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# FOREWORD

## Change is inevitable

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Dr. Divya Singh

Editor

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The **JUST AFRICA JOURNAL OF CRIMINAL JUSTICE** is a peer-reviewed academic journal that promotes academic and professional discourse and the publishing of research results on crime, criminal justice and other crime-related phenomena in the broad Criminological Sciences and applied field of criminal justice.

If the COVID-10 pandemic has taught us anything, it is that change is inevitable. However, how we handle it, what we learn from it, what changes are wrought because of the catalytic engagement is up to us. As Albert Einstein said: "The world we have created is a process of our thinking. It cannot be changed without changing our thinking." Fulfilling its purpose to be relevant, **JUST AFRICA** will be the incubator for new research and thought leadership in criminal justice.

In 2021, the **JUST AFRICA** Journal finds its home with STADIO (Pty) Ltd, a new private higher education institution with nine schools and more than 35 000 students. The partnership with **Servamus** remains intact, and the continued focus on applied research in criminal justice will not change. The new Editorial Board, comprising local and international members and led by Jaco Barkhuizen, is already in place. The Editorial Board performs an advisory function supporting the internal editorial committee, assuring the standard and quality of the Journal.

Notwithstanding the name, the Journal will source scholarship and specialist expertise domestically, continentally and globally. Two editions of the **JUST AFRICA** Journal will be published annually, and all papers will be double-blind peer-reviewed. Each publication will include new research from experienced scholars and at least one article from current Masters or Doctoral students. The Journal will also include book reviews and legal updates covering both case law and new legislation. The Editorial Committee intends to publish one Special Edition every two years focusing on a dedicated subject area or event of topical interest to the criminal justice discipline.

Noting the lack of research on the impact of pandemics on crime rates and crime trends, the 2021 Special Edition will hone in on the effects of the COVID-19 pandemic on the criminal justice system. Research papers will be sourced focusing on policing activities and challenges; crime trends during the pandemic; corrections including inmates' rights, early release of

inmates, victim involvement; and opportunistic crimes, specifically pandemic-related. While criminal justice during the COVID-19 pandemic will be the central theme, the Special Edition will appeal for multi- and interdisciplinary research.

The impact of COVID-19 has been profound - countries have been ordered to shut down, people stayed at home, businesses were shuttered and streets emptied. The emerging body of research is not unexpectedly referencing shifts in crime and criminal behaviour, supporting the correlation relationship between opportunity for and prevalence of crime. Confirming this, Hodgkinson and Andresen (2020) note:

Exceptional events, like a pandemic, act as a natural experiment, because they change the structure of routine activities that can reorganise offenders, victims, and capable guardians converge in time and space. For example, if people are staying at home, their guardianship over their residence would improve making these targets more difficult to victimise. Alternatively, as work and life shift online, new targets or victims may emerge for motivated offenders.

Widespread media reports also highlight the pandemic's impact on specific crime types, including corruption, cyber-crime, commercial crimes and hate crimes. On 3 April 2021, the *New York Times* reported increasing anti-Asian violence incidents, where people of Asian descent were beaten, insulted, spat upon and had their homes and businesses vandalised. Do we know whether the conduct is localised or a more significant global menace? More importantly, how has the criminal justice system responded.

Research into gender-based violence during the COVID-19 lockdown is essential. For example, during the imposed lockdown, did the alcohol ban mitigate the scourge? Was the problem exacerbated by the victim and abuser being stuck together in confined spaces coupled with other aggravating factors such as job losses and financial uncertainty? Reports from the USA vary - New York City reported lower numbers of calls for help, while Chicago noted more calls to the police and domestic abuse hotline than in the previous four years (Wojcik and Austin, 2020). Understanding the numbers demands a much deeper interrogation of the victims' lived realities during the COVID-19 lockdown, especially the support provided by the criminal justice

system. One report by Wojcik and Austin (2020) points to difficulties in obtaining protection orders and judges' reluctance to exclude people from their homes when the state had ordered them to stay there and they had no other alternative.

In the field of corrections, there are several areas requiring research. Recognising that correctional centre populations constituted one of the most vulnerable groups during the pandemic, several countries implemented early release orders, yet the system continued to incarcerate those who breached COVID-19 regulations? Many research questions come to the fore: fairness, reasonableness and victimisation, inmate and victim's rights, managing awaiting trial arrestees, fears for community safety, and an allied study must investigate recidivism and repeat offending. Highlighting the quandary for the criminal justice system, Miller and Blumstein (2020:517) point out that while these issues have traditionally been addressed daily, they take on a distinctly different form in the context of the virus.

The full impact of COVID-19 on the criminal justice system is yet to be felt. Shared dialogue, research and studies highlighting leading practices and opportunities for action will support more informed decision-making and perhaps mitigate the continued challenges that the pandemic has wrought on so many lives.

If this is your research area, please contact the Editor or the editorial team to indicate your interest in submitting a research paper or opinion piece to the Special Edition.

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# LEGAL TALK

## Legislative Developments

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Dr. (Brig.) Marga van Rooyen

Legal and Policy Services, South African Police Service

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The prevalence of gender-based violence in South Africa has been recognised as a national crisis. In 2019, the President of South Africa hosted a national summit against Gender-based Violence (GBV) and Femicide that afforded a platform for role-players across society to discuss the crisis and make recommendations on key aspects relating to gender-based violence.

During the hard lockdown which was announced due to the COVID-19 pandemic, the prevalence of GBV became a prominent feature of the impact of the pandemic on the lives of many. The seriousness of the situation was acknowledged by government when the President declared GBV as the second pandemic of 2020. The COVID-19 pandemic has exacerbated the threat of violence against vulnerable groups, particularly women, even more while people were required to remain in their homes. This confinement exposed the vulnerability of the victims and has given rise to a dramatic increase of reports of gender-based violence, especially during a time when access to courts and the availability of supportive services were severely constrained.

The commitment of government to combat gender-based violence has resulted in government taking several steps to raise awareness and promote education about GBV, to involve communities in the eradication of GBV and femicide and, ultimately, to enhance support services to victims and provide more effective protection for victims. One of the main focus areas of the efforts of government relates to the involvement of the criminal justice system to address cases relating to GBV. In this regard, the Department of Justice and Constitutional Development has undertaken the revision of the pertinent legislation to strengthen the resolve of government to address this scourge.

The commitment of government is demonstrated by three separate Bills, referred to as the "Gender-based Violence Bills", that are currently considered by Parliament. The Bills are the following:

- Domestic Violence Amendment Bill;
- Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill; and
- Criminal and Related Matters Amendment Bill.

These Bills focus on the provision of more effective measures to protect victims and impose stringent obligations to deal with the perpetrators of offences involving gender-based violence.

### **The Domestic Violence Amendment Bill**

The Domestic Violence Act 116 of 1998 sets out measures to protect victims of domestic violence, including the right to apply for a protection order. The Domestic Violence Amendment Bill is the first attempt to amend the Act since it came into operation in 1999.

Police officials play an important role in the application of the Act and are required to protect and assist victims of domestic violence. The Bill aims to strengthen the role of police officials by empowering them to enter a private dwelling, subject to certain conditions, to protect a victim if information has been received that an offence involving physical violence is committed between parties in a domestic relationship.

The Bill considers simplifying the application process for a protection order to provide for online applications. This proposal recognises the plight of many victims who struggle to have access to a court, a fact that became even more conspicuous during the lockdown. Measures are also proposed to ensure effective record-keeping of protection orders by providing for the establishment of an integrated electronic repository to keep copies of all protection orders issued. The repository will enable different functionaries, including police officials, access to such orders to assist victims.

The Bill further aims to increase the punishment for repeat offenders where offences relate to domestic violence. Another proposal limits the power of a prosecutor to refuse to institute a prosecution or withdraw cases relating to the contravention of a protection order, as well as cases of domestic violence where a victim suffered an assault with the intention to commit grievous bodily harm or was threatened with a weapon. A "weapon", as defined in the Bill, includes a firearm, airgun or handgun, as well as any object which is likely to inflict grievous bodily harm or a dangerous wound if it were used to commit an assault.

The Bill also identifies the need for an integrated effort to combat domestic violence by requiring additional government departments such as Health, Social Development, Basic Education, Higher Education, Science and Communications and Digital Technologies to issue directives to their employees on matters relating to their functions in order to combat domestic violence.

### **Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill**

The Bill proposes the creation of a new offence, namely "sexual intimidation". The offence will be committed if the perpetrator intimidates another (the victim) into believing that the victim or someone else will be subjected to, or forced to commit certain sexual offences. This will, for example, be the case if a husband is threatened that, unless he hands over money, his wife will be raped.

The Bill further focuses on expanding the ambit of the National Register for Sex Offenders (the NRSO) to include the particulars of all sex offenders. Currently, only the particulars of sex offenders are included if the victim was a child or mentally disabled person. The list of persons to be protected by the NRSO is extended to other vulnerable persons, including young women (younger than 25 years), persons with physical, mental or intellectual disabilities and persons older than 60 years. Particulars of sex offenders will also be kept in the NRSO for a longer period before they may be removed.

### **The Criminal and Related Matters Amendment Bill**

The Bill aims to amend various statutes, including the Criminal Procedure Act 51 of 1977.

The proposals contained in the Bill include the expansion of "assault when a dangerous wound is inflicted" (as contained in Schedule 1 of the Criminal Procedure Act) to include "assault involving the infliction of grievous bodily harm or where a person is threatened with grievous bodily harm or with a firearm or dangerous weapon". This will broaden the circumstances where a peace officer is authorised to arrest a suspect without a warrant, in terms of section 40(1) of the Criminal Procedure Act.

The Bill prohibits the release of a person on police or prosecutorial bail in cases involving domestic violence. This will mean that an arrested person, in a case involving domestic violence, may only apply for bail during his or her first appearance in court. The effect of the proposal will be, for example, that if a husband is arrested on a Friday evening on the suspicion that he has assaulted his wife, he will remain in police custody until his first appearance in court on the following Monday.

One of the key principles of the Bill is to enhance the participation of a victim during different phases of the criminal justice system. This principle supports victim empowerment and enforces the right of a victim to be heard and participate in processes that affect him or her. In this regard, the Bill allows for the victim to participate during the consideration of a bail application of the accused and requires a court to expressly consider the view of the victim on his or her safety, if the accused were to be released on bail. A court will have to take into account any pre-trial services report on the desirability of the release of an accused on bail.

Another substantial proposal requires a court to weigh up the personal interests of the accused against the interests of justice during a bail application, even if the prosecutor does not oppose bail. Furthermore, an accused will be obliged to inform a court of any protection order issued in terms of any law that has previously been obtained by the complainant against him or her and whether such an order is still in force.

The Bill also strengthens the involvement of a victim or a relative of the deceased (for example, a family member of a woman who was killed by her boyfriend) to participate in hearings to consider the release of the perpetrator on parole or correctional supervision. In addition, a minimum sentence of life imprisonment is proposed in certain cases where offences relate to instances of domestic violence. This will include a case where the accused was convicted of murder that resulted from physical or sexual abuse of a victim where the parties were in a domestic relationship.

These three Bills are currently being considered in Parliament. In view of the impact of gender-based violence in the country, extensive public hearings have been held to allow different role-players and specifically non-governmental organisations and other stakeholders from civil society to participate by making submissions on the Bills. It is expected that the initial Bills will be revised and refined in view of these submissions. The Bills are, however, an indication of action taken by government in recognition of the urgency to ensure that GBV is addressed in a more effective manner in our society and by identifying the need that victims are entitled to more effective protection and participation in the criminal justice system.

# LEGAL TALK

## Case Law

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Dr. (Brig.) Marga van Rooyen

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**O**n 15 March 2020, a national state of disaster was declared in terms of the Disaster Management Act 57 of 2002 (the DMA) to deal with the spread of the COVID-19 pandemic. In terms of the DMA, the Minister of Cooperative Governance and Traditional Affairs (the Minister) is authorised to promulgate regulations to manage a state of disaster, including the disaster as a result of the COVID-19 pandemic.

The Minister has promulgated various regulations since March 2020 for this purpose. The aim of the regulations, at different stages or alert levels, is to manage the response of government to the pandemic and to prevent an escalation to the disaster or to alleviate, contain and minimise the effects of the disaster. The regulations have had far-reaching implications on the daily existence and livelihood of South Africans. It is therefore hardly surprising that some of the regulations have been attacked constitutionally, especially in view of their extensive consequences.

It is especially evident from two judgments delivered in respect of different regulations. In both cases the constitutionality of regulations, issued during different alert levels, was attacked on the basis that the provisions violated various fundamental rights, including the rights to dignity, freedom and security and freedom of trade, occupation and profession. The impugned provisions contained criminal offences that had been enforced by enforcement officers, including police officials. The courts had to consider whether the regulations infringed upon fundamental rights and if so, whether the infringements were justified in terms of section 36 of the Constitution of the Republic of South Africa, 1996.

In *British American Tobacco South Africa (Pty) Ltd and Others v Minister of Co-operative Governance and Traditional Affairs and Others (6118/2020) [2020] ZAWCHC 180* (11 December 2020), the Western Cape High Court held that regulation 45 of the alert level 3 regulations was unconstitutional. Regulation 45 (promulgated on 28 May 2020) criminalised the sale of tobacco, tobacco products, e-cigarettes and related products to members of the public and to persons including retailers who sell directly to members of the public.

The applicants, including British American Tobacco, challenged the constitutionality of regulation 45 on the basis of the impact of the prohibition: namely on the persons involved in the supply of chain of tobacco products, from farmers, tobacconists and businesses (including informal sellers) to sell and trade in tobacco products and the impact of the prohibition on their livelihood. In addition, the challenge extended to the impact on the rights to dignity, privacy and bodily and psychological integrity of consumers of tobacco and vaping products.

The respondent, the Minister, contended that the main purpose of the prohibition was to regulate commercial activity and that any limitation of fundamental rights would be "incidental". However, this argument was inconsistent with the justification offered by the Minister for regulation 45. She had repeatedly stated that the main purpose of the prohibition on the sale of tobacco and related products to the public was to reduce the number of smokers and, ultimately, to limit the number of infections. The Minister further claimed that the repeated hand-to-mouth conduct associated with smoking increased the risk to contract the virus, and that the risk of shared cigarettes could transmit saliva from one smoker to another. The prohibition would therefore reduce the pressure on medical facilities and decrease the number of patients in need of critical medical care.

The applicants countered these arguments by pointing out that before the pandemic, an individual could choose to smoke, despite being aware of the dangers that it poses to personal health. They argued that the pandemic has not changed the position. Insofar as the risk of the sharing of a cigarette is concerned, the applicants reasoned that this concern could be addressed by less restrictive means, such as making the public aware on the need of hygiene, handwashing and social distancing.

The court was not convinced by the arguments of the Minister. The figures presented by the Minister to alleviate the pressure on medical facilities, indicated that only an insignificant number of beds would be available as a result of the stringent measures to prohibit smoking. This expected small number of beds did not justify the extensive harm caused by regulation 45. The prohibition caused a sizeable loss in tax revenue and



also threatened the livelihood of many persons in the supply chain of smoking and vaping products. It was unclear that the prohibition was necessary to prevent an escalation to the disaster or to alleviate, contain and minimise the effects of the disaster. The court concluded that the limitation imposed by the regulation on the right to trade, resulted in more harm than the purpose for which the prohibition was imposed. Insofar as the limitation of the rights of smokers is concerned, the court held that the argument that the prohibition will reduce the number of smokers and ease the pressure on medical facilities was not supported by the evidence.

In *Esau and Others v Minister of Co-Operative Governance and Traditional Affairs and Others (611/2020) [2021] ZASCA 9* (28 January 2021) the constitutionality of provisions in terms of the alert level 4 regulations (promulgated on 29 April 2020) was attacked. The provisions related to -

- (a) the forms of exercise allowed (only walking, running and cycling), at a restricted time (only between 06:00 and 09:00) and in a confined area (within a radius of 5 km from the residence of a person) (reg 16(2)(f)) which limited the right to freedom of movement and dignity; and
- (b) the selling of cooked hot food provided that the food was delivered to a person's home (items 1 and 2 of Part E read with reg 28(3)) which limited the right to dignity and freedom to choose products as a consumer as well as the right to trade and ultimately the right to work and earn a livelihood.

The Minister argued that if all activities were allowed to continue unhindered to allow the fulfilment of fundamental rights, the lockdown would have failed. The regulations aimed to reduce the risk of transmission to acceptable levels and accordingly required the prohibition of certain activities. Regulations issued during alert level 4 required that activities had to be severely restricted to decrease the transmission of the virus. It was therefore necessary to balance the reduction of the infection rate with the obligation to respect and protect fundamental rights. The Minister contended that the limitation of the rights of freedom of movement, dignity and to pursue a livelihood was justified to prevent the spread of the virus and protect lives.

The court held that both provisions were unconstitutional. Insofar as the limitation of exercise was concerned, the court explained that the limitation was not justified because it was irrational and disproportional. The limited period of three hours for exercise increased the risk of congregation and, subsequently the risk of spreading the virus by concentrating persons, especially in densely populated spaces. Furthermore, the court held that there was no justification to limit the form of exercise to only three forms of exercise by excluding others activities. The restriction on the area of the exercise was also irrational.

On the issue of the limitation of the selling of hot food only if it were delivered to a person's home, the court explained that it was irrational to allow a supermarket to sell a salad or cold meals to in-store customers, but to prohibit the selling of hot food such as a piece of chicken or a hot meal to the same customers.

The court rejected the argument of the Minister that the prohibition was necessary to prevent the congregation of groups in a store while persons were waiting for the preparation of a hot meal. The court held that the prohibition was not rational or proportional and pointed out that hot meals are often, similarly to cold meals, pre-prepared and merely handed over to a customer. The decision whether certain food could be sold or not could not depend on the temperature of the food.

By the time that both judgments were delivered, the impugned regulations had already been replaced by other regulations in accordance with amended alert levels, influenced by various factors, such as the number of deaths and the inflection rate of the virus at a given time period. The effects of the judgments have therefore not influenced the current livelihoods of the public. It is also important to keep in mind that the declaration of unconstitutionality must, in terms of section 172 of the Constitution of the Republic of South Africa, 1996 be confirmed by the Constitutional Court.

However, the judgments illustrate that the constitutionality of regulations promulgated under the different alert levels will continue to be challenged in court. In view of the uncertainty on the future impact of the pandemic, there is a risk that we may in future again be confronted by strict regulations to manage the pandemic. However, it is indisputable that courts will consider the impact of the regulations critically in view of the prolonged and significant impact thereof on our daily existence.

# ARTICLE

## Talent management and voluntary turnover intentions of police officials in the Windhoek Region, Namibia

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### ABSTRACT

Police officials play an essential role in maintaining law and order in societies. Unfortunately, the policing profession is challenging, and law enforcement institutions are struggling to maintain adequate staffing levels to meet the general public's ever-increasing safety needs. This research's main objective was to determine the relationship between talent management and voluntary turnover of police officials in the Windhoek region of Namibia. A cross-sectional research design was followed with data collected from police officials (N=195) operating in the Windhoek region, Namibia. A talent management measure and voluntary turnover intention questionnaire were administered. The results showed that talent management practices are moderate to weakly implemented. About half of the participants considered quitting their jobs. Talent management practices further contributed to the voluntary turnover intentions of police officials. The results also showed that significant differences exist between police officials' perceived talent management practices based on their age, educational qualification, promotion opportunities and job level. This research highlights the vital role that leaders play in the establishment of talent management practices. Law enforcement institutions should also eradicate talent management problems such as talent branding, talent performance management, talent compensation and talent retention practices to prevent voluntary turnover intentions.

### KEYWORDS/PHRASES

Leadership, performance management, staffing, talent management, talent mindset, police officials, voluntary turnover intentions.

### INTRODUCTION

The importance of police officials in maintaining the safety and security of the general public cannot be underestimated. Police officials are responsible, among others, to preserve the internal security of a country, prevent crimes and maintain law and order (Manning, 2014). Unfortunately, police officials are

exposed to various safety and security risks in the execution of their daily tasks, such as accidental hazards (i.e. vehicle crashes, assaults), biological hazards (i.e. exposure to HIV), psychological hazards (i.e. witnessing traumatic events or horrific incidents) and organisational hazards (i.e. shift work, poor relationships with superiors, Mona, Chimbari & Hongoro, 2019).

Prolonged exposure to occupational risks and dangers is likely to result in post-traumatic stress disorder, leading to suicide ideation (Nkosi, 2019). Consequently, the policing profession becomes a less attractive occupation due to the demanding and dangerous nature of the work (Wilson, Dalton, Scheer & Grammich, 2010). Drastic increases in employee turnover are imminent, particularly at senior levels within law enforcement institutions and among highly-skilled police officials (Ikela, 2018; Zethu, 2018).

This research's main objective was to determine the relationship between talent management and the retention of police officials in Namibia. During the past decade, Namibia's economic status changed, forcing the government to cut budgets of various ministries. The New Era Newspaper (2014) reports that both the Inspector General of the Namibian Police Force and the Head of Human Resources Directorates, highlighted a lack of funds constraining the Force's efforts to improve the conditions for the police members. The same newspaper article revealed that the high staff turnover of about 500 officials per year, due to resignations and retirements, restrains the Police Force's growth. The article further indicated that such turnover converts into N\$77 million per annum - money spent to train police officials.

Although considerable research has been devoted to talent management in Sub-Saharan public institutions, studies on talent management in the police force are limited. The need for an integrated talent management strategy for police officials has been reported to facilitate employee recruitment, development, motivation and retention (Kotze, 2017). Smith (2015) contends that there is some useful learning that the police service can embrace by considering the broader discipline of talent management. Talent management is essential for police officials' effective service performance (Chiloane & Barkhuizen, 2017). No country can sustain law and order without skilled and competent law enforcement officials. A study on how talent management can curb the voluntary turnover intentions of police officials is therefore imperative.

This study will address the following research questions:

- What is the current application of talent management practices for police officials in the Windhoek region of Namibia?
- To what extent does talent management practices predict police officials' voluntary turnover intentions in the Windhoek region of Namibia?
- Are there any significant differences in perceived talent management practices based on the demographic characteristics of police officials?

This research article is structured as follows: first, a literature review is presented on talent management and its relation to the policing profession. Flowing from the literature review, the research approach adopted for this study is presented. After that, the results of the study are reported. This research article concludes with a discussion of the results and implications for management and future research.

## THEORETICAL OVERVIEW AND HYPOTHESES DEVELOPMENT

### Talent and talent management defined

The concept of workplace talent has existed for at least two decades after the publication of "War for talent" by Chambers, Foulon, Handfield-Jones and Hankin (1998). Since then, a proliferation of research emerged to determine the utility of talent management in the workplace. Despite the escalating research interest, talent management is still subjected to intense scrutiny and criticism. Some of the main pressure points and gaps are inadequate theoretical foundations for talent management, a lack of conceptual definitions for workplace talent and talent management, inclusive versus exclusive talent management practices, talent management as "old HR wine" in new bottles and talent embedded within a job or individual (Gallardo-Gallardo, Thunissen & Scullion, 2020; Jooss, McDonnell, Burbach & Vaiman, 2019; Meyers, 2020; Meyers, Woerkom & Dries, 2013; Wiblen & McDonnell, 2020).

Goff (2008) refers to a talented person as someone who has the right combination of inborn abilities, complemented by the knowledge, skills, attitudes (competence) and experience needed to perform in a given situation. Similarly, Yogalakshmi and Supriya (2020:307) view talent as "systematically developed innate abilities of individuals that are deployed in activities they like, find important, and in which they want to invest energy". Barkhuizen (2015) adds that a talented person should have the willingness and self-belief to be of value to an organisation.

Al, Cascio and Paauwe (2014:174) define talent management as "those activities and processes that enable identification of positions and talent pools that are critical to building and sustaining an organisation's competitive advantage". In a similar vein, Meyer (2016) defines talent management as strategic human resources (HR) programmes that include aspects such as performance management, staffing, compensation, learning management, employee development and succession planning to optimise workforce productivity. Chabault, Hulin and Suparnot (2012) take a multi-level approach by defining talent management as consisting of the following characteristics namely talent as an individual, talent as a whole group of resources and talent as an organisational-wide phenomenon. Organisations, therefore, need to focus on attracting and recruiting talented employees that can be developed within the context of the organisation.

There is currently a movement towards more inclusive talent management practices where all employees are considered to be of value to the organisation and included in talent pools based on their potential (Meyers, 2020). The majority of organisations to date followed an exclusive (elitist) approach to talent management. Only a select few employees were considered contributors to the organisation's strategic objectives (Swales, Downs & Orr, 2014). Although the elitist approach may be helpful to fast-track talent in organisations, other employees may feel excluded and demoralised (Lai & Ishizanka, 2020) and leave the organisation (Kichuk, Brown & Ladkin,

2019). In turn, the inclusive approach can frustrate those who want to progress in their careers but are delayed because of being treated equally to other employees in the workplace (Iles, Preece & Chuai, 2010).

### **Talent management practices**

A great deal of research has been devoted to clarifying relevant talent management practices to manage talented employees effectively in the workplace. Sparrow, Otaye and Makram (2014) developed an exhaustive list of sophisticated practices to advance the workplace's talent management function, such as identifying and recruiting talent, attracting talent to the organisation, identifying key internal talent, managing talent flows, developing employees and delivering performance. Barkhuizen and Schutte (2016) developed a talent lifecycle framework to guide talented individuals' career in the workplace. The career lifecycle involves eight phases namely talent mindset, talent brand, talent onboarding, talent engagement, talent development, talent performance management, talent rewards and talent retention. Gumede (2019) validated the talent career lifecycle in a South African public sector institution. The section below briefly highlights the different talent career lifecycle phases and how it relates to police officials.

