, was the creation of the Independent Complaints Mechanism in 1997 (Minnaar and Mistry, 2004). According to Manby (2000), SA's first independent police accountability body was the Independent Complaints Directorate (ICD), which was developed into the Independent Police Investigative Directorate (IPID). The main aim of this accountability system is to enhance accountability within the SAPS and among their officials. Its main objective is to increase or improve accountability (Manby, 2000).

The IPID's strategic plan (2013-2018) further illustrates that for the organisation to fulfil its mandate, the IPID investigators are mandated to investigate reported matters, make appropriate recommendations and to submit feedback to complaints regarding the matter. By making appropriate recommendations, suspects are held accountable for their criminal offences, thus increasing the conviction rate and effective accountability within the oversight body (IPID, 2018). Hadebe (2017: 49) stated that "the improvement of accountability and the reduction of police impurity depends on the potential of the Independent oversight body to investigate misconduct effectively without bias".

2.17 The history of IPID- SA

2.17.1 The Independent Civilian Oversight Bodies (ICOBs)

According to Plesssis and Louw (2005), serving people in the right manner was one of the key concerns during the transition to democracy in SA and one of the steps taken to address these concerns was to create the Independent Civilian Oversight Bodies (ICOBs).

An ICOB is typically one of a number of bodies responsible for playing an oversight role in policing the country or other jurisdiction in which it operates. The key purpose of an ICOB is to ensure that investigations into the police activities are carried out effectively, thereby ensuring that cases in which it is alleged or possible that there has been criminality on the part of the police are investigated properly (this is the 'effectiveness function'); and to create greater public confidence that investigations against the police are carried out properly (the 'legitimacy function) (Bruce, 2017).

According to Heyer and Beckley (2013), one of the purposes of ICOBs is to reassure members of the public that investigations against police officers are carried out properly. There is a tendency for members of the public to suspect that investigations carried out by police agencies into their own members are not carried out vigorously or impartially. This suspicion is not without basis, as police throughout the world have been known to protect their colleagues from being held accountable under the law (Bruce, 2017). The ICOBs help create greater public confidence and the impression that investigations against the police are carried out properly.

The 'ideal' position is that police organisations have effective internal systems and that the ICOB serves as an independent verification mechanism ascertaining that these systems are operating effectively, thereby contributing to trust in, and the legitimacy of, the police (Prenzler and Lewis, 1999). An ICOB cannot be the main mechanism for ensuring that the police comply with the law and adhere to principles of discipline. Rather, it should be seen as part of the overall system that ensures that police officers adhere to the required standards of conduct. ICOBs, out of necessity, therefore, exist in a dynamic relationship with police organisations (Brereton, 2000).

2.17.2 The Independent Complaints Directorate (ICD)

The Independent Complaints Directorate (ICD) was the first ICOB to be generated in SA. It was an independent and external mechanism created specifically to receive serious complaints of abuse perpetrated by the SAPS and thus formed an integral component of this system of

accountability created to shape police reform in SA's new democratic dispensation (Pigou, 2002). It was created under Section 222 of the Interim Constitution (Act Number 200 of 1993), which ensured that complaints in respect of offence and misconduct committed by the police were investigated in an effective and efficient manner (Bruce, 2017).

The creation of the ICD was first provided for in Section 222 of the Interim Constitution (Act Number 200 of 1993), which stated: There shall be established and regulated by an Act of Parliament an independent mechanism under civilian control, with the object of ensuring that complaints in respect of offences and misconduct allegedly committed by members of the [South African Police] Service are investigated in an effective and efficient manner. Section 222 of the Interim Constitution was put into effect through Chapter 10 of the South African Police Service Act ('the SAPS Act') Number 68 of 1995, which established the ICD. In 1996, SA adopted the new Constitution, which now provided for 'an independent police complaints body' in terms of Section 206(6).

However, in 2005 some level of dissatisfaction with the functioning of the ICD became apparent. After a series of hearings on the issue, the Portfolio Committee on Police compiled a report suggesting a need for the ICD, as well as the Civilian Secretariat for Police, to be restructured and for the mandate of the ICD to be reconsidered. A review by the Portfolio Committee also made various recommendations relating to the ICD and its subsequent removed from the SAPS Act. A Bill providing for the creation of the IPID was initially tabled by the Minister of Police in 2010. After public hearings, including amendments to the Bill, the IPID Act was passed as Act 1 of 2011. On 1 April 2012, the Act came into operation and the ICD metamorphosed into the IPID.

2.17.3 The Independent Police Investigative Directorate (IPID)

The Independent Police Investigative Directorate was signed into law by former President Jacob Zuma on 12 May 2011. After the conclusion of public hearing, the IPID Act was passed as Act No. 1 of 2011. The Act then became operational on the 1st of April 2012 when the ICD practically became the IPID. The IPID ensures that the police are held accountable for their actions and this mandate encompasses dealing with police officers whose criminal conduct continues to tarnish its reputation and that of the country.

2.17.4 Mandate of the IPID

The new mandate and the change in the name reflect a desire to reinvent the ICD from one focused on complaints and the processing thereof, to one focused on investigations (Beukman, 2011). Significant changes in the new legislation lie rather in the granting of new powers to the IPID as compared to the ICD. In spite of the political pressure to resolve high crime rates through tougher policing, SA seems to have entered a new phase with respect to how civilian oversight is envisaged. Faced with the political pressure to resolve high crime rates and a need for a strengthened civilian oversight system arguably stimulated the enactment of a recent tranche of new legislation aimed at tightening up the accountability framework. The new phase reflects a desire to balance police effectiveness and accountability.

The types of matters that can be investigated by the IPID are set out in Section 28 of the IPID Act No. 1 of 2011. Significantly, the IPID officer must investigate the following crimes as committed by the SAPS (IPID, 2019):

- Any deaths in police custody.
- Deaths as a result of police actions.
- Any complaint relating to the discharge of an official firearm by any police officer.
- Rape by a police officer, whether the police officer is on duty or off-duty.
- Rape of any person while that person is in police custody.
- Any complaint of torture or assault against a police officer in the execution of his or her duties.
- Corruption matters within the police as initiated by the Executive Director on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC or the Secretary, as the case may be;
- Any other matter referred to it as a result of a decision by the Executive Director, or if so, requested by the Minister, an MEC or the Secretary, as the case may be.

  Additionally, the Directorate may investigate matters relating to systemic corruption involving the police. At the time of writing, the IPID was yet to publish its first annual report (IPID, 2019).

- The Directorate may investigate matters relating to systemic corruption involving the police. The IPID Act No. 1 of 2011, Section 29 aims at improving police accountability

by ensuring that the police are on board. It also addresses the police culture of solidarity by forcing police officers to be cooperative in any investigation process involving their colleague. The IPID Act compels the police to report any of the crimes or events listed under (a) to (f) to the Directorate. As a result, the IPID is then able to provide new insights into how these crimes and events manifest within the country's police agencies. Tasked with strengthening and maintaining a close relationship with the Civilian Secretariat for Police, and with reporting to the Secretariat any legislative needs regarding policing, the IPID, police and civil society can use this data to understand key challenges in police conduct and professionalism. With this new mandate, and with the transition from ICD to IPID, comes an opportunity to revisit and revise the manner in which the ICD has in the past, and the IPID will in future, work with, record, and learn from the data it generates, and to consolidate it as a body through which to understand and improve policing. This involves the development of a clear, consistent and unambiguous classification system (IPID, 2019).

2.18 Core Elements of successful oversight

There is a developing consensus around the core components of oversight that are necessary to implement and sustain effective oversight (Perez, 1994). Walker (2003) developed one of the most comprehensive frameworks outlining the key organisational components of an effective oversight agency. The initial framework outlines a series of conferences with police auditors, where roundtable discussions were held regarding the key elements of effective oversight (Walker and Archbold, 2014). Consequent to those conferences, Walker (2003) published a set of oversight "principles" in a report titled: "Core Principles for and Effective Police Auditor's Office". Based on Walker's (2003) core principles and the relevant literature, effectiveness in oversight can be grouped into the following areas:

2.18.1 Independence

Savage (2012) stated that for police accountability can be effective if it involves multiple actors and institutions performing multiple roles, to ensure that police operate in the interest of the public. According to King (2015), it is crucial to have an independent but complementary institution overseeing the entire system; additionally, some countries have established policespecific bodies such as police boards, police service commissions and independent police complaints bodies, like the IPID in SA. Furthermore, independence is best maintained if the

independent body has statutory underpinnings, rather than being established by a decree. Some independent police oversight bodies come under the Police Act, which may compromise public perception of the body's independence (Greene, 2007). Stone and Bobb (2002) indicated that the independent body should also receive sufficient funding, separate from the police budget. Lastly, there must be a fair and transparent appointment process for the body's commissioners or councillors as well as its staff, which should be based on merit rather than on political or any other affiliation (Lewis, 2000). In his article, King (2015) indicated that independence is best maintained if commissioners and staff carry out their functions with the highest degree of integrity and professionalism. The recruitment of new commissioners and investigators has important implications for the body's perceived independence, with areas of particular importance being who decides on recruitment procedures and when to initiate new ones. On the other hand, Phillips and Trone (2016) averred that slack recruitment can engender weak political commitment, as is also the case when oversight bodies have to operate without a chairperson or with less than the requisite number of commissioners for a considerable time.

Selecting the right police officers who meet the criteria of independence presents a particular challenge. Newly established independent bodies often have to hire some police officers because of their unique experience in conducting investigations. In such cases, it is recommended that the oversight body hires police officers from other regions apart from the one where it operates, and, if possible, retired officers only (Porter and Prenzler, 2012). Commissioners and staff need to have, or gain, a sound understanding of policing in order to avoid having unrealistic expectations or exercising undue sympathy for the police, resulting in a lack of impartiality vis-à-vis the police or the complainants. Additionally, such staff should receive gender-specific training and training on gender mainstreaming. The oversight body must itself be subjected to rigorous oversight. It must report to parliament, and its reports must be made public (Baldwin, 2014).

Whenever its measures require the use of special powers, for example, to arrest a crime suspect or conduct a house search, this must be subject to proper authorisation, and the body must also be accountable for its own actions Goldsmith and Lewis, 2000). An independent oversight body cannot function properly without the support of the Executive and the Parliament; thus, the Executive does not only have to accept the body's work, but it is also obliged to facilitate the work of those responsible for scrutinizing it (Prenzler and Porter, 2015). According to

Johansen (2013), independent bodies have to strike a balance between maintaining their independence and ensuring the support of the political authorities as well as the police leadership, both of which are important not only for their credibility but also for their potential effectiveness and impact. The mission of the Independent Police Investigative Directorate (IPID) is to be an effective, independent and impartial investigating and oversight body that is committed to justice and acting in public interest, while maintaining the highest standards of integrity and excellence (IPID, 2019).

The aim of the Organisation is to ensure independent oversight over the South African Police Service (SAPS) , and to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAP, and make appropriate recommendations (IPID, 2019).

2.18.2 Structural independence

Structural independence has been defined as one of the potential elements of independence (Perez, 1994; Walker, 2001; Savage, 2016). Walker (2001) argues that oversight agencies that are structurally separate from the police departments are capable of operating with more independence than agencies whose work is intertwined or dependent on local law enforcement. Prenzler (2016) contends that investigation-focused models that replace police internal affairs units (which he terms "civilian control" models) are the most independent forms of oversight, since non-police citizens take control of all the different stages of the complaint investigation process. Furthermore, oversight agencies that report to political bodies separate from those that oversee police agencies may exercise greater independence (Prenzler and Ronken, 2001; Savage, 2016).

2.18.3 Resources

The independent body should have sufficient funds for it to achieve its objectives. According to Filstad and Gottschalk (2011), limited resources recurrently pose problems for all oversight bodies, though some face more serious and urgent resource constraints than others. The issue of resources is connected with the apparent lack of political commitment, as the problems may emanate from skewed resource allocation rather than non-availability of the resources. Human resources are equally important; thus, the management and leadership of the independent body directly influence its success or lack of it. According to Savage (2013), meeting independent body's objectives encapsulated in its mandate when structures, directorates, policies and

guidelines are not yet fully established is a huge challenge. Therefore, leadership capabilities are required to develop strategies for working with police management (Savage, 2013). Effective management must ensure effective and efficient working processes to enable staff to conduct tasks professionally (Osse, 2016). He added that management must ensure the recruitment, training and retention of competent staff with high integrity and representative of the communities being served.

The extent to which oversight is independent of police, political actors and other special interests has been argued to be strongly related to the effectiveness of the oversight role (Osse, 2016). Generally, oversight agencies such as mayors, city councils and local resourcing are among the most important potential indicators of the effectiveness of the civil rights community, but they get less support (Finn, 2001; Walker, 2001; Walker, 2003; Attard and Olson, 2013). Most scholars and policy experts distinguish between the importance of having a budget that matches an agency's goals and the presence of professional staff with time and expertise to support the work of the oversight agency (Finn, 2001; Walker, 2003). For example, Olson (2016) recently conducted a limited examination of one review-focused agency and found that local agency was unable to perform certain important oversight functions or fully engage with important stakeholders to the complaint investigations process due to limited budgetary and financial allocation. Even though there is some common sense appeal to the notion that budgetary and staffing resources are related to the effectiveness of agencies, no social science research has systematically examined the impact that varying budgets have on the effectiveness of an independent body's oversight. There is a noticeable variation between models of oversight in two areas: budget and staffing.

2.18.4 Unfettered access to records

Organisational power is commonly identified as a critical component of effective oversight and relates to an oversight agency's access to the Police Department's records (PARC, 2005; Olson and Attard, 2013; King, 2015). Both Attard and Olson (2013) and King (2015) identify access to records as one of the most important components of effective oversight. Similarly, Walker (2003) includes unfettered access to the police Departments records as one of the core principles for an effective police auditor (Walker and Archbold, 2014).

2.18.5 Access to law enforcement executives and internal affairs staff

Another component of effective oversight relates to the extent to which oversight actors have the ability to influence appropriate law enforcement officials. Walker (2003) noted that oversight agencies should have direct access to the Chief Executive of the law enforcement agency under review. Gaining access to the police chief is important; hence, it is also critical that the police chief and their internal affairs staff should exhibit willingness to both consider and implement the oversight agency's recommendations.

2.19 The challenges encountered by the IPID

Every company or organisation has its own challenges. Work-related challenges may include resource constraints, inadequate number of stuff members to carry out the mandate of the organisation as well as a lack of independence. Below is a discussion of the challenges encountered by the IPID and these hinder the organisation's operations as it strives to effectively carry out its oversight duties.

2.19.1 Lack of independence

2.19.2 Reliance on police cooperation, resources and personnel

The creation of the ICOBs, the IPID in this case, often provokes hostility and distrust on the part of police personnel. At the same time, the IPID investigators rely on police cooperation in order to effectively discharge their mandate (Campeau, 2015). To do so, they need to overcome this distrust and hostility. Although the IPID investigations may focus on senior police personnel, the role of the IPID is mostly to focus on rank-and-file police officers. Deflem (2004) asserted that for investigative purposes, IPID investigators consistently have to interact not only with the individual officers who are the subject of investigation but also with their colleagues and superiors. Thus, in any investigation into an allegation against a police officer, some or all of the witnesses are likely to be other police officers. It may also be necessary to obtain the assistance of superiors or others in the police department to obtain access to documents such as custody registers or data from vehicle tracking systems (Filstad and Gottschalk, 2011).

While legislation requires police to cooperate with the IPID, the quality of the cooperation that IPID personnel receive is obviously qualitatively different if it is given willingly rather than unwillingly (Sánchez and Guerra, 2014). As with other ICOBs, the ability of the IPID

personnel to do their work can be undermined by the police using strategies such as deliberate delays, failing to return telephone calls, or claims that documents have been lost (Berg and Howell, 2015). Newham (2005) added that the IPID typically depends on police resources and personnel to carry out certain specialist functions. For instance, the IPID frequently fails to exhibit the capability to carry out ballistic tests (Maseko, 2015); thus, it may also have to depend on other specialities within the police.

Tait, Frank and Ndung'u (2011) highlighted that the IPID uses the services of experts from the SAPS Local Criminal Records Centre (LCRC) at crime scenes where people have been shot by the police. This includes the use of ballistics experts and general crime scene experts, who collect evidence at crime scenes and document the layout of the scene by means of photographs and sketches. Even in developed countries where ICOBs may be better resourced, there is a similar dependence (West, 1988). According to Filstad and Gottschalk (2011), ICOB investigations frequently require access to specialist forensic services and technical expertise which are not available as in-house facilities – for example, ballistics expertise, traffic collision expertise, and so on. This means that complaints bodies are forced to turn to their local police organisations, with their much more comprehensive range of support facilities, for those analytical services. The support that ICOBs depend on comprises not only technical support. Owing to the fact that police personnel far outnumber those of ICOBs, they (ICOBs) also rely on police support for guarding crime scenes, even after the ICOB investigators have reached the crime scene. This is a feature of the work of ICOBs in SA, the United Kingdom and Ireland (Prenzler, 2000).

The implication is that there is continuous informal pressure on investigative personnel to treat the police leniently, for instance, by conducting interviews in a superficial way rather than pursuing questions in order to ensure that the police answer them in a full and satisfactory way. As Prenzler and Lewis (2005) put it, investigators sometimes do not feel they can use the full range of powers actually open to them because of an organizational concern to maintain good relationships with police bodies as a result, ICOB investigative personnel have to walk a fine line in order to do their jobs effectively. Their work continually involves 'negotiating' with the police about the extent of their power to scrutinise police actions. To motivate police to cooperate with them, they use strategies such as referring to their formal powers, emphasising that they are fair and impartial, and taking great trouble to present themselves as 'reasonable' in relation to their approach to the work of the police (Porter, 2013).

Osse (2016) highlighted that the reliance of ICOB personnel on police cooperation and support is therefore one factor that contributes to the risk of regulatory capture (one of the characteristics of which is 'an absence of toughness'). ICOB personnel face continual pressure to be lenient and run the risk that, if they investigate the police in a thorough and vigorous way, they will attract non-cooperation from the police. The fact that the IPID personnel have to perform a 'balancing act' in order to maintain police goodwill is one of the challenges the organisation faces. For instance, Clarke (2009) indicated that the IPID investigators face different challenges when investigating the police, these include:

• IPID personnel frequently have to appeal for the intervention of senior police (at station commander or even provincial commissioner level) in order to secure cooperation by the police. It is not easy to investigate the police and one has to be careful about how one approaches them;

• Though the IPID receives good assistance from Local Criminal Record Centre personnel (responsible for documenting evidence at crime scenes), if IPID personnel are asked for more than a routine procedure, they (the LCRC personnel) may become more difficult;

• The IPID also relies on the police to carry out arrests on their behalf (Clarke, 2009).

2.19.3 ICOB personnel

According to Mistry and Kiplin (2004), there is a consistent pattern whereby ICOB personnel, particularly ICOB investigators, are drawn from the ranks of police officers. They further indicated that the primary reason for this is that the biggest pool of people with the appropriate skills to do investigative work exists among current and former police personnel (Mistry and Kiplin, 2004). For instance, a review of the ICOBs in the United States of America (USA) states that investigators in many jurisdictions have a law enforcement background (Berg and Howell, 2015). The fact that former SAPS personnel are a prominent component of the IPID is reflected in a report that appeared in the press in July 2015 by Stone and Motsa (2015). The IPID's Former Executive Director, Robert McBride, was himself also a former police officer, having served as Head of the Ekurhuleni Metropolitan Police Department (Bruce, 2017). Employing former police officers has certain benefits for ICOBs.

According to Bruce (2011), the employment of former police detectives may have its advantages not only because they understand the investigative process but because they have insider's knowledge of other practises and procedures, such as the details of different kinds of registers, within the police. Another benefit may be that 'the investigators' previous experience as police officers helps address police union and subject officers' concerns that [the ICOB] does not understand police work or is biased against officers (Masuku, 2005). On the other hand, there are clearly substantial risks involved in the employment of former police personnel. One of these problems is that, if a police agency is known to employ former police personnel, the public may question whether it is genuinely independent. Another risk here is that the former police officers will still be aligned with negative aspects of the organisational culture of the police. They may for instance be inclined to excuse human rights violations as justified and necessary in fighting crime (Bruce, 2011).