#### ***The leadership talent mindset***

Talent management starts with a conviction from management that talented individuals can add value to the organisation and are worth investing in. According to Mokgojwa (2019), leadership presence is essential to mitigate human capital risks relating to a weak institutional culture and inefficient talent management practices such as performance management, career development and rewards. A study conducted by Huberts, Kaptein and Lasthuizen (2007) shows that leadership aspects such as role-modelling, strictness and openness significantly influence police officials' ethical behaviour and enhance integrity in their interpersonal behaviour towards one another. Schafer (2010) found that the leadership efficacy in policing was characterised by integrity, work ethic, communication and personnel care. As such, leaders can play an important role in managing correctional officials' occupational stress in the law enforcement industry (Kganaka, 2020). Matobako and Barkhuizen (2017) found that leadership talent mindset influences junior correctional officials' motivation and retention. Research conducted by Itumeleng (2017) shows that a lack of executive commitment towards talent management enhanced junior correctional officials' voluntary turnover intentions.

#### ***The talent brand***

An organisation's talent brand represents the talent value proposition of an organisation, that is, the underlying employment promises to current and prospective employees. According to Saurombe (2017), a compelling talent value proposition includes properly assembled organisational brand components (i.e. reputation and image, organisational culture and identity and work and surrounding environment) and employment brand components (i.e. fringe benefits and rewards and occupational health and safety) that are important to attract and retain employees. Sullivan (2018) found a

significant relationship between the policing profession's perceived prestige and college students' desire to become police officials. According to Wilson et. al. (2010), negative perceptions about the nature of policing work hinder the recruitment and retention of police officials in the new millennium. Consequently, law enforcement institutions may be at risk of maintaining a police workforce.

#### ***Talent on-boarding***

Talent on-boarding and induction are essential to ensure that employees become fully engrossed in the organisation (Nyakale, 2016). The on-boarding process reflects whether an organisation fulfilled its initial employment promises, such as psychological contract obligations to the new employee. As such, law enforcement institutions should pay careful attention to individual official's characteristics, such as career orientations, when selecting and on-boarding them (Hoath, Schneider & Starr, 1998). According to Salau and Falola (2014), well-packed induction programmes positively influence staff attitudes and loyalty towards work. A study conducted by Andersen (2006) shows that orientation programmes enhanced realistic career expectations of police officials. Duran, Woodhams and Bishopp (2019) found that employment breaches in the psychological contract harmed police officials' well-being.

#### ***Talent engagement***

The positive psychology movement resulted in a lot of emphasis on the concept of employee and work engagement (Bakker & Demerouti, 2016). Employee engagement is a multi-dimensional construct that refers to a sense of individual energy and connectedness to the task at hand (Schaufeli, 2003). Employees with high work engagement levels find themselves as fully engrossed in their work for long periods and unable to disengage from it (Bakker & Albrecht, 2018). Govender (2012) indicates that the work engagement of police officials in dog units was determined by six factors namely an inner calling, an active choice to become a police official, to serve and protect, a sense of duty, recognition and to form an identity. Caveney (2015) found that the institutional climate's material and psychological aspects predict British police officials' personal engagement. Work engagement, in turn enhances police life satisfaction (Liu, Zeng, Chen & Lan, 2019).

#### ***Talent development***

The importance of training and development for police officials is well-documented. According to O'Neill (2016), law enforcement leadership training strategies can contribute to social change and safer communities. Zethu (2018) postulates that the availability of adequately trained human resources is essential to ensure that the South African Police Service (SAPS) can fulfil its roles and responsibilities. A study conducted by Maina (2017) show that field training enhanced police officials' performance in the Kenya Police Force. Fredick (2019) found that police training programmes increased environmental sustainability awareness of police officials in Uganda. A study conducted by Kotze (2017) reveals inadequate succession planning and career management for training staff of an SAPS academy.

Moreover, employee development was not integrated with the SAPS's human resource plan, promotion and recruitment policies and strategic objectives. Chiloane and Barkhuizen (2017) found that a weak implementation of career development practices significantly reduces police officials' ability to deliver quality and reliable service to the public. Maycock and Ikuomola (2015) mention that leadership should embrace learning and talent development with the same importance as they implement other factors such as capital, technology and brand development.

### *Talent performance management*

According to Masri and Suliman (2019), talent management and employee performance are essential to achieving the organisation's strategic objectives and performance. Therefore, performance management is a critical talent management component as police officials are continuously scrutinised and criticised for a lack of service delivery. Shane (2010) developed a performance management model for police officials that challenges police management's traditional demand-control model. This new model allows for the systematic collection and reporting on data streams to measure employee performance more systematically to improve performance and accountability. Kang and Choi (2019) found that factors such as an understanding of the performance management system, management concern, participation in performance management and performance information had a significant impact on the perceived effectiveness of the performance management system for police officials in South Korea. A study conducted by Ding, Zheng, Wang, Zhu and Zhang (2016) shows that an innovative performance management system for police officials should include job characteristics, leadership style, internal operational performance management mechanisms and interpersonal relationships.

### *Talent compensation and rewards*

Compensation is a critical differentiating factor for the attraction and retention of talented employees (Theron, Barkhuizen & Du Plessis, 2014). Tengpongsthorn (2017) found that salary (remuneration) is an important motivating factor to enhance police officials' effectiveness of work performance. A study conducted by Schuck and Rabe-Hemp (2018) shows that higher salaries reduced police officials' voluntary turnover intentions. In line with Kearns (2007), law enforcement institutions should create pay structures to minimise police officials' turnover to other agencies. Giblin and Galli (2017) found that some police departments consider higher salaries to cater to high living costs and other unfavourable work circumstances. Research conducted by Nkosi (2019) reveals that unfair compensation practices enhance police officials' physical and emotional exhaustion. The results of a study by Makokga (2012) show that SAPS should consider a holistic rewards package to strengthen police officials' motivation.

### *Talent retention strategies*

Research to date shows that talent retention strategies are the most neglected talent management practice in public sector institutions (Barkhuizen, 2015). Organisations tend to

approach talent retention as a reactive practice instead of having frequent talent retention conversations for employees to prevent voluntary turnover (Theron, 2015). According to Mohajane (2017), law enforcement leaders' effectiveness is essential to retain employees in critical positions. Cooper and Ingram (2004) found that police officials left their occupations because of an accumulation of unequal treatment, conflict with management and dissatisfaction with policies. A study conducted by Motabako and Barkhuizen (2017) shows that the main predictors of voluntary staff turnover intentions among junior correctional officials were related to inadequate compensation and recognition, general institutional practices and a lack of management support.

### *Relating talent management and voluntary turnover*

Voluntary turnover occurs when employees end their working relationship with organisations out of their own choice (An, 2019). The adverse consequences of turnover and voluntary turnover are well-documented and remain a central challenge for management (Kirkman, 2017). Wareham, Smit and Lambert (2013) allude to the significant costs associated with police staff turnover such as the loss of expertise and performance of an employee as well as additional costs associated with the hiring and training of new replacement hires.

A great deal of research has been devoted towards understanding the factors that contribute to the voluntary turnover of police officials. Smit, Wareham and Lambert (2013) found that a lack of pay incentives contributes to police officials' decisions to resign from their current jobs voluntarily. Zethu (2018) shows that organisational factors such as a lack of career advancement and promotion opportunities, a lack of recognition, long working hours and conflict with management enhanced police turnover. Hilal and Litsay (2020:73) advocate for improving leadership training, clear and transparent processes, work flexibility and employee wellness to prevent police staff turnover.

Research on the empirical relationship between talent management and voluntary turnover intentions among law enforcement officials is scarce. Research in other law enforcement institutions show that the voluntary turnover intentions of junior correctional officials were fuelled by talent management factors such as the absence of leadership talent mindset in support of talent management, poor compensation and inadequate institutional physical and administrative infrastructures (see Itumeleng, 2017; Motabako & Barkhuizen, 2017).

### **H1: Talent management is significantly related to the voluntary turnover of police officials.**

#### *Talent management and demographic variables*

Research evidence suggests that perceptions of talent management practices vary depending on the demographic backgrounds of talented individuals. Management level is a consistent differentiator in terms of applied talent management practices. Gumede (2019) found that senior management

experienced a higher level of compensation than lower-level management and operational-level employees. Research by Masale (2020) shows that employees at the operational level experienced less management commitment towards talent management compared to those at the middle management level. Masale (2020) further found that employees with a lower educational qualification also experienced less management commitment towards talent management practices.

Age is another significant differentiator in perceived talent management. Bussin and Thabethe (2018) found that employees aged between 19 to 29 years had a higher preference for learning and development and career paths than other groups. Roodt (2013) informs us that academics aged between 50 to 59 years of age experienced a higher level of talent demands than academics aged between 20 to 29 years of age. Barkhuizen (2013) found that public sector employees aged between 20 and 29 perceived that talent retention strategies are more effectively applied than employees aged between 30 and 39 years of age.

Regarding work experience, Barkhuizen (2013) found that public sector employees with less than ten years of work experience in their institutions perceived more management commitment towards talent management and talent retention practices than those employed for 30 years longer in the organisation. Likewise, Masale (2020) found that employees of a Botswana local government institution with between five and ten years of work experience perceive better workforce planning than those between 20 and 25 years of work experience.

A study by AlMansoori (2015) shows significant gender differences in perceived talent management practices among Abu Dhabi police officials. In this study, male police officials agreed that there are sufficient talent pools to fill vacancies compared to their female colleagues. Female police officials experienced more than males that talent management programmes assist in identifying the strengths and weaknesses of employees. Both males and females agreed that management does not carry out regular skills audits that involve employees.

## **H2: Significant differences exist between talent management perceptions of police officials based on their demographic characteristics.**

### **RESEARCH DESIGN**

#### **Research approach**

A quantitative research approach was followed in this study to achieve the research objectives. The study was cross-sectional whereby data was collected at one point in time. Cross-sectional research is ideal to test causal relationships between variables, in this study, talent management and voluntary turnover (Field, 2019). This study falls within the positivist research paradigm. Aliyu, Bello, Kasim and Martin (2014) refer to the positivist paradigm as the scientific and empirical observations of genuine, real and factual happenings.

### **Sampling and procedure**

The survey participants were drawn from the Namibian Police Force in Windhoek (Head Office and the Region). Two hundred questionnaires were distributed manually to Directorates, First Division and five police stations in Windhoek. A total of 195 questionnaires were returned, representing a response rate of 97.5%. Before the survey commenced, the researchers wrote a formal letter to the Inspector-General of the Namibian Police Force requesting permission to conduct academic research. That request included the authorisation to direct and provide participants in all Directorates, First Divisions, including civil components and police stations in Windhoek. Few questionnaires were sent through registry offices to the Heads of Divisions to distribute them to their subordinates and oversee the completion of surveys, and return them to the registry where the researcher collected them. Attached to the survey was a covering letter from the Inspector-General of the Namibian Police Force, and a letter from the institutions that authenticated the researcher's affiliation as a student. The consent form letter was also affixed, explaining the study's purpose, the rights of the participants and other research ethics such as confidentiality and anonymity during and after data collection. Ethical clearance was obtained from Southern Business School before the study commenced.

The majority of the participants in this study was male (54.4%), representative of the Black African ethnic group (94.9%) and Oshiwambo-speaking (53.8%). The participants were primarily aged between 30 and 39 years (40.5%), hold a certificate, diploma and Grade 12 as their highest educational qualification (52.3%). The majority of the participants has worked between six and ten years in the institution (31.8%), were employed between zero and five years in their current job (45.6%) and on an operational level (45.6%). The participants had one chance for promotion during the past five years (44.6%) and worked between 31 and 40 hours per work-week (49.2%).

### **Measuring instruments**

A talent management measure (Barkhuizen, 2018a) was used to measure the participants' perceptions of the current application of talent management (TM) practices. The talent management measure consists of 48 items and measures eight talent management practices. The talent management practices include the following:

- talent mindset (i.e. "My organisation has a talent management strategy in place");
- talent branding (i.e. "People think highly of this institution");
- talent onboarding and deployment (i.e. "My organisation appointed me in a job that is in line with my years of work experience");
- talent engagement (i.e. "I am willing to walk the extra mile for this organisation");
- talent development (i.e. "My organisation offers me good job promotion opportunities");
- talent performance management and recognition (i.e. "I receive sufficient feedback on my work performance");

- talent compensation (i.e. "I am fairly compensated for the amount of effort that I put into my job"); and
- talent retention practices (i.e. 'My manager holds frequent retention conversations with me').

Respondents were requested to indicate their responses on a six-point Likert scale ranging from Strongly Disagree (1) to Strongly Agree (6). The questionnaire obtained acceptable reliabilities of  $\alpha$  ranging from 0.793 to 0.920 (Gumede, 2019). The following reliabilities were obtained in this present study: Talent mindset ( $\alpha = 0.920$ ), talent brand ( $\alpha = 0.877$ ), talent deployment ( $\alpha = 0.930$ ), talent engagement ( $\alpha = 0.793$ ), talent development ( $\alpha = 0.887$ ), talent performance management ( $\alpha = 0.890$ ), talent compensation ( $\alpha = 0.850$ ) and talent retention strategies ( $\alpha = 0.802$ ).

An employee retention questionnaire (Barkhuizen, 2018b) was used to measure participants' voluntary turnover intentions. This scale consists of six items and determines the employee's intent to quit the institution (i.e. "I do not feel obliged to stay with this organisation"). The respondents in the study were requested to rate the items on a six-point scale from Strongly

Disagree (1) to Strongly Agree (6). This questionnaire obtained acceptable and internal consistency of 0.918 (Gumede, 2019). The questionnaire obtained a reliability of  $\alpha = 0.921$  in the present study.

### Statistical analysis

Statistical analysis was carried out using the SPSS software (SPSS Inc. 2019). The reliability and validity of the talent management measure and retention measures were determined using exploratory factor analysis and Cronbach alpha coefficients. The following guidelines (refer to Cohen, 1988) were used to determine the magnitude of the relationships where significance was obtained:  $r \leq 0.29$ ,  $p \leq 0.05$  (statistically significant relationship),  $0.30 \leq r \leq 0.49$ ,  $p \leq 0.05$  (practically significant, medium effect) and  $r \leq 0.50$ ,  $p \leq 0.05$  (practically significant, large effect). Finally, the study applied a multivariate analysis of variance (MANOVA) and ANOVAs to determine the relationships between the variables and demographic characteristics. Post hoc tests confirm differences between groups and the variables based on demographic variables (Field, 2019).

## RESULTS

The descriptive statistics and reliabilities of the measures are reported in Table 1:

**TABLE 1: DESCRIPTIVE STATISTICS AND RELIABILITIES OF THE MEASURES**

Talent management factors	Mean	Standard deviation	Skewness	Kurtosis	$\alpha$
Talent mindset	3.5077	1.41988	-0.163	-1.121	0.920
Talent brand	3.7149	1.27398	-0.184	-0.888	0.877
Talent deployment	3.9890	1.40338	-0.425	-0.923	0.930
Talent engagement	4.8164	1.03751	-1.148	1.049	0.793
Talent development	3.9619	1.26966	-0.444	-0.634	0.887
Talent performance	3.6891	1.22194	-0.218	-0.936	0.890
Talent compensation	3.3051	1.21579	0.005	-0.911	0.850
Talent retention	3.4790	1.20963	0.014	-0.895	0.802
Intention to quit	3.2863	1.51158	0.149	-1.023	0.921

Reference: Author's own

The results in Table 1 show a moderate application of the talent management practices for police officials. From the results, it is evident that leaders need to improve their talent mindset to ensure the effective rollout of talent management practices for police officials.

The results further highlight an improvement in the talent brand to enable police officials to attract law enforcement institutions' required skilled talent. Other concerning factors to emerge, includes talent compensation and talent retention practices.

From the item analyses it could be deduced that police officials believe that they are not adequately compensated for the amount of work that they are doing. The police officials also indicated a lack of frequent talent retention conversations with staff and inadequate talent retention strategies to retain workplace talent.

Finally, the results in Table 1 show that more than half of the participants were in slight agreement that they would voluntarily leave their jobs.

The results of the regression analyses between talent management practices and intention to quit are reported in Table 2 below.

**TABLE 2: REGRESSION ANALYSES BETWEEN TALENT MANAGEMENT PRACTICES AND INTENTION TO QUIT**

Talent management factors	B	SE	Beta	t	p	R	R <sup>2</sup>	R
Talent mindset	-0.371	0.072	-0.349	-5.167	0.000	.349 <sup>a</sup>	0.122	0.117
Talent brand	-0.567	0.075	-0.478	-7.566	0.000	.478 <sup>a</sup>	0.229	0.225
Talent deployment	-0.425	0.071	-0.395	-5.973	0.000	.395 <sup>a</sup>	0.156	0.152
Talent engagement	-0.645	0.094	-0.442	-6.854	0.000	.442 <sup>a</sup>	0.196	0.192
Talent development	-0.565	0.075	-0.475	-7.492	0.000	.475 <sup>a</sup>	0.225	0.221
Talent performance management	-0.596	0.078	-0.482	-7.634	0.000	.482 <sup>a</sup>	0.232	0.228
Talent compensation	-0.571	0.080	-0.459	-7.179	0.000	.459 <sup>a</sup>	0.211	0.207
Talent retention	-0.563	0.080	-0.451	7.011	0.000	.451 <sup>a</sup>	0.203	0.199

Reference: Author's own

The results in Table 2 show that all talent management practices (i.e. talent mindset, talent brand, talent deployment, talent engagement, talent development, talent performance management, talent compensation and talent retention practices are significant negative predictors of the voluntary turnover intentions of employees. All effects were medium. The above results imply that talent management, if effectively

applied will significantly reduce the voluntary turnover intentions of police officials and vice versa.

The above results confirm Hypothesis 1, that talent management is significantly negative related to the voluntary turnover intentions of police officials.

Next, the results of the MANOVA analyses between talent management and demographic characteristics are reported in Table 4 below:

**TABLE 4: MANOVAS BETWEEN TALENT MANAGEMENT AND DEMOGRAPHIC CHARACTERISTICS**

	Value	F	Hypothesis df	Error df	Sig.	Partial Eta Squared
Gender	0.962	0.926 <sup>b</sup>	8.000	186.000	0.497	0.038
Ethnicity	0.914	1.058 <sup>b</sup>	16.000	370.000	0.395	0.044
Age	0.793	1.851	24.000	534.257	<b>0.009*</b>	0.074
Educational qualification	0.773	1.532	32.000	676.466	<b>0.032*</b>	0.062
Years' work for organisation	0.798	1.054	40.000	791.755	0.381	0.044
Years in current job	0.841	1.010	32.000	672.778	0.453	0.042
Promotion	0.792	1.865	24.000	534.257	<b>0.008*</b>	0.075
Hours' work	0.917	0.675	24.000	534.257	0.878	0.028
Job level	0.746	2.371	24.000	534.257	<b>0.000*</b>	0.093

Reference: Author's own

The results in Table 4 show that significant differences exist between the demographic groups and their perceptions of applying talent management practices based on their age, educational qualifications, opportunities for promotion and job level.



## Age

The results showed that the age groups differed in terms of talent deployment [F (3,192) = 9.161, partial eta, 0.126]; talent engagement [F (3,192) = 2.987, partial eta, 0.045]; talent development [F (3,192) = 3.933, partial eta, 0.058]; talent performance management [F (3,192) = 4.057, partial eta, 0.060]; talent compensation [F (3,192) = 4.406, partial eta, 0.065] and talent retention practices [F (3,192) = 3.251, partial eta, 0.049]. The results showed that those aged between 20 and 29 years experienced a significantly lower level of talent deployment than the rest of the age groups. The effect is medium. The results further showed that those aged between 30 and 39 years displayed a significantly lower level of talent engagement than those aged between 40 and 49. The effect is small.

The results also showed that those aged between 20 and 29 years perceived a significantly lower level of training and development than those aged between 40 and 49 years. The effect was small. Regarding talent performance management, those aged between 20 and 29 years again experienced significantly poorer performance management than those aged between 40 and 49 years and those aged 50 years and older. The effect is medium. Furthermore, the results showed that employees aged between 20 and 29 years experienced lower compensation compared to those aged between 40 to 49 years. The effect is medium. Finally, the results show that employees aged between 20 to 29 years experienced significantly less talent retention than those aged between 40 to 49 years. The effect was small.

**TABLE 5: RESULTS OF THE MANOVAS BETWEEN TALENT MANAGEMENT AND DEMOGRAPHIC CHARACTERISTICS**

Age	Talent deployment	Talent engagement	Talent development	Talent performance management	Talent compensation	Talent retention
20 to 29	X		X	X	X	X
30 to 39	X	X				
40 to 49	X	X	X	X		
50 years and older	X			X	X	X

It is evident from the information in Table 5 that those aged between 20 and 29 years were most affected by talent management practices, followed those aged between 40 and 49 years and those aged 50 years and older.

## Educational qualifications

The results showed that the participants differed significantly in terms of talent mindset [F (4,191) = 4.355, partial eta, 0.060]. The results show that those with Grade 12 and a certificate/diploma as their highest level of educational qualification perceived a higher talent mindset in the organisation than those with a four-year or honours degree as the highest level of educational qualification. The effect was medium.

## Promotion

The results showed that the participants differed significantly on their chances for promotions based on their perceptions of talent deployment [F (3,192) = 5.571, partial eta, 0.080]; talent engagement [F (3,192) = 3.739, partial eta, 0.055]; talent development [F (3,192) = 3.872, partial eta, 0.057]; and talent retention [F (3,192) = 4.099, partial eta, 0.060]. The results show that those participants with no chances for promotion over the past five years experienced significantly lower talent deployment levels, talent engagement, talent development and talent retention compared to those with two chances for promotion over the last five years. The effects for talent deployment and talent retention are medium, whereas the effects for talent deployment and talent development were small.

## Job level

The results showed that significant differences exist between the job levels of demographic groups based on their talent deployment [F (3,192) = 8.334, partial eta, 0.116]; talent engagement [F (3,192) = 5.065, partial eta, 0.074]; and talent development [F (3,192) = 5.038, partial eta, 0.073]. The results showed that those employed as senior management experienced a significantly higher deployment level than those employed as lower-level management and on an operational level. In addition, operational level staff experienced a lower level of talent deployment compared to middle-level management staff. The effects were medium. Senior management displayed a significantly higher level of talent engagement than those employed as lower level and operational level staff. The effects are medium. Operational level staff experienced a significantly lower level of development opportunities compared to senior management. The effect is medium.

The above results confirm hypothesis 2 that significant differences exist between perceived talent management practices based on the demographic characteristics of the police officials.

The results of the Univariate analyses between intention to quit and demographic characteristics are reported in Table 6 below.

**TABLE 6: UNIVARIATE ANALYSES OF VARIANCE BETWEEN VOLUNTARY TURNOVER INTENTIONS AND DEMOGRAPHIC CHARACTERISTICS**

	Type III Sum of Squares	df	Mean Square	F	Sig.	Partial Eta Squared
Gender	2,985	1	2,985	1,308	0,254	0,007
Home language	29,703	9	3,300	1,483	0,157	0,069
Ethnicity	1,605	2	0,802	0,349	0,706	0,004
Age	26,704	3	8,901	4,081	<b>0,008</b>	0,060
Educational qualification	17,092	4	4,273	1,905	0,111	0,039
Years work for organisation	18,446	5	3,689	1,633	0,153	0,042
Years in current job	6,574	4	1,643	0,711	0,585	0,015
Promotion	1,615	3	0,538	0,233	0,873	0,004
Hours work	13,412	3	4,471	1,986	0,117	0,030
Job level	31,251	3	10,417	4,829	<b>0,003</b>	0,071

Reference: Author's own

The results show that those aged 50 years and older had higher intentions to quit than those aged between 30 and 39 years. The effect was medium. The results further showed that those

employed as senior managers were less likely to quit than middle managers and those employed on operational level. The effect was medium.

## DISCUSSION

This research's main objective was to determine the relationship between talent management and talent retention of police officials in Namibia. This research was motivated by the fact that talented police officials are essential for effective service delivery to the broader community. Moreover, the availability of talent management practices is vital catalysts in labour turnover in organisations.

As with previous research, this study's results showed a moderate application of talent management practices among police officials (see Chiloane & Barkhuizen, 2017; Itumeleng, 2017). Of particular concern was the weak management commitment towards talent management. Leaders are the custodians of creating a talent culture (Mokgojwa, 2019), which enables the motivation, performance, and retention of talented employees (Matobako & Barkhuizen, 2017; Schafer, 2010). The results further emphasised the inadequate compensation of police officials. The importance of adequate pay structures for police officials are highlighted. The absence of insufficient pay and incentives result in police officials' poor well-being (Nkosi, 2019) and increased voluntary turnover intentions (Kearns, 2007; Schuck & Rabe-Hemp, 2018). Talent retention strategies also emerged

as a neglected practice in this study. Globally, law enforcement institutions are challenged with shortages of skilled policing staff (Ikela, 2018; Zethu, 2018). Reactive approaches to talent retention will result in future imbalances between the demand and supply of available talent that meet the policing needs of developing countries such as Namibia (Theron, 2015; Wilson et al., 2010).

The research results also showed that more attention should be paid to officials' performance management. Talent management and performance management are synonymous (Masri & Suliman, 2019). As mentioned in several studies (see Ding et al., 2016; Kang & Coi, 2019; Shane, 2010) law enforcement institutions can capitalise on the benefits of more contemporary performance management systems to track, enhance and sustain the performance of police officials. There was some evidence of training and development opportunities and talent onboarding practices for police officials in this study. Continuous career and professional development are essential for police officials to fulfil their duties (Zethu, 2018) and the delivery of quality and reliable service to the public (Chiloane & Barkhuizen, 2017). Talent onboarding practices are essential to facilitate police officials' positive behaviour and loyalty (Salau &

Falola, 2014). Police officials in this study displayed a high level of engagement with their institutions. The psychological aspects of the institutional climate, such as employee preparedness through talent onboarding, can enhance police officials' personal engagement (Caveney, 2015).

This study showed that all talent management practices in this study were significant predictors of the voluntary turnover intentions of police officials. These results were not surprising as most talent management practices were only moderately applied and almost half of the participants considered quitting their jobs. The results clearly show that the weak application of talent management practices has a spill-over effect on police officials' voluntary turnover (see Duran et. al., 2019; Itumeleng, 2017; Matobako & Barkhuizen, 2017).

This research highlighted significant differences between perceived talent management practices based on the demographic characteristics of the participants. In contrast with previous research, younger generation employees experienced a lower level of talent management practices relating to talent deployment, talent development, talent performance management, talent compensation and talent retention compared to other age groups (see Barkhuizen, 2013; Masale, 2020). These results are problematic as law enforcement institutions need a talent pipeline for succession planning and sustainability in policing. Furthermore, as Wilson et. al. (2010) mentioned, the police force is in dire need to attract and retain younger generations of employees. The weak application of talent management practices for younger generations can result in a future shortage of qualified police officials.

In this research, significant differences emerged between different management groups based on their experiences of talent management. Senior management experienced a higher level of talent development and deployment than lower-level management (see Masale, 2020). Talent development is essential for lower levels to advance in their careers and meet performance expectations as part of their jobs (Chiloane & Barkhuizen, 2017; O'Neill, 2016). In contrast with Masale (2020), the results of this research showed that those with a lower-level qualification experienced a higher talent mindset compared to those with a higher level of educational qualification. Finally, those police officials who did not receive a promotion over the past five years experienced a weak application of talent management practices compared to those who had more chances for promotion.

### Value add of the study

The results of this research have important theoretical and practical implications. From a theoretical point of view, this research contributed to the limited empirical research knowledge currently on the talent management of police officials. Given the significance of talent management for police officials' service performance, more research is required to explore the antecedents and consequences of talent management in law enforcement institutions. The study highlighted the problematic areas in the practice of talent management. The lack of leadership

commitment to talent management will undermine the effective implementation of talent interventions in the workplace.

Furthermore, weak talent management relating to career development, performance management and compensation and rewards can escalate police officials' voluntary turnover intentions. Finally, more attention should be paid to enhance the talent management practices for younger and novice employees. These individuals are the upcoming talent pools to ensure a stable and staffed future police force that can meet the broader society's safety needs.

### Limitations and recommendations

This research had some limitations. First, a cross-sectional research approach was followed with data collected at one point in time. Future research can benefit from longitudinal research to track talent management and retention trends over extended periods. Second, the study was only done in one area in Namibia. The results can, therefore, not be generalised to other regions of Namibia. Future research should include samples from more rural areas to obtain a holistic view of talent management in the Namibian Police Force. Third, this research primarily used surveys to collect data. Future research can benefit from adopting a mixed-method research approach that can provide deeper insights into survey findings. For example, in this study, police officials displayed high levels of engagement towards their institution. Interviews can explore the rationale behind these results. Finally, more research is required on talent management among police officials. As mentioned previously in this research article, the field of talent management is still enshrouded with a great deal of confusion and gaps. Future research should focus on developing sound theoretical models and frameworks to guide talent management practices in the workplace.

From a practical point of view, the researchers recommend that a talent management culture be established to manage talented police officials' entire career life cycle from start to finish. As such, management needs to adopt a talent mindset and support the implementation of talent management strategies to attract, develop, lead and retain key talent. The relatively high voluntary turnover inclination of police officials is an area for concern. Police officials are critical for maintaining law and order in any country. Very few institutions can afford to lose the critical skills requires to maintain a safe public society. Therefore, law enforcement institutions should develop and implement talent retention strategies to prevent the labour turnover of talented police officials.

### CONCLUSION

This research provided useful insights into the talent management practice for police officials in a developing country such as Namibia. The results highlight the importance of efficient talent management practice to prevent voluntary turnover of police officials. Furthermore, the results of the research also emphasise the need to pay more attention to the talent management of different generations to ensure a sustainable workforce. This research also requires policing leaders to

realise the critical role that they play in fostering a conducive work environment for police officials. A healthy work climate

will translate itself into the service performance required from police officials to maintain law and order.

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# ARTICLE

## Investigative interviewing from an intercultural communication perspective: A theoretical framework to guide law enforcers in South Africa

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### ABSTRACT

This article contributes theoretically to investigative interviewing and intercultural communication literature by proposing a theoretical framework to guide investigative interviewing in an intercultural communication context. Theoretical frameworks, guidelines and models for the investigative interviewing process are limited and there are no references or suggestions for intercultural communication adaptation, especially in a multiculturally diverse South African context. The proposed adaptation and integration of the PEACE model and Reid Technique; and the resultant expansion of these techniques to include intercultural communication elements, identification processes and adaptation strategies, aim to deal with this dearth in the literature. The article is exploratory and interpretivistic and follows an integrative literature review method (Snyder 2019:335). Literature on investigative interviewing and intercultural communication is assessed, critiqued, integrated and synthesised to enable the new theoretical framework. This method further allowed for a new conceptualisation of investigative interviewing in an intercultural communication context and to expand on the existing theoretical foundation. The findings contribute theoretically and are incorporated in the proposed theoretical framework for investigative interviewing which proposes an investigative interviewing process, including intercultural elements identification, understanding and adaptation strategies. The findings underline the need for guidelines for investigative interviewing with optimal information-sharing and mutual understanding. The findings further indicate that rapport building and success is limited if identification and understanding of, and adaptation to the interviewee's culturally dependent communication, lacks. This article contributes to the existing theoretical foundation as it advances existing knowledge, theoretical frameworks, models and theories of investigative interviewing from an intercultural perspective. Future research could aim to refine and test the theoretical framework empirically to develop a model for investigative interviewing.

### KEYWORDS/PHRASES

Investigative interviewing, intercultural communication, law enforcing, investigation, culture, intercultural communication elements identification, intercultural communication adaptation strategies

### INTRODUCTION

A key aspect in investigations, including criminal investigations, is reliable, complete, comprehensive and accurate information (Hudson, Satchell & Adams-Quackenbush, 2018:1). Some information can be obtained from physical records, however, significant information is obtained from interviews (Fisher & Geiselman, 2019:1; Oxburgh, Myklebust, Redlich & Walsh,

2016:1; Westera & Kebbell, 2014:2). The more effective the interview, the more accurate the information obtained, hence the essentiality of interviewing in investigations (Walsh & Bull, 2015:661).

A dearth in the literature on interviewing in investigative contexts indicates that it is a less researched area and therefore

urges the need to explore techniques and practices used, and the development of frameworks, techniques and guidelines for investigative interviewing (Granhag, 2021:1; Oxburg et. al., 2016:1; Westera & Kebbell, 2014:2; Dixon, 2010:437). Walsh and Bull (2011:133) found that investigators who use the PEACE model for interviewing, deemed "rapport development", "explaining to the suspect the purpose of the interview", and "the importance of closing the interview effectively", important, however, no mention is made of the importance of considering and adapting to an intercultural context. Similarly, Hudson et. al. (2018:2) emphasise the lack of research on the variability of interviews, as well as the difficulty in ensuring relevance and generalisability of interview findings. These authors further underline the importance of effective communication for obtaining relevant information (Hudson et. al., 2018:2). Hence, this article demonstrates the importance of understanding and adapting to intercultural elements in an investigative interviewing situation to enhance communication effectiveness and obtain relevant information. The notion by Hudson et. al (2018:2) thus underlines the need to consider specific aspects, such as intercultural communication, as factors that contribute to the variability of interviews and the difficulty in ensuring relevance and rapport between interviewer and interviewee. More specifically, no evidence of a guideline for investigative interviewing from an intercultural communication perspective could be found in the current literature. Based on the above authors' notions, it is clear that an investigation of investigative interviewing in the context of intercultural communication is merited, specifically in a culturally diverse South African context. South Africa's diversity is complex and is evident in various facets, including culture, language and ethnicity (Johnston 2015:376). This article's focus is on recognition of and adaptation to cultural diversity in an investigative interviewing setting.

The article proposes a theoretical framework as a guideline for conducting investigative interviews based on the identification, understanding and adaptation to relevant intercultural communication elements. The focus on intercultural communicative elements is underlined by the arguments of Kecskes (2015:172) and Neuliep (2009:12) that contexts, such as cultural contexts, change constantly and because culture shapes and changes communication behaviour, communication needs continuous change. This further augments the view that individuals from different cultures communicate differently and visibly with language and non-verbal communication. Hence the necessity to obtain knowledge and apply intercultural communication elements in an investigative interview as deception can be portrayed by both verbal and nonverbal communication (Kecskes 2015:172).

The intercultural communication elements and adaptation strategy indicated in the proposed theoretical framework is adapted from Ioppolo's (2015:91-98) cultural characteristics identification process and the OLTAR (observe, learn, test, adapt, refine) cycle. Furthermore, the proposed theoretical framework is motivated by the view that intercultural communication aspects can be barriers to effective communication

(Ioppolo, 2015:11) if not observed and adapted to, and should therefore be taken into consideration. Existing investigative interviewing and interrogation models and techniques, such as the PEACE model and Reid Technique (Nunan, Stanier, Milne, Shawyer & Walsh, 2020:246; Bull, 2018:195; Cleary & Warner, 2016:271; Walsh & Bull, 2015:661; Cederborg, Alm, Nises & Lamb, 2013:244; Green, 2012:32; Oxburgh & Dando, 2011:135; Walsh & Bull, 2010:306), are mostly used in Britain, Wales, Canada, Australia and New Zealand. It is therefore implied that these models do not address the complexities of the unique South African cultural diversity.

It is noted that the Reid Technique proposes an interrogation process which is not the focus of this article, however, due to a lack of investigative interviewing techniques and models, relevant sections of the Reid Technique are considered and adapted to the context of this article. Even though the Reid Technique is not in line with the focus of the article, the discussion in a subsequent section is provided for contextualisation purposes and to provide a foundation from which adaptations to the new context and framework can be made.

The article sets out to delineate investigative interviewing, thereby considering existing perspectives and approaches. It then investigates the main investigative interviewing and interrogation models and reviews existing literature on intercultural communication. This process allows for the contextualisation of the article in an intercultural communication perspective. Finally, it proposes a theoretical framework for investigative interviewing from an intercultural communication perspective based on the exploration, description, analysis, assessment, integration and adaptation of existing literature and theory.

## CONCEPTUALISATION OF THE MAIN THEORETICAL CONSTRUCTS

### Investigative interviewing

The importance of interviewing in an investigative process has previously been established. Key to this process is obtaining accurate, relevant and truthful information, hence the significance of successful communication (Fisher & Geiselman, 2019:1; Hudson et. al., 2018:1; Oxburgh et. al., 2016:1; Walsh & Bull, 2015:661; Westera & Kebbell, 2014:2). Thus, to attain confessions and seek the truth in investigations (King & Snook, 2009:675; Shawyer & Walsh, 2007:105-106), a successful interviewing process, where accurate and relevant information is obtained, should be accomplished. Green (2012:33) explains an investigative interview as "a structured conversation with a party to a crime with the aim of recording that person's account of events". In a law enforcing context, interviewing can be conceptualised as "a dynamic and interactive social process, the outcome of which is influenced by a number of factors (nature of the interrogation, age and motivation of suspect, intelligence, mental health, personality, and access to legal advice)" (Gudjonsson & Pearse, 2011:33). Even though the focus of this article is on investigative interviewing processes, literature on interrogation processes and techniques thereof is considered. There is a difference between investigative interviewing and interrogations in that an investigative interview

contributes to an investigation by providing detailed and accurate information about events. Interrogations, on the other hand, aim solely to elicit a confession by means of manipulative practices (Green, 2012:33). However, a move from interrogation, to interviewing, during which it is attempted to gather accurate information by means of voluntary statements, is evident in the literature (Snook, Eastwood & Barron, 2014:219; Clarke, Milne & Bull, 2011:149; Kassin, Appleby & Perillo, 2010:39). "Information-gathering methods", such as interviews, which are ethically more acceptable than manipulative practices are also used in this context. This is in line with the emphasis that Mulayim, Lai and Norma (2015:21) place on information as the most important aspect in the investigative interviewing process, thereby emphasising the interviewer's primary role of ensuring the attainment of as much information as possible. The more accurate and truthful information is obtained, the more successful the interview as an aid in the investigative process. Green (2012:31) notes that investigative interviewing has to be effective as this affects society's perception of the "criminal justice system". In addition, the "heart of the interview" is described by Abbe and Brandon (2013:237) as rapport building between the interviewer and the suspect which can only take place if accurate information is obtained.

While several investigative interviewing and interrogation models exist and are applied in practice, this article considers only those that are most recognised, generally used and inclined to the intercultural communication context proposed here. Therefore, the theoretical framework for investigative interviewing from an intercultural communication perspective is founded on two major investigative interviewing and interrogation models or techniques, namely the PEACE model and the Reid Technique (Bull, 2018:195; Mulayim et. al., 2015:38; Walsh & Bull, 2015:661; Snook et. al., 2014; Clarke et. al., 2011; Oxburgh & Dando, 2011:135; Dixon, 2010; Kassin et. al., 2010; Walsh & Bull, 2010: 306; Shawyer & Walsh, 2007; Blair & Kooi, 2004).

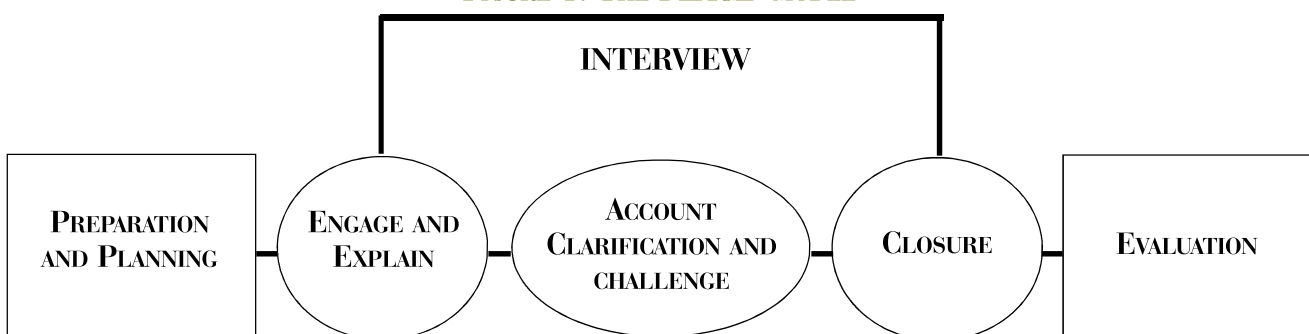
## Main investigative interviewing and interrogation models

### The PEACE model

The PEACE model was developed by the Home Office and the Association of Chief Police Officers (ACPO) in 1992 (Nunan et. al., 2020:246; Bull, 2018:195). This model is flexible and focuses on information gathering by taking cognisance of the vulnerability of the interviewee, difficulty of recalling detailed information from memory and the "consequences of unethical interviewing" (Nunan et. al., 2020: 246). The PEACE model is derived from psychological theory (Nunan et. al., 2020:246; Bull, 2018:195; Mulayim et. al., 2015:38; Oxburgh & Dando, 2011:135; Shawyer & Walsh, 2007:107;) and is most widely used for any investigative situation where the suspect's version of the events is compared to evidence (Dixon, 2010:429) but not for an interrogation or to elicit a confession (Dixon, 2010:429; Kassin et. al., 2010:40). Therefore, a major focal point of the PEACE model is to obtain accurate and reliable information and to determine the truth (Bull, 2018:196). The PEACE model further prevents investigative interviewers from beginning an interview with the perspective that the suspect is guilty. It provides a basis for the investigator to focus on investigation rather than accusation; to bear in mind that certain individuals are vulnerable; understand shortcomings in terms of recalling events; that unsuitable interviewing techniques may have negative effects; and that information obtained in the interview should be tested against what is already known about the situation/case (Bull, 2018:196; Shawyer & Walsh, 2007:107), proving to be more ethically accountable (Snook et. al., 2014). Since the major focal point of the PEACE is rapport building, this model requires interviewers to gather information via rapport building while keeping an open mind and communication in the most effective manner (Nunan et. al., 2020:246).

Figure 1 depicts the five stages of the PEACE model, namely, the Planning and Preparation stage; the Engage and Explain stage; the Account stage; the Closure stage; and the Evaluation stage (Nunan, 2020:246; Bull, 2018:196; Walsh & Bull, 2015: 661; Mulayim et. al., 2015:39; Abbe & Brandon, 2013:238; Oxburgh & Dando, 2011:135; Clarke et. al., 2011:150; Walsh & Bull 2010: 306; Kassin et. al., 2010: 40; Shawyer & Walsh, 2007:107).

FIGURE 1: THE PEACE MODEL



(Reference: Mulayim et. al., 2015:39)



Although not included in the stages of the PEACE model, it is recommended to augment the interview with a "before interview-stage", a "during-interview stage" and an "after-interview stage". Mulayim et. al. (2015:38) suggest that interviewers apply one of two approaches during the main interviewing stage when utilising the PEACE model for interviewing: the cognitive interviewing approach or the conversation management approach.

The cognitive interviewing approach is based on social and cognitive psychological empirically researched principles (Mulayim et. al., 2015:39) and is believed to be able to prompt the most accurate and complete account from suspects or witnesses by means of various stages (Mulayim et. al., 2015:40). These stages include the "Report Everything (RE) stage" during which the suspect reports everything that he or she can remember. The "Reverse Order (RO)" stage provides the suspect with the opportunity to recall events in chronological order; while the "Change Perspective (CP)" stage expects of the suspect to explain the events from another individual's perspective. The "Context Reinstatement (CR)" stage allows the suspect to aim to recall the physical environment where the incident took place (Mulayim et. al., 2015:40).

This technique forces the suspect to relive the event in a cognitive state by accounting for actions that happened before and after (Mulayim et. al., 2015:40). The technique was extended to the "Enhance Cognitive Interview (ECI)" which, according to Mulayim et. al. (2015:40), is initiated by the interviewer and includes stages such as greeting and personalising the interview and establishing rapport; explaining the aims of the interview; initiating a free report, questioning; varied and extensive retrieval; summary and closure. Through these stages, the interviewer plays an important role in ensuring that the interviewee is contented to share accurate information.

The conversation management approach expects of the suspect to freely recall the event(s) while he or she is probed for more information (Mulayim et. al., 2015:40). While probing, the interviewer manages the interview and is cognisant of the verbal and non-verbal behaviour of the suspect. The five stages of conversation management include contact during which the interviewer explains the aim of the interview and establishes rapport. During the content stage the interviewer probes for facts by applying appropriate questioning techniques; while the conduct stage refers to the way in which content is covered. During the next stage, the suspect should perceive the interviewer as credible even though the interviewer controls the complete flow of the interview (Mulayim et. al., 2015:41).

### *The Reid Technique*

The interrogation technique, known as the Reid technique, was first developed by Fred Inbau in 1942 (Kozinski, 2017:301) and later popularised by John Reid. Reid's manual, *Criminal Interrogation and Confessions* was published in 1962 by the firm Reid and Associates (Hirsch, 2014:803). The Reid Technique is explained as a "social psychological process model of interrogation" (King & Snook, 2009:675); a major influential

technique in the field of interrogation, because of its ability to elicit confessions (Bull, 2018: 191; Kozinski, 2017:302; Dixon, 2010:427; King & Snook, 2009:674); and "a guilt-presumptive nine-step method" (Spierer, 2017:1719). Its main purpose is to persuade suspects to confess (Spierer, 2017:1719; Mulayim et. al., 2015:41). This technique follows a process where an assessment interview is held that is non-confrontational or accusatory with the purpose of obtaining information (Spierer, 2017:1725). If the suspect is believed to be deceptive or guilty; that criminality was involved in the act in question; and that the truth has been withheld, the accusatory interrogation process follows with the purpose of attaining a confession (Spierer, 2017:1725; Mulayim et. al., 2015:41; Hirsch, 2014:805; Dixon, 2010:427; Kassin et. al., 2010:40; King & Snook, 2009: 675). By applying psychological pressure, persuasion and intimidation, the interrogator (Kassin et. al., 2010:41) usually obtains a confession because of the suspect's anxiousness (King & Snook, 2009:675). The psychological pressure and intimidation stem from lying about the evidence against the suspect while the interrogator's body language is closely monitored (Dixon, 2010:427-428). The behavioural and non-verbal information include "posture, hands, feet, eyes and paralinguistic behaviour" (King & Snook, 2009:675; Blair & Kooi, 2004:77).

The purpose of the first of the three parts of the Reid Technique is to analyse the information related to the crime scene, the victim and the subject; and, in the process, try to understand the suspect (Mulayim et. al., 2015:42). The second part is a non-accusatory interview during which the interviewer studies the suspect's verbal and non-verbal communication (King & Snook, 2009:675). The third part is accusatory by nature and takes place only when the interviewer suspects criminality and deceit during the interview stage (Mulayim et. al., 2015:42).

The Reid Technique consists of nine steps (Spierer, 2017:1726; Mulayim et. al., 2015:43; Hirsch, 2014:805). Spierer (2017:1726), Mulayim et. al. (2015:43) and King and Snook (2009:675) identify the first step as the positive confrontation step. During this step, the interrogator indicates that he or she believes that the suspect is guilty. This statement is then followed by a pause. The second step is the theme development step (Spierer, 2017:1726). The suspect is expected to explain why the crime has been committed. The suspect may be emotional or non-emotional in his or her response (Mulayim et. al., 2015:43; King & Snook, 2009:675;), while he or she should be provided with the opportunity to handle denials during the third step (Mulayim et. al., 2015:43; King & Snook, 2009:676). In the fourth step, the suspect defends the accusations and provides proof that he or she did not commit the crime; therefore, he or she overcomes objections (Mulayim et. al., 2015:43; King & Snook, 2009:676). The fifth step refers to the procurement and retention of the subject's attention (Mulayim et. al., 2015:43; King & Snook, 2009:676;). During the sixth step, depending on whether or not the suspect is guilty, he or she may withdraw and ignore the interrogator as the interrogator discourages the suspect to deny the offence. In order to handle the suspect's passive mood (Spierer, 2017:1728; Mulayim et.

al., 2015:43; King & Snook, 2009:677), the interrogator shows sympathy and advises the suspect to provide a truthful account of what had happened. According to Spierer (2017:1728), Mulayim et. al. (2015:43) and King and Snook (2009:677), alternative questions are asked to develop the details of the offence for theme expansion during the seventh step. Step eight expects of the suspect to provide a detailed account of the offence (King & Snook, 2009:677) and during the final and ninth step the written confession is finalised, based on the oral confession (Spierer, 2017:1728).

In general, the Reid Technique focuses on two main methods. The maximisation method which entails the exaggeration of the crime and charges in an intimidating manner by providing false evidence. Minimisation, on the other hand, downplays the seriousness of the crime and implies leniency (Mulayim et. al., 2015:42). However, Dixon (2010:427) and Mulayim et. al. (2015:42) argue for less psychological oppression and confrontation and criticise the uncertainty and stress this technique causes.

Owing to a lack of investigative interviewing processes, techniques and models in the literature, the Reid Technique is considered for the purpose of this article as some of its stages are regarded applicable to the context of the proposed theoretical framework for investigative interviewing from an intercultural communication perspective. In order to expound the context of this article, intercultural communication is subsequently discussed.

### **Intercultural communication**

The study of intercultural communication is necessitated by the increasing diversity of cultures and multiculturalism in societies around the world (Othman & Ruslan, 2020:226; Nadeem, Mohammed & Dalib, 2020:17; Arasaratnam-Smith, 2016:231). This is true in the South African context specifically, where cultural diversity is integrated in all domains of life. It is for this reason that this article argues for the identification of and adaptation to intercultural communication elements in investigative interviewing contexts. This notion is underlined by the observation of Nadeem et. al. (2020:18) and Nadeem et. al. (2019:47) that, to function effectively in a multicultural society, competency in intercultural communication is vital. The latter is further underlined by the view that culture and communication cannot be separated (Othman & Ruslan, 2020:226), hence the importance of considering intercultural communication in an investigative interviewing context where communication is central. Nadeem et. al. (2020:18), Nadeem et. al. (2018:44), Neuliep (2012:3) and Arasaratnam and Banerjee (2011:227) identify effectiveness ("skills to fulfil one's targets") and appropriateness ("to display predicted and acceptable behaviour") as core elements of intercultural communication.

Othman and Ruslan (2020:225) explicate that intercultural communication is an academic discipline dedicated to studying culture and communication of people. This discipline endeavours to explain situations where a person from one culture sends a message to a person from another culture with the

intention of sharing meaning (Othman & Ruslan, 2020:25). Nadeem, Mohammed and Dalib (2017:13) propose that when there is "dissimilar parameters of control" and "changed levels of awareness" when individuals from different cultural backgrounds exchange information, intercultural communication is evident. There will be dissimilarity in terms of the communication patterns, verbal and non-verbal communication. Intercultural communication is thus both complex and dynamic because of the dissimilarities of cultures and "multi-layered processes" that take place during intercultural interaction (R'boul, 2020:179). Further, when dissimilarities are accommodated by individuals from different cultures (Piller, 2011:9) in a specific space and context and during a specific time (Patel, Li & Sooknanan, 2011:15), intercultural communication takes place. Intercultural communication principles and differences (Chen & Starosta, 2003:344) should be understood in a personal, social and professional context (Neuliep, 2009:2). Investigative interviewing provides for a specific context, therefore motivating and underlining the importance of understanding and applying intercultural communication principles. The proposed theoretical framework for investigative interviewing suggests ways in which intercultural communication elements could be incorporated and adapted to in an investigative interviewing context.