2.20 Conclusion

This chapter reviewed the literature related to the effectiveness of the IPID and the causes of the police officials to commit criminal offences. The reviewed literature revealed the methods and procedures that are followed by the IPID in investigating police corruption and death as a result of police action. The chapter presented various definitions of the concept of corruption and death as a result of police action and gave an overview of the discussion of corruption and death as a result of police action and their possible causes. The chapter further discussed the core elements of a successful independent oversight and the challenges that are faced by the IPID organisation in exercising this role. It also explored the possible preventative strategies to address suicide by the members of the police force. The next chapter presents the research methodology the researcher employed when collecting data for the study.

CHAPTER THREE

THEORETICAL FRAMEWORK

3.1 Introduction

Many theories have been developed by scholarly investigators to support and give direction to research investigations. Tibbetts (2009) defined theory as a set of concepts linked together by a series of statements to explain why an event or phenomenon occurs. Theory triangulation was adopted in this study. Hence, theories that were used to shape this study were Symbolic Interaction Theory, Rational Choice Theory, and the Theory of Differential Reinforcement. These theories were used to explain why, and how police officers engage in corruption and murder suspects. In the context of police corruption and death because of police action, these three theories were deemed as relevant as they emphasise how criminal behaviour occurs, and the main causes of such criminal activity by police officials.

The Symbolic Interaction Theory best illustrates how police murder suspects unintentionally, and in some instances, it occurs intentionally, and the Rational Choice Theory illustrate how police engage in corruption as the aim of the study is to illustrate the effectiveness of the Independent Police Investigative Directorate (IPID) in investigating police corruption and death because of police action. The Theory of Differential Reinforcement explains the effectiveness or lack thereof, of the IPID as it examines the role and impact of punishment and lack thereof on behaviour. These theories and their basic assumptions are used to understand the real-life incidents of police corruption and death because of police action.

3.2 The Symbolic Interaction Theory

Symbolic Interaction is one of the several theories in the social sciences that has been developed from the ideas of such theorists as Dewey (1930), Cooley (1902), Parks (1915), and George Herbert Mead (1934, 1938). However, George Herbert Mead is usually identified as the scholar who first put all the pieces together in a comprehensive and coherent treatment of symbolic interaction (Rose, 1962). Symbolic interaction is defined by Smolensky and Miyata (1992) as a process that enlivened the reciprocal meaning and values by aid of the symbols in the mind. In line with the current study, Symbolic Interaction Theory highlights the fact that the meanings attached to the events of death as a result of police action occur as a result of the

interaction of police officers with suspects. For instance, during a raid, a police officer may interact with the suspect and during their interaction the suspect reacts to police officers' interrogation by making a feast or reaching to his pocket and the police officer may respond to such a gesture by firing at the suspect. In short, symbolic individuals decide on their actions based on considering other people's actions. In essence, we are constantly acting and reacting symbolically (Charon, 2007). In his study, Blumer (1969) highlighted three core principles in symbolic interaction, which are meaning, language and thinking. Figure 3.1 below illustrates how the three principles interact with one another.

Figure 3.1: The Symbolic Interaction principles
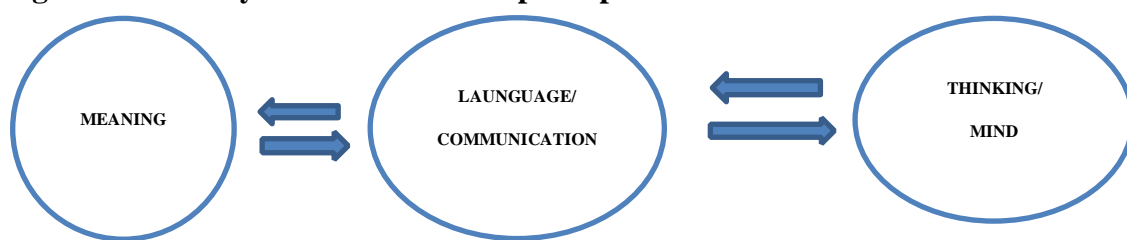
Source: Blumer (1969)

3.2.1 Meaning (Symbols)

The foundation of Symbolic Interaction Theory is meanings, which is defined by Schiffer (1972), as something that is constitutive of reciprocal interaction between persons. Wood (1992:63) described symbolic interaction as "a process in which humans interact with symbols to construct meanings". According to Charon (2007:58), "Symbols include words and many objects, and almost all acts around others contain a symbolic element". Symbolic Interaction Theory acknowledges the principle of meaning as the centre of human behaviour. Individuals behave based their actions on the meaning they have about the other person's action (Rose, 1962). In relation to the current study, the meanings that police officers have about the action formed or created by criminals result in them responding in a similar manner, the physical action that the suspect portrays creates a certain meaning to the police and they act in some way to protect themselves.

Further, Aydın and Demirbuken (2009) indicated that people live both in the natural and the symbolic environment. Rose (1962) indicated that individuals acquire symbols because of other people symbolically interacting with them. Words are the most important symbols, making human thinking possible. Kuhn (1964) also highlighted that through symbolic

interactions, one acquires information and ideas, understand one's own experiences and those of others, share feelings, and come to know other people.

According to Wood (1992:63), "Without symbols none of this could happen". Redmond (2015:8) elaborates that "symbols allow us to intentionally communicate". He further indicates that, symbols allow us to express and understand each other's thoughts, ideas, and feelings. The thoughts and ideas that the police have over suspects, are a result of the symbols portrayed by the suspects to police officers. According to Hatch (2018), Symbolic Interaction Theory claims that facts are based on, and directed by symbols. He further explains that the symbolic interaction examines the meanings emerging from the reciprocal interaction of individuals in social environments with other individuals and focuses on the question of which symbols and meanings emerge from the interaction between people.

Symbolic interaction entails a lot more than simply communicating through symbols. In the context of death because of police action, during a shoot-out between a police officer and a suspect, both humans interact and usually police ask suspects to drop a gun or to free their hands from anything. Delay or acting in a different manner usually causes police officers to shoot at the suspect as they did not obey to the instruction. This elaborates on how the police officer interprets the criminal's action and how they react based on the criminal's initial reaction towards them, which increases the number of deaths because of police action. Symbolic interaction is defined by Huber (1973) as a process of interpretation of action. In line with the study, this theory bests explains the interaction of the police with criminals, the way criminals often behave.

For instance, during a robbery, the police may arrive and given that both the police and criminals will be armed for their own protection, criminals usually use their guns to stop whoever attempts to interfere with the process. The meaning behind one carrying a gun varies, hence the police interpret the action of the criminals based on their culture (how they were taught to respond to criminal action). In most instances, the police shoot at criminals to avoid being shot at. Further, the police may shoot to prevent a potential suspect from fleeing the crime scene. The way police officers interpret the meaning behind the criminal carrying a gun, results in an increase of death because of police action incidences (Stryker, 1972). Thomas (1928) stated that it is not important whether interpretation is accurate. Schenk and Holman (1980) state that Symbolic Interaction Theory is a dynamic theory because it objects feature meanings within them, and individuals formulate their activities in the direction of their

evaluation of themselves, people and objects around them. Objects do not have meaning on their own, but they get their meanings from social actors.

Thus, it is the social actors that attribute meaning to objects according to this perspective. Further, meaning is attributed to these elements by means of human interaction (Matsueda and Heimer, 1997). For instance, as human beings, people think differently, hence, the meaning we have about a certain thing or phenomena differs. Ashworth (2000) assumes that symbols develop mind, and they are used as means for thinking and communication. He focused on how people interact in their daily lives by means of symbolic interaction and how they create order and meaning (also see Korgen and White, 2008). The killing of criminals by the police is often a matter of personal way of processing information. According to Blumer (1969:58), human beings form "meaning" in two ways:

1. Meaning is something attributed to objects, events, and phenomenon.

2. Meaning is a "physical attachment" imposed on events and objects by human.

Blumer (1969) believes that meaning is a condition that emerges because of the interaction of group members and not an essential feature of the object (Tezcan: 2005). Thus, fact consists of the interpretation of various definitions.

3.2.2 Language

According to LaRossa and Reitzes (2009), language provides a meaning to humans by means of symbols. Language is constitutive of symbols that differentiate the social relations of humans from the level of communication in animals. Young (1991) asserted that human beings give meaning to symbols, and they express these meaning by means of language. In terms of death as a result of police action, police officers give instructions to the suspect(s) using language, expecting the criminal respond positively to the instruction given out by the police officer, either through language or action. Failure to comply, the police act, often in the form of shooting at the suspect. Consequently, symbols form the basis of communication. In other words, symbols are indispensable elements for the formation of any kind of communication act.

3.2.3 Thinking/Mind

As the last principle in the symbolic interaction perspective, thinking changes the interpretation of individuals pertaining to symbols (Nelson, 1998). When police officers arrive at the crime

scene and suspects attempt to escape, there are thoughts of trying to get a way of stopping the suspect from fleeing the scene.

These may include a warning shot fired aimed in the open sky as a warning, if the suspect continues to run then they have no choice but to aim for leg to stop them from getting away with their criminal action. Some may eventually kill the suspect, unintentionally. According to Kuhn (1964), the mind would not exist without society, symbols, and the self. Charon (2007:93) wrote, "Mind is defined as all symbolic covert action toward oneself". The mind is covert in that as human beings are aware or conscious of the symbolic action of our thoughts. Action toward oneself means that human beings produce the thoughts or actions for our own use; they are directed to us for our own consumption. The mind connects symbols to objects, which serves as the basis for assigning meaning and interpretations (Redmond, 2015). Suppose during a criminal act, police officers enter the scene, the police minds connect the object (gun carried by suspect) to a symbol "gun" and a host of various meanings and thoughts are directed to the police officer, which include that the criminal will shoot at them. According to Downes, Rock and McLaughlin (2016), these mind actions or thoughts are symbolic in nature and reflect how a given symbol is associated with a lot of meaning, interpretations, and thoughts. Mind actions allow people to manage the world because people act toward things based on the symbolic meanings one associates with them (Denzin, 2005). A criminal's mind for instance associates different meanings to "police car/van" and "police officer", which results in adopting the criminals' behaviour to each in such a way as to ensure their own survival. They may run away to avoid being arrested or shoot at the police.

According to Redmond (2015:5), "behaviourists focus on observable behaviours as responses to stimuli because of the belief that people can't actually observe what happens inside the brain/mind". Feldman (1977) regarded such behaviour as automatic responses to stimuli and applied the findings from studying animal behaviour to human behaviour. In applying Behaviourism, Herbert Mead (1938) identified gestures as unintentional acts without conscious meaning that evoke immediate and automatic responses in the observer, as cited in (Stryker, 1959). For example, an offender may refuse to comply with the police officers' instruction (the observer) or they start shooting at police officers, the police will start shooting back for their own protection, an occurrence that normally leads to death of either the offender or the police officer. As it can be understood from this example, humans form meaning because of their own experiences (Berg, 2000).

In summary, a person's interactions with other people results not only in the acquisition of language (symbols), but also in the acquisition of a self (Parsons and Ebinger, 1968). Each interaction has the potential to modify the individual's sense of self. Research found that a person's perception of other people's responses has more effect on self than did the actual response (Baumeister, Masicampo and Twenge, 2013). The fact that human's are responding to what we perceive invites inaccuracy and distortion of actual responses. For instance, a suspect approaches his pocket when asked to show off his hands, police will eventually shoot at him because of what they perceive (taking out a gun).

3.2 The Rational Choice Theory

The Rational Choice Theory is argued to have been developed as part of the behavioural revolution in American political science of the 1950s and 1960s, which sought to investigate how individuals behaved, using empirical methods (Elster, 1989). Anthony Downs (1957) was the first to apply the Rational Choice Theory to electoral behaviour and party competition (Scott, 2000). According to Pratt (2008), Rational Choice Theory, is a theory for understanding and often modelling social, economic, and individual behaviour. Becker (1976) recorded that the Rational Choice Theory was early popularised by a 1992 Nobel Memorial Prize Laureate in Economics Science, Gary Becker, who was one of the first to apply rational actor models more widely. Elster (1989) stated the essence of the Rational Choice Theory when he said that when faced with several courses of action, people usually do what they believe is likely to have the best overall outcome. 'Rationality' as defined by the Rational Choice Theory adopts a more specific and narrower definition, which simply means that an individual acts as if balancing costs against benefits to arrive at action that maximises personal advantage as cited in (Friedman, 1953).

According to Hechter and Kanazawa (1997), economics is the most successful of the social sciences. Hayward (2007) further indicated that the Rational Choice Theory assumed that people are motivated by money and by the possibility of making a profit, and this has allowed it to construct formal, and often predictive, models of human behaviour. Sociologists and political scientists have tried to build theories around the idea that all action is fundamentally 'rational' in character and that people calculate the likely costs and benefits of any action before deciding what to do (Scott, 2000). Hechter and Kanazawa (1997) defined the Rational Choice Theory as an analytical framework that aims to understand human behaviour.

In rational choice theories, individuals are seen as motivated by the wants or goals that express their 'preferences' (Newman and Clarke, 2016). They act within specific, given constraints and based on the information that they have about the conditions under which they are acting. At its simplest, the relationship between preferences and constraints can be seen in the purely technical terms of the relationship of a means to an end. As it is not possible for individuals to achieve all the various things that they want, they must also make choices in relation to both their goals and the means for attaining them.

Rational choice theories hold that individuals must anticipate the outcomes of alternative courses of action and calculate that which will be best for them. Rational individuals choose the alternative that is likely to give them the greatest satisfaction (Heath, 1976; Carling, 1992; Coleman, 1973). As a point of departure, the Rational Choice Theory foregrounds the viewpoint of the individual, as opposed to viewing several individuals interacting together, social situations, or groups (Coleman and Fararo, 1992). The emphasis on the individual interest is always the starting point of the theory. According to Abell (2000), it is only individuals who ultimately take actions, and social actions are optimally chosen and are entirely concerned with their own welfare. These basic assumptions portray the methodological individualism of the theory– the individual as actor with an initial concern only about him or herself, as well as his or her welfare (Scott, 2000).

In relation to the study, the Rational Choice Theory states that humans make calculated decisions, implying that for every action one takes, risks, benefits and the consequences of the actions are already known or rather perceived. From a Rational Choice Theory perspective, crime is purposive behaviour, be it its benefits or consequences. People generally act in their self-interest and make decisions to commit crime after weighing the potential risks, which include getting caught and punished, juxtaposed against possible rewards (Becker, 1968). Extant literature on police corruption has always highlighted beliefs that police offenders that they may not get caught in the act, yet there is also a possibility of being caught. The Rational Choice Theory is more of a personal theory than one focused on social factors such as colleagues or surroundings. The rational choice offender, then, is rational and self-interested and importantly, chooses to commit crime based on their assessment that it will be rewarding, profitable or capable of satisfying some need better than a non-criminal behaviour.

The Rational Choice Theory takes the position that offenders are not compelled to commit crime because of some extraordinary motivation but are rather compelled by personal gains.

An example of this would be that the police officer already knows that when he/she takes a bribe of a certain amount, he/she will accumulate so much and thus use the money for his/her own personal benefit. Cornish et al. (2014) state that criminal behaviour, like illegal behaviour, is not determined by biological, psychological, or environmental factors acting on the person, compelling him or her to commit crimes. Therefore, people voluntarily and willingly engage in criminal behaviours. For example, an officer can steal drugs for instance while on duty, which is something that might generate him/her some money, because he/she knows that he/she must fend for his family.

Scott (2002) argued that human behaviour, like all animal behaviour, is not free but determined. On the one hand, behaviour is shaped by possible rewards that can emanate from an act. On the other hand, it is also shaped by punishments that are encountered. People do those things that lead to rewards, and they avoid whatever they are punished for as this is human instinct. Hence, when engaging in criminal activities, offenders make sure that they are not caught; they try the best way possible to not get caught. Reinforcement through rewards and punishments, technically termed 'conditioning' is the determining factor in human behaviour (Bandura, 1976). People learn from their past experiences, which can be applied within the South African Police Services, given that when punishment is served in any form, behaviour is likely to decrease.

People are seen to be motivated by the rewards and costs of actions and by the profits that they can make, hence within the South African Police Services as an organisation, members that are caught in the act of unethical behaviour like corruption or through evidence of having acted unethically, but before the behaviour is made, calculations of rewards would have been made. Gul (2009) states that the theory is based on the notion of individualism, thus the offender thus sees oneself as a person, a person with needs and, goals that should be attained, and in this process, offenders try to find ways of advancing their personal goals. Central to the Rational Choice Theory is belief that the individual is a rational actor, in a sense that thoughts are calculated, and these thoughts involve calculations, meaning that an individual takes time to think about a criminal act, calculating the rewards, and considering possible punishments. Thus, humans have the free will to choose the type of behaviour they engage in, be it behaviour that is conforming or deviant (Gul, 2009).

Akers and Sellers (2013) state that within the Rational Choice Theory, there is the notion of free will, as stated above. It is believed that humans are rational and can make decisions

according to individual needs and wants. Using this perspective, people can understand the difference between right and wrong, and can choose to commit criminal acts or to abide by the law. When the Rational Choice Theory is applied to police corruption within the South African Police Service, members from the organisation may attempt to rationalise in a sense that they will not get caught when doing criminal activities, regardless of the known risks. Similarly, Steele (2016) asserts that a decision to offend takes place, and that such a decision is taken by reasoning and rationalising, weighing up the costs and benefits of the action.

3.3.1 Assumptions of the Rational Choice Theory

There are a few assumptions made by rational choice theorists. Abell (2000) noted five assumptions made by rational choice theorists. These are individualism, optimality and Structures.

1.Individualism: Steel (2016) explained that it is individuals who ultimately take actions. Individuals, as actors in the society and everywhere, always behave and act as rational beings, self-calculating, self-interested and self-maximising, these individual social actions are the ultimate source of larger social outcomes.

2.Optimality: Individuals choose their actions optimally, given their individual preferences as well as the opportunities or constraints the individual faces. Abell (2000) defines optimality as taking place when no other course of social action would be preferred by the individual over the course of action the individual would have chosen. This does not mean that the course of action that the actor adopts is the best in terms of some objective, and outside judgment. According to Scott (2000), the Rational Choice Theory assumes that individuals do the best they can, given their circumstances as they see them.

3.Structures: Becker (1976) argues that structures and norms that dictate a single course of action are merely special cases of the Rational Choice Theory. In other words, the range of choices in other circumstances differs from choices in a strong structural circumstance, where there may be only one choice. Although these structures may be damaging to the rational choice model, individuals will often find a way to exercise action optimally, hence the rational choice model may not necessarily show harmony, consensus, or equality in courses of action (Gull, 2009). Structures may not be optimal from the viewpoint of an individual with few resources;

however, the rational choice approach will attempt to explain how this situation emerges and is maintained through rational choices.

4.Self-Regarding Interest: This assumption states that the actions of the individual are concerned entirely with his or her own welfare (Hayward, 2007). Abell (2000) noted that in as much as this is a key assumption in the rational choice approach, it is not as essential to the approach as the assumption on optimality. Further, Abell (2000) noted that various types of group sentiments could exist, such as cooperation, unselfishness, and charity, which may initially seem to be contrary to individual optimality.

5.Rationality – This appears to be the most predominant assumption of the Rational Choice Theory. Scott (2000) stated that all individuals, act in ways that would benefit them more. Thus, every individual is most likely to undertake courses of actions that they perceive to be the best possible option, and one that would immensely be to their own advantage.

The Rational Choice Theory assumes the near impossibility of 'all things being equal', and on this basis, individuals make choices and decisions that they see as rational, not minding that the circumstances, and situations in which these decisions are made have a large impact on whether such decisions are rational, also, the values, beliefs and philosophy of the individual also influence the rationality of choices and decisions made by individuals. In the final analysis, individuals hardly follow the steps provided in the rational model to reach decisions. Choices and decisions are made by simply 'muddling through', if the decision made would likely lead to the perceived best possible outcome. Hence, rationality is subjective, as individuals can be both rational and irrational in reaching decisions from time to time.

3.4 The Theory of Differential Reinforcement

The Theory of Differential Reinforcement stems from Burrhus Frederic Skinner's model of operant conditioning (Burgess and Akers, 1966). Skinner's theory of operant conditioning was based on the work of Thorndike (1905). Edward Thorndike studied learning in animals using a puzzle box to propose the theory known as the 'Law of Effect'. Skinner is regarded as the father of Operant Conditioning, but his work was based on Thorndike's Law of Effect. Skinner believed that all behaviors including public, or external behavior as well as private or internal events such as feelings and thoughts are ultimately learned and controlled by the relationships between situation that immediately precedes the behavior and the consequences that directly follow it (Skinner, 1965).