Components of intercultural communication include perception and encoding of ideas and thoughts into verbal and non-verbal messages based on perception, while patterns of cognition are formed in a specific context (Othman & Ruslan, 2020:25; Neuliep, 2009:29). The sender communicates verbal and non-verbal messages to another individual who then decodes and interprets the messages and responds, indicating a cyclical process. The individual's culture functions as a filter in that interpretations of verbal and non-verbal cues differ (Samovar & Porter, 2003:11); therefore "the message is not always received as intended" (Neuliep, 2009:29). Conflicting communication styles and responses to non-verbal cues are a result of paralinguistic cues and proxemics, which are some of the non-verbal elements that are central to intercultural communication (Neuliep, 2009:29; Samovar & Porter, 2003:11). The distortion of the message can similarly be attributed to individuals in an intercultural communication setting being awarded the cultural group's characteristics instead of individualistic characteristics; therefore, constant adaptation in a recurring manner is important (Neuliep, 2009:29). According to Arasaratnam and Banerjee (2011:227) and Lustig and Koester (2003:72), some specific communication behaviour should be displayed to continuously adapt to the intercultural communication encounter. Verbal and non-verbal behaviour, for example, should demonstrate respect, a positive attitude towards the other individual's culture and an understanding of the other person's orientation towards knowledge which can be deduced from the specific words used in the conversation (Lustig & Koester, 2003:72). A positive attitude in an intercultural communication encounter demonstrates appreciation and acceptance of culturally different individuals for the purpose of communicating in an interesting and open manner and will influence the outcome of the intercultural interaction

positively (Nadeem et. al., 2019:47; Nadeem et. al., 2018:45). Furthermore, a deep awareness of the other person's emotions and feelings should translate into empathetic communication, which could provide a strong indication of when to begin and end interactions (Arasaratnam & Banerjee, 2011:227; Lustig & Koester, 2003:74). Empathetic communication further shows a tolerance for ambiguity which, in addition, implies that no judgments should be based on culture (Lustig & Koester, 2003:76).

For the purpose of achieving mutually beneficial goals, inquiry about cultural orientation should be based on genuine curiosity, which depends on openness and truthfulness (Sorrells, 2013:15; Neuliep, 2009:4). This pertains specifically to the investigative interviewing context where understanding is paramount; where goals have to be attained and rapport needs to be built on the basis of truthful communication. Neuliep (2012:2) and Neuliep (2009:5) assert that conflict, uncertainty and anxiety are inevitable in an intercultural communication situation, specifically if individuals do not understand the other individual's point of view and generalise in a negative manner. Conflict can further transpire if individuals from the same culture have different norms and values for interaction (Othman & Ruslan, 2020:25). However, if the communication encounter is cooperative and responsive; a varying degree of conflict can be eliminated and the quality of the intercultural contact can be retained (Patel, Li & Sookninan, 2011:22). If conflict arises, communication apprehension in the form of fear and anxiety can take place and uncertainty reduction is impeded (Neuliep, 2012:2, Neuliep, 2009:14). Fear and anxiety about communicating incorrect information can hamper the effectiveness of the communication encounter, specifically in an investigative interviewing situation. Neuliep (2009:14) identifies four types of communication apprehension, namely, "traitlike", "context-based", "audience-based" and "situational". However, the most applicable type of communication apprehension in an investigative interviewing situation is "context-based" communication apprehension. In this instance, the context provides for the manifestation of fear and anxiety.

For the purposes of this article, investigative interviewing is the context in which intercultural communication encounters take place. However, individualistic contexts should be considered since each individual perceives him- or herself through perceptual elements, such as "frames" or "lenses" (Sorrells, 2013:17) which indicates the manner in which the individual perceives him- or herself in the world (Patel, Li & Sooknan, 2011:16). These perceptual elements are key in internal perceptual processes determined by culture (Samova & Porter, 2003:11). Therefore, individuals in an intercultural communication situation should strive to interpret things through a broader frame (Sorrells, 2013:17), even though judgments are made from the perspective of one's own culture; and stereotyping or prejudice can typically manifest (Patel, Li & Sookninan, 2011:17,143). Everything an individual experiences depends on sociocultural elements, customs, beliefs, values and norms (Patel et. al., 2011:17) which, in turn, influence perception and communication. This specifically pertains to the use of verbal and non-verbal language, since different cultures interpret verbal and

non-verbal cues differently (Samova & Porter, 2003:11). Individualistic contextual influences are termed "geographic positioning" by Sorrells (2013:18) and illustrate an individual's hierarchical social and political stances, which impact the manner in which an individual communicates and behaves (Sorrells, 2013:18).

Individual intercultural contexts increase the complexity of communication (Patel et. al., 2011:17); therefore, competence is imperative but difficult to achieve (Arasaratnam & Banerjee, 2011:227; Lustig & Koester, 2003:63), to warrant a successful intercultural communication outcome (Jandt, 2010:52) and desired response (Chen & Starosta, 2003:344) in any intercultural communication encounter (Lustig & Koester, 2003:19). Competence is therefore contextually dependent; therefore, numerous meanings, behaviour and expectations are evident in intercultural communication encounters (Lustig & Koester, 2003:63). The contexts, which could include physical, social, psychological, temporal and physiological (Patel et. al., 2011:19), determine the behaviour and should be appropriate in terms of cultural expectations. It is argued that intercultural communication competence is essential to achieve a positive result, specifically in an investigative interviewing context. The different types of contexts should be taken into consideration and adapted for optimum rapport building and successful engagement opportunities.

Individuals from different cultures have different characteristics which should be cognitively understood, accepted and appreciated to be interculturally competent (Chen & Starosta, 2003:344; Lustig & Koester, 2003:68). In addition, intercultural communication competence is determined by the quality of the interaction, communication, intercultural knowledge, intercultural awareness, individual experience, attitudes, skills, intercultural conflict management, intercultural relationship building, motivation, emotional intelligence, active listening, critical reflection and empathy (Ferreira-Lopes, Elexpuru-Albizuri & Bezanilla, 2021:2049; Nadeem, Mohammed & Dalib, 2018:45; Arasaratnam-Smith, 2016:231; Arasaratnam & Banerjee, 2011:227; Lustig & Koester, 2003:63), which can only realise once an individual's communication objectives are fulfilled; the individual from the other culture is understood and respected; dialogue is established; a positive attitude towards the person from another culture is displayed; and if there is motivation to interact (Nadeem et. al., 2018:45; Sorrells, 2013:19; Arasaratnam & Banerjee, 2011:227; Chen & Starosta, 2003:344;). Thus, for intercultural communication competency to be displayed, awareness of the differences in culture, as well as the successful sharing of information, should be present (Nadeem, Mohammed & Dalib, 2017:13). Effective communication to maintain dialogue takes place when an understanding of the norms of the specific culture (Chen & Starosta, 2003:344; Lustig & Koester, 2003:68) is reflected based on introspection (Sorrells, 2013:19-20). As a result of the above, it is inferred that intercultural communication competence can be demonstrated in the interpretation of messages and the appropriate selection of behaviour that will achieve objectives, such as rapport building in investigative interviewing contexts.

However, intercultural competence does not necessarily warrant effective intercultural communication, as proposed by Neuliep (2009:29). Various assumptions about intercultural communication can influence the outcome of the intercultural communication encounter.

Table 1 proposes building blocks of intercultural communication that are relevant to the purpose of this article, by summarising and briefly describing theoretical principles of intercultural communication, based on the theoretical discussions on intercultural communication offered above.

**FIGURE 1: THE BUILDING BLOCKS OF INTERCULTURAL COMMUNICATION APPLICABLE TO THE CONTEXT OF INVESTIGATIVE INTERVIEWING**

	<b>Building block</b>	<b>Description</b>
<b>The process</b>	Encoding	Ideas and thoughts are encoded into verbal and non-verbal messages.
	Decoding	Interpreting the verbal and non-verbal messages followed by a response.
	Filter	Culture functions as a filter in that individuals interpret verbal and non-verbal messages differently.
	Non-verbal elements	The interpretation of non-verbal communication is paramount to enhance understanding.
	Distortion	Messages can be distorted if intercultural communication understanding is limited.
	Orientation	Individuals' orientation towards knowledge differ and should be understood.
	Ambiguity	Ambiguity should be tolerated in an empathetic manner as no judgments based on culture should be made.
	Openness	Intercultural communication events should be truthful to enhance understanding.
	Cooperative and responsive	Cooperation and responsiveness enhance the quality of the encounter and limits conflict.
	Communication apprehension	Fear and anxiety may manifest in an intercultural communication encounter.
	Customs, beliefs, values and norms	Customs, beliefs, values and norms are integral to culture and influence communication.
<b>Intercultural communication competence</b>	Competence	Competence is important to counter the difficulties of intercultural communication encounters.
	Fulfilment of communication objectives	Individual communication objectives can be fulfilled if respect and understanding are evident and dialogue takes place.

<b>Intercultural communication competence</b> (continued)	Understanding of norms	Effective communication in the form of a dialogue can only take place if the norms of individuals' cultures are understood and respected.
	Interpretation of messages	If intercultural communication is interpreted correctly and dialogue, understanding and appropriate behaviour are evident.

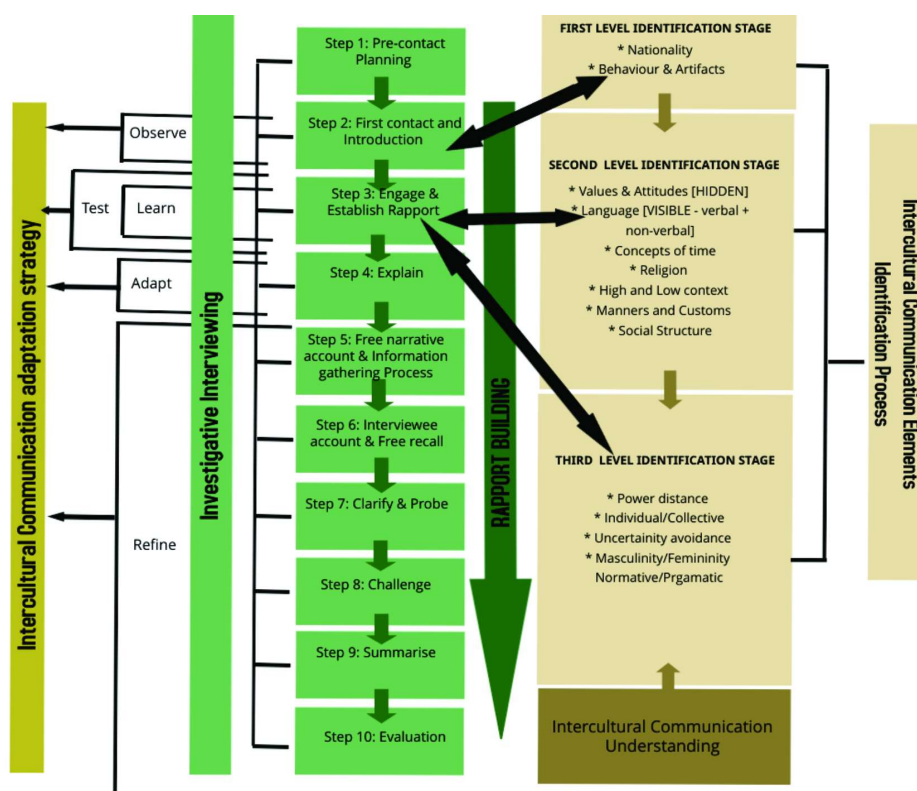
**The contextual model of intercultural communication**  
Neuliep (2009:21) proposes a contextual model of intercultural communication which is founded on the principle that various contexts impact on communication encounters; thus, communication takes place "within and between interconnected contexts, namely the cultural, micro-cultural, environmental, perceptual and socio-relational". This model depicts the contexts in terms of an outer (large) circle which refers to cultural boundaries and the cultural context. The next circle is the micro-cultural context which refers to groups that exist in a culture. The environmental context refers to the physical location in which the intercultural communication encounter takes place. The environmental context contains two circles which represent the perceptual contexts of individuals during intercultural communication interaction. Each individual's motivations, attitudes, cognition and information retrieval differ and refer to perceptual elements which reside in the perceptual context. According to Neuliep (2009:24), the relationship between the individuals who are interacting in the intercultural communication situation occurs in the socio-relational context, which refers to the circles that link the perceptual contexts. Verbal and non-verbal messages are present in the

socio-relational context and impact on the relationship which, in turn, connect the perceptual contexts. The non-verbal circle is depicted bigger than the verbal circle as it is believed that the majority of communication is non-verbal. Neuliep (2009:24) depicts the different contexts as interdependent in that the socio-relational context is a combination of the perceptual contexts and influenced by the environmental context. Furthermore, the micro-cultural and cultural contexts make up the socio-relations context. Neuliep's (2009:24) model depicts all these contexts in combination to explain the nature of intercultural communication.

### THE THEORETICAL FRAMEWORK FOR INVESTIGATIVE INTERVIEWING FROM AN INTERCULTURAL COMMUNICATION PERSPECTIVE

Figure 2 illustrates the proposed investigative interviewing framework from an intercultural communication perspective. The theoretical framework proposes a main investigative interviewing process, an intercultural communication elements identification process; and an intercultural communication adaptation strategy (Ioppolo, 2015:91-98) cultural characteristics identification process and OLTAR cycle):

**FIGURE 2: THE THEORETICAL FRAMEWORK FOR INVESTIGATIVE INTERVIEWING FROM AN INTERCULTURAL COMMUNICATION PERSPECTIVE**



## THE MAIN PROCESS

### Investigative interviewing

The main process in Figure 2 is the investigative interviewing process which comprises numerous steps and is based on and represents a summation, integration and adaptation of the description and conceptualisation of investigative interviewing, as well as the different techniques that could be used in such processes (Vessel, 1998:1-2; Van Aperen, 2000:1-6; Clarke & Milne, 2001:1-16; Blair & Kooi, 2004:77; Hoffman, 2005:1; Frank, Yarbrough & Ekman, 2006:229-255; Shawyer & Walsh, 2007:107; Heuback, 2009; Dixon, 2010:429; Kassin et. al., 2010:40; Snook, Eastwood, Stinson, Grater, Tedeschini & House, 2010:215-229; Vrij & Granhag, 2010:12-20; Clarke et. al., 2011:150; Hill & Moston, 2011:72-83; Roberts, 2012:1-17; Ferraro, 2015:87-127; Mulayim et. al., 2015:38; Kurz, (nd):1-6; Snook et. al., 2014:220; College of Policing, 2018:3-20). Further, the investigative interviewing process depicted in Figure 2 is based on an interview with Captain B.D. Hanekom, based at the Scientific Analysis Unit of the Forensic Science Laboratory of the South African Police Service (SAPS). For the purpose of this theoretical framework, the steps have been adapted to include pre-contact planning; first contact/introduction; engage/establish rapport; explain; free narrative account/information gathering; interviewee account/free recall; clarify/probing; challenge; summarise and evaluation. Throughout this proposed process, the interviewer aims to build rapport with the interviewee. However, rapport cannot be established and the communication encounter cannot be successful if the interviewer does not understand or acknowledge the intercultural communication elements that can have an impact on the interviewee's behaviour and responses. Therefore, one of the subsequent main processes is Ioppolo's (2015:91) intercultural communication elements identification process.

### Intercultural communication elements identification process

The cultural characteristics identification process consists of three main stages (Ioppolo, 2015:91). However, for the purpose of this new theoretical framework for investigative interviewing, this process is termed the intercultural communication elements identification process. This process is adapted for the purpose of the new proposed theoretical framework to firstly include the first-level identification stage, the second-level identification stage and the third-level identification stage (Ioppolo 2015:91). These stages are integrated in the investigative interviewing process, as indicated in Figure 1. To adapt to and take the intercultural communication elements during the investigative interviewing and interrogation process into account, the interviewer should follow a series of adaptation steps, described by Ioppolo (2015:95) as the intercultural communication adaptation strategy. The steps include the Observe; Learn; Test; Adapt; and Refine (OLTAR) steps (Ioppolo 2015:95).

### Intercultural communication adaptation strategy

The OLTAR cycle is the process through which adaptation to intercultural communication elements takes place (Ioppolo, 2015:95). This process assists in increasing the effectiveness of

the identification process of intercultural communication elements; thus, in essence, increasing the effectiveness of the investigative interviewing process. For the purpose of this theoretical framework, the observe step is the first step of the intercultural communication elements identification process and encompasses step two of the investigative interviewing and interrogation process. The learn and test steps are evident during the third step of the investigative interviewing process and the second and third steps of the intercultural communication elements identification process. The adaptation step is applied during the fourth step of the investigative interviewing and interrogation process; and the refine step (Ioppolo 2015:95) is applied during steps five to ten of the investigative interviewing process.

## INTEGRATING INTERCULTURAL COMMUNICATION ELEMENTS IDENTIFICATION AND ADAPTATION STRATEGIES IN THE INVESTIGATIVE INTERVIEWING PROCESS

The section below describes and explains the proposed theoretical framework for investigative interviewing, including the investigative interviewing process, which incorporates the intercultural communication elements identification process and intercultural communication adaptation strategies, as depicted in Figure 2.

### Investigative interviewing process

#### *Step 1: Pre-contact planning*

Mental and self-preparation is done by studying the case facts. The purpose is to build the suspect's/interviewee's profile by obtaining his or her background and language preferences. Furthermore, the environment, which includes the time, location and seating arrangements in which the interview is going to be conducted, is taken into consideration. The environment and seating arrangements should be in line with the suspect's cultural requirements, so as to increase the possibility of building rapport. With this information in mind, an agenda with questions and information that need to be clarified during the interview can be compiled.

### Investigative interviewing process

#### *Step 2: First contact/introduction*

Much emphasis is placed on this second step as the interviewer and interviewee meet for the first time; formal introduction takes place and the interviewer verifies whether the personal information of the interviewee is accurate. The second step forms the foundation for the rapport that will be built during the interview. It is therefore imperative that mutual trust and understanding are built in a comfortable environment during which the interviewee has the opportunity to relax. It is preferable that the interviewer and interviewee are of the same background and culture; however, in a culturally diverse country, such as South Africa, this is most often impossible. South Africa's population consists of people from various countries and therefore comprises a range of different cultures. Different people with different cultures, for example, speak different languages, which is one of the aspects that should be taken into account in an investigative interviewing situation. Therefore,

the first-level identification (Ioppolo, 2015:91) and observe (Ioppolo, 2015:95) stages of the intercultural communication elements identification process and intercultural communication adaptation strategy should be integrated to identify intercultural communication elements and to begin the process of adapting to these intercultural communication elements. The investigator/interviewer should, during the first stage of the interview, begin to identify intercultural communication elements and adapt to these intercultural communication elements.

### **Intercultural communication elements identification process**

#### ***Phase 1: First-level identification stage***

While the interviewer makes first contact with the interviewee and introductions take place, he or she has to identify the most prominent intercultural communication elements by firstly making observations about the interviewee's nationality, behaviour and important artefacts (Ioppolo, 2015:91). Nationality determines cultural characteristics; therefore, the interviewer may make observations and assumptions about nationality at first; however, these assumptions must be replaced by knowledge. According to Ioppolo (2015:92), "our initial contact will provide us with clues, via our observations of the behaviours and artefacts displayed in the interaction". Ioppolo (2015:92) further identifies greetings; exchange of business cards; the way in which individuals enter or exit the room; and sitting location as important factors in explicating behaviour. Clothing, jewellery, furniture, decorations and books are artefacts that are explanatory of the interviewee's cultural orientation (Ioppolo, 2015:92).

In addition to the intercultural communication elements identification process, phase 1 of the intercultural communication adaptation strategy should be attended to during the first contact and introduction step of the investigative interviewing process.

### **Intercultural communication adaptation strategy**

#### ***Phase 1: Observe***

To successfully adapt to the intercultural communication encounter and establish rapport with the interviewee/suspect, the interviewer has to proceed through the OLTA cycle (Ioppolo, 2015:95) concurrently to the intercultural communication elements identification process (Ioppolo, 2015:95). Thus, during the first contact and introduction step of the investigative interviewing process, the interviewer needs to observe, among others, cultural elements such as nationality, artefacts, verbal communication, body language and behaviour (Ioppolo, 2015:96). The investigator/interviewer thus determines the interviewee's nationality and aim to observe his/her behaviour, verbal communication and body language. This will enable the interviewer/investigator to, later on, adapt to the suspect's/interviewee's intercultural communication elements.

### **Investigative interviewing process**

#### ***Step 3: Engage/Establish rapport***

The engage/establish rapport step must be applied throughout

the complete investigative interviewing process. Conversation is encouraged in a professional manner to establish rapport in a comfortable and trusting atmosphere. Self-disclosure by the interviewer should be done professionally, whereafter the interviewee/suspect is afforded the opportunity to talk about him- or herself without being judged. As a result, the interviewee/suspect may feel that he or she is treated fairly and may begin to feel ashamed of the crime that he or she has committed. The interviewer then proceeds to observe the interviewee's/suspect's verbal and non-verbal communication by paying close attention to deviations from the norm that was established earlier. Questions that are neutral to the crime are asked in an empathetic manner to increase the accuracy of the information and decrease the interviewee's/suspect's anxiety. Further to this, the interviewer is required to mirror the body language of the interviewee/suspect and should at all times be cognisant of his or her own. By doing this, rapport building is improved.

During the third step of the investigative interviewing process, the interviewer has to continue with the identification of intercultural communication elements and learn and test the intercultural communication elements in order to adapt communication accordingly and successfully establish rapport.

### **Intercultural communication elements identification process**

#### ***Phase 2: Second level identification stage***

The second level identification stage is more specific and follows on stage 1. The interviewer must now identify the intercultural communication elements that apply to the specific individual (Ioppolo, 2015:92). The interviewer has the opportunity to spend time with the interviewee/suspect; make observations and ask questions about intercultural communication elements. This is followed by communication adaptation based on a comparison of what was learnt during the first phase (Ioppolo, 2015:93) - connection with the interviewee and building rapport.

According to Ioppolo (2015:61), values shape attitudes; and since values and attitudes are hidden behaviour, they are difficult to observe (Martin, Nakayama, Van Rhee, van Oudtshoorn & Schutte, 2013:26). During an investigative interviewing situation, it is important to be cognisant of the interviewee's/suspect's values and attitudes, such as what is right and wrong, especially the way in which these values and attitudes appear during communication and the interpretation of messages. Of importance to the purpose of this discussion is the way in which values and attitudes influence an interviewee's/suspect's communication in an investigative interviewing context. Values and attitudes determine how individuals express themselves and how they listen and interpret the interviewer's communication. Similarly, the interviewer's attitude towards the interviewee/suspect also has an impact on the interview. Of specific importance in the context of investigative interviewing is the concept of truth. Different cultural groups interpret the concept of truth differently. According to Ioppolo (2015:62), it is more important in some cultures to convey the

truth than in others. In the latter cultures, individuals often rather focus on maintaining harmony than telling the truth.

Phase two of the intercultural communication elements identification process, the second-level identification stage, includes visible, intercultural communication elements, such as verbal and non-verbal language. During the engage and establish rapport step of the investigative interviewing process, the verbal and non-verbal language used by the interviewee/suspect should be taken into account, since it defines and implies the values and attitudes of a specific cultural group (Ioppolo, 2015:45). Aspects that need to be taken into consideration, for example, include jargon which, according to Ioppolo (2015:49) "refers to language used by a particular group such as an organisation, profession or industry that would not be familiar to anyone from outside that group". Hence, in the investigative interviewing context, jargon needs to be identified and should form part of the foundation on which the interview should be built.

Furthermore, non-verbal language always consists of non-verbal cues (Ioppolo, 2015:53) that replace or correspond with the verbal communication used by the interviewee/suspect. Non-verbal communication can complicate communication during an investigative interview since different non-verbal cues can have various meanings in diverse cultures (Ioppolo 2015:53).

Various aspects are affected by culture and have an important impact on intercultural communication, including the following:

- Kinesic behaviour such as gestures, facial expressions, eye movements and posture refer to body movements (Ioppolo, 2015:53), which are interpreted differently by different cultures (Ioppolo, 2015:54); therefore, the interviewer should be cognisant of this type of behaviour.
- Proxemics has an impact on all communication encounters in that different cultural groups have various perceptions of the personal space in which they are comfortable (Ioppolo, 2015:54).
- Someone who speaks in a loud or soft voice refers to paralanguage; thus, the way in which the person speaks (Ioppolo, 2015:55).
- The use or meaning of artifacts or material possessions significantly indicate cultural background (Ioppolo, 2015:55), referring to object language.

Time is a concept that is viewed differently by different cultures (Ioppolo, 2015:63) in that some people regard it as a limited and valued resource, while others use it flexibly.

Furthermore, attitudes, values and behaviour are indicators of the way in which individuals interpret the world; and are therefore the result of an entwinement of religion and culture (Ioppolo, 2015:64-65).

The context is important, specifically in an investigative interviewing situation. Depending on whether the individual belongs to a high or low context culture (Ioppolo, 2015:56), he

or she will take cognisance of the context in which the interview takes place. High context cultures rely more on the context in which the communication takes place than on the actual words; therefore, they interpret implicit messages and non-verbal cues. However, low context cultures rely less on the context and express their thoughts and feelings explicitly (Ioppolo, 2015:58).

Since manners and customs vary among cultural groups (Ioppolo, 2015:72), the interviewer in an investigative context must understand manners and customs to optimise understanding and interpret messages correctly. Ioppolo (2015:72) identifies the most important manners and customs as greeting customs (using names and titles; body contact; business card protocol); punctuality; dress; gestures; dining and entertaining; giving gifts and gender attitudes.

The interviewer must furthermore take the individual's social structure, such as the group they belong to, into account (Ioppolo, 2015:70). Some cultures believe in equality, while others stratify society into levels of importance. This needs to be identified and considered in an investigative interviewing situation as the interviewing may comprehend underlying motivations.

### **Intercultural communication elements identification process**

#### ***Phase 3: Third level identification stage***

The different intercultural elements were identified and explored during the first two stages of the intercultural communication elements identification process. In the third phase of this process, the interviewer has to confirm what he or she has observed (Ioppolo, 2015:93) to get a clear understanding of the interviewee's culture and the intercultural communication elements that influence the investigative interviewing and interrogation process. This level provides for an understanding of the motivations behind the attitudes and behaviour (Ioppolo, 2015:93) and provides an opportunity to enhance the effectiveness of the communication process (Ioppolo, 2015:93).

A distinction between high and low power distance cultures becomes evident during the third-level identification stage (Ioppolo, 2015:31). This refers to a cultural group's willingness to accept inequality in terms of the unequal distribution of power. High power distance cultures accept unequal distribution of power, while low power distance cultures aim to achieve equality and do not display status openly as a result (Ioppolo, 2015:31).

Individualistic cultures focus on the individual to better themselves and the people closest to them; while collective cultures place emphasis on the larger group; thus, emphasising collectivity and communal trust, loyalty and dedication (Ioppolo, 2015:33).

In an investigate interviewing situation, the importance of determining the individual's stance regarding ambiguity,



uncertainty and predictability should be emphasised (Ioppolo, 2015:32). Within cultures where predictability and uncertainty and ambiguity avoidance are essential; individuals obey rules; strive to make no mistakes and avoid ambiguity (Ioppolo, 2015:32). On the other hand, some cultures do not mind uncertainty and are more relaxed in their approach to norms, rules and regulations (Ioppolo, 2015:33).

Ioppolo (2015:35) differentiates between masculine and feminine-oriented cultures where the "male and female roles are differentiated within the society and the workplace". Social status, achievement, materialism, success and winning are aspects that are regarded important in a masculine-oriented culture; while relationships, concern for others and quality of life are highly important in feminine-oriented cultures (Ioppolo, 2015:37).

The difference between pragmatic and normative orientation cultures is significant in an investigative interviewing situation since it has an impact on the importance that they allot to the truth (Ioppolo, 2015:37). Pragmatic cultures do not seek immediate gratification; do not overly explain things and do not seek the absolute truth (Ioppolo, 2015:37). As opposed to pragmatic cultures, normative cultures strive for absolute truth; regard traditions important and seek instant gratification (Ioppolo, 2015:38).

When the interviewer has completed the intercultural communication elements identification process and proceeded through the first, second and third-level identification stages, he or she should have an improved understanding of the interviewee's intercultural communication. This should then simplify rapport building and lead to more successful and effective communication during the investigative interviewing process.

### **Intercultural communication adaptation strategy**

During the third step of the investigative interviewing process, the interviewer must proceed through two phases of the intercultural communication adaptation strategy based on Ioppolo's (2015:95) OLTAR cycle, namely the learning and testing phases. These are proceeded through to adapt to the intercultural communication elements and dimensions that have been identified and explored thus far. The purpose of these processes is to learn more about the interviewee's culture and test the understanding thereof. This will ensure that the communication that takes place effectively adapts to the requirements of the interviewee's/suspect's culture.

#### ***Phase 2: Learn***

Before step two of the investigative interviewing process, the interviewer has observed and identified the interviewee's intercultural communication elements. It is subsequently important that the interviewer learns and understands to successfully apply what has been observed during the previous phases (Ioppolo, 2015:96). The relevance of the interviewee's intercultural elements is determined and taken into consideration.

#### ***Phase 3: Test***

Consequently, the interviewer must test his or her observations and learning to ensure that his or her comprehension of the different intercultural communication elements is accurate (Ioppolo, 2015:97). Comparison takes place during this phase while intercultural communication elements observation continuous. The interviewer questions his or her previous observations and therefore searches for more evidence to determine accuracy.

### **Investigative interviewing process**

#### ***Step 4: Explain***

The estimated time of the interview; the process that will be followed and the interviewee's rights are formalities of the interview that must be explained to establish ground rules. The interviewer further encourages the interviewee/suspect to report on everything in a cognitive manner giving as much detail as possible.

### **Intercultural communication adaptation strategy**

#### ***Phase 4: Adapt***

The interviewer adapts his or her communication approach based on the prior identification and understanding of the intercultural communication elements. These elements are accommodated to continue to establish rapport. Identified changes are implemented by adapting verbal and non-verbal communication to ensure comprehension and effective communication (Ioppolo, 2015:97).

### **Investigative interviewing process**

#### ***Step 5: Free narrative account/information gathering process***

Information is gathered from the interviewee's/suspect's explanation of the crime/event. The interviewee/suspect is expected to provide a true and detailed account of the crime/event probed by open-ended questions. For the interviewee/suspect to provide his or her version at his or her own pace and in his or her own words, no interruptions should take place. Questions should be formulated in such a manner that a detailed account of the crime/event is provoked while the interviewer closely observes non-verbal reactions.

### **Intercultural communication adaptation strategy**

#### ***Phase 5: Refine***

According to Ioppolo (2015:98), the interviewer now needs to "monitor the effectiveness of the new approach to ensure that it is working effectively and to identify whether any refinements or further changes are required". It is beneficial to keep on repeating the intercultural communication adaptation strategy so that verbal and non-verbal communication can be improved; and the interviewee's/suspect's verbal and non-verbal communication is increasingly understood. Refinement in terms of adapting communication strategies and limiting communication barriers, based on the awareness of intercultural communication elements, is a continuous process; hence, integrated from steps five to ten of the investigative interviewing process. The effective adaptation to intercultural communication elements can only take place once the intercultural

communication elements identification process is used in conjunction with the intercultural communication adaptation strategy (Ioppolo, 2015:98). The outcome will be continuous improvement and rapport building in an investigative interview. The refine phase is integrated from steps five to ten of the investigative interviewing process.

### Investigative interviewing process

#### Step 6: Interviewee's/suspect's account/free recall

The interviewer should listen carefully while the interviewee/suspect generates information without being interrupted. This creates the impression that the interviewer has empathy and that he or she is interested in the interviewee's/suspect's account of what happened. This step provides the opportunity to carefully consider the interviewee's/suspect's gestures and emotions as they manifest in non-verbal communication. A cognitive interviewing technique may be valuable where the interviewer provokes the interviewee to tell the story. The interviewer may respond by telling the story in a different order; change the perspective; alter the context of the event and implement special retrieval. The interviewee/suspect may choose non-disclosure or denial; however if he or she is not guilty, he or she may tell the truth.

### Investigative interviewing process

#### Step 7: Clarify/probing

This step necessitates verification of what has been said to rectify mistakes following the identification of specific topics by the interviewer. The interviewee/suspect is not challenged, but probing questions are asked. Eye contact is paramount when the interviewee/suspect is probed to tell the story backwards; and when unexpected questions are asked, as this prevents someone who is lying from providing prepared answers. The interviewee/suspect may be asked to draw a sketch of the crime scene; and similarly, the interviewer may decide whether evidence found will be revealed. Again, as previously indicated, the interviewer may make use of open-ended, probing, closed-ended and "trap" questions. The "trap" technique should still be non-accusatory and should be based on potential evidence.

### Investigative interviewing process

#### Step 8: Challenge

This step provides the opportunity to show the interviewee/suspect that there are discrepancies in the statement. It is advised that this should not be done in an accusatory or aggressive manner and should rather be presented as an opportunity for the interviewee to explain and clarify inconsistencies.

### Investigative interviewing process

#### Step 9: Summarise

The interviewer closes the interview on a positive note and encourages the interviewee to provide additional information and make alternative contact. In addition, the interviewee is given an opportunity to rectify mistakes.

### Investigative interviewing process

#### Step 10: Evaluation

During the last step of the investigative interviewing and interrogation process, the interviewer determines whether all questions in the interview plan were asked and whether there is still information that needs to be obtained. The demeanour of the interviewee is determined and the interviewer's own performance is evaluated.

### CONCLUSION

The proposed Theoretical Framework for Investigative Interviewing from an Intercultural Communication Perspective sets out to guide investigators and law enforcers in terms of the integration of intercultural communication elements with a combination of existing investigative interviewing models. Hence, it proposes an integration of an intercultural communication elements identification process, consisting of first, second and third levels identification stages, to improve intercultural communication understanding. It further proposes the integration of an intercultural communication adaptation strategy, which aims to provide phases which accrue in adapting to intercultural communication elements in an investigative interviewing context. Both the intercultural communication processes were adapted from Ioppolo's (2015) cultural characteristics identification process and OLTAR cycle. The proposed theoretical framework further aims to provide a guideline that could result in understanding the communication of individuals from different cultural backgrounds. This proves to be valuable, specifically in a South African setting where diverse cultures provide for varied intercultural communication contexts. Individuals from different cultures communicate differently in terms of verbal and non-verbal communication. It is therefore suggested that the identification, understanding and adaptation to intercultural communication elements function as a foundation for investigative interviews in that they may contribute to building rapport in these contexts.

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# ARTICLE

## The role of traditional leadership in crime prevention in northern KwaZulu-Natal

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### ABSTRACT

This article explores the role played by traditional leadership in crime prevention and provision of safety in places under traditional leadership in northern KwaZulu-Natal. It probes whether Amakhosi in the research area understand their role in the provision of safety for their subjects. The article also shows the importance of crime prevention in rural areas as part of the comprehensive development of such area. The article identifies some of the major role-players that are expected to provide crime prevention and some of the roles that they must play and it explores whether such role-players play their parts. The article confirms the kind of relationship between Amakhosi and other crime prevention and/or community safety providers. It argues that if all role-players fulfilled their roles, Amakhosi will be empowered to provide community safety in their various areas. If not, the rural communities under Amakhosi will be vulnerable to crime that can be prevented. Government departments as well as NGOs can assist Amakhosi and their communities regarding crime prevention other than being reactive after crime has been committed. Isolation of rural communities might ignite vigilantism since some individuals might feel that those who are supposed to assist them do not care resulting in them punishing any one they feel has been committing crime. The article focuses on three Amakhosi in the northern part of the province of KwaZulu-Natal. In order to achieve the objectives of this article, a qualitative research design was followed. One-on-one semi-structured interviews with Amakhosi were conducted. Research of this nature assists to describe and explain the implementation of some of the legislation that have been devised to provide services and facilitate development in areas such as rural areas. The findings are useful to both crime prevention service providers and Amakhosi.

### KEYWORDS/PHRASES

Tradition; leadership; crime; crime prevention; Amakhosi; government, governance.

### OVERVIEW OF THE ROLE OF TRADITIONAL LEADERSHIP IN CRIME PREVENTION

Traditional leaders serve as governors over the lives of the people in their jurisdiction. Traditional leaders are responsible for the general welfare, including but not limited to the development of the communities, service delivery and safety and security of the people. The component of safety and security relates to crime prevention. The term crime prevention is generally used within the law enforcement milieu and limited to the actions of law enforcement agencies in preventing crime (Tshehla, 2005:23).

According to the Traditional Leadership and Governance Framework 41 of 2003, a traditional leader means any person, who in terms of customary law of the traditional community concerned, holds a traditional leadership and is recognised in terms of this Act. Leadership therefore means the customary institutions or structures, or customary systems or procedures of governance, recognised, utilised or practices by traditional community. Mthandeni (2002:07) states that traditional leadership regulates and controls relationships and social behaviour within a traditional community.

Burley (2017:13) argues that traditional leadership is a style where power is given to the leader based on traditions of the

past. The trait of traditional leadership is the ability to use power and influence in order to lead. Followers are loyal to the leadership (Burley, 2017:13). Burley (2017:13) further states that the last trait is the ability to take action and give energy towards realising goals and objectives. Efforts are directed at achieving what is expected and results are the most important evidence of success.

This article deals with the role of traditional leadership in using power and influence in preventing crime in the area of jurisdiction. It is therefore paramount that crime prevention be briefly defined. In order to define crime prevention, it is important to understand what crime prevention aims to achieve, how crime prevention projects should be carried out, and who will be involved (The National Crime Prevention Institute, 2001:1). This means that for crime prevention to succeed, especially in the areas of traditional leadership, the leadership should form part thereof.

According to The National Crime Prevention Institute (2001:1), crime prevention is an elegantly simple and direct approach that protects the potential victim from criminal attack, by anticipating the possibility of attack and elimination or reducing the opportunity for it to occur and the possibility for personal harm or property loss, should it occur.

Koch (1998:22) asserts that crime prevention includes all formal criminal justice agencies, social, educational and moral training and policy to prevent crime. It involves all the role-players in a specific crime problem and requires effective communication between them, which should be timeously carried out so as to identify the potential problem. This researcher includes education and moral training in the definition of crime prevention. Traditional leadership is in the position of providing such training, therefore they should form part of crime prevention that takes place in those areas.

The definitions of crime prevention as provided by both Koch (1998:25) and The National Crime Prevention Institute (2001:3) emphasise the inclusion of a variety of role-players in crime prevention - Amakhosi should therefore be part of these role-players. These sources further argue that crime prevention issues need to be communicated among the communities that might be victims of crime in their areas. This can be done inter alia through community meetings and "imbizos" that are organised by traditional leadership.

Crime prevention outside law enforcement circles is termed community safety. Community safety emphasises the role that should be played by a variety of organisations and structures within communities or at local level to ensure that crime is prevented. Traditional leadership in general and Amakhosi in particular should form part of these structures. The Traditional Leadership and Governance Framework 41 of 2003 makes it clear that in a democratic setup, traditional leadership forms part of the entire governance system and is the layer of governance equivalent to the local government. This specific Act recognises safety and security as one of the goals of traditional

leaders. It also endorses the role of traditional leaders as a sphere of governance at a very local level (Tshehla, 2005:23).

The role of traditional leadership in crime prevention is provided for by different statutes and policies. These include the following:

*The Constitution of the Republic of South Africa, 1996*

Chapter 7, section 152 of the Constitution of the Republic of South Africa, 1996 makes the following provisions, namely to:

- provide democratic and accountable government for local communities;
- ensure the provision of services to communities in a sustainable manner;
- promote social and economic development;
- promote safe and healthy environment; and
- encourage the involvement of communities and community organisations in the matter of local government.

This section makes the role of traditional leadership obvious regarding crime prevention and community safety. When one considers that Amakhosi must ensure a democratic and accountable government, this means that they should be accountable regarding the provision of community safety in their jurisdictions. Their communities must not lag behind in the delivery of community safety initiatives to those who are staying beyond the jurisdiction of Amakhosi. Community safety is one of the most important services that must be delivered in these communities because crime is a social ill that knows no boundaries.

*White Paper on Local Government, 2003*

Section 4.1 of the White Paper on Local Government (2003:2) outlines the roles of traditional government regarding crime prevention and community safety at a local level. This section makes the following provisions regarding the role of traditional leaders:

- Presiding over customary law courts and maintaining law and order;
- consulting with traditional communities through "imbizo/lekgotla" (a gathering called by a traditional leaders);
- assisting members of the community in their dealing with the State;
- convening meetings to consult with communities on the needs and priorities and providing information;
- being spokespersons generally of their communities; and
- being custodians and protectors of the community's customs and general welfare (Department of Cooperative Governance and Traditional Affairs (CoGTA), 2003:7).

This document makes some important assertions about the responsibilities of traditional leadership in community safety. The first is about consulting with communities, which is important in cases where a specific crime is troubling the community, other than using crime control through traditional court system to prevent crime, but to consult communities on how to prevent the prevalence of crime.

The second assertion deals with Amakhosi being the link between the state representatives such as government departments, in the context of this article, the various Criminal Justice Departments, including the local government. This will facilitate the provision of different crime prevention interventions according to the needs of the communities. It will also ensure that information is moving to and from the government and the traditional leadership communities (Tlou, 2020:20).

The last important assertion identifies Amakhosi as spokespersons of their communities. The idea here should be representation of different platforms, including the crime prevention platform and also to influence crime prevention policies and programmes to ensure that they meet the needs of their respective communities. The planning of crime prevention strategies in the jurisdiction of Amakhosi must be done jointly by law enforcement agencies as well as local leadership (Buthelezi, 2019:39). This resonates well with the concept of sector policing where crime prevention approaches are tailored to meet the specific needs of the sector community rather than a general one size fits all approach.

### *The White Paper on Traditional Leadership and Governance, 2003*

This policy document provides for the role of traditional leadership that can impact positively on the quality of life and are in line with community safety, by:

- Promoting service delivery;
- promoting peace and stability among the community members; and
- promoting the social well-being and welfare of communities (CoGTA, 2003).

Peace and stability can never thrive in a community that is infested with crime and disorder. For any community to have peace and stability crime prevention should form the most important part of programmes in that area (Koenane, 2017:45). Community involvement in their own safety should be key in ensuring that crime prevention initiatives are focusing on the problems identified within the community. Traditional leaders have the duty to ensure that community safety is achieved in their areas to ensure peace and stability.

There is no doubt that crime is not similar in different areas because the causes are also different. For example, at a local level there might be inadequate infrastructure, lack of facilities such as good education and health services, high unemployment and easy access to drugs. Addressing some of these challenges requires an integrated approach and substantial leadership from those who are expected to lead, such as Amakhosi (Koenane, 2009:56). Crime prevention approaches, such as crime prevention through social development, enable skills provisions and early intervention programmes from a young age. This is called developmental crime prevention because resilience and social skills are developed among children and their families.

Locally-based crime prevention is a common term used by those involved in crime prevention environment. This approach to crime prevention works well with the involvement of many role-players at a local level (Nemukula, 2019:36). The challenge is whether these role-players are willing to fulfil their role to ensure that the approach succeeds. When it comes to crime prevention, a lot of education still needs to be done, especially to targeted role-players (Nxumalo, 2012:46). In rural communities, people are still dependent on law enforcement agencies as being responsible for the community's safety. The leadership role by those who are leading these communities should be visible to ensure that such communities play their role in their safety.

Communities under Amakhosi trust their leaders and it is impractical, if not impossible, to get their support in any crime prevention initiative if such is not approved by the Inkosi. Therefore, there is no doubt that the successful execution of any crime prevention programme is dependent on the buy-in of Amakhosi. According to Tshitangoni and Francis (2014:2), those responsible for implementing crime prevention in the areas of Amakhosi must start by creating good relationships with Amakhosi. This can be time-consuming, but can yield good results. The reason why it may take time to create good relationships, is because Amakhosi are not immune to political influences, they view some projects as suspicious based on their political beliefs and they may also be scrutinising and confirming who is bringing such a programme (The Mapungubwe Institute for Strategic Reflection, 2019:15).

Locally-based crime prevention approaches target individuals and areas where the risks of becoming involved or being victimised are high. This approach involves the active participation of local residents, in the context of this article, people living under the jurisdiction of Amakhosi. They may be involved in identifying local priorities as well as implementing responses (United Nations Office of Drugs and Crime, 2012:45). This crime prevention approach can be used, for example, in preventing "ukuthwala". The latter is a traditional practise of abducting/kidnapping girls/ladies with the aim of marrying them without their permission, but is not dominant in northern KwaZulu-Natal where the study was based. It is used to illustrate how locally-based crime prevention can be used to prevent this crime (Tsoko, 2014:10).

Abduction and/or kidnapping may also result in rape because the abductor/kidnapper might sleep with the victim without her consent (Kheswa, 2014:22). Some of the abducted girls might even be younger than the age of consent according to South African statutory law. This can be as a result of the kidnapper being naïve to the fact that his conduct constitutes crime and results in a violation of the rights of the person who has been kidnapped. Kidnappers can defend themselves by the application of a defence of tradition or custom (Ovens, 2012:4). Amakhosi might also not see anything wrong or untowards regarding this situation because it has been a common practice for ages. This practice therefore causes misunderstanding and contradiction between the approaches, namely the traditional

and law (non-traditional) approach. The prevention thereof can never be achieved without combining these two approaches and trying to eliminate contradiction.

Applying locally-based crime prevention, a community meeting needs to be called where the legal side of "ukuthwala" can be explained to the community. For this to succeed, the first point of contact is Inkosi. Once he or she understands the logic as to why such custom or practice does not resonate with the law, it will give him or her the opportunity to convince the community to listen to those who execute the law. Communities under Amakhosi have great respect for their leaders and rarely contradict them. A solution can therefore be reached when everyone agrees to the way forward which will ultimately reduce the prevalence of "ukuthwala" in the area and result in a reduction of kidnapping cases in a particular police station area.

Another example where a local crime prevention approach can be used is during traditional ceremonies. In northern KwaZulu-Natal in particular there is an annual traditional ceremony called the reed dance (Umkhosi woMhlanga). According to Keepile (2010:4), this is a ceremony where virgins from different parts of the province, other provinces and even from a neighbouring country such as eSwatini come together to carry and present the reeds to the Zulu King as a sign of their pureness. There is no doubt that safety becomes a major priority to those participating in the ceremony and those who come to watch the ceremony. Some of these participants are not South African citizens (Mafolo, 2020:2). If there are no proper plans to keep them safe, South Africa can suffer great embarrassment among the international community. Crime prevention at such a ceremony becomes the focus of not only the relevant Provincial Commissioner of the South African Police Service, but also of the National Commissioner since this event has national and even international interest.

The important question is whether crime prevention to such an event becomes a priority to Amakhosi surrounding the area of the ceremony? One can also ask about the role of Amakhosi and their communities in ensuring safety during the period of the ceremony and even beyond that. Are they involved in crime prevention planning, and are the community members aware that they must participate in ensuring their own safety as well as of those people who will be in their area for the ceremony?

If crime prevention is still viewed as the sole role and responsibility of the police, will it be possible for them to be in every place at all times and what happens when they are absent in the community? How will it impact on Amakhosi and their communities if young girls are raped and tourists robbed of their possessions because the police could not be there to protect them? The argument presented above depicts the importance of a cooperative approach in crime prevention and community safety in the areas ruled by Amakhosi.

If more people are involved, even the rural communities will reap the rewards of services such as crime prevention in their areas as communities outside the leadership of Amakhosi are

rewarded. They will not only be part of the problem (crime commission) but also part of the solution. Proper education can assist potential perpetrators not to have a desire to commit crime but to protect the vulnerable people in their areas.

## RESEARCH PROBLEM

Community safety in South Africa should be possible for all people regardless of where they live. Even though there is no document that clearly defines the leadership role in crime prevention, various South African laws list safety and security as part of providing community essentials. The challenge might be that there is no document that outlines how safety and security or community safety and crime prevention must be delivered. The absence of such a document also does not protect communities from crime victimisation.

Traditional leaders, as leaders in their communities, should ensure that all available crime prevention initiatives that are happening somewhere else are also taking place in their communities. By implication this means that traditional leaders, rather than crime prevention providers, must seek information that will benefit their communities. The leaders, other than providers, are accountable for the safety of their people. The providers on the other hand must ensure that leaders are provided with the necessary information about crime prevention initiatives that can be provided to rural communities.

Interaction between traditional leaders, their communities and crime prevention providers is also important to ensure that crime prevention programmes benefit a specific community. The community should be allowed to give their input and be involved in ensuring their own safety. If the leaders accept crime prevention as one of their responsibilities other than waiting for providers, they will be able to influence and get support from their communities.

Communities in a rural setting rely and support what their leader tells them to do. If the traditional leader does not support a particular crime prevention programme, his or her followers are likely to also reject it. This therefore makes the traditional leader's role in crime prevention to be the most important component in the success of such a programme. Service providers can therefore not be blamed for not providing crime prevention in a specific area if the leader does not form part of structures that discuss crime prevention, either at government or societal level. Societal level refers to the level of non-governmental, non-profit organisations including other institutions that specialise in crime and crime prevention.

It is important at this stage to note that the traditional leader may not necessarily be part of such structures himself or herself, but that this function can be delegated to any capable person within the leadership structure, hence the article deals with the role of traditional leadership in crime prevention. The most important role that traditional leadership can play deals with (political) will which will set the ball rolling to ensure that rural communities received the essential service called safety. The service providers and traditional leadership must work



together to ensure that rural communities also benefit from programmes that are meant to alleviate and prevent crime.

Amakhosi must be part of and influence the Rural Safety Strategy (Boshoff, 2010:2). Those responsible for this strategy must ensure that the plan covers every person living in a rural community. The importance of the role of Amakhosi in this strategy is emphasised in the SAPS's Rural Safety Strategy which lists an integrated approach as one of the pillars of this strategy. An integrated approach in the context of the role of Amakhosi refers to their involvement in the implementation of the strategy (SAPS, 2018:1).

The problem statement that the article tries to prove is that the absence of a traditional leadership role in crime prevention robs the communities under Amakhosi's leadership from the opportunity to form part of their own safety. Such absence makes these communities vulnerable to crime and victimisation.

## RESEARCH AIM AND OBJECTIVES OF THE RESEARCH

The aim of this study was to describe and explain the role of traditional leadership, specifically Amakhosi in crime prevention and community safety in the northern part of KwaZulu-Natal. In order to fulfil the aim, the following objectives was considered:

- to provide empirical information on the role played by traditional leadership in northern KwaZulu-Natal; and
- to formulate recommendations on how the role played by traditional leadership in crime prevention can be improved to meet the needs of communities under the leadership of Amakhosi.

### Research questions

The following questions guided the data gathering and literature study. The article aims to respond to these questions:

- What is the role played by traditional leadership in crime prevention in the study area?
- How can the role played by traditional leadership in crime prevention be improved?

### Research methodology

#### Literature review

The literature that was reviewed includes books, journals, articles, newspaper articles, annual reports, enabling legislation and articles. These form part of the secondary sources of information. Primary sources comprised all transcripts of the interviews.

#### Research method

This was a qualitative study which described the role of traditional leadership in ensuring the safety of their subjects. A qualitative research method was also followed to collect qualitative data, and such information was only collected in northern KwaZulu-Natal. A qualitative approach is based on the fact that the research is premised on a social constructivist paradigm. This paradigm holds the assumption that individuals seek to

understand the world in which they live and work (Creswell, 2012:23).

An interview guide was developed which guided the data collection to ensure that research questions are answered, objectives achieved and the aim of the study is covered. An interview guide ensures that there is structure in the manner in which data is collected while it ensures that new concepts that arise in the course of interviews are also accommodated.

To assist with the compilation of questions that form part of the guide, three experts and experienced researchers in the criminal justice environment were used. The interview guide contained a mix of questions which were phrased in the third person to allow participants to speak freely, especially about negative experiences or situations. Primary data was gathered by means of one-on-one, semi-structured, open-ended questions during interviews conducted with Amakhosi in the northern parts of KwaZulu-Natal.

The population for this article were three areas that are part of Amakhosi leadership in the study area. Participants in these areas provided information that was analysed to answer the research questions. The unit of analysis in this article was three Amakhosi.

The interviews took place between June and July 2019. All interviews were conducted by the author at a time and place convenient to the participants. Handwritten notes were made at the end of each interview to record emergent thoughts and ideas. Interviews ran for approximately 45 minutes, were tape-recorded and transcribed verbatim by an audio typist. All participants answered all interview questions. Transcripts were checked against the tape recordings for accuracy and errors by the researcher who conducted the interviews.