The behavior of police officers is ultimately learned and controlled by the relationships between situation that immediately precedes the behavior and the consequences that directly follow it. Skinner believed that the best way to understand behavior is to examine the causes of an action and its consequences (Newburn, 2007). He further introduced a new term into the Law of Effect, which is reinforcement and explained that behavior which is reinforced tends to be repeated or strengthened whereas behavior, which is not reinforced tends to die out, extinguished or weakened (Jeffery, 1965).

In any given situation, any behaviour that is followed by consequences such as praise, and receiving money, increase the likelihood of the behavior to be repeated in future. These consequences are referred to as reinforcers (McLeod, 2015). Skinner would place animals in a box, which is known as the "Skinner box" to illustrate what he called "reinforcement", which was learned through a study of operant conditioning. His study demonstrated how the consequences of actions shape future behavior. Police behavior is shaped by the conviction rate after the case has been investigated by the IPID and the response from the National Prosecuting Authority (NPA) regarding corrupt police officers. For example, the higher the conviction rate, the less chances of the same behaviour to be repeated in future. According to Newburn (2007), behaviour resulting in consequences felt to be desirable will tend to increase in frequency, whereas behaviorur that results in undesirable outcomes will decrease. The behaviorur of police officeers (murdering suspects and corruption) may increase in frequency if the NPA, which is responsible for conviction does not punish such criminal activity committed by the police.

Whereas police behavior that results in undesirable outcomes such as arrest and being fined will tend to decrease. According to the Differential Rreinforcement Ttheory, criminal behaviorur is operant behavior; that is, there are behavioral patterns that take place in response to numerous rewards and outcomes (Hadebe, 2017). Reporting a corrupt police officer will tend to make the behavior less likely to be repeated in future. This behaviour is referred by Iwata (1987) as punishers. According to police behavior, when there are disciplinary measures for police officers who are corrupt and those involved in domestic violence or shoot to kill, there are less chances of such behavior to be repeated in future. The implication is, if the NPA brings corrupt police officers to justice, such behavior will decrease.

According to Edward (1987), the effects of these relationships between behavior and the environment are called reinforcement and punishment, respectively.

Figure 3.2 below illustrates the interaction between reinforcement and punishment, how one's behavior can be reinforced or punished,
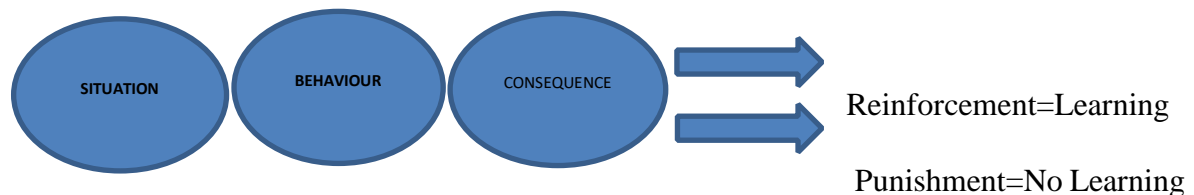
Source: Edward (1987)

3.4.1 Reinforcement

Burrhus Frederic Skinner (1948) introduced the term *reinforcement*, which he defined as any event that strengthens a behavior upon which it is contingent. He further conducted an experiment using animals to illustrate reinforcement. He used a "Skinner box" where he placed animals inside to illustrate the causes of an action and its consequences, meaning that if one performs a certain action, there will be consequences. In the "Skinner box", Skinner placed a rat, where the rat learnt to press a lever to obtain food. In line with the current study, police corruption is an act that shapes future behavior, by starting with a manner criminal activity, such as accepting a bribe from a reckless driver who does not want to be arrested will eventually cause a police officer to be involved in a bigger scandals or more serious corrupt behavior in future. Skinner defined reinforcement, as he defined most things, by experimental example. He first describes training a pigeon to stretch its head upwards by reinforcing with food, any movement that goes above a line that is continually adjusted upwards. This general technique is referred by Vollmer and Iwata (1992) as shaping by successive approximations. According to Sutton and Barto (1998), reinforcement is the barest possible statement of the process that people make a given consequence contingent (dependent) on certain physical properties of behavior (the upward movement of the head), and the behavior is then observed to increase in frequency.

If the IPID does not hold police official accountable for their criminal activities, chances are that such criminal behavior will be repeated in future. McLeod (2015) added by stating that any event which will have this frequency-increasing effect if made contingent on behavior on more than one type of behavior, preferably, so that the definition is not circular is termed a reinforcer. Further, Skinner appropriated the word contingency for the dependent, causal, relation between behavior (response) and consequence (reinforcer) necessary for the reinforcer to have an effect (Glaser:1962). According to Matsueda (1988), there are two key terms in Skinner's definition of reinforcement, which are contingency and frequency (or probability). It turns out that the way in which behavior determines the occurrence of a reinforcer makes a very great deal of difference to the effectiveness of the reinforcer. In with the context of the current study, behavior is what determines the occurrence of a reinforcer. According to Burgess and Akers (1966), the less likely a reinforcer is given a response, the weaker its probabilityenhancing effect (probability). For instance, if police officers are not bribed by a suspect, such corrupt activities will decrease.

Burgess and Akers (1996) further stated that the longer the time delays between the behavior and the occurrence of the reinforcer, the weaker the effect of the reinforcer (delay). After the completion of an investigation, by IPID, criminal recommendations are referred to the NPA who, based on the evidence at hand, will decide whether to institute criminal proceedings against the suspect(s) or not. Every recommendation forwarded to the NPA is evaluated and based on the evidence presented, and a decision is made. The longer it takes for the NPA to decide whether to prosecute or not, the techniques will not be effective anymore and the police will continue being corrupt. Haggbloom (1980) added that the more the reinforcer occur in the absence of the response, the less the effect of those reinforcers that are response-produced.

According to Brauer and Tittle (2012), the key point of the Differential Reinforcement Theory is that the effect of a reinforcer is closely related to what might be termed the predictiveness of the response. For example, if a response is a reliable predictor of a reinforcer, the response will tend to increase in frequency. What is not obvious is that the predictiveness of a response depends on the degree of behavioral variation. Skinner defined reinforcement as a behavioural consequence that increases the probability that a response will be repeated in the future (Skinner, 1971). He further stated that "when a bit of behavior is followed by a certain kind of consequence, it is more likely to occur again, and a consequence having this effect is called a reinforcer" (Skinner, 1971:27).

3.4.2 Positive and negative reinforcement

Holth (2005) identified two types of reinforcement and stated that the two underlying elements or concepts of the Differential Reinforcement Theory can be either positive or negative, which means that reinforcement can either be positive or negative. On the one hand, positive reinforcement involves the presence of a stimulus, which increases the probability of a behavior (Premack, 1959). Newburn (2007:152) indicates that "positive reinforcement produces rewarding consequences, thereby encouraging similar behavior in the future". In line with the study, presentation of a reward or positive performance evaluation may increase the occurrence of incidences of death because of police action and police corruption (response rate). On the other hand, there is negative reinforcement, which operates through withdrawal or termination of stimulus. This type of reinforcement is typically aversive or noxious in nature, and it increases the probability of a behavior. In negative reinforcement, behaviour is encouraged by removing consequences that are adverse (Newburn, 2007).

Elimination of disciplinary measures (extrinsic stimulus) supposedly taken against a corrupt police officer or those intentional murder suspects increases the chance that the police will murder or be involved in corruption again (response rate), because reinforcement (whether negative or positive) means that the reinforcer wants that behaviour to occur again (Hadebe, 2017). In real life Baron (2005) states that the distinction between positive and negative reinforcement is not always clear. According to Burgess and Akers (1966), certain stimulus events may be avoided or terminated which may also lead to an increase in frequency, which is negative reinforcement.

3.4.3 Punishment

An aversive stimulus weakens the response rate. In other words, the response rate decreases when a given stimulus is produced by a given response. This process is known as punishment (Estes, 1972). Catania (1968) noted that punishment can be either positive or negative. In a subsequent publication, he defined positive punishment as that associated with the presentation of an aversive stimulus, whereby the presentation of a stimulus decreases the response rate. Holth (2005) states that negative punishment results from the withdrawal of a positively reinforcing stimulus. This entails a process where the elimination of a stimulus increases the response rate. In relation to this study, this means that the application of disciplinary and criminal conviction measures by the IPID to the SAPS will eventually decrease police crimes

particularly corruption and death because of police action. If applied consistently, this will decrease the desire of the police to be involved in criminal behavior. Therefore, for police corruption and death because of police action to decrease, punishment must be made available for deviant police officers.

Jeffery (1965) stated that a criminal act may lead to reinforcement, but it also may lead to punishment. Criminal acts committed by the police can be reinforced by the absence of discipline by the SAPS management and police accountability through investigations. According to Jeffery (1965, the theory of differential reinforcement states that a criminal act occurs in an environment in which in the past the actor has been reinforced for behaving in this manner, and the aversive consequences attached to the behavior have been of such a nature that they do not control or prevent the response. In reference to this study, if police officers were not previously held accountable for their criminal behavior, such behavior will be continued.

For instance, if a police officer were to get away with murder or corruption without being held accountable for such a criminal activity, such behavior will persist. Criminal behavior is under the control of reinforcing stimuli (Glickman and Schiff, 1967). An act of corruption produces money towards the police officer, however if the aversive consequences of the act control the behavior, then the behavior does not occur or is reduced. For instance, if the police officer regards his/her act as being punishable, he/she will not commit a crime.

3.5 Conclusion

Many theorists have addressed issues of rationality, efficiency, and effectiveness. Each theory has its different claims regarding how to ensure organizational control, how organizational control systems emerge, and the effect of control systems on individuals and the organizational structures differently. These theories have relevance in explaining this study on the effectiveness of the IPID in dealing with police corruption and death because of police action. It highlighted different theories that best explain police behaviour, how corruption occurs and the thoughts that lead them to kill suspects. These theories are effective in modern day society and can effectively put into perspective the whole idea of how the IPID is structured and how human relations play a role within the organisation.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.1 Introduction

According to Struwig and Stead (2013), research is a process of gathering and analysing information. In this chapter a detailed description of how relevant data to address the objectives of the study were generated. The researcher elaborates on the research design and provides information on the procedures that were followed in the sampling process as well as data collection and analysis. The ethical considerations that were applied to the study, the challenges encountered and limitations of the research are briefly outlined.

4.2 Research design

A sound research design is a necessity because it helps to produce credible results. A research design is a blueprint or plan to guide data collection and analysis. In simple terms, it is a bridge between the research questions and implementation of the research (Bhattacherjee, 2012; Durkheim, 2006; Steyn, 2013). The aim of this study was to explore the effectiveness of the IPID in investigating police corruption and death as a result of police action. Hence, use of a qualitative research approach was deemed appropriate in seeking to achieve the aim of the study. The research design allowed the researcher to get an in depth understanding of the causes of police corruption and death as a result of police action, and how the IPID investigates these criminal offences committed by the police. The study also reflects on the effectiveness of the IPID as a department. The design of qualitative research is a general way of thinking about conducting qualitative research. It describes, either explicitly or implicitly, the purpose of the qualitative research, the role of the researcher(s), the stages of research, and the method of data analysis.

A qualitative research design is probably the most flexible of the various experimental techniques, encompassing a variety of accepted methods and structures. The researcher chose this research design to allow flexibility in the study when conducting research interviews. Qualitative research is a systematic scientific inquiry, which seeks to build a holistic, largely narrative, description to inform the researcher's understanding of a social or cultural phenomenon. According to McMillan and Schumacher (1993:479), qualitative research is defined as "primarily an inductive process of organizing data into categories and identifying patterns (relationships) among categories."

This definition implies that data and meaning emerge "organically" from the research context. According to Steyn (2014), there are four stages to the research process that include defining the research question, designing the research, doing the research and presenting the results. A research question is prompted by a thought, an idea, an experience or an observation, and thereafter, a question to be asked is refined from the idea. A research design is a plan on how one will conduct, gather and analyse data. It includes details such as the techniques that will be used, which include sampling, data collection and data analysis (Steyn, 2014). These stages were followed in this study as reflected in the series of chapters. Chapter one of this study provides a detailed description of the research question, chapter four explains the research design and its implementation, while chapter five presents the findings and chapter six provides the conclusions and recommendations.

4.3 Purpose of inquiry: Exploratory research

Research is conducted for various reasons (Neuman, 2006). These include to explore, explain or describe a phenomenon, an assumption or a finding. The main purpose of the current study was to explore the effectiveness of the IPID in investigating police corruption and death, which occurs as a result of police action in KwaZulu-Natal Province, SA. Exploratory research is used to explore new areas of inquiry. Burns and Groove (2001:374) defined exploratory research as research conducted to gain new insights, discover new ideas, and also to increase knowledge of the phenomenon. This study explores the effectiveness of the IPID organisation in investigating police corruption and death as a result of police action, which is a new area of inquiry. Hence, an exploratory research design was adopted to navigate the contours of this study area.

Exploratory research, as the name implies, seeks to illuminate the area of interest and explore the research questions in a given study. Importantly, exploratory research does not intend to offer final and conclusive solutions to existing problems. This type of research is usually conducted to study a problem that is yet to be clearly defined. The effectiveness of the IPID has not been investigated by many researchers, hence the researcher chose this topic to explore how they investigate police corruption and death as a result of police action. Explorative research is conducted to determine the nature of the problem, and it does not intend to provide conclusive evidence, but helps researchers to have a better understanding of the problem (Singh, 2007). When conducting exploratory research, the researcher must be willing to change their direction as a result of revelation of new data and new insights.

Exploratory research design does not aim to provide the final and conclusive answers to the research questions, but merely explores the research topic with varying levels of depth. It has been noted that "exploratory research is the initial research, which forms the basis of more conclusive research. Exploratory research "tends to tackle new problems on which little or no previous research has been done" (Brown, 2006:43).

4.4 Research paradigms in social research

According to Terre Blanche and Durkheim (1999), the research process has three major dimensions: ontology, epistemology and methodology. Further, these scholars defined a paradigm as an all-encompassing system of interrelated practice and thinking that defines the nature of enquiry along these three dimensions. The term paradigm originated from the Greek word *paradeigma*, which means pattern. It was first used by Thomas Kuhn (1962) to denote a conceptual framework shared by a community of scientists, which provided them with a convenient model for examining problems and finding solutions. Kuhn (1962) defines a paradigm as an integrated cluster of substantive concepts, variables and problems attached with corresponding methodological approaches and tools. The term paradigm refers to a research culture with a set of beliefs, values, and assumptions that a community of researchers has in common regarding the nature and conduct of research (Kuhn, 1977). For Olsen, Lodwick, and Dunlop (1992:16), a paradigm hence implies a pattern, structure and framework or system of scientific and academic ideas, values and assumptions".

According to Lather (1986a: 259), research paradigms inherently reflect our beliefs about the world we live in and want to live in. Gephart (1999) Research paradigms are classified into three philosophically distinct categories, which are positivism, interpretivism and critical postmodernism (Gephat, 1999). Out of this three-fold classification, interpretivism is considered ideal for this study because the aim of the study is to understand social members. Using an interpretive paradigm in this qualitative study, created an opportunity to gain more information and understanding of the area of interest. Figure 4.1 below shows the classification of paradigms. A paradigm is a basic belief system and theoretical framework with assumptions about 1) ontology, 2) epistemology, 3) methodology and 4) methods. In other words, it is a way of understanding the reality of the world and studying it. A paradigm serves as a guide on how research can be conducted. In this study, the researcher was guided by the interpretive research paradigm. Further, the above three philosophical perspectives are popular paradigms in contemporary social, organisational, and management research.

The key features of these three perspectives that include worldview, the nature of knowledge pursued, and the different means by which knowledge is produced and assessed within each paradigm are discussed below.

4.4.1 Interpretive paradigm

The interpretivist/constructivist paradigm grew out of the philosophy of Edmund Husserl's phenomenology and Wilhelm Dilthey's and other German philosophers' study of interpretive understanding called hermeneutics (Mertens, 2005:12 citing Eichelberger, 1989). Interpretivist or constructivist approaches to research have the intention to understand "the world of human experience" (Cohen and Manion, 1994:36), suggesting that "reality is socially constructed" (Mertens, 2005:12). The interpretivist or constructivist researcher tends to rely on the "participants' views of the situation being studied" (Creswell, 2003:8) and recognises the impact on the research of their own background and experiences. In this study, the use of an interpretive paradigm enabled the researcher to gain the participants' views of the study, and their background understanding in order to achieve the aim and objectives of the study.

Qualitative research allows the researcher to learn more about different experiences from the perspective of the individual. The researcher used the interpretive approach to understand social phenomena and social beings. The main focus of the study was to get an understanding of the effectiveness of the IPID in dealing with corruption in the SAPS and death as a result of police action. An interpretivist approach was considered to be the best approach because it enabled the researcher to gain an in-depth understanding of the everyday working experiences of IPID investigating officers and how they investigate police corruption and murder (death as a result of police action). This approach also enabled the researcher to interact with the study participants to get a better understanding of their experience, how they investigate the abovementioned crimes and the effectiveness of their method of investigation.

The interpretivist approach enabled the researcher to get a better understanding of the everyday working experiences of IPID investigating officers. To make sense of their experiences, the researcher interacted with the study participants and gained the essence of their reality in the context of police corruption and death as a result of police action. Therefore, by using the interpretive paradigm, the researcher was positioned within the realities experienced by IPID investigating officers. Further, the researcher was able to get clarity and meaningful interpretations of IPID officers' responses during in-depth interviews.

4.4.1.1 Phenomenology as a strategy of enquiry

The roots of phenomenology, a philosophy of human being is found in the era of Plato, Socrates and Aristotle (Fochtman, 2008). Historically, Husserl's (1913/1962) perspective of phenomenology is that of a science of understanding human beings at a deeper level by gazing at the phenomenon. Phenomenology as a philosophy provides theoretical guidelines to researchers to understand phenomena at the level of subjective reality. In simple terms, it allows the researcher to understand the study at the level of subjective reality (participants). Phenomenology is an approach to educate our own vision, to define our position, to broaden how we see the world around us, and to study people's lived experience at a deeper level. It, therefore, holds both the characteristics of philosophy as well as a method of enquiry.

The purpose of this study is to seek phenomenological answers to some of the key questions about the effectiveness of the IPID in investigating police corruption and death as a result of police action. Phenomenological approaches are more effective in describing rather than explaining subjective realities, insights, beliefs, motivation, actions and folk wisdom (Husserl, 1977) by clearly showing the research participants rather than hiding (Plummer, 1983; Stanley and Wise, 1993). The purpose of doing phenomenology is to focus on the phenomena under study to explore the complex world of lived experiences from the actors' (those who live it) point of view. Doing so does not only help us to understand some phenomenon or an event at a deeper level of conscious, but to explore our own nature, and bring about transformation at the personal level. Thus, the researcher can reflect critically and become more thoughtful and attentive in seeking to understand social practices.

Phenomenology is a way of thinking about knowledge – a philosophical and theoretical viewpoint – how do we know what we know (Bozzi, 1990). It is a methodological space within the field of social science research to study human phenomena at a deeper level of conscious and understand lived experiences. Within this space, data collection tools such as interviews, discussions, participant observations and action research are commonly used. In this study, the researcher used interviews as a method of gaining more information from the research participants. To a large extent, the researcher's expertise matters when it comes to gain a deeper level of insight on the knowledge of the research participant. The researcher used in-depth interviews to collect concrete and relevant data about the topic of interest.

Purposeful sampling was used as individuals were selected based on their knowledge of police corruption and death as a result of police action. The researcher also made use of a phenomenological inquiry because it places emphasis on subjectivity and personal knowledge in perceiving and interpreting the phenomena from the research participant's point of view (Lester, 1999). This enables the researcher to explore participants' knowledge and experience of the topic of interest.

4.5 Selection of participants

4.5.1 Gatekeeper permission and sample selection procedures

Gatekeepers are people who have the power to grant or withhold access to the study setting (Singh and Wassenaar, 2016). They control access to an institution or an organisation. Examples of gatekeepers are school principals, managing directors or administrators. There are procedures that must be followed by the researcher when they want to conduct research in any given organisation. The researcher obtained permission from various gatekeepers to conduct the study with IPID officers. Ethical clearance was granted the University of KwaZulu-Natal's Humanities and Social Sciences Research Ethics Committee.

All institutions and organisations have an autonomous right to permit or deny access to their information, space, personnel and clients and/or service users for research purposes. It is for this reason that it is vital for the researcher to obtain permission from the gatekeeper before they proceed with the study. Access to an organisation to conduct research on its data, personnel, clients or service users can be complex, involving either a formal process of gaining entry, followed by an informal process where rapport develops between the researcher and relevant gatekeepers. It may involve a negotiated transaction between the researcher and the organisation. It is crucial for the researcher to organise a meeting with the local gatekeeper before conducting interviews so that the person will be informed about the aim of the study, to discuss any concerns and to request for them to arrange a meeting with the participants on one's behalf (Sparrman, 2014).

To maximise the possibility of being granted access to an institution for research purposes, it is important that the researcher persuades the gatekeeper to understand the social value of the study (Wassenaar and Mamotte, 2012). This is regarded as a standard ethics review requirement in social research. The researcher adhered to these the various ethical requirements prior to conducting the interviews.

On the one hand, the gatekeeper reserves the right to know the proposed research processes and their potential consequential impact on the normal operational functioning of the institution or organisation. On the other hand, the researcher must also articulate the potential risks and/or costs and benefits of the study, with particular reference to the value that the study can bring to the organisation, and similar organisations in question (Johl and Renganathan, 2010). Hence, the researcher organised a meeting with the Deputy Director of the organisation to discuss the aim and objectives of the study and to reflect on ethical considerations. Gatekeeper's permission from the IPID was then obtained before conducting the study. The researcher was briefed about the number of investigators in the IPID office in KwaZulu-Natal, their role and summary of the purpose/mandate of the organisation. This enabled the researcher to gain knowledge and to understand the organisation and the crimes it investigates according to the IPID's mandate, Section 28 (1) (a) to (f) (IPID:2017). There is only one IPID office in KZN and it is based in Durban. The Deputy Director of the organisation briefed the researcher about the number of the investigating officers available at the IPID office (n=18) and the importance of booking or arranging a meeting with them as they were not always available. The researcher managed to interview 12 investigating officers, focusing on those who were responsible for investigating cases that fall under section 28 (1) (b) and (g) of the IPID mandate. The Deputy Director of the IPID in KZN granted permission for the study to be conducted and secured the appointments with IPID investigators.

4.5.2 Sampling

The selection of a study site and that of study participants are prompted by the technique of enquiry used by the researcher (Merriam, 2009). The term sampling refers to "the procedure a researcher uses to select people, places, or things to study" (Siririka, 2007:34). Furthermore, the quality of study findings are determined by the quality of the sample. In qualitative research, a small, and distinct group of participants is commonly investigated to enable the researcher to "understand the problem in depth" (Babbie, 2013:37). Purposeful sampling is usually employed (Carter and Little, 2007). This is the process of selecting information-rich cases for in-depth study (Creswell, 2014). When using purposive sampling, the participants who are chosen are "knowledgeable and informative about the phenomenon the researcher is investigating" (McMillan and Schumacher, 2010:378). Further, these participants are expected to be willing to talk openly and frankly about the matter being investigated (Merriam, 2009).

According to Kuzel (1992), qualitative studies employ forms of non-probability sampling, such as purposive sampling. This type of sampling technique does not follow any strict sequence in recruitment; instead, the participants are chosen purposively by the researcher. This form of sampling enables the researcher to study a small number of units in place of the target population and to obtain data that are descriptive of the target population.

4.5.2.1 Non-probability sampling

This study was conducted using a non-probability sampling method to select participants. Henry (1990) defines non-probability sampling techniques as a sampling method that involves researchers drawing samples from a larger population without requiring random selection. The distinguishing character of non-probability sampling is that subjective judgements play a role in the selection of the sample because the researcher decides which units of the population to include (Henry, 1990). To obtain both rich and thick data, the researcher engaged IPID investigators in the process of co-creating knowledge as they are the ones who conduct the criminal procedures and investigate criminal activities which are listed in the IPIDs mandate, Act 28 of 2011. In line with the current study, the researcher chose to work with investigators that deal with police corruption and death as a result of police action.

4.5.2.2 Purposive sampling

Data gathering is a critical process in research, as the data is meant to contribute to a better understanding of the theoretical framework (Benard,2002). It then becomes imperative that selecting the manner of obtaining data and from whom the data will be acquired be done with sound judgment, especially since no amount of analysis can make up for improperly collected data (Tongco,2012). Purposive sampling, also called judgment sampling was used to select information rich participants (Bernard, 2002). It is a technique that is used by researchers based on their deliberate choice of a participant due to the qualities the participant possesses. It is a non-random technique that does not need underlying theories or a set number of participants.

Simply put, the researcher decides what needs to be known and sets out to find people who can and are willing to provide the information by virtue of knowledge or experience (Benard,2002). In the current study, the researcher focused on IPID investigating officers as they have the relevant experience and understanding of the research topic. Purposive sampling is typically used in qualitative research to identify and select information-rich cases for the most proper utilisation of available resources (Patton, 2002).

Purposive sampling involves the identification and selection of individuals or groups of individuals that are proficient and well-informed about a particular phenomenon of interest (Cresswell and Plano, 2011). Using this type of sampling, subjects are chosen to be part of the sample with a specific purpose in mind (Palys, 2008). The researcher used this sampling method because participants are investigated based on the judgement of the researcher. With purposive sampling, the researcher believes that some participants are fit for the research compared to others. The researcher chose IPID investigators as the appropriate participants since they are the ones who investigate police crimes, specifically police corruption and death as a result of police action. Participants selected using purposive sampling are chosen based on a particular characteristic of a population that are of interest, which will best enable the research to answer the study's key research questions. This sampling technique was the best for the researcher because it allowed the control factors such as representativeness when selecting the sample. This method was also effective in the context of this study because the researcher had no strict characteristics to consider when recruiting the sample, but just that the participant had to be an investigating officer in the IPID.

Purposive sampling technique helped to ensure that the sample represented the population and that the information obtained was not biased. Using purposive sampling was important to fulfil the aim, objectives and research questions of the study. Purposeful sampling involves the selection of the participants that better understand the subject that is discussed in the research at hand (McMillan and Schumacher, 2010). The researcher selected participants that were informed about the research topic to gain rich and in-depth information and where one can learn a great deal about issues that guide the research problem. In brief, such a sample yields data that generates rich insights and in-depth understanding.

4.5.2.3 Sample size
The researcher interviewed ten (n=10) participants who were responsible for investigating cases that are classified under Section 28(1) (b) and Section 28(1) (d) of the IPID mandate. The researcher also interviewed the Director of the organisation to get a more in-depth data about the organization as a whole. The IPID office in KZN has a total of 18 investigators who investigate different crimes according to the IPID mandate. Only 10 participants were selected based on their knowledge of the crimes that were selected by the researcher.

All investigators were available and volunteered to participate in this study that explored the effectiveness of the IPID in investigating police corruption and death as a result of police action in KwaZulu-Natal Province.

4.6 Data collection methods

Data were collected using one-on-one interviews with (n=10) purposively selected participants. The interviews were audio recorded for later transcription. A digital audio recorder was used. Permission was obtained from the participants to use an audio recorder for capturing the conversations. They were requested to sign the 'permission to audio record' form (see Appendix A). According to Pile (1990: 127), a verbatim transcript of interviews is the only way to achieve a full qualitative analysis.

> "*An analysis of language can only be carried out with confidence if there is an entire record of a conversation. Hastily scribbled note is not accurate enough to be used in this way. Tape recorded sessions provide the only viable data for this kind of analysis.*"

To supplement audio records, data were also collected using field notes, which entailed key words and an indication of who said what. This played a major role in the researcher's control skills because it was very important that, during the interviews, the researcher ensured that nobody spoke while someone else was speaking because that was going to cause chaos in the transcription of the recordings as well as distract the researcher from taking notes. In situations where participants felt uncomfortable to reveal their actual names, they were allocated pseudonyms to ensure confidentiality.

4.6.1 Research instruments

For the data to be accurately collected, the researcher ensured that the research instruments carried enough strength to probe participants to extract valuable information relevant to the study. The researcher used one-on-one interviews which were semi-structured in nature. This was essentially to allow the respondents to openly share their perceptions or, where relevant, their experiences of the phenomenon being studied. The questions were listed on an interview schedule (see Appendix), for all the 10 participants. The interview schedule was generated after a through literature search was conducted to establish the knowledge gap.

4.6.2 Facilitation of interviews

Interviews are planned, prearranged interactions between two or more people, where one is responsible for asking questions pertaining to a particular theme or topic of formal interest and other(s) is responsible for responding to the questions (Lankshear & Knobel, 2004).

Interviewing can be seen as a procedure of inquiring that is characterised by employing spoken questioning as the main technique of data collection. It is planned and executed in a systematic way with the researcher being the facilitator. This helps to avoid cases of bias and distortion and to ensure that it is related to a specific research question which has a specific purpose. Semi-structured interviews follow a structure depending on the nature and purpose of the research topic, the resources available and methodological standards, and the type of objectives that need to be addressed (Burton, 2000).

In this study the use of semi-structured questions allowed the participants to express their opinions and not to feel limited in sharing their views. They also allowed for the researcher to pose probes that allowed participants to elaborate issues in cases where the researcher was not clear what the response meant or perhaps needed more information from the participant. The researcher facilitated the one-on-one interviews in an environment that was conducive to uninterrupted conversations between the participant and the researcher. Time slots for the interviews were allocated according to participants' preferences. A clear explanation of what the study was about was given before each interview commenced. The nature of the questions that would be posed was also highlighted prior to signing of the informed consent form.

4.6.3 In-depth interviews

The researcher used in-depth interviews to collect data. Boyce (2006: 3) explains that "an indepth interviewing is a qualitative research technique that involves conducting intensive individual interviews with a small number of respondents to explore their perspectives on a particular idea, program, or situation". According to Donalek(2005:124) "interview is by far the most common method of qualitative data collection". In this study, the researcher used interviews as a method of collecting data since it enables one to get rich and thick data. The data were collected by asking interview questions that were relevant to the study and that addressed the study objectives and aim. In-depth interviews were deemed suitable for this study because they allowed the researcher to obtained detailed information about the study in question.

According to Boyce and Neale (2006), in-depth interviews are useful when the researcher wants detailed information about a person's thoughts and behaviours or want to explore new issues in depth**.** The effectiveness of the IPID is a new issue under research, hence the researcher used in-depth interviews to explore and provide readers with a more detailed information about the study**.** The use of in-depth interviews was considered suitable for this study because the aim was to explore the effectiveness of the IPID in investigating police corruption and death as a result of police action. The researcher formulated semi-structured interview questions (Appendix A) based on the objectives and research questions that this study sought to answer. These interview questions were effective as they followed the main aim of the study.

4.6.4 Administration of interviews

The researcher sent an e-mail to the Deputy Director of the KwaZulu-Natal IPID to book a meeting to introduce the aim and objectives of the study. The researcher was introduced to the participants by the Deputy Director at the initial meeting that was held, though not all the investigators were present as they often travel extensively when executing their duties. During the meeting, the researcher briefly informed the participants about the topic, the aim and objectives of the study. The researcher made appointments with the participants upon conducting the interviews, it was deemed crucial for the researcher to follow a procedure upon conducting the interviews for guidance. The researcher informed the participants about the aim and purpose of the study by giving them a brief overview of the objectives of the study, with particular reference to section 28(1) (b) and (g) of the IPID mandate.

Secondly, the participants were informed about the fact that they reserved the right to withdraw anytime if they were not comfortable. Participants were informed about both anonymity and confidentiality and that their responses were solely required for research purposes. Before the interviews were conducted, each participant was given a consent form to read and to ask for clarify where they did not understand. The consent form was written in English and IsiZulu (Appendix A). The participants willingly agreed to participate and each signed the informed consent form. They were asked in writing if they were willing to be audio recorded. This made them aware that they were not compelled to being recorded.

4.7 Data presentation and analysis

Following the process of collecting data was the longest process in the entire study, which was data analysis. Qualitative research is a complex undertaking and making sense of qualitative data is not an easy task (Coffey, 1996). In this study, there was need for verbatim transcriptions of the data from the recorded conversations to Microsoft word format. Once the data were transcribed, the next step was to analyse them using a procedure of qualitative analysis known as thematic analysis. According to King (2003), thematic analysis is a process of analysing data using themes emerging from the data. In this process, the researcher reads through the data and categorises key ideas and words into linking themes and views. Making note of patterns and themes that are depicted in the data strengthens qualitative interpretation. It is the only way that the researcher can come up with logical explanations that may address the objectives of the study. This step was a systematic yet rotational step because it called on the researcher to go back and forth in the process of interpreting the data. Only once a holistic explanation had been derived from the bits and pieces of linking information, then the researcher could move on to the step of reporting the general findings of the study.

4.8 Challenges encountered in the investigation of police corruption and death as a result of police action

4.8.1 Challenges and limitations

Researchers often face challenges in the process of conducting research. These challenges may affect the research process and may cause the research findings or the report to be flawed. Miles and Hurberman (1994) stress the importance of representativeness and point to possible pitfalls qualitative researchers should be aware of.

4.8.2 Limited local scholarly articles

Limited local scholarly articles could be traced in publications, and this meant that international publications limited the scope of the literature review and the information the researcher needed prior to conducting the research. The scarcity of academic literature was a great challenge which impacted the construction of the thesis. Because the topic had been under researched locally, the researcher could not relate much comparative information to the South African context. For this reason, American studies and legislation were referred to despite the huge differences in culture, environment, and policy provision between the two contexts. According to Becker (1989) and Stergios (1991), objectivity requires that the researcher

remains distant from and neutral to the research object, the respondents, the methods and techniques of data collection and analysis, and to the findings. These requirements are against the fundamental principle of qualitative research, which encourages inter-subjectivity, closeness between the elements of the research, and involvement of the researcher in the whole research process. The IPID investigating officers are not always in the IPIDs office due to their nature of work, they travel daily. This was a limitation because the researcher was not able to meet up with them on the same day but in different days, after a month or so as they travel long distances due to the nature of their work.

The researcher made appointments with all the IPIDs investigating officers at the Durban office and made time whenever they were free to participate in qualitative interviews. Resistance by participants was an initial limitation that was caused by the issue of trust before the study commenced. The participants might have felt that the researcher worked for some investigative agency and that their participation would lead to harm. This called for the researcher to provide the participants with gatekeepers' letters as well as all the necessary documentation just to put them at ease and ensure their voluntary participation. It also called for the researcher to explain about the confidentiality of the data and its safekeeping according to the University of KwaZulu-Natal's Humanities and Social Sciences Research Ethics Committee's (HSSREC) requirements. A final and enduring limitation of the study relates to its relatively small scope. Only 10 participants and two deputy investigators were part of the research and since the IPID office in Durban is the only one in KZN the researcher couldn't get hold of more than these participants as they were the only ones that were available.

4.9 Ethical considerations

It is very important that every researcher embarks on their study with a good work ethic to avoid problems in the study. Professionalism is the main important thing when entering the personal spheres of study participants. Research works in a systematic manner which includes unwritten standards and principles that should be adhered to. The researcher and participants must have a solid ground of mutual understanding and co-operation. It is of great importance that the researcher is as transparent as possible about the aims and objectives of the study from the onset. It is also of paramount importance that before the data collection commences, the researcher explains the dynamics of the data collection method to the participants and gets their full consent to voluntarily participate in the study.

In adherence to these requirements, an informed consent form was signed by the participants before the interviews were facilitated. Participants also gave written permission for the use of audio recordings on a special form. Moreover, gatekeepers' permission letters to conduct the study were obtained. Bailey et al. (1982) state that a researcher should avoid questions or issues that may cause embarrassment, guilt, discomfort, hazards, or risk to each participant. In this study, the researcher managed to focus on the way the investigators investigate crimes committed by members of the SAPS and focused on the study questions and avoided embarrassing questions that would make the participants to withdraw from the study.

4.9.1 The right to privacy

To uphold the principle of right to privacy, the researcher informed the participants both verbally and in writing that their right to anonymity would be completely respected (Babbie, 2011) and that pseudonyms would be used in the research report. Creswell (2014) and Christians (2005) caution that exposure of secret data could end up being most unsafe and harming to a distinctive individual. Along these lines, consolation of security would likewise work to the researcher's leverage as participants would perpetually react all the more genuinely to inquiries and exchanges. To secure the participants' pride and personality, the researcher guaranteed that all the exploration material that was gathered would be stored safely even after the end of the research (Creswell, 2007; Christians, 2005).

4.9.2 Protection from harm

The participants were informed and were provided with informed consent and the declaration of consent, this was done to ensure that participants are protected from any harm either emotional, social, physical or verbally (Creswell, 2007). The participants were made aware that they were going to be treated with dignity and their rights duly respected by the researcher, and that they were not to be humiliated in anyway. The questions that were asked were not insulting, not intended to insult or unnecessarily upsetting. Prior to the commencement of the interviews, the researcher emphasized that the participants should signal if they feel embarrassed, insulted or not comfortable with disclosing some certain information (Babbie, 2013).

4.9.3 Permission letters

According to the ethical requirements of the University of KwaZulu-Natal, a student must obtain ethical clearance from the relevant ethics board, in this case the HSSREC before conducting a study. It is also important the researcher obtains a gatekeeper's letter from the target organisation. The researcher requested and received a gatekeeper's letter from the IPID, which was forwarded to the HSSREC as part of the application for ethical clearance. An ethical clearance certificate was received from the University of KwaZulu-Natal's HSSREC. However, both the ethical clearance certificate and the gatekeeper permission did not take away participants' right to provide informed consent and participate on a voluntary basis.

4.9.4 Informed consent

According to Simons and Usher (2000), informed consent implies that participants are free from coercion or deception, that they understand the following: the process through which the data is to be collected; the intended outcome of the research process; the uses of the research; and as individuals or groups, having the capacity and competence to consent. According to best practice in research no participant should be pressured or manipulated to participate in any study. It is of paramount importance that participants are fully aware of the nature and objectives of the study before they participate in it.

The researcher ensured that this was achieved in this study by seeking the written informed consent of each participant (attached as Appendix A). This form also explained that participants could withdraw from the study at any time if they felt uncomfortable. No one is forced to participate in the study and participants have the right to contact the researcher and request a copy of the report after the study had been completed (Babbie, 2013; Creswell, 2014). The contact details for both the researcher and the supervisor were provided. The informed consent form also highlighted that, in the case where a participant wanted to remain anonymous, the researcher would use a pseudonym instead of the participant's real name. All the participants in this study report were assigned pseudonyms.

4.9.5 Anonymity and confidentiality

Anonymity and confidentiality of participants are central to ethical research practice in social research. It is important for the researcher to assure participants that every effort will be made to ensure that the data they provide cannot be traced back to them in reports, presentations and

other forms of dissemination. Anonymity and confidentiality are related but distinct concepts. The Concise Oxford Dictionary (2010) defines confidentiality as spoken or written in confidence; charged with secrets while anonymity is defined as of unknown name, of unknown authorship. Anonymity means that people remain anonymous or nameless (Neuman, 2014). In ethics literature, confidentiality is commonly viewed as being similar to the principle of privacy (Oliver, 2003; Gregory, 2003). According to Crow and Wiles (2008), the primary method that researchers use to preserve anonymity and confidentiality is the use of pseudonyms for participants and also for the location of the research. The researcher adhered to these rules as stipulated in the consent form that there will be use of pseudonyms instead of the participant's real names to ensure anonymity. Further, participants did not provide information of their characteristics or background job experiences. The researcher used pseudonyms instead of the participants' real name when referring to them. In this way, the participants' identities are protected, and the individual remains anonymous.

4.10 Trustworthiness

Specific strategies can be used throughout the research process to increase the worth of qualitative projects. Qualitative researchers consider dependability, credibility, transferability and confirmability as criteria to ensure the rigour of qualitative findings (Guba, 1981; Schwandt, Lincoln, and Guba, 2007). The researcher used these criteria to ensure research trustworthiness. According to Krefting (1991), these strategies are important to researchers in designing ways of increasing the rigour of their qualitative studies and also for readers to use as a means of assessing the value of the findings of qualitative research.