#### Population

The population of this research is traditional leadership in the study area. Purposive sampling was used because the traditional areas and leaders that were used for data gathering were identified prior to the process taking place. The aim was to involve traditional leaders that have influence in traditional leadership in the province of KwaZulu-Natal. Their views can be used to influence policies aimed at enhancing community safety in rural setups in that province, but can also be used nationally. According to Bowen (2005:45), purposive sampling is used to ensure that quality information about the topic is obtained from the case study. It is not used to maximise numbers, but to become saturated with information on the topic.

Amakhosi who were interviewed provided sufficient information as to answer the research questions. They were all willing participants for the research.

#### Data collection

A standardised, semi-structured interview schedule was used to gather qualitative data from participants. An interview guide is used to bring structure to the interviews, even though

interviews were treated as conversations during which the interviewer drew out detailed information and comments from the respondents. According to Patton (in Rubin & Babbie, 2001:12), one way to provide more structure to a completely unstructured, informal conversational interview, while maintaining a relative degree of flexibility, is to use the interview guide strategy.

### **Data analysis**

A thematic method was followed to analyse the data. In thematic analysis one looks for patterns that emerge within transcripts (Lebesse, 2009:52). In this article, the themes were formulated before interviews were conducted, while the new themes that emerged from the interviews were also added to the predetermined themes. In order to ensure that sufficient information was gathered, a set of questions was also formulated although respondents were at liberty to give information beyond the scope of the formulated questions. According to Green and Thorogood (2009:61), by using data such as discussion notes or transcripts, the researcher is able to categorise respondents' accounts in ways that can be summarised.

Data analysis started during the interview stage. Interviews were conducted by the author himself which enabled him to gain an understanding of the meaning of the data. He also transcribed the information on the data recording instrument which assisted him in obtaining more insight and understanding of the recorded data. The author then read the transcript several times to familiarise himself with the data and to identify commonalities and differences in the manner the traditional leadership are involved in crime prevention and community safety in their respective areas.

## **SUMMARY OF FINDINGS**

The findings are based on the predetermined themes that were used to guide the interviews. New themes that emerged during the interviews were also added. These themes are traditional leadership's understanding of crime prevention; the role of traditional leadership in crime prevention and community safety; the role of traditional leadership in the compilation of the Rural Safety Plan; and the relationship between traditional leaders and crime prevention providers.

### **Traditional leadership's understanding of crime prevention**

All Amakhosi that formed part of the research depicted an overall understanding of crime prevention. They stated that it encompasses all activities aimed at preventing crime before it actually happened. When it comes to community safety, not all of them understood the term, but after it had been clarified, they seemed to agree that it should be a strategy that is used to prevent crime. One of the Amakhosi argued that "if these issues are explained to us and are sold to us, we can be able to use them in dealing with crime in our areas".

### **The role of traditional leadership in crime prevention and community safety**

Amakhosi in the research area were playing no role in crime

prevention and community safety and argued that crime prevention is a police task that has nothing to do with them. Their limited involvement is only through police-related structures such as Community Policing Forums (CPFs). They were not part of Community Safety Forums (CSFs) and according to their understanding, no such structure existed in their respective municipalities. When asked whether they thought that community safety issues should form part of community development programmes, and should be part of an Integrated Development Plan (IDP), two of the respondents thought that if it can be included in an IDP, it will be a great addition and assist in dealing with issues of crime and the prevention thereof. One of them stated that "I truly believe that this structure is important and I do not understand why it does not exist in the municipality. Community safety is part of community development in the whole". Another added that "if we knew about this thing, we would have pushed for community safety to be included in the IDP".

### **The role of traditional leadership in the compilation of the Rural Safety Strategy**

When dealing with the issue of the Rural Safety Strategy, Amakhosi were asked whether they understood what a Rural Safety Plan entails and the content of this plan. Two of the participants did not know that this plan is also meant for their areas but had the impression that the plan was meant for farmers only and not for everyone living in a rural area. The other Inkosi knew about the plan, although he does not even take it into consideration when thinking about how to implement crime prevention in his area. Taking this into consideration, it is clear that they play no role in the compilation of this plan. Even though the plan refers to rural safety in its description, they think that it caters for farmers only and not every inhabitant of the rural and Amakhosi set-up. Such feedback from traditional leadership raised the following theme.

### **Relationship between traditional leadership and crime prevention/community safety providers**

The findings depicted that traditional leadership thought that the only crime prevention/community safety provider in South Africa is the South African Police Service (SAPS). They were not aware that municipalities are also providers of community safety in particular. According to all participants, no non-governmental organisation (NGO) that deals with crime prevention and community safety has ever visited their areas. They all agreed that even the provincial Department of Community Safety and Liaison has never engaged them about the provision of safety in their areas of jurisdiction. This gave the impression that rural communities are isolated and not empowered when it comes to crime prevention and community safety programmes.

Although this research was not based in the Limpopo province, that province consists of mainly rural areas. It is dominated by vigilante actions where people are taking the law into their own hands and according to the crime statistics released by the South African Police Service, it resulted in an increase in the province's murder rate. One can therefore be tempted to think

that the isolation of rural areas has a direct link to such action by the communities.

When crime prevention is provided by the SAPS, Amakhosi submitted that the police patrol their areas from time to time, but mostly when crime has been reported. They admitted to some community-police programmes such as sports with local schools and occasional visits from the SAPS to schools to educate children on crime prevention. According to the participants, this is not enough to provide for the safety of the community and empower the community to be able to render their initiated crime prevention strategies through, for example, night patrols and neighbourhood watches.

This argument raised the question regarding the impact of Amakhosi on the SAPS's structure catering for crime prevention and crime in general, namely CPFs. Although they attend such structure meetings, they all felt that their input is not that great which means that they cannot influence the police to have more crime prevention programmes in their areas. They are also not well-equipped to be able to come up with strategies to ensure community safety in their respective areas. More evidence of their lack of influence in how they are policed, is their non-participation in the compilation of the Rural Safety Plan.

One of the Amakhosi argued that "we feel that we are policed without us letting the police know what we as Amakhosi and our people want as part of policing". This sentiment was echoed by another Inkosi who stated that "it looks like Amakhosi community cannot think for themselves hence other people think for us". Involving them in various structures will rekindle their confidence and they can pass this on to their subjects.

## RECOMMENDATIONS

Based on the findings, the following recommendations can be made:

Amakhosi must play a measurable role in crime prevention at the local level of governance. Safety is one of the services that needs to be delivered to all communities irrespective of where they are located. This on its own facilitates and encourages development because investors can only invest in a community that is free of crime and has well-arranged crime prevention and community safety programmes and structures.

Structures such as the CSF need to be established at local municipalities. These structures are responsible for coordinating all crime prevention and community safety activities in a local area. Amakhosi must be one of the main role-players in the structure to ensure that their communities are also included in the programme plan for a particular period. They should also give feedback of successes and challenges identified during programmes implementation.

Amakhosi must provide the programmes that they and their communities have identified to prevent crime, in the IDP of a municipality. The safety plan must be one of the pillars of each IDP. When the Department of Community Safety and Liaison

and other role-players compile rural safety plans, Amakhosi at local level must be consulted. They must also be taught about the contents of the plan when it has been finalised, which should include how the plan can be used as a tool for community safety.

If any kind of a relationship existed between the Department of Community Safety and Liaison in northern KwaZulu-Natal, it must be revived and strengthened. If this is not done, the Department of Cooperative Governance and Traditional Affairs (CoGTA) must intervene. The SAPS must do more in terms of intensifying crime prevention programmes in the Amakhosi's areas. They must be informed on how to initiate programmes to prevent crime through the SAPS's Social Crime Prevention Components.

Municipalities should monitor and assist Amakhosi to ensure that crime prevention and community safety services are delivered and provided to prevent vigilantism. This can be done by inter alia contracting NGOs to facilitate workshops on how to provide rural safety. Such workshops can be supported and financed by the Department of Community Safety and Liaison. Traditional leadership, like in every developmental issue in their jurisdiction, must play an active part in ensuring that crime prevention takes place. This will not only ensure safety of their subjects, but will also ensure holistic community development by implementing both developmental and community development crime prevention as part of the social crime prevention approach.

## CONCLUSION

This research succeeded to describe and explain the role that traditional leadership can play in crime prevention. This was done through theoretical analysis of the legislation that deals with the role that must be played by this structure of authority and the level of governance in South Africa. The aim of the research was also advanced by analysing information gathered through interviews with Amakhosi. This information indicated that even though the legislation provides for Amakhosi to be active role-players in crime prevention and community safety, the reality is far from being achieved in the research area.

Traditional leadership is not playing any role in ensuring the safety of their communities. They are solely relying on the SAPS to provide them with crime prevention which is done in an unsatisfactory way. Their leadership with regard to community safety is questionable because a leader cannot absolutely delegate his authority to others without him or her doing anything and blaming those to whom he or she has delegated the authority.

The government on the other hand has neglected its responsibility of monitoring approved legislation to ensure that the necessary structures and policies are devised to ensure successful implementation of the legislation. One can then question how public funds are used during the process of enacting legislation, and whether the legislation merely existed or existed for the purpose of service delivery. If the latter is true, it is

not so regarding the provision of crime prevention and community safety service in the research area.

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# ARTICLE

## The effect of incarceration on recidivism: A study conducted on male recidivists at Kaliti Prison Centre of the Federal Democratic Republic of Ethiopia

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### **ABSTRACT**

The primary objective of the study was to critically examine and understand the effect of incarceration on recidivism. The study was conducted at the Kaliti Men's Prison Centre located in Addis Ababa, Ethiopia. A qualitative research approach was used to address the objectives of the study. A total of 23 in-depth interviews were conducted during the two-week period from 18 February to 4 March 2020, to understand the inmates' perspectives on the possible patterns leading them to recidivism after incarceration. In addition, key informant interviews were conducted with three officers and three professionals working at the prison. The study shows that previous prison experiences of the recidivists seems to have aggravated their tendency towards criminality. During their previous periods of incarceration, some of the recidivists had established associations that had influenced them to augment and diversify their crime technics, thereby contributing to subsequent offences. Short periods of incarceration, parole release and prison accommodation are the triggering factors contributing to the habituate behaviour of reoffending. Moreover, the study shows that prisons have been the places where criminals learn about various modi operandi and new crime techniques to succeed in their criminal career. Prison treatment programmes and interventions should consider such threats resulting from incarceration and improve their policies to overhaul the rehabilitation services and correctional measures aimed at changing the behaviour of inmates. These conditions are likely to worsen the prevalence of crime if left unattended.

### **KEYWORDS/PHRASES**

Incarceration, recidivism, parole, reoffending, modi operandi.

### **INTRODUCTION**

Prisons are established to implement judicial decisions. They are streamlined in the criminal justice system of a country to provide correctional services to inmates. They further deal with rehabilitation to mitigate the prevalence of the reoffending of

inmates following incarceration. In the 21<sup>st</sup> century, prisons are places where inmates are learning different types of vocational activities to adapt to conventional society. Moreover, prisons play a role in carrying out punishments to deter crime and debilitate criminals (Brown, Esbensen & Geis, 2010:50-51).

Even though Ethiopia has allocated a significant part of its budget from its meagre economy and scarce human resources to mitigate reoffending, the problem is still observed. The issue of recidivism has been a burden on the criminal justice system and law enforcement agencies that also have to deal with first-time offenders. The crime statistics report of the Addis Ababa City Police Commission indicates that recidivism had steadily increased by 10% in 2020 (Jibat, 2011). The growth of recidivism, as reported by Jibat and Nigussie (2015), indicate that a similar situation is arising in the Oromiya Regional State of Ethiopia. It is claimed that the services provided in the prisons relating to rehabilitation and character moulding are not resulting in behavioural changes among inmates after they have completed their sentences. The study used a qualitative approach to explore the effect of incarceration on individuals' tendency to re-commit crime.

This study was informed by field research. The participants of the study were inmates who were serving time after they had reoffended. The study was conducted at the Kaliti Prison Centre, one of the largest prisons of the Federal Democratic Republic of the Ethiopian Government. This prison centre has the largest prison population.

### **Problem statement**

Recidivism has attracted researchers and practitioners' attention from different disciplines. They often attempt to name the critical factors that are pushing criminals to develop reoffending behaviour. The School of Crime differential association theory and research outputs recognise that prisons or correctional centres are the breeding grounds for crime. As a result, incarceration often exacerbates criminal behaviour, rather than giving a deterrence effect against recidivism. The application of sanctions by the legal system has been employed as the primary means of society's efforts to control criminal behaviour (Gendreau, Goggin & Cullen, 1999:3).

According to Gendreau et. al. (1999), three contesting views dominate the debate on the impact of incarceration on inmates. The first view holds that prison suppresses criminal behaviour. Given the unpleasantness of prison life and the negative social stigma associated with incarceration, it argues that prison should deter future criminal behaviour. The findings of Bhati and Piquero (2007) support this argument in stating that the majority of the released inmates in USA are deterred from future offending or merely debilitated by the incarceration.

The second view is that held by the School of Crime theory that differs from others in that it argues that prisons are the areas where criminality increases. By this account, the barren, inhumane and psychologically destructive nature of incarceration makes offenders more likely to reoffend upon release (Gendreau et. al., 1999). The third view, which Gendreau and his colleagues label the "minimalist/interaction" position, contends that the effect of prisons on offenders is, for the most part, minimal. This view states that prisons are essentially "psychological deep freezes" in that offenders enter prisons with a set of antisocial attitudes and behaviour that change

little during incarceration. This perspective also suggests that lower risk offenders may be more adversely affected by longer periods of incarceration through exposure to an environment typically dominated by higher risk and more hard-core criminals that come to constitute their peer group (Gendreau et. al., 1999:8).

In similar vein, Clemmer (1940, cited in Song & Lieb, 1993:3) hypothesises that during incarceration; inmates learn the norms of the antisocial behaviour from their fellow inmates. Therefore, the longer their period of incarceration, the higher their chance of understanding antisocial and criminal behaviour, and therefore the greater their likelihood of reoffending (Clemmer, 1940 cited in Song & Lieb, 1993:3). Based on a review of the literature on the subject, Orsagh and Chen (1988, cited in Song & Lieb, 1993) conclude that the longer a person is removed from outside society, the weaker his or her social bonds, which include interpersonal, familial, workplace and economic relationships, become. Weakened social bonds resulting from incarceration are likely to increase offenders' propensity to commit new crimes after release (Orsagh & Chen, 1988 cited in Song & Lieb, 1993). A study conducted in the Netherlands by Nieuwebeerta, Nagin and Blokland (2009:251) indicates that first-time incarceration is associated with an increase in criminal activity. The differential association theory also states that individuals become predisposed to criminality because of frequent and enduring contacts promoting criminal behaviour experienced in prison (Hagan, 2008:158). Despite the functions of prisons on inmates in terms of incapacitation, debilitation, deterrence and rehabilitation, the adverse impact of prisons is the creation of an opportunity where inmates learn more illegal behaviour from habitual criminals. Sutherland's theory of criminal behaviour explains how criminal behaviour is learnt during interaction with others. Likewise, incarcerated prisoners can learn about new techniques to commit crimes, which can range from the complicated to the simple; and the specific direction of the motives, drives, rationalisations and attitudes, such as the celebration of criminal deeds and criminal figures. Prisoners are more likely to learn antisocial behaviour since they are surrounded by persons whose inclinations are favourable to the violation of legal codes (Bernard, Jeffrey & Gerould, 2010:180). Overall, the review indicates that prisons, for a number of reasons, can increase the criminal tendency of inmates instead of achieving their intended goal of helping inmates to curb their deviant behaviour. This study is dedicated to critically examine the impact incarceration has in widening the context of recidivism, contributing to the existing body of knowledge and to filling the gaps not yet addressed in earlier studies.

### **Literature review**

The issue of recidivism has motivated researchers and practitioners from different backgrounds to conduct studies to identify the critical factors contributing to the over-presence of reoffending following incarceration. Their reports clearly delineate the path reoffenders follow to become familiar with the behaviour of reoffending. Various theories dealing with criminal behaviour take the informal social processes, punishment

and moral beliefs into account. The theory that offenders will choose not to commit a crime relates to places where safer streets are maintained, the physical condition of houses, buildings and property is preserved and the physical environment has been modified to better protect targets and victims (Taylor & Harrell, 1996). Moreover, the School of Crime differential association theory and research outputs indicate that prisons are hypothesised as the breeding grounds of crime. Recidivism, in this article, refers to the relapse destining into further violations of the law by suspects or inmates who have been released or into non-criminal violations of conditions by probationers and paroles (Sue, 2009:564). As a result, incarceration exacerbates criminal behaviour instead of deterring it. The application of sanctions by the legal system has been employed as the primary means of society's efforts to control criminal behaviour (Gendreau, et.al., 1999:3).

According to Gendreau et. al. (1999:6), three contesting views dominate the debate on the impact of incarceration on inmates. The first holds that prison suppresses criminal behaviour given the unpleasantness of prison life and the negative social stigma associated with incarceration. The argument mainly falls on the prison with its mission to deter future criminal behaviour. The findings reported by Bahti and Piquero (2008:250) support this argument. In their study of estimating the impact of incarceration on subsequent crime trajectory in the United States of America (USA), the authors revealed that the majority of the released inmates were either deterred from future offending (40%) or merely incapacitated by the incarceration (56%).

The second view is the one held by the School of Crime theory that proposes the opposite, stating that prison increases criminality. By this account, the barren, inhumane and psychologically destructive nature of incarceration makes offenders more likely to reoffend upon release (Gendreau et. al., 1999:6). The third view, which Gendreau and his colleagues label the "minimalist/interaction" position, contends that the effect of prisons on offenders is, for the most part, minimal. This view states that prisons are essentially "psychological deep freezes", in that offenders enter prisons with a set of antisocial attitudes and behaviour that change little during incarceration. This perspective also suggests that lower risk offenders may be more adversely affected by longer periods of incarceration through exposure to an environment typically dominated by higher risk and more hardcore criminals that come to constitute their peer group (Gendreau et. al., 1999:8).

In similar vein, Clemmer (1940, cited in Song & Lieb, 1993:3) reports that during incarceration, inmates learn the norms of the antisocial subculture from other prisoners. Therefore, the longer offenders stay in prison, the higher their chances of understanding antisocial and criminal behaviour, and therefore the greater their likelihood of reoffending (Clemmer, 1940 cited in Song & Lieb, 1993:3). Based on a review of the literature on the subject, Orsagh and Chen (1988:18 cited in Song & Lieb, 1993) conclude that the longer a person is removed from the outside society, the weaker his or her social bonds,

including interpersonal, familial, workplace and economic relationships become, exposing him or her to loneliness. Weakened social bonds resulting from incarceration are likely to increase an offender's propensity to commit new crimes after release (Orsagh & Chen, 1988 cited in Song & Lieb, 1993). The Differential Association Theory also indicates that individuals become predisposed to criminality because of the extended time of contacts promoting criminal behaviour experienced in prison (Hagan, 2008:158). Despite the function of prisons on inmates in terms of incapacitation, deterrence and rehabilitation, prisons create an opportunity for inmates to learn more illegal behaviour from one another. Sutherland's theory of criminal behaviour explains how criminal behaviour is learnt during interaction with others. While incarcerated, prisoners can learn techniques of committing crime, which can range from complicated to quite simple; and the specific direction of the motives, drives, rationalisations and attitudes such as the celebration of criminal deeds and criminal figures. Prisoners are more likely to learn antisocial behaviour since they are surrounded by persons whose inclinations are favourable to the violation of legal codes (Bernard; Jeffrey & Gerould, 2010:180). In general, the review indicates that prisons, for a number of reasons, can increase the criminal tendency of inmates rather than reducing their deviant behaviours and disobediences.

## METHODS

### Study setting

The Kaliti Prison Centre, as one of the Federal Democratic Republic of the Ethiopian Government's prison centres, was selected through inclusion criteria. It is located at the southern outskirts of Addis Ababa, Ethiopia. The prison is the largest in the country with the capacity to accommodate large numbers of criminal offenders.

### Study design

The study was conducted to understand the effects that incarceration can have on recidivism. To this effect, it employed a qualitative approach. Qualitative data, employing in-depth interviews, were collected from recidivists who previously served sentences at the Kaliti Men Prison Centre. Moreover, key informant interviews were held with three prison officers and three professionals working at the prison. The questions in the key informant interviews delved into the perceived effects of incarceration, including recidivism. Collecting qualitative information on the issue gave the study a great advantage in terms of validity. Inviting the participants to openly talk about crime and related issues allowed the researchers to grasp and elicit meanings of the participants' views.

### Participant selection

The study used purposive sampling, a strategy in which particular settings, persons or events are deliberately selected for important information that cannot be obtained from other sources (Babbie, 2007:165). The intention was to gain a deeper understanding of recidivists under investigation, although this cannot be generalised for the entire recidivist population. Accordingly, 23 male recidivists were identified and interviewed. Additionally, three officers who administer Zone Two

and Zone Six of the prison compounds, along with three professionals who specialise in rehabilitation were interviewed to triangulate the data obtained from the subjects of the study. This gave an opportunity to encompass the views of different stakeholders and enable the researchers to capture maximum variation of views on the matter.

### Data collection

Interviews were conducted in an office inside the Kaliti Prison Centre where the researchers introduced themselves and explained the aim of the study to each participant. Since recording of interviews in the prison is procedurally precluded, the researchers took field notes during the sessions. An interview checklist was used to guide both in-depth and key informant interviews. The set of issues in the checklist was revised in the course of the interview sessions to uphold the emerging issues. All the interviews were conducted in the Amharic language and each interview lasted between 45 and 60 minutes. The recidivists openly discussed their experience prior to their arrest. After conducting 23 in-depth interviews with recidivists, the data saturation point was appraised.

### Data analysis

The study employed the illustrative method in which data are analysed on the basis of theories, as a strategy of analysis (Neuman, 2007:338). The analysis started directly after the first few interviews. The researchers took detailed notes during the interview sessions in Amharic, which were, in turn, translated into English without changing their original meanings. The transcribed data were entered into Nvivo version 7 software and coded line by line into nodes that the researchers deemed important. Subsequently, the original nodes were regrouped and redefined under major tree nodes along with minor nodes; The relationships between major nodes were identified using matrix query and word frequency. Hence, the major ideas were summarised and discussed to see whether they were consistent with the literature reviewed on recidivism. The researchers arranged the data on the basis of different assumptions or theories mentioned on recidivism. The analysis was guided by how prior incarceration may have led to reoffending. The following major themes were identified: association with other criminals and short incarceration, parole release and prison accommodation. While presenting the findings, the researchers called the number of participants, but this does not represent an attempt to quantify responses and make generalisation based thereon.

### Ethical considerations

The Kaliti Prison Centre was visited prior to data collection to obtain permission from the prison administrators and to make the necessary arrangements for interviews. Attempts were made to assure that the study did not cause unnecessary or irreversible harm to the subjects, to secure prior voluntary consent where possible, and to develop the informants' trust regarding the relevant information gathered. In addition, the researchers informed the informants that releasing damaging information about the inmates in any form was prohibited. That was the reason why the recidivists were asked for their

consent to participate in the study. After securing their consent and ensuring good rapport, the participants were asked to share their opinions and lived experiences on recidivism. The researchers approached the recidivists before the interview sessions started to read statements about the aim of the research to them. Participants were informed that they were allowed to withdraw from participating in the study at any time and to skip the questions they regarded as irrelevant or inappropriate to answer. In order to protect the confidentiality and privacy of the participants, the researchers used protective measures. This was specifically done since some of the disclosed information have legal implications and can be detrimental to the participants, therefore the researchers refrained from soliciting any personal data.

## FINDINGS AND DISCUSSIONS

All the recidivists who engaged in the study consented to participate willingly in the study. Their age group ranged between 21 to 35 years.

In terms of the application of sanctions by the legal system incarceration has been employed as the primary means of society's efforts to control criminal behaviour (Gendreau et. al., 1999:3). In line with this, among the 23 participants in the study, five inmates reported that their previous terms of incarceration had either incapacitated or deterred their criminal behaviour. Countering this, 18 maintained that they had acquired criminal behaviour that had amplified their tendency to commit crime following previous incarceration.

The following section shows how prior incarceration impacted on the participants' subsequent offending.

### Association with other criminals

The Kaliti Prison Administration (hereinafter referred to as Prison Administration) does not provide separate accommodation for first-time offenders and they are housed together with hardcore criminals and recidivists. This creates an opportunity for some of the participants to maintain a close relationship with other habitual and repeat offenders during their first incarceration. Besides, owing to the haphazard association with other criminals, inmates were influenced through group membership - particularly by the group called Jemma, formed on the basis of where they came from. At Kaliti Prison those who came from the same neighbourhood of Addis Ababa formed their different groups on the basis of their provenance. Those who came from outside Addis Ababa were unlikely to be admitted into those groups and did not form other groups.

As stated above, out of the 23 responding recidivists, 18 admitted that their association with other criminals had exacerbated their criminality in multiple ways. Creating associations with hardcore criminals created an opportunity for first-time offenders to meet with experienced criminals to learn more about crime. Crime was not regarded as antisocial behaviour by the male participants; it was rather perceived as just another way of getting money and a task fully given to males. None of them felt ashamed or embarrassed when narrating their



criminal deeds. In fact, they bragged about it - this is believed to be one of the factors that amplify recidivism. Creating collegial relations with other inmates in prison did not end there. Some of the responding inmates said that they continued their friendship when they were released from prison to exchange information, and to spend free time and commit crime together.

### Learning crime techniques and crime-related problems

During the discussion with the recidivists, they stated that the relationship established with other habitual offenders had finally guided them to learn more about crime techniques. Twelve of the participants agreed that they had been aware of some crime techniques before their first conviction. However, the association formed with habitual offenders during incarceration had assisted them in learning more about various types of crime techniques. In support of the above explanation, 13 of the participants specifically delineated that they had learnt crime techniques related to theft during their prior incarceration and used it in their subsequent offences of the same nature.