4.10.1 Credibility

One of the key criteria addressed by positivist researchers is that of internal validity, in which they seek to ensure that their study measures or tests what it is intended to test. According to Merriam (1998), credibility focuses on how congruent the findings with reality are. The credibility of the current study was ensured in that its validity was derived from the strength of the study's aims to explore a problem, describe a setting, a process and a social group, which were IPID investigating officers. The researcher adhered to this principle as Lincoln and Guba (1985) argue that ensuring credibility is one of most important factors in establishing trustworthiness. According to a study that was conducted by Hadebe (2017), in order to ensure

compatibility of the findings with reality, the researcher must adopt an interview research method as it is an appropriate and widely recognised method in addressing issues in policing. It also allows participants to share their experiences of reality in an authentic manner.

4.10.2 Dependability

According to Bitsch (2005:86), dependability refers to "the stability of findings over time". Dependability involves participants evaluating the findings and the interpretation and recommendations of the study to ensure that they are all supported by the data received from the informants of the study (Cohen et al., 2011; Tobin and Begley, 2004). In addressing the issue of reliability, positivists employ techniques to show that, if the work were repeated, in the same context, with the same methods and with the same participants, similar results would be obtained. However, as Fidel (1993) and Marshall and Rossman (1999) note, the changing nature of the phenomena scrutinised by qualitative researchers renders such provisions problematic in their work. In order to address the issue of dependability more directly, the researcher ensured that the processes within the study were reported in detail, thereby enabling future researchers to repeat the work, but not necessarily to gain the same results.

4.10.3 Confirmability

Confirmability refers to the degree to which the results of an inquiry could be confirmed or corroborated by other researchers (Baxter and Eyles, 1997). Confirmability is "concerned with establishing that data and interpretations of the findings are not figments of the inquirer's imagination but are clearly derived from the data" (Tobin and Begley, 2004:392). Studies suggest that confirmability of qualitative inquiry is achieved through an audit trial, reflexive journal and triangulation (Bowen, 2009; Koch, 2006; Lincoln and Guba, 1985). According to Bowen (2009:307) an "audit trail offers visible evidence from process and product that the researcher did not simply find what he or she set out to find". Conformability of findings means that the data accurately represent the information that the participants provided and the interpretations of those data are not invented by the inquirer (Polit and Beck, 2012). In this study, the researcher made certain that steps were taken to help ensure as far as possible that the work's findings were the result of the experiences and ideas of the informants, rather than the characteristics and preferences of the researcher.

4.10.4 Transferability

Among positivists, the concern often lies in demonstrating that the results of the work at hand can be applied to a wider population (Slevin and Sines, 1999). Transferability focuses on how one can determine the degree to which the findings of a particular inquiry may have applicability in other contexts or with other subject's respondents (Guba 1981:79-80). The researcher ensured transferability by providing background data to establish the context of the study. A detailed description of police corruption from previous researchers as well as murder by police was provided to enable the researcher to compare what previous researchers found about the same topic to what the researcher achieved. Transferability is crucial as it refers to the degree to which the phenomenon or findings described in one study are applicable or useful to theory, practice, and future research (Lincoln and Guba, 1985). Transferability concerns relate to the extent to which the results of particular research program can be extrapolated, with confidence, to a wider population (Shenton, 2004).

4.11 Conclusion

Research in modern times is increasingly used to explore social reality. It is therefore applied in many methodological contexts and each study has a specified purpose. This chapter outlined the selected design that was utilised in the investigation of the topic which addressed the fundamental objectives of the research in a methodologically relevant manner. It also depicted the motivation for selecting the methods explained above. This methodology was selected with the aim of effectively addressing the qualitative objectives and research questions that guided the study.

CHAPTER FIVE

DATA ANALYSIS AND DISCUSSION

5.1 Introduction

This chapter presents an analysis of the data and a discussion of the findings that emerged from the data that were collected from participants in the current study. For data collected to be intelligible, the researcher used a one-on-one, semi-structured -in-depth interviews. Furthermore, the researcher analysed the data using thematic analysis method, which was benefiting, given that this was a qualitative study. This chapter consists of research findings on the effectiveness of the Independent Police Investigative Directorate (IPID) in investigating police corruption and death because of police action in KwaZulu-Natal Province.

The researcher was primarily guided by the constructed research questions presented in Chapter 2, these questions formed as guidelines to the kind of information the researcher considered. In that regard, the research aims, and objectives of this study were achieved. Below are the four objectives of this study.

v. To discover the nature and extent of death as a result of police action and corruption cases committed by SAPS officials in KZN;

vi. To identify the causes of corruption and death as a result of police action according to the IPID investigators;

vii. To establish how the IPID investigates cases of corruption and death as a result of police action involving the police in KZN; and

viii. To ascertain the effectiveness of the IPID in investigating death as a result of police action and corruption committed by SAPS in KZN.

5.1. The nature of death as a result of police action

5.1.1. The use of torture as a form of interrogation technique

Death as a result of police action refers to the death of any person, including a member of SAPS or the action of the member of SAPS that was caused, or is reasonably believed to have been caused, by a member of the SAPS while acting in his or her capacity as a member of the SAPS (Faull, 2013). For a clearer understanding of the topic at hand, participants were asked to unpack how they understood death as a result of police action.

Most participants' understanding indicated that death as a result of police action happens when they are protecting themselves from being harmed by the suspect. The reader should note that the participants' responses were unedited and are therefore offered verbatim in the interest of authenticity. Some of the participant's responses when they were asked about their understanding of death as a result of police action they responded by reflect the following:

"Recently, what I have been noticing is that we are receiving more cases which are torture related. Where police are looking for firearms and things like that and they are torturing the person and then that person dies. So those are the types of cases we get" (Sne).

Minenhle explained how death as a result of police action is likely to occur during an investigation.

"Most cases that we receive involve people being arrested, locked into police cells and then they are taken from there for further investigation and they end up being tortured to retrieve information. And the torture leads to death. But we also have cases where the police officers would go out on an investigation to a suspect's house and torture them in their house and they end up dying. Most of these cases are as result of torture."

In relation to this study, Elster's (1989) explanation of the Rational Choice Theory highlights that when faced with several courses of action, people usually do what they believe is likely to have the best overall outcome. People are motivated by different things; it can be money or making a successful arrest. In this case, when police officers use torture as a form of interrogating suspects, their motive is to gather information that led to conviction. Torture is used for suspects to confess to their crimes and with sufficient evidence, the suspect ends up apprehended or dead, therefore the best overall outcome is achieved. However, for those suspects who die due to torture, the calculated decisions made by police officers become questionable as investigations will be done to determine how the suspect would have died, and to establish whether proper procedures were followed.

Mbali also provided a scenario to illustrate how death results due to torture by police officers.

"It is where maybe police officers were interviewing a suspect, they then end up torturing that suspect which results to the suspect dying".

A different contribution was made by Banele. What she said is presented below.

"The main cause is shooting. Shootings are then followed by torture. People are tortured and then suffocated to death".

When a suspect is exchanging gun shots with police officers and it happens that the police shoot and kill the suspect, shooting back was a form of protecting themselves as well as the community against being injured or even killed by the suspect. For example, recently, SAPS officers in the Eastern Cape allegedly shoot a murder suspect in self-defence (News24, 2021). The deceased was suspected of killing his wife, and when the man was hunt down, he allegedly threw stones at police officials while brandishing a knife. As the suspect ran to a rocky area with only one entrance, police officers could not run away as running could have endangered their lives. They shot at him, and he died. Another incident happened in Pinetown when three heavily armed robbers were shot and killed by SAPS official after the suspect tried to flee whilst shooting at the police (News24, 2021).

Inclusively, participants' responses regarding death as a result of police action enlightened the researcher on suspects' behaviour at the crime scene when police arrive. Suspect behaviour tends to have negative and positive consequences. For example, a suspect can be apprehended, while a negative effect can be the death of a suspect as a result of misbehaving through an attempt to attack police officers, which would result in further investigations. This would therefore mean that the suspect died committing a crime. An example of what one of the participants is presented below.

"It is where maybe police officers were interviewing a suspect, they then end up torturing that suspect which results to the suspect dying" (Minenhle). This comment shows that suspects die during the course of an arrest.

5.1.2 Suspects dying during the course of committing a crime

There are instances whereby death occurs because of police action taken during a crime in progress (e.g., a hostage situation or robbery). According to Rossi (2017), mostly, robbery suspects carry guns for their own protection and to avoid anyone who will try to stop them from executing their plan. When police are alert about such behaviour, they go to the scene armed to protect themselves and to prevent any illegal activity. Often, suspects shoot at the police and police officers shoot back to protect themselves, which may result in a suspect dying.

Participants described how suspects die while committing a crime, often because of shooting.

Banele explained

"Sometimes you find that the police were chasing the suspect and then they fight and end up shooting at each other, which leads to the death of the suspect".

Phiwo stated

"The main cause is shooting".

Mondli said

"Most of the time it is members of the SAPS pursuing suspects that are involved in the commission of an offence. The police are called to attend to that complaint, and you find that there is a shootout between the police and suspects".

In line with the current study, the Symbolic Interaction Theory highlights the fact that the meanings attached to the events of death as a result of police action occurs because of the interaction between police officers and suspects. For instance, during a raid, a police officer may interact with the suspect and during their interaction the suspect reacts to the officer's interrogation by making a feast/reaching to his pocket and the police officer may respond to such a gesture by firing at the suspect. According to Douglas and Munn (1992), in most instances, police shoot criminals to avoid being attacked first. They may also shoot to prevent a potential suspect from fleeing the crime scene. The way police officers interpret the meaning behind a gun wielding criminal results in an increase of death because of police action incidences (Stryker, 1972).

5.2. Demographic analysis of individuals who commit death as a result of police action

5.2.1. Racial group and death as a result of police action

The researcher aimed to gain a deeper understanding of behaviour pertaining to crime, racial groups, gender, and type of police officials (new or old members) were under investigation regarding the demographic analysis. In response to this question, most of the participants agreed on two racial groups which are Africans and Indians as the highest groups with reported cases of death as a result of police action.

Their responses were based on yearly statistics of reported crime. Out of the ten participants interviewed, only two indicated that they did not know because they were not aware of the crime statistics. These were members who were still new in the IPID office so they did not comment much on this question.

Syanda who based his comment on the 2018 to 2019 statistics said,

"It is the Africans. I think one of the reasons why it is Africans is because they are the majority so they will be the majority everywhere".

From this comment emphasis is made that Africans constitute a majority compared to other racial groups, criminal behaviour is merely associated within their racial group.

Similarly, Mbali had this to say, "*Usually Africans, but it is not only them*"

When Sne was asked about the racial group with high reported cases of death as a result of police action, she answered, "*Indians*".

Mondli was in agreement with Sne and stated that

"Indians police officers are mostly involved in murder cases".

Nqobile concurred with Mondli by saying,

"Indians commit death as a result of police action crimes".

On the other hand, Mandla said,

"Africans".

However, Phiwo believed that

"It is Indians".

As much as Africans were highlighted as the racial group with high reported cases of death resulting from police action, nevertheless Indians were also identified. There was no other group mentioned by participants apart from the two racial groups. Cui (2012:26) states that "racial disparities in crime have been observed and examined by criminologists for a few decades". Most studies on racial disparity in crimes exclusively focus on Black-White comparisons. Blacks are usually found to have a higher level of offending compared to Whites (Peterson, 2000).

Similarly, Piquero and Brame (2008) found that official record studies consistently show that Blacks exhibit higher levels of involvement in criminal offending than Whites. Although self-report studies suggest somewhat lower levels of Black overrepresentation in criminal offending (especially with less serious forms of crime), there appears to be considerable evidence that Blacks are disproportionately involved in serious crimes.

Given these points, participants' responses in this study revealed that Africans and Indians had highest reported cases of death as a result of police action compared to any other race. So far studies on crime and race that have been reviewed exclusively focus on Black and White comparison. However in this study, Blacks and Indians are identified as one of the racial groups that are involved in the killing of suspects and bystanders.

5.2.2. The issue of gender and criminal behaviour among police officials

Despite race being identified as a common issue among police officials, criminologists like Steffensmeier and Allan (1996) agree that the gender gap in crime is universal. Women are less likely to commit criminal acts than men. Findings from this study correspond with those of Steffensmeier and Allan (1996) as participants' responses aligned with the statement above as they all indicated that male police officers often kill suspects and innocent bystanders compared to female police officials. As stated by Newburn and Stanko (1994), criminologists have observed that thinking about gender is inextricably linked with thinking about crime, gender and criminality is robust. Newburn and Stanko's (1994) notion have always been that the most significant fact about crime is that it is almost always committed by men, which is in line with participant's responses in this study regarding gender and criminal behaviour. Males were the most dominant gender in murdering suspects and innocent bystanders, no participants indicated that females commit this type of crime.

5.2.3 SAPS members that commit death as a form of crime

Apart from the race and gender factor, the researcher further wanted to understand whether it is new members within the SAPS or old members that are responsible for the crime 'death as a result of police action'. The purpose was to establish whether there is an existing gap in understanding police official duties. Further, the goal was to establish whether training is required to ensure that every officer understands their duties. Participants had different views, however, most of them commented that new members were likely to commit this crime (death as a result of police action).

Banele said,

"It is mostly the new members".

Likewise, Minenhle and Phiwo shared the same perception when they said,

"Mostly the new members of the SAPS are involved in the killings of suspects and innocent people".

On the other hand, Khule expressed that,

"It is mostly new members compared to older members. You do get old members, but it is mostly new ones because they are inexperienced".

Police officials spend years in college undergoing training. However, the above comment by Khule questions whether new officers commit these crimes because they lack experience in the field or they are not thoroughly trained. Hence, some police officials shoot and kill innocent people and refer to Section 49 to protect their actions even when it is not necessary. Considering the above, the case of Vuyolwethu Jiya who was shot by police in 2009 in Pretoria is an apt example. It was alleged that the police were looking for someone else and the deceased was changing his car tyre when he saw the police. After being shot, the victim was allegedly assaulted the whole day at the police station and only taken to hospital at 12:00 midnight.

The victim was discharged from hospital, and after two weeks his condition deteriorated. He was taken to another hospital where he died. It is alleged that at the time of his death, his body and private parts were swollen (ICD, 2009). Another incident occurred in Pretoria in 2009 when police killed a three-year old baby (Atlegang Aphane) because they mistook a metal pipe he was holding for a gun, but no weapon was found at the scene (ICD, 2009). Questions arise whether it is the years spent in college or the experience one has in the field which makes a good police officer. Two participants believed that it is both members (new and old) within the SAPS organisation who commit these crimes.

For instance, Mondli said,

"Both new and old members".

Sne responded to the same question by saying,

"A lot of the problems are within new members. Old members are also involved at times, but mostly it is new members".

Latham (2001, cited in Hadebe, 2007) states that training is an art that requires not only the ability to perform tasks but the ability to explain why and how things are done. Along the lines of how the participants responded regarding this question, there is an existing gap when it comes to training and facilitation as a police official. The responsibility of IPID is to ensure that the police service is always professional. However, with the high number of reported cases of police corruption and death as a result of police action as well as the misuse of power by the SAPS, it is evident there is still a lack of professionalism in the SAPS (Hadebe, 2017). Police response by torturing and assaulting suspects to make them talk or confess to their crimes, which in some instances results in death raises questions of legal standards and procedures during an investigation.

5.3. Death incidents as a result of police action

5.3.1. Reported cases of deaths investigated by the IPID

When IPID officers were interviewed regarding reported cases of death as a result of police action, most of them reported that death results when police shoot or kill in self-defence. This occurs when suspects use violence towards police in order not to be caught or arrested for the crimes they would have committed. According to Bruce (2000), the main cause of which is related to the problem of the high number of police action is that of a high number of attacks on and murders of police officers. This therefore means that Bruce (2000) takes on the view that it is the offender's fault that the police end up killing them. As highlighted in the literature, there are huge numbers of cases reported yearly, e.g., in the financial year of 2015/2016, there were 5 519 cases reported by the IPID (IPID Annual Report, 2016). Currently, the number of cases is still increasing, as outlined by the participants. Below are responses that focus on statistics on deaths that result from police action.

In a one-on-one interview, participants were asked about the number of cases each participant receives in a year. Syanda responded by highlighting more about the number of cases of death as a result of police action received by the whole office, by saying that:

"If you look at last year, I think we received close to 60 cases".

In another interview, Phiwo said,

"I would probably say about 250 yearly for the whole office, not just me. I also do have cases allocated to me, but I do not just take everything since I am the manager".

Mbali shared the same view expressed above based on yearly statistics.

"There are many cases, but I do not know the exact number because they have been assigned to someone else".

When Nqobile was interviewed he had this to say,

"Five cases monthly until now, so it could increase".

From interviewing all participants, the researcher discovered that most of the participants were aware of the statistics, and they were aware that the number of reported cases of deaths as a result of police action were on an increase which then still questions the effectiveness of IPID as its aim is to reduce criminal offences committed by SAPS officers by ensuring that the police are held accountable for their actions. Further, IPID deals with police officers who tarnish the reputation of the SAPS and that of the country through criminal conduct. As one participant outlined those cases could increase, it does not mean that since it is just five cases for now, it will remain that way. However, other participants were not allowed to give such information to the researcher.

5.3.2. High reported cases of death as a result of police action with low conviction rates

Studying the above reported cases of death due to police action raises questions on the rate of successful convictions. When ten IPID members were asked to comment on the conviction rate, common responses amongst most participants were either one or no conviction per year. As the researcher listened to their responses, they complained that conviction takes long as other departments are involved in the investigation process.

"It takes a long time to solve a case because of delayed technical reports, which are postmortem and ballistic reports. I have never had any conviction so far. There is one that is currently in court. The Director of Public Publication took a decision with regards to it, but I was not happy with that decision because I know the facts I have in my docket, so I told them that they cannot decline. I also told them that I want the case to go for trial and then wait for the outcome. But most of my cases are declined because maybe the deceased also had shot at the police, so that would be called justified shooting, which occurs when policemen protect themselves, as section 49 (criminal procedure act) states" (Sya).

Similarly, Phiwo said,

"Convictions take long. This year I have had one conviction and I have other pending matters in the courts. But court cases take very long, it can take years to finalise a case in court. It is because of court procedures".

Banele said,

"A lot of them end up going out as justified and there is quite a few that end up in a conviction. So, some are justified, and some are unjustified. It depends on the circumstances".

As indicated above, death as a result of police action cases take time to be finalised and in some other cases the deceased fired the gun first at the police officer and it was a way of defending themselves from being killed by the suspect. However, Mandla, Syanda and Nqobile indicated that they managed to get conviction upon finalising their cases. Mandla's response on conviction rates per year for murder cases was *"50%"*. Syanda also highlighted that he managed to get "20%:" conviction on his murder cases. Nqobile on the other hand only managed to convict "2" suspects. By looking at participants' comments, Mandla had most death cases leading to convictions compared to other participants. This therefore meant the evidence found during investigation was strong enough to force suspects to take accountability for their actions.

These comments on conviction rates are enlightened by the theory of Differential Reinforcement, which explains that the behavior of police officials is ultimately learned and controlled by the relationships between situation that immediately precedes the behavior and the consequences that directly follow it. Police behavior is shaped by the conviction rate after the case has been investigated by the IPID and the response from the NPA towards murder as a result of police action. The higher the conviction rate the less chances of the same behavior to be repeated in future. Hence, the behavior of police officials (mistakenly murdering suspects) increases in frequency if the NPA, which is responsible for conviction does not punish such criminal activity committed by the police. If no convictions are made, the likelihood of such behavior is likely to increase. According to the Differential Reinforcement Theory, criminal behavior is operant behavior; that is, there are behavioral patterns that take place in response to numerous rewards and outcomes (Hadebe, 2017).

5.4 Root causes of death due to police action

5.4.1. Use of firearm by police officers as a form of protection

Throughout the literature that the researcher engaged with in understanding why death as a result of police action occurs as well as what triggers police to use firearms. Most participants (eight out of ten) believed in the notion of self-defence and protecting oneself. Conradie (2000) states that high level of victimisation within the police service may result in police officers fearing for their lives, which encourages them to use higher levels of violence or force to protect themselves according to Section 49 of the Criminal Procedure Act and the Firearm Control Act 60 of 2000. When police arrive at the scene, there is usually an exchange of gunshots by police and the offenders and this may lead to fatalities. This section regulates the use of force, and particularly the use of lethal force in affecting arrest. Hence, when participants were asked about what causes police to shoot and kill in some cases, they kept referring to this act, which grants them permission to shoot and kill if it is necessary.

Minenhle who had worked for IPID for three illustrated the main cause of death as a result of police action by highlighting on police torture and exchange of gunshots,

"In that instance you basically find members who are either pointed with firearms or they had been shot at by suspects for them to then shoot back to protect themselves. And then in the case of torture, most of the time it's when they are looking for firearms and drugs etc., that they end up torturing the suspects".

Mondli indicated that in some instances, the police are chasing a wanted suspect,

"It is whereby police are following information and then maybe it's a wanted suspect. Then when they follow the information, it happens that when they get to where the criminals are, the criminals see that it is the police, and they start shooting. In that case police officers shoot back to protect themselves. It is very rare where a person can say he was shot, but he is not found with a firearm".

Mandla on the other hand said,

"Usually the criminals carry unlicensed firearms and police officer shoot at the offender to protect the community from dangerous criminals".

Syanda shared the same perception as Minenhle by stating

"To protect themselves".

The above comments regarding the causes of death as a result of police action are enlightened by the Symbolic Interaction Theory, which indicates that the meaning that police officers have about the action formed or created by criminal's results in them responding accordingly (LaRossa & Reitzes, 2009). This means that the physical action the suspect portrays to the police officer creates a certain meaning which can be viewed as an attack compelling the police officer to act accordingly.

Hence, these comments highlights that in an event whereby the suspect threatens police officers by shooting back or any other criminal behaviour, they would not hesitate to protect themselves or the community by shooting back. Participants' comments regarding use of firearms in the name of protecting themselves as well as the community align with that of Westley (1970) who stated that working with criminals puts one's life in danger and therefore one must always protect themselves. Police are exposed to dangerous lifestyles and this sometimes results in them being killed on duty, hence, they use force which sometimes lead to killings as a way of protecting themselves from dangerous occasions.

5.4.2. Pressure received by SAPS members on meeting targets as a job requirement

One participant outlined the factors which raised concerns when emphasis was made regarding police officers meeting targets while suspects are killed and not apprehended. For example, monthly, police officers must show how many arrests they have effected, and illegal firearms they would have confiscated (Hadebe, 2017). In a nutshell, they must present statistics, to other police and this can put strain on their day-to-day routine. As a result, pressure from SAPS management causes police officers to use unnecessarily excessive force or violence on suspects to meet set targets. Khule illustrated how pressure from the organisation negatively leads to death as a result of police action in the explanation below.

"Most of the time these crimes are committed while police officers are conducting raids, whereby they will be looking for dagga, unlicensed firearms and drugs. That is when most of death as a result of police action cases take place, because the police need to come out with statistics. Every end of the week the police need to submit reports on how many unlicensed firearms were found, how much dagga was found and how many people were arrested".

Similarly, Sne said,

"In domestic cases, it is usually depression from one's working environment. In other cases, it is for statistics purposes".

Banele explained that

"If there were shootings, the members act in according to section 49 of the Criminal Procedure Act and the Firearm Control Act 60 of 2000. This is where they have the right to shoot. We regard that as justified shooting. I think the main causes in general are frustration and the pressure that is from government on police officers to make positive arrests. This is forcing them to push victims to a limit where they want them to admit having committed a crime; and in that process the suspect becomes a victim. So, it is just frustration where they want the suspect to commit to crime because of peer pressure from authorities. They want answers, and if you do not give them answers they will force you to give them answers".

Cases whereby police officers shoot and kill innocent bystanders who did not pose any threat to police officers is triggered by the pressure of reaching targets, pressures of being a successful police officer who is able to maintain situations. Similarly, Hadebe (2017) introduces the same concern whereby police officers are pressured by management to meet targets. According to Hadebe (2017:148) "due to the pressure to meet projected targets, police officers rely on illegal methods of operating such as aggression, beatings, strangulation, suffocation, and slapping and kicking to coerce suspects to hand over illegal weapons or drugs". In essence, if police do not meet projected targets, then they are arraigned for not doing their job (Hadebe, 2017).

5.5. Death investigation process by the IPID

5.5.1. Inquest procedure

Inquest procedure is outlined as a legal hearing held in a public space and carried by the forensic investigator, it aim is to discover the truth rather apportioning blame (Dorries, 2004). When asked about the procedure followed when investigating death as a result of police action case, the IPID investigators responded by stating the following:

One of the participants elaborated on the procedure followed by the investigators when investigating a murder case by stating the following,

*"An inquest basically relates to a case where they say no person can be liable or responsible for the death of that individual. During an investigation, if it is an inquest, witness statement will be taken if there are any and an investigation will be done. But sometimes they might open an inquest and through our investigation, we find that it was not really an inquest it was a murder, so then it would have to change when it comes back. The DPP can say the members can be charged. When the case goes to the DPP, they can either decide that they're not going to charge any person in that matter and then they send it back to us saying it must be prepared for an inquest. When it goes to an inquest court, the docket goes before the magistrate with all original documents, they go through it to verify that no person can be held accountable for that person's death" (S*yanda*).*

Banele had the following to say by highlighting more on whether the member was on or off duty during the commission of crime,

Members who would have fired shots would need to give statements, if it's an inquest it's just a statement and if it's a murder they need to do a warning statement, where they have an option of whether they would like to give an explanation in terms of their actions or not. If there are dockets open e.g., the suspects were charged maybe for hijacking or attempted murder that is when we make photocopies of those files and members' firearm permits. We then take on-duty statements from their commanders to make sure that this happened whilst they were on duty. And then when we complete those investigations, we obviously need all the technical reports, photo albums, blood alcohol reports, post-mortem reports etc. that must be in the docket before it is sent to the director of public prosecutions for desertion. So, based on that investigation they will decide either to prosecute or not. If they decide not to, it comes back being prepared for an inquest and then we send it back to court.

The inquest is held so the forensic examiner can review all the evidence relating to the death of a person and discover what lessons can be learnt from it (Dorries, 2004). The forensic examiner will assess whether death was as a result of natural or unnatural cause. "If death was a result of other than natural cause than the police is notified, an inquest docket is opened and an inquest is performed" (Barit, 2013:24). It is not a quick process as it will not be held until all death investigations are completed, in these investigations cross examination is applied as a form of gathering all necessary evidence.

The forensic examiner is interested in hearing evidence from anyone who saw or have information regarding the death that occurred. Police officials, pathologist and other external investigators are questioned for the purpose of gathering evident before the actual trial.

Similarly, Minenhle explained the process of the investigation of death as a result of police action cases in a detailed manner,

"It can either be an inquest or a murder docket that is registered. In both cases, we will be taking witness statements if there are, statement from the first member that attended the scene, and the duty officer would need to submit a statement. The scene is photographed by LCRC, exhibits are collected from the scene, and we then seize firearms and send them for ballistic testing. We ask for comparison with the exhibits recovered at the scene. We then attend the post-mortem just to ensure that it corresponds with the versions we had or if we find something contrary to what members said. Any exhibits recovered there are also sent to ballistics.

Then they issue what is called a J56, which is a document indicating that the person died with gunshot wound, however, no person can be held liable for that matter. The second thing they can do is they may see that there are things that need to be done before they can decide, then they will send it back with a query saying we must do certain things and bring it back to them. Then they can say these members(s) must be charged for murder and they will state reasons why, so we will then go to the prosecutor for summons to be issued so we can serve the summons".

Barit (2013) explains that once all evidence has been heard by the Jury, a verdict will be provided as a conclusion (Dorries, 2004). The steps that are taken during the investigation are similar to that discussed by participants as witnesses as well as evidence gathered are paramount during an Inquest case.

5.5.2. Murder procedure

Joubert (2001) illustrated that for an action to be classified as murder, a person must murder (kill) another person and murder can be committed in various ways, for instance, shooting a person with a gun, stabbing with a knife, or strangling them. It is not relevant which method causes the death, as long as the person is killed as a result of the method and had an intention of killing. Phiwo described the procedure followed by the IPID Investigating officers in a detailed way to say,

"We get a call, and we must proceed to the scene, and we need to establish who the duty officer is and who the detective on the call. You then have all the role players like the photographer, the mortuary guys, and the ballistic experts if necessary. Then we establish whether there are witnesses around so we can interview them and get their version of the story. And then we go to the actual scene, we then view the body and see how he/she was shot, look for exhibits, assist the photographer, see where the exhibits are lying so they can be marked. Then we do a postmortem report on the deceased and on that member to establish whether he did fire.

Then you go and establish from witnesses what did they see and whether their version is different from the police. In most cases the police would say the suspect was harmed and he fired shots, so we always need to confirm that with independent witnesses. From there we forward the firearms to ballistics and then you go and attend the post-mortem, you get postmortem reports. You establish whether there were any exhibits found on the body. After all this, you then collect the evidence, you get all the reports and witness statements. You get the police versions, and you also get statements the police officer and the witnesses" (Phiwo).

Moreover, Nqobile was also in agreement with Phiwo by putting an emphasis on obtaining statement from the witnesses,

"We attend the crime scene and take statements from witnesses and independent witnesses. We use experts from the medical section in terms of the post-mortem, and ballistics or any other type of experts are utilized. And then the following step is obtaining an explanation from the suspect, and then based on that is whether we do prosecution or not".

Judging from participants' responses, witness statements take priority in investigating such cases as well as different department such as ballistics, photography, and mortuary among others come to play to fulfil the investigation. This then means, each department must work closely associated to each other to ensure successful investigation.

Notably, the state of how the suspect is when committing crime plays a role in investigation as Mbali said,

"You receive a call and go to the crime scene. Collect as much evidence as possible at the crime scene and surely you will identify the suspect at the crime scene. In most cases we do not arrest them at the crime scene if they are obvious instances, like when found under the influence of alcohol. Obtain witness statements. Then we send the exhibits to the forensics, including DNA samples. We wait for them to bring us forensic reports.

We apply for a warrant of arrest and then we effect an arrest. After the investigation is incorporated, the docket is sent to the director of public prosecutions who decides whether to prosecute or not".

As previously stated, conviction rates were outlined in this study, application of the Theory of Differential Reinforcement states that there are two key terms in Skinner's (1953) definition of reinforcement, which are contingency and frequency (or probability). In reference to the current study, behaviors are what determines the consequences. It means that after the completion of an investigation, recommendations are referred to the National Prosecution Authority who, based on the evidence at hand, will decide whether to institute criminal proceedings against the suspect(s). Every recommendation forwarded to the NPA is evaluated and based on the evidence presented, and a decision is made. The longer it takes for the NPA to decide whether to hold the suspect accountable for their crime, the techniques will not be effective anymore and deaths because of police action are likely to increase.

If the IPID does not hold police officers accountable for their criminal activities, chances are such criminal behavior will be repeated in future.

5.6. Effectiveness of IPID processes in investigating death as a result of police action

The mission of the IPID is to be an effective, independent, and impartial oversight body that is committed to justice and acting in the public interest, while maintaining the highest standards of integrity and excellence (IPID, 2019). It aims at ensuring independent oversight over the South African Police Service (SAPS) and to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAPS and make appropriate recommendations (IPID, 2019). According to Stone and Bobb (2002), for an organization to be regarded as being effective, the independent body should have received sufficient funding, separate from the police budget. An Article by King (2015) also indicated that independence is best served if commissioners and staff carry out their functions with the highest degree of integrity and professionalism.

5.6.1. Overview of IPID processes

Statistics on death as a result of police action and low conviction rates in KZN prompted the researcher to investigate whether the independent police oversight (IPID) is effective enough to increase conviction rate. Regarding this, in the financial year 2015/16, there were 366 reported cases of death as a result of police action in KZN (IPID Annual Report, 2016).

Most of these cases were closed due to the fact that there was no evidence that would lead to conviction. When IPID officers were interviewed regarding this, eight out of ten believed that the process is effective.

Nqobile commented about the effectiveness of the IPID process in death as a result of police action investigation cases by saying,

"Yes. The results are always accurate, and we follow only the correct procedures, which prompts convictions to take place".

Khule also believed that the method the IPID investigators follow during the investigation of death as a result of police action by outlining the following,

"Yes, it has been working for quite a long time now. But there are newer ways to do things. On our buy and bust operations we get good convictions. On the normal operations it is a bit difficult because you must prove that the member really committed the crime".

Nevertheless, another participant believed that it is not effective in a sense. His argument is presented below.

"We did the same training with the people that we investigate. They always know about the evidence we gather. So, we have to think outside the box as to where to catch them out" (Mandla).

Mandla's comment highlighted that a new approach should be considered which the SAPS should not know about to catch those that offend. In other words, each department SAPS/IPID should have their own training, this would serve the purpose of preventing SAPS from knowing about the evidence that need to be gathered by IPID.

5.6.2. Lack of cooperation as a form of unprofessionalism amongst SAPS officers

Participants identified the challenges they come across, which sometimes result in unsuccessful investigations as well as low conviction rates. It is against this background that other SAPS members or the broader community view the IPID's process of investigation as ineffective. The issue of unprofessional police officers' behaviour during an investigation was an important factor identified by all the ten participants. When Syanda was asked about the challenges they encounter as IPID, his response was based on how SAPS members play hide and seek during the investigation of crime committed by their members.

"There are a lot of challenges. They duck and dive you, make appointments and do not pitch or they run to their lawyers. It is difficult to say, it just depends on the case. If a member has got nothing to hide, he will give a statement immediately, open the dockets or whatever he needs to do according to the instructions. About 9 out of 10 of those guys especially in a case of death because of police action, the guy that knows he did the right thing will give his statement with no problems, but the guy that knows he did something wrong that's usually the guys that cover for each other".

Similarly, Mbali had the following to say,

"It depends on the kind of case being investigated. We have struggles where members do not really want to come forward to submit their statements or their commanders are making excuses for them. But there are sections within the IPID Act that we use to compel them to submit statements or produce whatever evidence they have that we require for the investigation".

Zweli's comment aligns with Mbali and Syanda's, which questions cooperation amongst police officers.

"Once you tell them of the allegations, they do not become happy. That is when they think they might lose their jobs and it makes us seem like enemies. Others do not cooperate at all".

Again, the issue of SAPS and IPID officers having similar training come into question when Mvelo commented below.

"The worst thing is that they have been similarly trained, they know the techniques we use to investigate them, and they know how to cover their tracks. Usually, those law enforces are well-known within the areas that they work. That includes the court systems, so, they get sympathy from the court officials as well. That includes magistrates and prosecutors. So, if maybe you are from Durban and you are investigating a case in a rural area, that person is obviously known in that rural area, and you are not known. So, you are coming in and investigating, and now you want to arrest that particular police officer, you encounter difficulties from the police themselves in terms of the detention. And when you go to court, you encounter problems from the court, where they do not want to get involved in things because they do not want to be seen like they are against this police officer. They try everything in their means to dispose the case, so they do not have to deal with it. Alternatively, they can get the police officer released. As I said to you, it takes a lot of effort for a conviction to take place.

It is very seldom that a police officer can go to court and plead guilty. They always go down fighting. They also go to the crucial witnesses and intimidate them".

Sne's comment was based on lack of cooperation from the SAPS officials by stating,

"Some do not give 100% cooperation. Sometimes police officers do not want to become witnesses against their colleagues. Those are the difficulties that we have to deal with".

The above statement questions the core values of professionalism and accountability among law enforcers (police officers, magistrates, and prosecutors). Participant responses regarding police behaviour highlights how they use their power of being known around the area where an investigation is taking place, and they use that power so that they will not be prosecuted. However, it is not only police officers who display unprofessionalism during investigations but also the court system which neglects facts simply because they want to save their colleagues. This type of behaviour can be linked to the Rational Choice Theory whereby the criminal outweighs the cost and benefits before committing a crime.

The fact that police officers know that they have the support within the court, or the entire justice system works in their favour because no matter how many times they shoot to kill due to negligence, they will not be prosecuted for their actions but rather praised for controlling a situation. When police officers join the police force, they swore to be always accountable and professional, however in some instances, that is not always the case and as much as they benefit from violating these values, IPID suffers the consequences as this jeopardises the investigation.

5.6.3. Lack of resources

Lack of resources affects the investigation process. Participants indicated that the recourses are not sufficient for them to perform their duties. All participants interviewed agreed that resources were not enough. Similarly, Filstad and Gottschalk (2011) discussed that, limited resources are a recurrent problem for all oversight bodies, though some face more serious and urgent problems than others.

When Phiwo was asked if the resources within the organisation were enough, she responded by saying,

"No, we only have 18 investigators for the whole KZN dealing with 140 000 police officers and we do not have vehicles".

Banele said,

"No. There are not enough resources, not enough manpower and not enough budget".

Similarly, Mondli had this to say,

"We don't have enough cars and we need more investigators. But other than that, we're equipped with everything else".

For any job fulfilled successfully, sufficient resources play a significant role. For instance, if more investigators are employed and trained and more cars are added, there is a high possibility of investigators arriving on time at the scene and gathering enough evidence for the investigation. Agreeably, the IPID Annual Performance Plan 2016 (cited in Hadebe, 2017: 22) states that, "The IPID's lack of capacity and resources impacts conviction rates negatively, as these shortcomings tend to compromise the quality of investigations. It becomes difficult to respond swiftly to crime scenes, affects the turnaround times within which the IPID is expected to finalize cases, and it also impedes the integrity of investigations and the independence of the IPID". Therefore, lack of resources has a negative effect on investigation procedures, which affects conviction rates due to lack of evidence because of lack of resources. The issue of resources relates to that of political commitment, as the problems may relate to resource allocation rather than availability, human resources are equally important. The management and leadership of this independent body (IPID) is a crucial factor in its success. According to Savage (2013), meeting the objectives in the mandate when structures, directorates, policies, and guidelines are not yet fully established is challenging. Therefore, it is indicated that leadership capabilities are required to develop strategies for working with police management (Savage, 2013).

5.6.4. Access to police records

An organizational power commonly identified as a critical component of effective oversight relates to an oversight agency's access to police department records (King, 2015). Similarly, Walker (2003) includes unfettered access as one of the core principles for an effective police auditor. In the same way, all participants interviewed expressed that access to police record is not prohibited.

Mbali had this to say,

We have an Act that governs them giving us what we request, but we also have a good relationship with the police because there are members in the police that do not like corruption, so we do get information. The level of access is not always 100% but we have ways to get past what we need.

Mandla commented,

In most cases, they do assist. So, it can be said that we have 100% access.

Minenhle mentioned the following:

Yes, we do have access. Our Act allows us to demand information and receive it. Although there is a document that does put restrictions on security clearances and things like that, but generally we can access any other document we require for the investigation.

IPID officers' responses highlighted that there is nothing that hinders them from getting access to police records. This shows that there is a positive working relationship between IPID and SAPS officers when it comes to obtaining records.

Sne also mentioned that as IPID Investigator they have full access to police records:

"We can get police records. We can always go contact SAPS and get any records".

The information provided by the participants revealed it was common practice among the police and IPID officers not to refuse to cooperate when it comes to giving out police records. For investigative purposes, the functioning of the IPID is dependent on the SAPS to provide them with the police records needed to finalize their investigations. Participants' comment suggested that SAPS members still functioned on the premise that was raised Walker (2003), which includes unfettered access as one of the core principles for an effective police auditor. Walker (2003) noted that over- sight agencies should have direct access to the chief executive of the law enforcement agency under review. Gaining access to police chief is important, it is also critical that the police chief and their internal affairs staff are willing to both consider and implement the oversight agencies' recommendations.

5.1. Conceptualisation of police corruption

5.1.1. Coercive extortion

The findings of this study showed that corruption amongst police officers is becoming an everyday norm, given that police corruption in SA is extensive. Therefore, for the significance of this study, participants' understanding of corruption was questioned. Based on the narratives of most participants' responses relating to the use of extortion for corruption purposes, they agree with Sayed and Bruce (1998) who defined corruption as any illegal conduct or misconduct involving the use of occupational power for personal, group or organisational gain. Punch (2009) further states that, there are different forms of activities that police involve themselves in which are categorised as corruption by the Independent Police Investigative Directorate. For example, a police officer who asks for a bribe or a member of the public who offers a bribe/money to a police officer that activity is referred to as corruption within the IPID Act (Punch, 2009). The gain referred to here may be special favours or monetary gains (bribe). An empirical finding in support of the above expressions is illustrated in the statements by two of the participants, Mondli and Mbali.

Mondli described his understanding of corruption by highlighting more on extortion by saying:

"Majority of the time it is extortion, for instance they would tell the Complainant that to avoid being arrested they need to pay a certain amount.

They tell the suspects that they can prevent them from going to court or they can make the docket disappear etc. Basically, it is through extortion that most of the corruption happens".

Likewise, Mbali mentioned the following:

"Extortion, where they normally solicitate a bribe by saying in order for a case to get withdrawn you need to give them money".