### Popular crime techniques participants learnt in the course of prior incarceration

Extortion:	<i>Chebu/Gidaj</i>
Shoplifting:	<i>Suk lesuk</i>
Pickpocketing:	<i>Kis/Gerfesh</i> - stealing while walking side-by-side with victims
Pickpocket:	<i>Shuashau</i> - stealing while riding in the same taxi
Fraud:	<i>Eshibeyiw</i> - stealing female's money pretending to propose love
Burglary:	<i>Belbela/sette</i>
Fraud:	<i>Haysosit</i>

The process of learning new crime techniques usually took place during bedtime when the senior offenders (usually the recidivists) related their "success" stories to first-time offenders to get their attention to obtain worthwhile information to use to commit crime. Learning about crime and crime techniques took place in group or individual settings. In this regard, 13 participants commented that they shared crime and related issues with others they met incidentally in the prison. One of the recidivists, who was serving a second sentence, commented:

*"Inside the prison, I maintained a strong relation with those lads. I witnessed that I learnt many crime techniques from my friends. I knew only the type of crime related to extortion (chebu) before my first incarceration. After joining the prison, I was able to learn new techniques such as pickpocketing (kis), shoplifting (sukle suk), fraud (hasosit) and burglary (belbela)."*

- A 24-year-old recidivist.

Thirteen of the study participants conceded that during their previous terms of incarceration they had learnt more about petty crime techniques, which were useful in their subsequent

offending. This helped them to identify and learn about the crime types that were not serious, according to the country's criminal procedure. As a result, they became familiar with crimes such as pickpocketing in their subsequent offending. The same number of participants said that they had also learnt about the sentences the court handed down for different types of crimes. Discussions with other inmates augmented their knowledge of the Ethiopian Criminal Code and its loopholes. In line with this, one of the study participants said the following:

*"My friend and I used to commit burglary (sette) and extortion (chebu) before our prior conviction. But senior prisoners informed us that pickpocketing (kis/Gerfesh) takes the criminal into prison for short sentences. So, after I did my sentence in prison, I shifted to commit crimes of pickpocketing. It is hence I was charged with pickpocketing in my consecutive crime acts and the court charged me to only serve for four months."*

- A 29-year-old recidivist.

In prison, male offenders frequently discussed crime techniques to receive short sentences following a trial. In their discussion with senior habitual offenders, they were able to learn that avoiding carrying knives and sharpened instruments during the commission of crime was necessary to prevent long sentences. Out of the total of 23 participants, seven reported that they had attained knowledge about the importance of confessing and showing regret before the court as one of the ways to receive shorter sentences. One of the participants of the study who was convicted for the fifth time, explained the crime techniques that they learned in prison as follows:

*"I learnt about many things in prison in addition to the techniques of committing crimes. These include the techniques of identifying crimes that are pitiable in Ethiopian criminal procedures, not taking into prison for long sentences. If you get caught and the police have convincing evidence, it is advisable to confess and show remorse for your misdeed in the court of law. I did not know all about this before my first incarceration. I applied all these in the trials during my subsequent offending and was saved from being the subject of long sentences."*

- A 35-year-old recidivist.

As the discussions supra show, association with hardcore criminals helped first-time offenders to learn new crime techniques and other issues related to crime, which they applied committing subsequent offences. Even though we expect of inmates to abandon their criminal behaviour in prison so that they can be productive and law-abiding citizens upon their release, 13 of the participants revealed that their relations with other hardcore offenders in prison amplified their tendency to commit crime. This could be one of the reasons to condemn the Prison Administration for its failure to provide separate cells where first-time offenders are accommodated, pursuing the strict procedures stipulated in Ethiopia's Regulation of Treatment of Prisoners (Article 5(1) of Regulation 138/2007). Furthermore, housing first-time offenders in separate cells is the only means to mitigate the effect of association with habitual offenders.

## Social mimicry in prison

Moffitt (2001) defines the term of social mimicry as the process of learning antisocial behaviour from more successful criminals to gain access to some desirable resources. In line with this assumption, the responding recidivists had an opportunity to look at "successful inmates" who had made large sums of money through theft, during their prior incarceration. Five of the 23 participants said that their incarceration had made them lucky to experience more "successful models" that they finally came to admire and imitate. Through group and individual discussions, the then first-time offenders listened to the "successful" crime stories and their "fruits". Some habitual offenders related their stories about the assets that they had built through illicit ways. They talked about the wealth they had obtained through crime and how they had come to improve the standard of living of their families. Cognisant and jealous of this lifestyle, the participants said that they had wanted to imitate the acts learned from "successful" offenders to become rich, and hence committed another crime after they had served their first term of incarceration.

The popularity of successful thieves among the inmates also made the first-time offenders regard these successful thieves as their role-models. According to these participants, thieves are the most popular and prestigious inmates in the prison population. They are viewed as individuals who have used daring performances to change their fate. As opposed to this, inmates who are convicted of crimes such as rape and fighting are the least respected and most hated criminals. They are called sissies and cravens. The participants revealed that some inmates even deliberately lied about their reasons of convictions to escape the category of hated criminals. Knowing that such crimes make them look bad and cowardly, some inmates convicted of non-property crimes fabricate theft stories to avoid discrimination and achieve popularity among the inmates. One recidivist highlighted this behaviour to support the above statement as follows:

*"Most of us were convicted of theft and burglary. Theft is viewed as a good thing in prison. Even those who were convicted of other crimes like fighting and rape would say they committed theft, extortion, burglary etc. to avoid discrimination. Those inmates who are convicted of rape and assault are looked at with contempt. We usually taunt on them."* - A 28-year-old recidivist.

In summary, the study found that social mimicry on which offenders model themselves and learn from successful criminals in prison are among the factors that led the study participants to reoffend upon release.

## Short incarceration, parole release and prison accommodation as latest dysfunctions

The study also uncovered some factors that seem to have an association with recidivism and are directly related to prison sentences, parole release and prison accommodation.

The majority of the recidivists were convicted of theft in their prior and latest convictions due to their pragmatic decisions to

commit a crime resulting in short periods of incarceration. Article 665(1) of Ethiopia's Criminal Code states that crime is punishable according to the circumstances of the case with short periods of incarceration. During their incarceration, some recidivists became aware of this through discussion with senior inmates and chose to commit theft in their subsequent offending. All of the recidivists were aware of the prison sentence associated with theft. One of the participants in the study substantiated this as follows:

*"I was able to learn that I committed a terrible blunder of burglary that penalised me to serve for one year and two months. If I committed a theft crime like pickpocketing, my sentence would have been short; perhaps a maximum of three months. If one commits crimes such as burglary or extortion and hold-up, you will get a long sentence. Since I did my first-time imprisonment, I committed theft to receive the criminal sentence less than a year. I can say that the lesson excerpt from experienced prisoners in prison helped me to think over the crime type that I should commit to reduce the term of imprisonment if I am apprehended by the police."*  
- A 29-year-old recidivist.

During their subsequent offences, the detainees were handed down short sentences, mostly for theft. This is not in line with Ethiopia's Criminal Code Article 769(2) which states that when circumstances, degree of guilt and, in particular cases of persistent repetition of the same offence, are justified, it may impose two-fold the legal time penalty provided for the various offences. It also states that recidivism shall be considered as an aggravating factor. However, the recidivists were punished only with short sentences in their subsequent and latest convictions. Surprisingly, of the 23 recidivists participating in this study, 21 received shorter sentences for their latest convictions compared with the previous ones. In this regard, the prison officer stated that the lack of recordkeeping in the police and courts created obscurities in explicitly identifying offenders liable for short sentences. The officer maintained that the police and courts obviously knew whether or not the offenders had committed crimes before. Contrary to this perception, one of the participants who had been sentenced for the third time felt that the police and courts had not traced his prior conviction during his latest charge and trial. He added:

*"This is my fourth conviction. During my latest offence, the policemen were not aware of my previous convictions and neither was the judge since I committed crime in different sub cities. The reason behind this is that I usually do not carry my identity card. I tried my best to hide my personal information from the police. I use different names. These have helped me to conceal and disenchant my prior criminal record."* - A 26-year-old recidivist.

Apparently, short periods of incarceration are considered to be cost-effective; i.e. short sentences reduce the costs associated with treatment of detainees. There is also the perception that shorter sentences are handed down by taking the country's prisons and their accommodation into consideration. Short

sentences reduce a copious amount of costs spent on detainees, but the fact of the matter is that it has repercussions. During the interviews with the key informants, they explained that due to the short sentences imposed on detainees, the repeat offenders keep on committing crimes with nonchalance. Some recidivists also agreed with the key informants' opinion on the non-function of short sentences. According to such recidivists, the deterrence capability of short sentences is minimal. After their first period of incarceration, five of the participants said that they no longer feared incarceration since they were only short-term. This argument was illustrated as follows by one of the participants of the study:

*"I was convicted of theft five times including my latest conviction. After I spent eight months in prison in my first conviction, I felt the punishment was not bad at all compared to the money obtained from theft. Besides, I had been granted parole release twice during my first and second convictions. I stopped fearing prison sentences after my first conviction." - A 28-year-old recidivist.*

In line with this comment, a key informant of the study was also critical of the capacity of prison sentences to deter the aberrant behaviour of inmates. In this regard, he commented as follows:

*"The short sentences cannot deter inmates' tendency to commit crime. The punishment is not good enough to alter their behaviour. This makes them [the inmates] dare and continue committing crime. When they commit crime, they do it without any fear, since they know their prison sentences is minimal." - Prison officer.*

In addition, the parole release granted by the Prison Administration appeared to motivate some inmates to reoffend. Parole is a procedure by which prisoners are selected for release to serve the remaining sentences living with their community, while being provided with the control, assistance and guidance they need (Tesfaye, 2004:8). Article 46 of the Council of Ministers Regulation on the Treatment of Federal Prisoners (2007) states that a detainee can be released on parole provided that he or she shows acceptable behaviour or meets other legal requirements.

In line with the regulation, the Prison Administration grants parole release for detainees. Out of 23 participants, 20 inmates had been released prior to them completing their sentences relating to their prior convictions.

Nevertheless, the prison appears to misuse the parole procedure since there is no system established for providing security protection and surveillance for those released on parole. The aim of parole is to help parolees re-enter society with the expectation that such parolees respect order and safety in society. However, a lack of protection and surveillance would make it difficult to integrate parolees into society and away from a criminal tendency and committing of crime.

A key informant of the study explained:

*"We grant parole release for detainees who are first-time offenders and show good character during their confinement. After granting parole release for the inmates, we do not follow and evaluate their situation. We just simply release them as pigeons." - A rehabilitation programme officer.*

Other than the latent dysfunction of short sentences and parole release, the prison's accommodation was reported to be one of the factors behind recidivism. The prison provides food, shelter and medical service for the detainees which attract some homeless inmates. Knowing the struggles of living on the street, many homeless youths are said to deliberately commit crime so that they can get the aforementioned services by being convicted and incarcerated. According to the key informants of this study, especially during the rainy season the recidivist population of the prison becomes higher compared with other seasons. This is because those who live on the street deliberately commit crime during the rainy season to join prisons where they get free shelter, food and medical services. This concept was substantiated by one of the key informants:

*"The prison attracts inmates especially those who are homeless people. They commit petty theft during the rainy season. Some take the prisons as a safe haven to shelter from the rain. Because prisons are duty bound to provide shelter and food to the prison population. They can also get medical services for free which they are not entitled outside the prison." - A prison officer.*

As the foregoing discussions reveal, some inmates tend to reoffend deliberately in front of the police. The information obtained from the key informants and recidivists revealed that some of the inmates are rational individuals who commit crime by calculating the subsequent benefit obtained and the risk punishment associated with it.

## CONCLUSION

The study found that incarceration, to some extent, contributed towards the reoffending of some of the participants. During their incarceration, some of the recidivists established relationships with other habitual offenders. Such associations created a chance for first-time offenders to learn new criminal techniques and be exposed to the influence of successful criminal models. This resulted in them acquiring a favourable condition to learn more about crime.

In addition, the study also uncovered some factors that appeared to be associated with recidivism. These factors are related to prison sentences, parole release and prison accommodation. One of these factors refers to the fact that the short sentences imposed on inmates have reduced the deterrence capacity of incarceration. As a result, inmates advise one another to deliberately reoffend since the punishments for their crime are short. The short sentences are further shortened by the parole granted by the Prison Administration. In addition, the Prison Administration has not established a system of surveillance for those released on parole. This has partly paved the

way for the recidivists to re-establish and form relationships with other criminals and end up reoffending, not long after their release. Furthermore, prisons provide food, shelter and medical service for the inmates and this benefit seemingly encourages some homeless people to deliberately commit crime in order to return to prison for these benefits.

This study further revealed that incarceration appeared to influence recidivists to re-commit crime after completing their first term of incarceration. However, the qualitative nature of the study means that the findings cannot be generalised. Hence, there is a need for studies that are both broader in scope and employ qualitative and quantitative approaches. The latter approach can help to measure the impact of recidivism by controlling other variables such as early socialisation and post-prison experience. Identifying the major cause will have a range of alternative options for criminal reform policy.

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# OPINION

## Are we serious about the role of policing in the future? Learning from critical discourses

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Tobie Engelbrecht

Stadio

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### TRIBUTE

**JACOBUS JOHANNES (TOBIE) ENGELBRECHT**  
**30 NOVEMBER 1961 - 18 APRIL 2021**

Tobie started his career as a police official in 1981 and during his career, he was a lecturer at the then Paarl Training College for a period of five years. He joined Technikon SA as a lecturer in 1996 until 2002 when he resigned. Tobie was a learning and management/leadership consultant for the past 19 years which included being a lecturer at STADIO (formerly SBS).

Tobie was instrumental in the development of the Bachelor of Policing Practice degree at STADIO since 2008. He was subsequently also involved in the development of the Honours/Masters and Doctorate degrees. He was the lecturer for Police Management/Leadership and supervised Honours and Masters students. Tobie was loved by his students and he challenged them to become critical thinkers and change agents within the SAPS and other policing agencies.

Tobie was a critical reader for the **JUST AFRICA** Journal and a member of the editorial committee.

His qualifications included a M.Phil in Education (Education and Training for Life-long Learning) from the University of Stellenbosch. The title of his study was "Transformative and emancipatory challenges to facilitators of adult Learning". He also held a Master Certificate in Training and Development (Cum Laude) from the University of Johannesburg.

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### ABSTRACT

Policing is vital for a properly functioning society in the presence of crime. Policing, police agencies and police leaders are continuously challenged to keep up with changes in society and align with future challenges. Critical discourse analysis of relevant and recent voices assists us to understand and critically reflect on the future challenges as well as to ask further questions on this challenging journey towards the future. Shifting paradigms towards future policing and a final reflection on this challenging journey of transformation and emancipation create an opportunity for police agencies and police leaders to learn, unlearn and relearn. The critical question challenging us remains: Are we expecting too much of policing for the future in terms of the WHAT, WHY and HOW?

### KEYWORDS/PHRASES

Police leaders; policing; future; dialogue; critical discourse; reflection; police agencies; shifting paradigms; learning/unlearning/relearning; transform; change.

## INTRODUCTION AND CONTEXT

Policing affects all of us and is vital for a properly functioning society. Policing is continuously challenged to keep pace with changes in society - irrespective of what those challenges are. A police agency is one of the most important instruments through which peace, order and security are facilitated in a society. Public approval is necessary for a police agency to fulfil its roles, functions and duties and it is a continuous challenge to secure and retain public respect. This "social contract" is currently and will in future be under acute strain if we do not listen to the critical narratives and voices and continuously ask questions about the What, Why and How related to the future of policing.

This opinion piece will focus on critical discourse analysis that will assist us to become serious about the role of policing in the future as well as to ask various questions about the What, Why and How. What is this role? Has it changed? Can police agencies transform to fulfil its future role? What is the What, Why and How related to the future role of policing? How can police agencies become learning organisations and adapt to the challenges of the future? We will struggle to find the answers if we do not continuously ask the right questions and do not participate in critical dialogue and analysis on this challenging learning journey.

Critical discourse analysis (CDA) is considered to be a qualitative, analytical approach for critically describing, interpreting and explaining the ways in which discourses construct meaning to a phenomenon (Mullet, 2018). In this case the phenomenon is the role of policing.

## ACCOMPANYING RELEVANT VOICES ON A CHALLENGING LEARNING JOURNEY RELATED TO THE FUTURE OF POLICING

In order to facilitate critical reflection and dialogue on the future role of policing, four challenging discourses were consulted and analysed. A brief synopsis of the critical discourses of Accenture Consulting; McKinsey and Company; Deloitte; and PricewaterhouseCoopers (PWC) will be presented under the headings What, Why and How.

### Accenture Consulting

Slessor (2016), a consultant at Accenture Consulting, identifies six steps to policing transformation. These are briefly presented.

#### What

The roles and core principles of policing are to keep the peace, to protect life and property and to enforce the law - and to do so with the confidence and trust of the citizens they serve. Today's police leaders bear the responsibility of preserving these core principles while dealing with the complex challenges and threats of modern-day and future policing.

#### Why

Three common challenges for facilitating changes to policing core principles in the future remain:

- Rising citizen expectations - citizens want more. They

expect the police to offer flexible ways of interaction, including the ability to share information by using new technologies. Citizens are also seeking an effective customer-focused and "joined-up" approach from police similar to that which they might receive and experience from a bank, retailer or telecommunications provider. At the same time, they want public and cyber spaces to be safe, with an expectation of a reassuring policing presence to help them feel secure.

- The growing sophistication and changing nature of crime. Over and above crime and anti-social behaviour at a local level, policing faces an increasingly complex threat from organised crime networks, which are often global and equipped with the latest technology to facilitate criminal activities.
- Severe budgetary constraints. The police must meet increasing citizen expectations and crime threats at a time of significantly reduced budgets. Governments are generally reducing the funding provided to police agencies and demanding of them to "do more with less", because of the argument that policing is everyone's problem - not only that of the police.

#### How

In the Accenture Consulting's critical discourse, Slessor (2016) identifies steps which policing agencies can take to overcome current challenges and prepare for the challenges of the future. The proposed steps are:

- Engaging citizens  
To enable and encourage this, citizens must be engaged by the police in new and different ways. Engaging the public to fight crime in the digital age requires using the full range of digital and social media channels available to improve interaction between the police and citizens. More effective and dynamic digital relationships are necessary between the police and communities they serve in order to enhance public safety.
- Empowering police officials  
It is critical that police officials are equipped and enabled to be as effective as possible in their role, including having the support to allow them to make informed real-time decisions. It cannot be acceptable that the smart phones which police officials use in their private lives are more effective tools than some of the outdated radios and computer terminals they are provided to them and with which they are expected to perform their jobs. When police officials arrive at the scene of an incident they need real-time access to information and intelligence, presented in an intuitive and intelligent way.
- Optimising ways of working  
Police agencies must investigate how they are structured and organised to ensure that they are best positioned to utilise new technology and collaborate with other agencies and partners in a cooperative and integrated manner. The integration and sharing of information between previously stand-alone criminal justice and law enforcement systems are vital to developing more efficient ways of working and enhancing levels of collaboration. Strategic reviews are

necessary to help improve the effectiveness and efficiency of police agencies and to gain a better understanding of the number of police officials required to meet the current service demands and to draw correlations between strategic decisions and the size of police agencies.

■ Predicting and improving services through analytics.

Police agencies around the world are using increasingly sophisticated analytics to predict criminal trends and behaviour. The ability to incorporate social factors and local demographics can play a significant role in enhancing intelligence-led policing as well as evidence-based policing and can help to anticipate crime, tackle chronic recidivism and manage risk more effectively. Police agencies are also putting processes in place to ensure that their members and staff enter reliable and consistent data and information that can be quickly analysed. Police agencies can, however, continue to learn from the speed with which the private sector uses analytics to support strategies and real-time decision-making. Integrated and modern IT systems are vital in order to prevent police from being overwhelmed by the vast amount of data and information they have to deal with daily.

■ Enhancing collaboration.

The critical question is whether collaborative working practices have been adapted to their greatest potential - not only with other police and criminal justice agencies. This also applies to them creating more innovative partnerships with the public, private, charitable and voluntary sectors as well as with citizens themselves.

■ Proactively managing change.

For technical, organisational and cultural change to be successful and sustained, it is vital that all employees, including police officials, must clearly understand the strategies and objectives of the changes and grasp the benefit it will bring to their own working lives. Leadership among police officials will be crucial here, not just at senior level but also on the frontlines, involving experienced officials on the street. If frontline officials realise that adopting new processes or technologies will help them to identify and arrest criminals - or that a new system can allow them to spend less time on data entry or administrative tasks - they will be more receptive to change and adopt new work practices with rigour and enthusiasm.

Slessor (2016) concludes his critical discourse by highlighting that maintaining the morale of officials and staff, by persuading them that they will be trusted to do a difficult job supported with effective technology and intuitive processes, is a major challenge for the current police leadership - though not the only challenge. Police leaders need to be equipped with a range of competencies to guide agencies and officials into a more effective and efficient future. Some of these competences include risk management, change management, business thinking and information technology (IT) skills.

### *Concluding remarks and reflection on Accenture Consulting's critical discourse*

The six steps identified in Accenture Consulting's study can

assist the current generation of police leaders to implement real transformation and meet the evolving current and future challenges of policing. These steps can help to deliver more holistic, joined-up police agencies that will engage and serve citizens more effectively and deliver better policing outcomes. It can further assist in role clarification and fulfilment of policing for the future. It was the author's opinion that some higher order competences, which should be added to the ones identified by Slessor (2016), are critical thinking, integrated and systems thinking as well as servant leadership and transformational leadership which will also add value to policing in the future.

The journey remains challenging and requires continuous dialogue and critical reflection. Are we expecting too much of policing for the future in terms of the WHAT, WHY and HOW?

### *McKinsey and Company*

Calan (2017), a senior expert at McKinsey and Company, in her critical discourse describes the current challenges facing police agencies and proposes ways in which these challenges should be addressed. The analysis of her discourse was also themed under the headings "What, Why and How" and is presented in this opinion piece.

#### *What*

Police agencies can find it particularly hard to change quickly. Legislation can restrict the police's ability to exploit technology or respond to new crime types. Legislative change is slow and uncertain. Most significant of all is the unrelenting pressure of the core mission and public expectation in terms of policing. Dealing with today's emergencies and the now can distract from long-term strategic planning and the future.

#### *Why*

Two common challenges impact on changing policing for the future. These challenges are:

- Effective policing; and
- adapting to changing contexts.

#### *How*

Police leaders need to address these challenges. They should focus resolutely on achieving change in the most pressing areas for their agencies, recognising that change and transformation will not be achieved all at once or quickly. Police leaders should seek learning from evidence-based academic research and from other sectors. Although policing is unique in what it does, there are many lessons to be learned from other sectors in how organisations transform to improve and maintain performance for the future. The following changes need to be facilitated in terms of these challenges:

- Reskilling the police workforce for 21<sup>st</sup> century challenges in policing;
- putting data analytics at the heart of the policing organisation for the future;
- optimising processes and structures by means of collaboration and integration;

- integrating technology to maximise police performance. This requires significant planning, effort, infrastructure and norms that will assist police agencies to maximise the benefits of technology;
- collaborating with other agencies to facilitate the best policing outcomes for citizens;
- improving engagement to gain public trust since better engagement should improve public confidence. Police need to explain challenges, ethical and operational dilemmas as well as constraints to the public they serve. Public consultations can add value in terms of police performance and actions; and
- making change happen now and for the future. This calls for continuous re-evaluation of traditional policing models and to start the transformation journey.

### *Concluding remarks and reflection on McKinsey and Company's critical discourse*

Can we expect police leaders and their agencies to deliver this transformation unaided? Politicians, oversight bodies and the public will rightly continue to challenge police leaders to deliver more and better service to all sections of the public. There is a need for acknowledgement of continuously changing crime threats and context and recognition of the fact that uncomfortable choices will have to be made about the future role of the police. Facing the future requires a clear vision, an agile approach to technological adoption and accompanying changes to strategies, processes, the workforce and the operating model. Are we expecting too much of policing for the future in terms of the WHAT, WHY and HOW?

### **Deloitte**

Gash and Hobbs (2018), respectively a strategic advisor and the policing lead for Deloitte, compiled a critical discourse on deciding the future of policing. This discourse was analysed and also themed under the headings What, Why and How. These ideas are now presented.

### *What*

Globally, police agencies and leaders face strategic, operational and organisational challenges for the future. According to the research, the general feeling of police leaders is that they are not ready for future challenges. There is a deep concern over police capacity. Motivating a changing police workforce and harnessing specialist skills for the future therefore remain challenges.

### *Why*

Clear global trends affecting the future role of policing require strategic choices to be made in the following areas:

- Use of rapidly developing technology;
- profound shifts in society and patterns of crime;
- changes in policing structures and recruitment approaches;
- ways of engaging the public;
- investigative methods; and
- approaches to prevent crime and support victims and vulnerable people.

Policing for the future needs to prepare for new realities namely:

- Serving a fully digital world;
- responding to a much faster pace of change in every arena they serve;
- harnessing cyber-physical systems;
- using and managing an unknown volume of knowledge and data to reduce crime and manage police agencies;
- operating with transparency in democratic environments;
- getting politicians and police leaders to make major choices about role, priorities and policing philosophies. They have to decide what new capabilities they need to invest in to cope with new policing realities and challenges; and
- realising that police agencies cannot continue to do the same things in the same ways with less money and fewer resources.

### *How*

To ensure that police agencies are equipped for the future, the following is required:

- Supporting police agencies with new clarity and purpose, new use of data and technologies and new approaches to developing officials and staff;
- involving the public more to maintain legitimacy;
- having rigorous data-driven dialogue about policing demands;
- focusing on crime prevention capabilities, engaging the public sector and creating private partnerships;
- clarifying core policing and leadership philosophies;
- articulating capabilities needed to address current and future policing demands and needs;
- investing in data as a critical organisational asset in policing;
- building an understanding of policing and enabling services to harness business and community crime prevention capabilities;
- developing digital transformation capabilities and tools to harness workforce creativity, learning and well-being; and
- building alignment by clarifying core policing and leadership philosophies.