When Minenhle was asked about how corruption occurs, she said,

"They demand money from either suspects or the accused or the family members of the suspect. That is the most common one. In exchange of the money, the police destroy dockets or ensure that bail is granted to those arrested".

Similar to Mbali and Minenhle's comments, Syanda understood corruption as,

"It is whereby police officer(s) want a bribe from a person. For example, somebody was arrested and then police say, 'we can help you by getting your case withdrawn but you must pay us a certain amount'. That is normally the corruption cases we come across".

Mandla's comment outlined how the police, detectives, and constables commit corruption as a form of crime. Similarly, the study conducted by Masuko (2002) correlates with participants' responses as Masuko (2002) pointed out that a key indicator of the size of the problem can be found in official figures revealing that 14 600 police members were facing criminal charges ranging from murder, rape, armed robbery, assault, theft, and bribery to reckless driving during the year 2000. Therefore, judging from the number of police officers facing criminal charges it can be proclaimed that the reason corruption continues to be an underlying issue is because it exists amongst other South African Police Service members who are supposed to be fighting this social evil. During the cause of the interview, participants shared the following responses regarding their understanding of police corruption.

Mandla outlined different types of police corruption by stating the following:

"There are various factors depending on the policeman's responsibility and work. We may get instances where a policeman may stop a motorist and ask for money in exchange of prosecuting. There might even be immigrants that are targeted, and they must pay bribes so that they are not deported. Those are the more visible police type of crimes.

*Then you get the detective type of crimes where there are suspects that are arrested and they then arrange for the dockets to go missing or they take bribes not to arrest the suspects. And the last form of corruption is the highest form of corruption, and that's procurement" (*Mandla*).*

Banele on the other hand, highlighted more on the different ways police officers commit corruption by indicating that:

"There are different ways out there. You get investigators that want to sell dockets, you get police officers where crimes were committed but they do not want to continue with the investigation of the crime because they are paid by the suspects. So, if a police officer approaches a suspect and tells them that he wants a certain money and he will stop the investigation that is how corruption happens".

When Sne was interviewed, she went to the extent of sharing her personal experience through the response below.

"I think in all cases you need a victim of corruption, and you need the corrupter. With law enforcement in Durban, police officers plant drugs in your vehicle, and then in order not to be arrested they try and take a bribe from you. And I had the experience one morning at about 02:30. I left here, and I was busy working and I was on my way home. So, I saw a police vehicle coming past me very slowly and that time I had a different car registration as well, I had just moved from Cape Town. The police flicked their lights and I stopped very quickly, and I asked the policeman how I could help him.

He asked me where I was coming from, and I told him. He then said the cameras in town said they must search my car. I opened my door and then he bent down. As he bent down to my feet, he said "What is that?" I then got out of the car and when I told him to do a proper search, he said everything is fine. But in most cases, it happens because of citizens being intimidated by police officers and to avoid being arrested, so, they end up bribing the police".

From the standpoint of the above participants interviewed, what corruption is as well as how it happens was understood. These findings comply with the Rational Choice Theory, which avers that people are motivated by money and by the possibility of making a profit, and this has allowed it to construct formal, and often predictive models of human behaviour (Hayward, 2007).

As previously discussed in the literature, humans make calculated decisions, implying that for every action one takes, risks, benefits and the consequences of the actions are already known or rather perceived. Therefore, in this case crime is purposive, people generally act in their selfinterest and make decisions to commit crime after weighing the benefits and potential risks (Becker, 1968). In relation to this study on causes of corruption, for instance when a police officer takes a bribe or steal dockets they are compelled by personal gains, yet they understand the risks that are associated with this criminal behaviour but they choose to ignore the risk because their aim is get extra money on the side. They are more interested on the benefits rather than the costs of being caught and facing the consequences, this is more of a personal choice one makes. Often, these criminals are caught because they know their way around the justice system.

5.2. Demographic analysis of individuals who commit police corruption

5.2.1. Indians and Blacks identified as a racial group that commit police corruption

The important part of the puzzle when it comes to criminal behaviour is to identify the perpetrators of crime. In SA, particular demographics of criminals help one to identify the race, age group and gender that is likely to commit specific type of crimes. Against this notion the IPID participants were asked to respond regarding the racial group that is likely to engage in police corruption. Judging from previous responses, the two ethnic groups namely Indians and Blacks were identified as the ethnic groups that commit death as a result of police action, the same ethnic groups were identified by participants as the main ethical group that commits police corruption. Their responses were as follows;

Mondli indicated that:

"Black people mostly commit corruption".

Mbali compared all three racial groups by saying,

"As much as Black people and Indians are known as a corrupt nation, it does not mean that White people are innocent in this act".

Sne answered,

"Blacks"

Mandla responded and said,

"Indians"

In a nutshell Syanda responded,

"*Majority of corruption crimes are committed by Indians / Blacks".*

Police corruption is understood as a crime involving the abuse of the power entrusted to public officials. The crime may include acts of bribery, nepotism, extortion, fraud, and theft committed for personal gain. It involves the act of offering or receiving benefits, thus influencing public officials to commit themselves to or omit their official duty. Punch (2009:18) asserts that police corruption is committed when police officials knowingly do or not do something that is against their duty for personal gain**.**

Thus, police corruption involves various acts committed by police officials, placing personal gain ahead of their duty (Cox and Camey, 2011).

5.2.2. The issue of gender and police corruption

When investigating corruption males have dominated more than females as the sex that commits most acts of police corruption. Through cases that IPID deals with on a regular basis, males were identified in the same way, when death males were identified as most likely to cause the death of a suspect. Therefore, this means that the problem of crime mostly lies within males. Phiwo said,

"Males".

 Minenhle responded,

"There are women who commit corruption but most of the time it is males".

Syanda explained,

"Women are not innocent; however, the good thing is they learn from mistakes unlike males who are not afraid to bribe, steal dockets every time it suits their needs".

Sne addressed male domination by stating,

"Male domination is common even in matters which include breaking the law"

The above data from the participants showed that males engage in corruption more often when compared to their female counterparts. Male domination in criminal activities is becoming a norm, which proves what criminologists have been observing that there is a relationship between gender and crime (Newburn and Stanko, 1994).

Such gender gap in violation of the law is found studying data on arrests, convictions, selfreported crimes etc. Participants' responses have consistently shown higher rates of corruption for males than for females. This highlights what criminologists have once agreed on, that gender gap crime is universal, and that everywhere, women are always less likely than men to commit criminal acts (Steffenmeier, 1996). The author further explains that "patterns of offending by men and women are notable for their similarities and differences, men offend at much higher rates   than females" (Steffenmeier, 1996:460).

5.2.3. SAPS members that commit corruption as a form of crime

Though new members within the SAPS have been previously identified as members who are more involved in the killings of suspects and innocent bystanders, when the researcher looks at corruption, it is a different case. Participants believed that for someone who is new, they tend to behave and not do anything that would ruin their career. However, for someone who has been in the organisation for years, committed corruption and has never been arrested, such an individual is likely to continue with the same pattern.

Banele said,

"Old members are likely to commit corruption".

Syanda agreed and added:

"Experience has taught me that once a person is on the job for years, they get used to the environment as well as how things are done, they relax and tend to break the law easily because they have people inside the organisation who would prevent them from getting arrested. Therefore corruption by old members has become a norm".

Nqobile responded by stating,

"Old members are most likely to commit police corruption".

On the contrary, Mbali said,

"Usually both new and old members of the SAPS are involved in police corruption"

Sne also highlighted that both members of the organisation are found to be involved in police corruption,

"It differs, sometimes it is old members and sometimes new members".

Participants' responses have suggested that members who have been working for SAPS for a long time have been found guilty of corruption compared to members who are new. Though other participants believed that both new and old members of the SAPS are involved in police corruption.

5.3. Root causes of police corruption

5.3.1. Greed

As the study unpacked what corruption is, participants were then interviewed to identify the causes of police corruption. Out of ten participants, six mentioned greed as one of the root causes of corruption and three participants mentioned committing corruption as a form of maintaining a lifestyle. Greed is used to refer to selfish desires for something more such as money, something that one already have but feel that it is not enough. This desire then results in one engaging in crime (Rajan, 2019). Participants had the following responses when asked about the causes of corruption:

Phiwo emphasised more on greed as the main cause of police corruption,

"Greed. Each circumstance is different, but mostly its greed".

Syanda concurred with Phiwo. He said,

"I think its greed and wanting power".

Sne responded,

"Police corruption is a form of greed".

Mondli concurred, saying the following,

"It is greed, the police officers' need for money and the third party's temptation since the complainant can also approach a police officer".

Mandla also stated,

"It is being greedy".

Mbali commented on police officials not being satisfied by their salaries, saying,

"It is the police seeking to satisfy their insatiable appetite because they are not satisfied with their salaries".

A study that was conducted by Vilakazi (2015) on the impact of corruption on service delivery highlights greed as the cause of corruption. Participants indicated that some of the police officials' greediness is another cause of police corruption.

Some of the police officials try to keep up a certain standard of living that is beyond their means, and they end up swimming in debts (Vilakazi, 2015). Consequently, some of the police officials find it difficult to manage their wages until the end of the month, they end up with lot of debt hence they are easily corrupted. Similarly, participants' responses regarding greed align with that of Vilakazi (2015), who highlighted greed as a possible influence responsible for police corruption. Moreover, research has shown that the luxurious lifestyles, wants and desires of SAPS officials exceed the standard of living which they can afford (Rajin, 2019). Therefore, due to their excessive materialistic needs, police officials then become greedy (Rajin, 2019).

5.3.2. Police corruption as a form of maintaining an expensive lifestyle

Participants' comments unpacked how greedy police officials are referring to their salaries and how ungrateful they are, yet according to some participants, they should not be involved in corruption because they are earning a reasonable amount. Desiring a life that is above their salary bracket is what pushes them to corruption. Minenhle said,

"My opinion is that the members themselves do not have integrity. If you look at a starting salary of a constable in the police, they start with R5 000 - R6 000, which is not that bad when they are in college. When they are out of college, they get about R11 000- R12 000. So, I think if you take a police officer and compare to a lot of people that work in the private sector, they do not have a reason to be corrupt. If I compare a police officer with a security guard, the security guard has more reason to be corrupt. Because the policeman has poll net, he has medical aid, he has pension, and he gets danger allowance, and he gets paid for overtime. Policemen just like to live above their living cost".

Similarly, Nqobile said,

"I think it is them wanting a lavish lifestyle that they become accustomed to when you do it once, you are able to do it over and over again".

Banele added by stating that,

"Police want to live a life that they cannot afford with what they are earning, therefore, to maintain that lifestyle, they end up being involved in corruption".

These findings are consistent with those of Benson (2014), indicating that the possible causes of corruption were inadequate salaries. In line with this study, the Rational Choice Theory, is a theory for understanding and often modelling social and economic as well as individual

behaviour (Pratt, 2008). Police corruption is relevant to the Rational Choice Theory as police are motivated by money and by the possibility of making a profit, and this has allowed it to construct formal, and often predictive, models of human behaviour. Hence, police engage in crime to get extra cash so that they maintain an expensive lifestyle. Corrupt police officials calculate the likely costs and benefits of any action before deciding what to do (Scott, 2000). Nqobile's comment aligns with Newman and Clarke's (2016) perception, which explains that individuals are seen as motivated by the wants or goals that express their 'preferences'.

5.3.3. Inadequate police recruitment and selection processes

On the contrary, Sne does not agree with what was said by the participants above. To her, greed is not the reason for corruption. Sne said,

"I would say probably two factors. The recruitment process and lifestyle audits are not conducted on people. What I mean by that is if you have a constable that is earning a few thousand rand a month, driving a brand-new luxury car, then you have a problem. So, that needs to be investigated, as to how that money came about to pay for that vehicle. And this does not happen. Your recruitment process is bad, because you get scenarios where you have 1 000 posts for police officers and there are 10 000 applicants. What is happening is, the recruitment officers that are involved in the recruitment are basically sifting through an opportunity for them to form corruption to get the 1 000 people that are willing to pay bribes to get in. So, automatically in your recruitment process, you are already getting corrupt people that are coming into the organization. And once they are in there, they will think this is how business is done. So, they are not doing it because of passion, they are doing it because of always seeking side money making opportunities. I do not believe it is because of greed for money.

 SAPS recruitment process from selecting candidates, interviewing candidates, training candidates, and placing them on their place of work is flawed. Sne's comment aligns with that of Steyn (2013) who confirmed that globally, there is a need for improved recruitment and training approaches to reach a state where the police act professionally towards the public. This can be achieved through not only conducting interviews but also lifestyle audits, human resource department who is responsible for hiring must make it a priority to investigate and understand suitable candidates' lifestyles before they even consider hiring them. This would prevent situations where the public questions one's lifestyle due to the materialistic objects that they possess and one being suspected of corruption.

The issue of bribe to get a position which one applied for is another concerning issue within the SAPS, that's basically corruption at an entry level. If there are such police officials within the force, it is no surprise that the same individuals would be stealing dockets, asking for money so that the case would not go to court. If these individuals continue to work within the organisation, they then normalise corruption and as they grow older within their profession, the level of corruption increases.

5.4. The extent of police corruption

5.4.1. Reported cases of police corruption investigated by the IPID

The main aim of the research is to investigate if the police oversight body is effective enough in investigating and in convicting corrupt police officials. In order to gain more data and understanding of whether IPID is an effective police oversight body in investigating police corruption, the researcher probed the participants about the number of police corruption cases one receives in a year and compared it with the number of successful convictions. Participants shared that reported cases ranged from one to two and fifty to sixty. One participant was not comfortable with sharing such information with the researcher and others did not recall the exact number of police corruption cases they receive in a year. When asked about the number of police corruption cases each investigator receives, the participants indicated the following:

"I usually receive 2 police corruption cases yearly".

Likewise, Khule responded by stating,

"I only received 8 cases this year".

On the other hand, Mbali had received more cases compared to participants above. She said,

"I would say probably about 50 in a year. We rely on the public to report to us. If the public reports to the police, then it is out of our mandate, there is an expectation that the police must investigate the corruption. So, in case where the complainant approaches us then we deal with it".

In the same way, Mandla commented by saying,

"Approximately 50 cases a year".

Minenhle's comment on number of cases differed by ten when comparing the number of cases received by Mandla and Mbali.

Minenhle had receive 60 cases a year. She commented by saying,

"If you look at last year, I think I received close to 60".

According to Skinner (1965), all behaviors including public or external behavior as well as private or internal events such as feelings and thoughts are ultimately learned and controlled by the relationships between situation that immediately precedes the behavior and the consequences that directly follow it. From a Theory of Differential Reinforcement perspective, one can argue that police behavior is shaped by the conviction rate, which means that the higher the conviction rate the less chances of the same behavior being repeated in future. For instance, if a police officer is accused of corruption, all the evidence presented by IPID points towards him as a suspect and during trial, the suspect is found guilty. If that suspect is arrested and fellow colleagues see what happens if one breaks the law, therefore there is less possibility of one to break the law as they would have witnessed the consequences. Newburn (2007) believed that criminal behavior resulting in consequences felt and punished will tend to decrease in frequency, whereas behavior that results in no consequences will increase.

5.4.2. Successful convictions on reported cases

From the above responses of cases reported, it is important to outline how many convictions were recorded, which is important in assessing the effectiveness of IPID investigations. Participants' responses were reported below, referring to each participant's responses when they were asked about the number of successful convictions within a year.

Syanda who had only received two cases conveyed that:

"Two of them went to court. For one, the decision is pending. And the other one was declined to prosecute, there was no criminal element found. When a crime is committed, you must have your elements. So, with the one corruption case that was declined, there was no criminal element found. It was more of defeating the ends of justice than corruption".

Phiwo who received eight cases, when asked whether suspects were convicted, she said,

"Yes, but not all of them".

On the other hand, Mbali who received 50 cases had this to say regarding conviction rate;

"Quite a number of cases, like 50% or so get convicted. And again, a lot of corruption we do get is in form of set-ups. So, generally the success rate of set-ups is not high. And then, when

you rely on only the members of the public coming forward and complaining; it ends up being the complainant's word versus the police officer's word, with no independent witnesses. Whereas if you are looking at set-ups, you basically set the stage where you can get valid evidence".

On the contrary, Minenhle said,

"I had about 40% convictions, other cases are still pending".

In relation to this study, the Differential Reinforcement Theory explains that human beings tend to repeat behaviors that are rewarded, however, they are less likely to continue with behaviors that are not reinforced (Skinner, 1965). Hence, as the number of corruption cases in which convictions are recorded increase, the lesser the urge for individuals to engage in corruption. However, if there are no consequences for those who commit corruption such as being arrested, the higher the possibility of the same behaviour to be repeated in future.

5.6. Effectiveness of IPID processes in investigating police corruption

5.6.1. IPID process overview in investigating corruption

Participants were questioned about the effectiveness of IPID processes in investigating police corruption cases. The researcher compared reported cases of corruption with convictions recorded by the IPID to understand and relate to participants' responses. The main purpose for expanding the scope of this research to include this section is because the researcher aimed at understanding if the processes used by the police oversight body (IPID) needed to be revisited in terms of improving them or whether they are functioning as they are, hence, cases are solved without setbacks. From participants' responses eight out of ten believed that the procedure used by the IPID investigating officers in investigating police corruption is effective.

Minenhle believed that,

"In terms of investigations, they are effective in some cases. And in some case, you find that the complainant would come through with inadequate information regarding a corrupt police official. And what you investigate is not giving you proper leads to finalize an investigation, but 90% of the time it is effective if we do it in a proper manner".

Mandla commented,

"Yes. The results are always accurate, and we follow only the correct procedures, which prompts convictions to take place".

In the same way, Phiwo said,

"Yes, they are. Members do get arrested".

Mbali believed the process is effective by answering,

"Yes, because we do arrest corrupt police officers".

Furthermore, Nqobile confirmed the effectiveness of IPID by responding

"Yes, the methods and procedure we use in investigating police corruption always lead to a conviction".

On the other hand, Nqobile elaborated by saying,

"The co-route is very effective. Over-route usually ends up being the complainant's word against the suspect's word".

Syanda said,

"Section 252A operation is the easiest in terms of success because it is undisputable. There can only be issues if some procedures have not been followed correctly".

Judging from participants' responses after being asked if the strategies of investigating police corruption is effective enough to produce conviction. The participants unanimously indicated that their processes are effective. It was indicated that the processes used in investigating police corruption is effective. However, this contradicted the information that was obtained after being asked about the rate of successful cases, as they indicated that most cases take time to be finalised and some were declined because of a lack of evidence. It cannot be ignored that the effectiveness of investigations of police corruption and death as a result of police action is severely impacted by a lack of evidence, a delay in finalising the case and lack of co-operation from complainants, suspects or witnesses.

5.7 Conclusion

In this chapter, the empirical data were presented, discussed and analysed using a thematic analysis approach. The emerging themes were constructed using main topics that stood out within the data. By so doing, the police corruption as well as death as a result of police action

was explored. Corruption amongst South African Police Services (SAPS) indicated corruption as extensive.

Many police officials breach their code of conduct just because they are after materialistic things, greed was mentioned as one of the major factor that result to police officials accepting bribery. On the other hand, when death as a result of police officials was analysed, it was discovered that during raids police officials would shoot to kill if the offender is not obeying, as a form of protecting themselves as well as the community. Participants shared that they came across challenges which results to unsuccessful investigations as well as low conviction which later on affects the effectiveness of IPID processes of investigation. The lack of cooperation from police officials during an investigation be it death as a result of police action or police corruption as well as lack of resources impact the effectiveness of IPID processes. The finding of this study illuminated that when police corruption and death as a result of police action conviction cases increases the lesser the urge for individuals to engage in corruption. However, if there are no consequences such as being arrested for the police officials who are corrupt and those that shoot to kill suspects and innocent bystanders, the higher the possibility of the same behavior to be repeated in future.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

This chapter presents a summary of the study and the conclusions drawn concerning the effectiveness of the Independent Police Investigative Directorate (IPID) in investigating Section 28 (1) (b) and (g) of the IPID mandate, which is police corruption and death as a result of police action in KwaZulu-Natal Province. This study was necessary, given the high number of reported cases of police corruption and death as a result of police action, coupled with an annual increase in the province. The researcher conducted one-on-one in-depth interviews with IPID investigating officers who were actively involved in investigations on police corruption and death as a result of police action.

6.2 General Conclusions

The following discussion pertains to the conclusions derived from the study findings based on the objectives developed in Chapter One with the express purpose to consider the achievement of the aim of this research. The objectives of the study were met. They included identifying strategies that can be put in place to curb police corruption, analysing and exploring their effectiveness and the assessment of challenges that come with implementing these strategies. There is limited literature available on the effectiveness of the IPID in the investigation of police corruption and death as a result of police action, hence the researcher conducted the study to bridge this gap. The lack of research/information on the effectiveness of IPID investigations was addressed by assessing the investigators' successes/effectiveness in investigating section 28 (1) (b) and (g) of the IPID mandate. Four objectives were crafted illustrating the effectiveness of IPID, namely:

    ix.   To discover the nature and extent of death as a result of police action and corruption cases committed by SAPS officials in KZN;

    x.   To identify the causes of corruption and death as a result of police action according to the IPID investigators;

xi. To establish how the IPID investigates cases of corruption and death as a result of police action involving the police in KZN; and

xii. To ascertain the effectiveness of the IPID in investigating death as a result of police action and corruption committed by SAPS in KZN.

The second chapter of this study comprises a review of related literature on the issue of police corruption and death as a result of police action. Furthermore, it provided an understanding of the IPID, which is the SAPS oversight body that is responsible for ensuring that the police are accountable for any criminal behaviour. The third chapter provided a theoretical framework that focused on three theories, namely the Theory of Symbolic Interaction, the Rational Choice Theory and the Theory of Differential Reinforcement. To achieve the objectives of this study, an appropriate methodology was selected and described in the fourth chapter.

Qualitative research method that was used as a method of collecting data from the participants regarding the effectiveness of the IPID. The researcher used in-depth semi-structured interviews with 10 IPID investigating officers. The results were presented in the fifth chapter, the findings were discussed and integrated with other related scholarly literature and the theoretical framework. The main conclusions that were reached based on those findings are discussed in relation to the objectives of the study. The limitations that impacted the study are presented and recommendations that relate to the SAPS and IPID, as well as suggestions for further research, are offered as concluding sections to this research report.

6.3 The study findings

The increase in police corruption and death as a result of police action as indicated by the participants prompted the researcher to focus on the effectiveness of the IPID in investigating these two crimes. This indicates that corruption and death as a result of police action are a major concern in KwaZulu-Natal. Findings show that organisational problems such as lack of resources and few IPID investigators are contributing factors to low conviction rates. Participants highlighted that inadequate salaries, being greedy and inadequate training in the SAPS aggravate the problem of corruption and murder by police officials. These challenges result in the ineffectiveness of accountability measures like IPID and this contribute to the perpetuation of police corruption and death as a result of police action in KwaZulu-Natal province.

6.3.1 The nature and extent of police corruption and death as a result of police action in KwaZulu-Natal

6.3.1.1 Police corruption

The findings indicate that police corruption has long been a problem in KwaZulu-Natal province and according to the findings, corruption was conceptualized as the abuse of the power entrusted to public officials. The participants indicated that corruption is a crime that may include acts of the following nature:

- Bribery
- Nepotism
- Extortion
- Fraud and theft for personal gain.

Corruption involves the offering of or receiving of benefits, to influence public officials to commit or omit to do their official duty. The findings suggest that police officers consider the extraction of information held by a suspect to be more important than the life or well-being of citizens. It was noted that IPID investigating officers were fully aware of the extent of police corruption in KwaZulu-Natal Province. It was revealed that, based on the cases that they received daily, police corruption is regarded as one of the highly reported cases that were allocated to members of the IPID to investigate. Most participants indicated that bribery is the highest reported form of corruption and according to the annual intake in corruption cases recorded in 2018/2019, bribery was indeed the highest reported incident of corruption with 81 incidents, which is 75% (IPID Annual Report: 2019).

When asked about the nature of police corruption, who commits corruption mostly (racially, gender, etc.), most participants indicated that African men/ male officers were more luckily to commit corruption and it is mostly the old members of the SAPS organisation. Looking at the extent of police corruption, it was revealed that most participants were able to reach conviction. About 90% of cases reported, 75% conviction was achieved through the use of a certain method which was not revealed due to security reasons.

It was concluded that the method was indeed effective. The only challenge they faced was that most people did not report corrupt police officials as they believed that they were part of the law.

6.3.1.2 Death as a result of police action

The findings indicated that in most cases, death as a result of police action was caused by the fear of being shot by the suspects. Most police officers shoot at suspects first as a way of protecting themselves from being killed. Death as a result of police action was also conceptualized as when a police officer kills an innocent bystander while chasing and shooting at a suspect. Other participants highlighted more on police torture. During one of the interviews with the participants, a call was received to report a domestic violent case that occurred during the interview where a police officer shot his ex-wife and his brother in-law during a divorce matter in court. This incidence indicated that such criminal activities committed by the police are on the rise and they are hardly investigated since the conviction rate is lower than that of reported cases. The findings suggest that police officers mainly use the method of shoot to kill as a way of preventing the suspects from killing them. This is one of the reasons behind police officers getting away with murder. Suspects and innocent bystander are being killed by the same people that the law has appointed as their protectors.

6.3.2 Factors contributing to police corruption and death as a result of police action

6.3.2.1 Police corruption

According to participants, the main cause of police corruption is the willingness of the public to bribe the police. This is supported by the study findings of Newman and Faull (2011) where they stated that citizens have encouraged police officers to work from a compromised position. Further, the unlawful act and willingness of members of the public to offer bribes to the police in SA has helped to create and sustain police corruption. If there is no supply for corruption the demand will not be so prevalent in SA, which means that if the public do not offer bribes/money to police officials and if it happens that a police official asks or requests such, they report them and conviction is served then there will be fewer corruption cases. Other participants identified greedy and low salaries as the main factor/ contributor to police corruption. The mentality of wanting to have more and more even after getting a salary is rampant among the SAPS. It was revealed by the participants that low pay acts as a motivating factor for police officers worldwide to become more susceptible to corruption. One can argue that if police officers are well paid, there will be no need for them to expect or ask for bribes from citizens. In addition, it was suggested that raising the salaries of government officials could reduce their propensity to solicit and accept bribes.

6.3.2.2 Death as a result of police action

Participants indicated that when suspects are chased by the police after committing a certain crime, this normally ends in an exchange of shooting between the two parties. Often, the suspects get killed. In most instances, the police officials end up using such scenario as an excuse to kill. Another surprising factor that was highlighted emphasised more on the high number of attacks on and murders of members of the SAPS. In fact it may be the case that the two problems in some ways reinforce each other in different ways. Thus, high levels of victimization of the police may feed into fear on the part of police members, which encourages them to use higher levels of violence. In turn, higher levels of police violence may contribute to violence against the police (Conradie, 2000).

6.4 Challenges encountered by KZN IPID investigating officers

The IPID is mandated to investigate misconduct by police officials, which includes police corruption and death as a result of police action. When asked about the challenges faced during the investigation of these crimes, the findings indicated that complainants, suspects (police officers), station commanders and witnesses fail to cooperate with the investigating officers during the investigation of these crimes, and as a result, this hinders the investigation process which leads to low conviction rates. The fact that police officers are in power, sometimes they are biased to favour their colleagues. An alarming finding was that most participants drop charges or complaints because they believe that a crime committed by a police officer will never be investigated.

It was also indicated that police officers refuse to cooperate when they were requested to provide a statement. According to a study conducted by Hadebe (2017:151), it was indicated that "station commanders also adhered to the elusive 'brotherhood' trend by covertly protecting their members". Usually they do not assist the investigators in making sure that the police officers cooperate during the investigation of the crime committed. Another challenge encountered by IPID investigating officers was a lack of evidence and cooperation with the complainants. In most instances, the complainant reports a corrupt official but fail to cooperate with the investigator during the investigation of the matter. Other challenges that the investigators encounter during the investigation process included inadequate resources, which limits or reduces the conviction rate and inability to conduct investigations in a productive manner.

Manpower was also indicated as one of the challenges that investigators faced, particularly that the organisation lacked investigating officers. An adequate budget was also highlighted as an important factor that hinders the effectiveness of the IPID. For example, few vehicles to travel with when conducting investigation.

6.5 The effectiveness of IPID strategies to ensure police accountability

The main problem that hinders and affects the effectiveness of IPID is inadequate capacity and lack of cooperation by police officers, complainants, witnesses and station commanders, as well as a lack of evidence from complainants. These were highlighted as the main boundary that affects the performance and limits the IPID investigators in reaching a conviction. It was also revealed that investigators relied on the availability of resources and evidence to ensure the effectiveness of their investigation strategies, but that a lack of information hampered this process.

Based on the responses from the investigators regarding the effectiveness of IPID in investigating police misconduct, it was thus concluded based that IPID strategies to investigate cases of police corruption were effective in ensuring that rogue police officers were held accountable for their actions. Though the statistical report and data conducted revealed that the lack of resources and lack of independence as well as low conviction rate proves that the IPID is not effective enough in reducing the number of reported cases by holding the police accountable for the crimes committed. The lack of co-operation and evidence produced by complainants, such as failure to identify suspects and that some do not report corrupt police officials because they fear being incarcerated also contributes to low conviction rates. The outcomes of these challenges result in ineffective investigations.

6.6 Limitations of the study

6.6.1 Sample presentation

There are 18 IPID members based in KZN-Durban, upon requesting to conduct interviews with the members, the researcher aimed to gather a lot of data from the investigators by conducting the research interviews with all of them. Due to their shifts, most investigators were not available, some were on leave, some were attending court, etc. The researcher only managed to conduct interviews with ten members of the IPID. This caused the researcher to schedule interview appointments with the IPID investigators since they were hardly available.

During the interviews, it was found that two of the investigating officers were still new to the organisation and did not comment much on the interviews about the crimes. This impacted the research and resulted in not gaining enough information about the research. One member only dealt with corruption cases and could not give any data on cases of death as a result of police action. Therefore, this resulted in getting limited data from the participants.

6.7 Recommendations

Based on analysed data, the researcher recommends the following interventions to alleviate police corruption and death as a result of police action and thus an effective and efficient service delivery in the IPID in KwaZulu-Natal Province. Police officials must always display good conduct and a positive attitude towards the members of the community at large. They must seek to reduce criminal activities and avoid committing crime, since they are the custodians of the law. It is recommended that the police oversight body such as IPID should embark on a mission to deal with police corruption and the killing of innocent people. The recommendations include an improved recruitment strategy, training and development, and stronger anti-police corruption mechanisms.

6.7.1 Improve SAPS recruiting strategy

The SAPS should revise its recruitment drive by improving its recruitment strategy and recruiting the relevant people. A variety of the recruitment strategies must be developed to ensure a successful recruiting effort (Brown, 2012). The author further mentions that one of such strategy should be to identify police officers that are representative of the type of person being recruited. It is very important for them to have proper selection criteria in place to ensure that committed people will join the organisation. Integrity is more important in the police than any other institution because the police are empowered by society to uphold and enforce the law (Brown, 2012). Police organisations are encouraged to think outside the box in their effort to reach qualified candidates by improving benefits and incentives such as salary, educational incentive, and overtime opportunities and so forth (Dempsey and Forst, 2012). If they recruit this way, they shall recruit potential police officials who are willing to help the community and to protect the country with pride. They should fill the hiring gaps with the intent to avoid hiring candidates who have low ethical standards because it compromises the SAPS' integrity (Vilakazi, 2015).

6.7.2 Public awareness about IPID

There are few people that know about the IPID in the country and as a result most people are being mistreated by the police. It is crucial for the organisation to educate people about the services they provide to the public, this will increase the conviction rate as more people will know where to report police misconduct. The public needs to be made aware of the importance of reporting corrupt police officers and those who kill. By reporting police misconduct to the right organisation and cooperating with the IPID investigating officers will decrease criminal activities committed by the police.

6.8.2 Strengthen police effectiveness through improvement of IPID capacity

It was indicated that a lack of resources and being understaffed affects the effectiveness and efficiency of the IPID, especially with regards to their investigative processes. All the participants indicated that the IPID is not adequately capacitated for what it is mandated to do. For instance, in KZN there are only nineteen (18) IPID officers who are responsible for investigating misconduct of the police officers within the province. The employment of more investigators will increase manpower. The establishment of more offices in different parts of KZN will assist in addressing the issue of travelling. Further, the reliance of the IPID investigating officers on SAPS personnel can lead into biasness, therefore IPID should have its own ballistic personnel, resources and budget to ensure full independence.

6.9 Conclusion

Although limited in scope, the current will contribute new information to the body of scholarly knowledge on the effectiveness of the Independent Police Investigative Directorate in investigating police corruption and death as a result of police action. The study successfully addressed the research questions and the research aim which was to investigate the effectiveness of the IPID organisation in investigating these crimes committed by the police. It was adequately demonstrated that the lack of resources, and under stuffing were the main factors that hinder the effectiveness of the IPID.

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Appendix A: Ethical Clearance Form

UNIVERSITY OF ™
KWAZULU-NATAL

INYUVESI
YAKWAZULU-NATALI

15 November 2018

Ms Asanda Mbhele 214519285
School of Applied Human Sciences
Howard College Campus

Dear Ms Mbhele

Reference number: HSS/1662/018M
Project title: The effectiveness of the Independent Police Investigative Directorate in investigating corruption and death as a result of police action in KwaZulu-Natal Province.

Full Approval - Full Committee Reviewed Application
With regards to your response received 09 November 2018 to our letter of 05 November 2018, the Humanities and Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol have been granted FULL APPROVAL.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number. Please note: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

Prof S Singh

/px

cc Supervisor: Vuyelwa Maweni
cc Academic Leader Research: Dr Maud Mthembu
cc School Administrator: Ms Ayanda Ntuli

Appendix B: Gatekeepers Letter

IPID

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE

Private Bag X54303   DURBAN, MARINE BUILDING, 22 DOROTHY NYEMBE STREET, DURBAN
Tel (031 3101300 , cvandersandt@ipid.gov.za

Enq: CP VAN DER SANDT
031-3101211
031-3101300

Ms. Mbhele
Student : 214519285
KZN- UNIVERCITY
DURBAN
4000

Good day Ms. Mbhele

PERMISSION TO INTERVIEW INVESTIGATING OFFICERS WITH REGARD TO IPID MANDATE AND SECTION 28(1) OF THE IPID ACT, ACT 1 OF 2011

1. Kindly be advised that this office received authorization with regard to your request in order to interview investigating officers with regard to the IPID mandate and investigations conducted on Sec 28 (1)(b) Death as result of police action and 28(1) (g) Corruption cases.

2. Due to confidentiality and the Promotion of Access to Information Act, Act 2 of 2000, it should be borne in mind that all information received may only be utilized for the purpose of your research paper, it is also requested that interviewed candidates remain anonymous on your questionnaire and that their name, surnames and positions are not used. They could be referred to as investigating officers.

3. IPID KZN wish to convey our sincere wishes to you, we believe that you will successfully graduate.

....   IPID
DEPUTY PROVINCIAL HEAD   KZN
MS. C VAN DER SANDT
2018-09-12

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Appendix C: Informed consent form

INFORMED CONSENT FORM

Research on the effectiveness of the Independent Police Investigative Directorate in investigating police corruption and death as a result of police action in KwaZulu Natal province**.**

Researchers Details

Name: Asanda

Surname: Mbhele

Contact Details: 0733654860

E-mail: m3lissambhele@gmail.com

Supervisor- Contact Detail

Name: Vuyelwa

Surname: Maweni

Contact Details: 031 2683864

E-mail: MaweniV@ukzn.ac.za

Research Office – Research Ethics Offices

P/Bag X54001

Durban, 4000

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Email: HssrecHumanities@ukzn.ac.za

The nature and purpose of the research

The contradiction of the fact that police commit criminal offences whilst the public relies on them for security and safety serves to be the main problem that the researcher wants to focus on in this study. This study aims to assert if having such an organization as an Independent Police Investigative Directorate is beneficial in our country.

The study aims at ascertaining the effectiveness of IPID in dealing with the level of crimes committed by the police, specifically corruption and the murdering of suspects and innocent bystanders. To assess the effectiveness of IPID, the researcher focused on the reported cases of death as a result of police action as well as on police corruption cases and the manner of closure of these cases in KwaZulu-Natal.

Conduction of Interviews

Participation is voluntary, no one will be forced to be part of the study and participants are free to withdraw from the research at any time without any negative or undesirable consequences to themselves.

The responses will be treated in a confidential manner by using pseudonyms to ensure confidentiality. The primary data will be stored in the Criminology department as the study is based on that department. There will be codes given to the participants and the data will be stored against those codes to ensure confidentiality. After a certain period of time the data will be destroyed. The interview responses will be stored in their original form.

The personal information will be anonymized and all participants will be given codes and data will be transcribed according to the code rather than using their original names. The research dissertation will be made available for the members of IPID (investigators and deputy directors) in the IPIDs office and the participants will be well-informed of this information. The interviews will be audio recorded to ensure that the researcher gets all the information correctly, and the recorded data will be destroyed after some time once the researcher is done with the research.

CONSENT FORM

- I……………………………………… voluntarily agree to participate in this research study

- I understand that even if I agree to participate now, I can withdraw at any time or refuse to answer any question without any consequences of any kind.

- I have had the purpose and nature of the study explained to me in writing and I have had the opportunity to ask questions about the study.

- I agree to my interview being audio-recorded.

- I understand that all information I provide for this study will be treated confidentially.

- I understand that under freedom of information legalisation I am entitled to access the information I have provided at any time while it is in storage as specified above.

- I understand that I am free to contact any of the people involved in the research to seek further clarification and information

I give permission to be audio recorded (please tick) yes or no
Signature of research participant

I believe the participant is giving informed consent to participate in this study

-- ----------------------

Signature of researcher

INCWADI YESIVUMELWANO

- Mina………………………………..ngiyazinikela ukuba ngibe inxenye yale research
- Ngiyaqonda ukuthi noma ngivumile ekuqaleni ukuba yingxenye yaloluphenyo lemfundo, nginalo ilungelo lokuyeka noma inini uma ngingasathandi noma ngingawuphenduli umbuzo engangikhululekile ukuwuphendula
- Ngichazeliwe ngokupheleleyo ngaloluphenyo lwemzemfundo ngokufunda okubhaliweyo ngaphinde ngalithola ithuba lokubuza imibuzo eqondene naloluphenyo.
- Ngiyavuma ukuba iqophwe inkulumo yethu
- Ngiyaqonda ukuthi lonke ulwazi engizolukhipha luzophahtwa ngokucophelela
- Ngiyaqonda ukuthi nginelungelo lokuthola lonke ulwazi ngakho konke engikushilo ngesikhathi sophenyo uma kusagciniwe.
- Ngiyaqonda ukuthi nginenkululelo lokuxhumana nanoma ubani obandakalelana nalemfundo uma kukhona engingakuqondiyo.

Ngiyavuma ukuqotshwa inkulumo yami (khetha ibhokisi) yebo ☐ noma cha ☐

Signature (sayina)

…………………………………………………………………………………..

Ngiyakholwa ukuthi uyavuma ukuba yingxenye yaloluphenyo

Interview Schedule- IPID Investigating officers

Demographic Questions

1. Which racial group has the highest reported cases of police corruption?
2. Which racial group has the highest reported cases of death as a result of police action?
3. Are these two types of crime committed by new or old members of SAPS?
4. Which gender commits police corruption mostly?
5. Which gender commits death as a result of police action?

The nature and extent of police corruption and death as a result of police action

6. Describe how death as a result of police action takes place.
7. Describe how does police corruption occurs with the law enforcers.
8. How many cases of corruption you receive in a year?
9. How many cases of death as a result of police action you receive in a year?

The main causes of police corruption and death as a result of police action

10. Based on your experience, what are the main causes of death as a result of police action within the police in KZN?
11. What causes police officials to be involved in corrupt activities?

The steps involved in investigating police corruption and death as a result of police action

12. What are the adopted steps taken in investigating death as a result of police action cases?
13. What are the steps involved when investigating section 28(1) g- corruption? **The Effectiveness of the Directorate in investigating police corruption and death as a result of police action**

14. Are the adopted steps/investigating process used in investigating these crimes effective? If so, please elaborate more.
15. How do you go about gathering valid evidence?
16. What are the challenges you encounter when investigating Law enforcers?

17. Out of (this total number of cases you receive a year), how many cases were solved (convicted)?

18. Does the directorate have enough resources and manpower to conduct the investigation?