### *Concluding remarks and reflection on Deloitte's critical discourse*

The future of policing requires clear thinking, data as well as cyber and physical systems to deliver police missions. Work needs to be facilitated with communities, individuals, business, the wider Criminal Justice Systems and Public Services to contribute towards public safety. Developing new capabilities requires learning from other leaders in policing in a global context. This learning process and challenge needs to start now to reinvent itself for a new age and the future of policing. How well policing makes tough and strategic choices today will decide the future of policing and its role in public safety. The challenge remains to make the future a reality. Are we expecting too much of policing for the future in terms of the WHAT, WHY and HOW?



## PriceWaterhouseCoopers (PWC)

Quinn and Alders (2018), both global leaders at PWC, discuss policing in a networked world. After analysing their critical discourse, it was again themed under the headings What, Why and How and is presented below.

### What

Policing is at a critical juncture - for now and for the future. An emerging set of challenges for the future impacts both on the capability of police agencies to stay ahead of crime and, crucially, the public perception that they are doing so. The complex interplay between public perception and the capability of police agencies creates a challenging journey for future policing.

### Why

The complexity of demographic and societal changes as well as technological innovations (particularly in digitisation) creates new and varied types of crime being exploited by criminals and criminal networks. Police agencies need to respond to this.

Continuous budgetary constraints, lack of police capabilities and mistrust between the police and the public are limiting the ability of the police to respond strategically to these challenges. Fundamental questions are raised about the nature of policing for the future. These questions are influenced by:

- Societies' expectations and changing cultural norms and its impact on policing;
- new technology which is changing how the police operate; and
- crime and criminals that are changing and implicating on and necessitating change in policing.

### How

Some influencing voices from police leaders globally provide some suggestions on the how:

*"We need a strategy to bring information together. It's got to be about hyperconnectivity."*

*"The more that we can automate and exploit new technology, the better. The problem is it comes with a cost, and you are always trying to keep up. There are too many priorities competing for limited funding."*

*"If we want to be relevant in the future, we have to change. We're at a significant tipping point in policing right now."*

*"We need to be similar to the society that we serve."*

*"We're working in a massively disruptive environment. It's important to think critically about what change, we fund and which priorities we have."*

*"There is rapid change in the environment affecting the work of the police, making it difficult to stay ahead of the criminals. This is also causing a challenge of finding a balance between the operative and strategic work. We are also affected by our short-term (one-year) budgets, which makes it more difficult to work proactively."*

*"My father-in-law was a police officer and was hired just out of high school. That has evolved. We're now looking for people with post-secondary education who have*

*broader life experience and who bring different perspectives."*

The following key areas are identified by global police leaders as being vital to policing in the future:

- Aligning strategy and funding;
- exploiting technology and data;
- creating agile operating models;
- balancing local, national and international capability;
- embedding legal and societal responsibility and facilitating collaboration; and
- building the future workforce through designing, recruiting, training and empowering a committed and agile police workforce.

### Concluding remarks and reflection on PWC's critical discourse

Business as usual in terms of policing for the future is not an option. Innovative thinking and critical discourse among police agencies and police leaders to facilitate the challenges become a necessity for the future of policing on its challenging journey. Are we expecting too much of policing for the future in terms of the WHAT, WHY and HOW?

## CRITICAL QUESTIONS AND FURTHER DIALOGUE ON POLICING FOR THE FUTURE

If we are serious about the future of policing and its role in public safety, we need to ask ourselves the following critical questions to create deeper reflection and dialogue.

### Are police agencies serious about learning and adapting for the future?

In other words: what are police agencies committed to? What is the compliance of the organisation, or the potential for co-creation that occurs when considering the above critical discourses? In a world where change is accelerating and innovation is becoming more important, police agencies need more than compliance and bureaucracy. Value creation in terms of policing for the future can only be driven by higher order human capabilities of initiative, imagination and passion. Being serious about learning and adapting for the future implies that police agencies need to be prepared to trade compliance for co-creation when considering its future role.

### Who is responsible for the learning and adaptation to be facilitated?

If police leaders and agencies are serious about learning and adapting for the future the critical question should be what is preventing a police agency from learning and adapting for the future. It takes courage to ask that question - the process of asking the question should generate a sense of responsibility in all leaders, officials as well as any potential stakeholders and role-players, to start taking responsibility for preparing the future of policing.

### Do police agencies agree on the learning need?

This is another tough question to ask. This process needs to be facilitated and guided by listening carefully to critical

discourses as discussed in this article, searching for common ground and areas, and committing to asking even more critical questions on the future of policing. The realisation that there is a learning need for the future is an important step in agreeing on the need.

### **Who owns the learning need?**

If police leaders and agencies do not own the problem or the learning need and continuously reflect critically on it, ownership will never be taken and any attempt to adapt or learn will be futile.

### **Why is the learning and adaptation for the future necessary?**

If leaders and police agencies cannot articulate why the learning and adaptation for the future are necessary and create a hunger and willingness for transformation, change and learning, the attempts to change and prepare for the future will be futile. Create opportunities to reflect critically on critical discourses as discussed in this article and then create purpose.

### **What can happen when police agencies and leaders are in the same space relating to future challenges?**

By encouraging more critical discourses space can be created for police agencies and leaders to make sense of the future context and challenges of policing.

### **What else can be done by police agencies and leaders?**

They should ask the right questions and facilitate deeper critical dialogue to influence the future of policing and strategies that can be adding value.

### **Are police leaders and police agencies prepared and willing to change the current way of working?**

This critical question needs to be asked as part of a continuous facilitation process. The critical discourses in this article seem to give us an indication of how difficult change is for police agencies.

### **What else do police leaders and agencies need to unlearn in order to prepare for the future?**

The critical issue here is not what needs to be unlearned but rather to realise that preparing for the future consists of a continuous process of learning, unlearning and relearning. This process can add value in terms of not only transforming police agencies for the future, but also emancipating police agencies from the past.

## **SHIFTING PARADIGMS TOWARDS POLICING AND POLICING ROLES FOR THE FUTURE**

One of the most important aims of shifting paradigms towards the future of policing should always be to create police agencies who are capable and willing to do new things, not simply repeating what and how they have done in the past - police agencies who are creative, inventive, transformative and

discoverers. These police agencies should be able to shift, move and stretch boundaries in the new world of policing. These police agencies should be able to facilitate and accommodate critical reflection, verify and not merely accept everything they are offered. The focus of these police agencies is to be reflexive about learning, what is learned, how it is learned and to continuously facilitate learning, unlearning and relearning towards transformation and emancipation.

This process of critical reflection and transformation is key to police leaders in police agencies when preparing for the future. When one reflects on shifting paradigms towards the future it is of critical importance for police leaders and other role players to continuously understand, question, investigate and reflect critically on their own and their agency's practices in terms of policing.

Is this perhaps where the challenge lies for police agencies and police leaders? Is this perhaps where transformation towards the future and shifting paradigms start? Developing a paradigm of critical thinking related to police practices and a willingness to challenge and act upon the realities of practices in order to learn from it becomes vital in preparing for the future role of policing.

Policing for the future continuously challenges us with demands for change and improvement away from traditional stereotypes. The critical discourses in this article confirm this. Policing for the future as well as the critical discourses consulted in this article call for more innovative practices by developing the ability to reflect critically upon practices and as a result consider alternative ways of engaging in policing. Are we expecting too much of policing for the future in terms of the WHAT, WHY and HOW?

## **FINAL REFLECTION ON THE CHALLENGING LEARNING JOURNEY TOWARDS POLICING FOR THE FUTURE**

The critical discourses in this article share with us that ideas, technology, management and other actions related to policing change continuously and will continue to change in the future. How can these changes be facilitated? Casavant (2014) suggests the following in support of the critical discourses discussed in this article:

- Police agencies need to create and sustain cultures and structures to support and embrace challenging the status quo. Ways to support change towards the future in policing need to be found. An atmosphere that stimulates new and innovative ideas and practices needs to be facilitated. Leadership needs to let go and give up power in order to encourage people to challenge the way things are done in police agencies.
- Improvement ideas need to be captured and changed into actions but also into documentation, policies and procedures and the organisational culture.
- Systems need to be structured to help police agencies at all levels to constantly learn. In other words, the rank and file or line personnel identify problems and issues and are

encouraged and supported by the middle and executive levels to propose solutions. All this must be part and parcel of their daily work. Critical reflection sessions are of the utmost importance.

- All ideas, solutions, gains and losses need to be reflected on and captured to learn from it. This will enable learning, unlearning and relearning to be facilitated with the aim of impacting on the future of policing.

These concepts or practices are not easy to implement. Continuous learning and improvement mean change and change is frightening to most police agencies and also to police leaders, according to Casavant (2014). However, once it becomes part of the police agency culture, the impact on the future of policing and the role of policing in public safety becomes a driver for creativity and responsiveness of the police personnel. Police leaders need to surround themselves with people who are willing to ask "what", "why" and "how", express their opinions and seek improvement of the police agency. This requires an environment and ability for critical reflection and transformative and emancipatory learning, unlearning and relearning.

As police leaders are challenged to transform their police agencies and adapt to the future demands, they will have to create an environment that supports learning, creativity, innovation, servanthood and ideas and solutions that are "outside the box" (maybe there is no box anymore?). Only this will provide a strong foundation for the learning journey ahead.

The basic tenet of policing, to protect and serve, remains and is a constant. Modern police agencies must be willing to change its approach on how best to protect and serve in a society that is constantly evolving. The critical discourses in this article are indicative of just that.

Police agencies operate on the frontline of society, where there is often a very fine line between order and disorder, control and chaos, danger and the absence of danger. The task of police agencies is to organise a recognisable order in these situations, if necessary, with or without the use of violence. This imposes high demands on current policing and will impose even higher demands on policing in the future as the critical discourses in this article tell us.

This article calls for a critical reflective capacity on the part of police agencies and police leaders (how did we act/performance, how can this be improved in the future, why do we have to change and what needs to happen to make this possible?). This must explicitly involve both evaluation and reflection and also the will to listen to critical discourses as in this article. These discourses can facilitate reflection towards reflection and action. Are we serious about the role of policing in the future? Are police agencies and leaders willing to listen to and reflect on critical discourses on this challenging learning journey towards What, Why and How in policing for the future? Are we expecting too much of police agencies and leaders in terms of the WHAT, WHY and HOW of the future of policing?

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# OPINION

## South African Policing Professionalism in 2021: A Historiography of *Falsitas* *Quis custodiet ipsos custodes?*

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### ABSTRACT

This article is an opinion paper that takes issue with glib referencing to policing professionalism by politicians in South Africa. As such it juxtaposes the real and the normative situation to policing professionalism in South Africa as seen by an opinionista with the status of an indigenous outsider participant observer. The real situation regarding policing professionalism, as pronounced and practised by the political elite in South Africa, is a far cry away from scientific peer reviewed evidence on the imperatives of policing professionalism in our country. The latter should be regarded as the normative situation, the place where we actually want to be. However, what South Africans hear and see about the interplay between politics and policing, read in the works of the Fourth Estate's muckraking specialists and identified in the SAPS occupational environment, differs drastically from the conceptual and contextual analysis of policing professionalism as reflected in available research. The value of an informed opinion by an Indigenous Outsider Participant Observer, as compared to a traditional, more conservative, approach to epistemology, should not be underestimated: it contributes to the discourse on ontological pluralism. It therefore provides a different (and, for some scholars, uncomfortable) view of describing and evaluating phenomena in the world.

### KEYWORDS/PHRASES

Real view of policing professionalism; normative view of policing professionalism; falsitas; politics and policing in South Africa; Fourth Estate; muckraking; police occupational environment; National Development Plan 2030; Panel of Experts on Policing and Crowd Management 2018; Marikana Commission; STEEPLE mnemonic.

### INTRODUCTION

In his foreword to the South African Police Service (SAPS) Annual Performance Plan (2021-2022), the Minister of Police, General B.H. Cele MP, remarks as follows:

"The police officers who were mobilised in numbers to support government's initiatives to combat this virus, were required to not only enforce adherence to regulations but also to unwaveringly provide a *professional* policing service to the public" (SAPS, 2021:iv; author's accentuation).

Presumably, the Minister meant to say that the SAPS was tasked with executing the regulations issued in terms of the Disaster Management Act 57 of 2002, relating to the COVID-19

pandemic (as regulations are also issued in terms of other statutes), while they still have to execute the crime prevention role in society - as the SAPS would have done in the absence of disaster regulations. However, can we without a doubt agree that the SAPS would "... unwaveringly provide a *professional* police service to the public" (SAPS, 2021:iv; author's accentuation), with or without disaster regulations? General K.J. Sitole (SOEG), the National Commissioner of the SAPS, does not seem to think so. In the same publication, Gen. Sitole writes the following in his introduction: "The *establishing* of a professional and capable SAPS is essential to the successful achievement of the outward-looking outcomes and outputs that the SAPS has embedded in its SP and APPs" (SAPS, 2021:ix; author's

accentuation). (SP is the abbreviation for Strategic Plan, while APPs refer to Annual Performance Plans.) It is possible to postulate that, according to the Minister's view, the SAPS is a professional provider of the policing service in society. In the same vein, it is possible to postulate that, in terms of the National Police Commissioner's view, the SAPS is still in the process of being established as a professional provider of the policing service in society (indicated by the use of the word *establishing* in the quotation). In any event, what does the Minister mean with a *professional* (own accentuation) policing service? Since the term is not explained in this primary source, we do not know.

## Purpose

In this article, I am bound to take issue with glib referencing to policing professionalism in South Africa. If the quotation above (about providing a professional police service to the public) is read in context with the rest of the Minister's foreword, without any evidence on policing professionalism in South Africa provided to the reader, it smacks of a self-congratulatory, populist, political repertoire opportunely placed in an obligatory public document during an election year.

A variety of factors leave a bad taste in the epistemological mind and demand serious re-examination of ontological pluralism in politics. These include, but are not limited to the following:

- comments made by the Minister (see SAPS, 2021:iv) on the "achievement of the National Development Plan 2030 (NDP)", which is not yet implemented fully in policing;
- the "establishment of a capable, ethical and developmental state", while we follow the proceedings of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Service including Organs of State (commonly referred to as the "Zondo Commission" referring to its chairperson, Deputy Chief Justice Raymond Zondo);
- "social cohesion and safe communities", when we see and hear racial divisiveness in the media on a daily basis, and when we know that crime is constantly increasing (see, among others, Faull, 2021:1/3); and
- "government policy, which is aimed at securing and protecting the people of this country", while we hear all about alleged state capture as government policy.

These are more likely to represent glibness at its political best.

The above represents the core of the enduring problem confronting thinking South Africans today, namely that South Africans have ample evidence of a normative approach as far as policing professionalism is concerned. The evidence is based on peer reviewed scientific research which is the opposite of glibly constructed utterances constructed for dominant political party expedience. This is the world of Evidence-based Policing (EBP) and Knowledge Leadership (KL), after the work done by, *inter alia*, Faull (2020), Botha (2017) and Botha (2020:48-49; 113). However, this world is infiltrated and, indeed, overpowered, by the toxic and mendacious mixing of South Africa's one-party dominant, unprincipled and unscrupulous politics, with

policing. South Africans have to deal with a daily barrage of a reality far removed from a competence approach where scientifically derived and disseminated knowledge, skill and attitude determine policing relevant to the imperatives of a constitutional democracy under the rule of law, as South Africa is supposed to be (The Constitution of South Africa, 1996). This is the reality of *falsitas* that can be described as being untrue, incorrect, insincere, being false, a lie (Dictionary.com, 2021).

## Role of the researcher

For reasons of research ethics, I declare my role in this opinion article as follows. I served in the former South African Police (SAP), lectured Police Science in the Department of Criminology (Criminology/Penology/Police Science) at the University of South Africa (UNISA), and served in the South African Police Service (SAPS) until retirement. I became involved in South African policing transformation during my UNISA career and worked as a member of the Change Management Team (CMT), who reported directly to the first Minister of Safety and Security in democratic South Africa, Mr Sydney Mufamadi. I therefore have intimate knowledge of the historiography around policing professionalism and all escorting themes related thereto as we interrogated these at the CMT. We were in fact working on a new policing agency for the new South Africa, a policing agency that would care for the inhabitants of a true constitutional democracy under the rule of law. After the SAPS experience, I proceeded to pursue further exposure to teaching and learning, research, community service and consultation in higher education (at Southern Business School, the School of Public Leadership at Stellenbosch University, the University of Johannesburg, and Hugenote College). At the time of writing this article (April 2021), I have completed a 49-year involvement in policing as an *acaprac*, mostly. Therefore, apart from the primary research done for the writing of this article, I have personally experienced and observed many of the phenomena that I describe and interpret in the article. Consequently, I submit that I am, according to Banks' taxonomy of participant observer researchers (Botha, 2020:24), an indigenous outsider participant observer. As such I have lived through some of the experiences described in this article. Importantly though, I am ever cognisant of the ethical aspects of my role as observer and recorder independent of my status as participant observer.

In this (opinion) paper, I add the role of an opinionista to my participant observer status. I prefer a specific type of opinionista which I refer to as an academic opinionista. An academic opinionista writes opinion articles that deliver constructive criticism backed by evidence (see Editage Insights, nd, which uses the term "scientific opinion"). I prefer this type because I have an interest in opinions based on peer-reviewed academic research articles and professionally edited and published academic books. I found that a participant observer often has strong opinions which may guide his/her research (see, in this regard, the view advanced by DinoBuzz, Nd:1/2). Apus (2017) supports this view - according to this source, opinions should be supported by facts, statistics, real-life examples or published research studies. Inguez, Taguena-Martinez, Kaski and Barrio (2012) however, found that modern societies and their

members do not necessarily base their opinions on scientific facts. They found, applying an advanced computational model, that opinion formation in close communities rather takes place through some external (eg, the mass media) and internal (cultural, educational and environmental) factors not related to scientific facts (Inguez et. al., 2012). This should alert the researcher immediately to the imperatives of opinion formation in the fake news era which is so strongly aided by the social media phenomenon. The obvious issue to interrogate, I postulate in this discourse, is *truth (quid est veritas?)*. In such an endeavour one needs to investigate the utility of opinion in conjunction with research results as described above. This article is an effort to add to the discourse. It therefore adds opinion to relevant literature, primary sources on the theme and original research. Lastly, academic opinionista may well be able to alert researchers to complexity theory in policing professionalism, rather than conspiracy theory.

### Paragraph structure

In this article, I interrogate the real, as well as the normative, views of policing professionalism from within a *falsitas* perspective. At the beginning of the research process leading to this article, I needed to understand whether South Africans are being fed a lie on the issue of policing professionalism and, if so, by whom (the reality). Equally, I needed to understand what South Africans actually want as far as policing professionalism is concerned, and where we can access information to that effect (the normative position). The discussion on the real view centres around politics and policing in South Africa, contributions by the fourth estate (especially from the muckraking angle) and new research on the occupational environment of the police in South Africa. The normative view of policing professionalism as a concept is then interrogated. I apply content analysis on current, peer-reviewed, scientific literature and describe and interpret the emerging themes. This is followed by comparing the emerging themes to Chapter 12 of South Africa's National Development Plan 2030 (NDP, 2012) as well as to the report by the Panel of Experts on Policing and Crowd Management (2018). The Panel's report is the result of recommendations of the Marikana Commission of Inquiry, who investigated the killing of 34 striking miners by members of the SAPS at the Lonmin Mine, Marikana, on 16 August 2012. A contextual analysis of policing professionalism, aided by utilising the STEEPLE mnemonic follows, after which the article concludes with a juxtapositioning of realism and normativism.

### THE REAL VIEW OF POLICING PROFESSIONALISM IN SOUTH AFRICA

The real view of policing professionalism contains the current discourse in South Africa. This current view indicates what we as South Africans can see and hear about professional conduct by the SAPS, and what we can understand from the information given to us. It implies critical assessment of the information that we get.

### Politics and policing in South Africa: Same old, same old ...

The relationship between politics and policing in South Africa is

a precarious one. Botha (2020) found that policing in South Africa is unduly and adversely influenced by politics through the actions of politicians. It is clear, and reported so in that study, that this was also the case under colonial rule, as well as under National Party (Apartheid) rule. Therefore, there are no differences in policing between periods of colonial, Apartheid and ANC rule (Botha, 2020). This means that the current political dispensation in South Africa, more than often glibly referred to as the "democratic era" (while it is more likely a "dominant party" era), acts exactly the same as the political dispensations, and therefore the regimes, found during the colonial and Apartheid eras.

From the angle of policing professionalism, the following needs to be mentioned: a quest for a professional SAPS needs adherence to the Constitution of the Republic of South Africa, 1996. According to section 206 of the Constitution of the Republic of South Africa, 1996, a member of Cabinet (the Minister of Police at the time of writing) is responsible for policing and must determine national policing policy. Section 207 provides for the National Commissioner of the SAPS to control and manage the police service in accordance with the national policing policy determined by the Minister. It follows that the Constitution of the Republic of South Africa, 1996 has removed the operational and managerial control of the police from the hands of the Minister (Kruger, 2021:2/10). It also means that the police, although accountable to Parliament and the Executive, is insulated from political interference (Kruger, 2021:2/10). This indicates a form of independence for the SAPS, a fact that was made clear by the Constitutional Court (see Kruger, 2021:3/10): "adequate independence does not require insulation from political accountability, but rather insulation from a degree of management by political actors that threatens imminently to stifle the independent functioning and operations of the police service". This would be undue political interference in policing. The latter, as was the case during colonialism and Apartheid, seems to be visible in South African policing under the ANC government: Kruger (2021) writes about the Minister's interference in appointments in the SAPS and notes that that this interference "creates a real possibility for political interference in operational decisions or at least the perception that the police service is vulnerable to such political interference" (Kruger, 2021:4/10).

The politics/policing relationship in South Africa is unpacked as follows below.

### Force, service, force: the force be with you, always ...

At the time of writing this article, the SAPS is a paramilitary organisation akin to a force, and not a service, as its name and the foundation statutes dictate.

This was not what South Africans had in mind when the CMT worked on the transformation of policing. According to the website of the SAPS (South African Police Service, Nd:1/3) the re-militarisation of policing in South Africa took place after Mr. Jacob Zuma became the fourth President of the Republic of South Africa on 9 May 2009. President Zuma appointed Mr. Nathi Mthethwa as Minister of Police and Mr. Fikile Mbalula as

Deputy Minister of Police on 10 May 2009. Mr. B.H. Cele was appointed as the National Commissioner of the SAPS on 2 August 2009.

The reader will notice that the Ministry for Safety and Security was, simultaneous with the appointment of the Minister and the Deputy Minister, renamed to the Ministry of Police as it was under Apartheid. This was done "... to emphasise real operational energy in police work that will contribute to the reduction of serious and violent crimes" (South African Police Service, Nd:2/3). The announcement was made by the Minister during April 2010 (Botha, in Roelofse, Oliver & Kgosimore, 2012:257). The Minister would later be noticed for his "war talk" repertoire since the announcement (Faull & Rose, 2012:8). Even later, Harber (2020:67) would write the following: "Minister Mthethwa was not a man known for his political independence. He'd shown a willingness to go along with whatever demands were made of him by the Zuma presidency, in order to keep his position." I have not been able to find scientific research in support of this argument for re-militarisation. It is a vague and ambiguous statement without clarification. What does "real operational energy" mean, for instance? Does it mean that all police services in the world, who are not organised on military lines, are not able to execute "real operational energy"? Does it further mean that a civilian-styled police organisation cannot contribute to "... the reduction of serious and violent crimes"? Does it perhaps mean that only Apartheid-styled policing, which the government was now returning to, is able to create "real operational energy in police work that will contribute to the reduction of serious and violent crimes"?

### **A reduction of serious and violent crimes after re-militarisation?**

Ten years later, crime in South Africa is still extremely serious and violent as shown in the steady upward path of crime statistics: Faull (2021:1/3) reports:

"... worrying increases in violent crime for the last quarter of 2020, including for murder, attempted murder, aggravated robbery and rape. They show that rising murder levels that started in 2012 are continuing and nothing done since then is working to reduce them."

I am not convinced that a military-styled policing agency necessary equals the reduction of crime. I am equally not convinced that a service orientation necessary equals an increase in crime. I simply do not have scientific evidence to either effect. I do have evidence of a policing service that may use the necessary force prescribed by law. But I am not convinced that one needs a military force for this.

### **The end of the post-1990 civilianisation process**

The announcement of re-militarisation ended a civilianisation process of South African policing which started in the free political environment after 2 February 1990, the date on which then State President F.W. de Klerk announced far-reaching political decisions at the opening of Parliament. These decisions included the unbanning of the ANC and other organisations and the release of Mr. Nelson Mandela from prison. The civilianisation process, in the words of George Fivaz, who was the first

National Commissioner of the SAPS, was aimed at a "complete break with the past" (Staff Reporter, *Mail & Guardian*, 1995:3/3). In other words, we did not want the situation that we had. We had rejected the Apartheid policing system decisively. In fact, the post designation of the Ministry of Law and Order under Apartheid was changed to Ministry of Safety and Security after the 1994 elections, specifically to counter the negative perceptions held of the SAP and its Ministry by the majority of our population.

### **The use of force by the SAPS**

One of the arguments at the time was simply centred around the principles of minimum and maximum force. Paramilitary police, we have seen under colonialism and Apartheid, acts like the military proper and employs the principle of maximum force as the military does. And so the military should, as its obligation is (according to section 200(2) of the Constitution of the Republic of South Africa, 1996) "... to defend and protect the Republic, its territorial integrity and its people in accordance with the Constitution and the principles of international law regulating the use of force". The police should not employ the principle of maximum force as the police should not make war on the legal subjects of a country (Botha, in Roelofse et. al., 2012:249). Only the level of force necessary to manage a situation in prevention of a violation of the constitutional rights of another, should be employed by the police. Even then, force must always be commensurate to the threat. The police may take a life lawfully, but then only under strict legal prescriptions (section 49(2) of the Criminal Procedure Act 51 of 1977).

Revisiting the timeline, the reader might recall that the re-militarisation was announced by Minister Mthethwa during April 2010. Then (see Botha, 2015:122) followed the death of Andries Tatane in April 2011, the Marikana massacre in August 2012 and the death of Mido Macia in February 2013. These cases were extremely disturbing and worrying. The narrative unfolds further as various examples of the illegal abuse of force during the lockdown period have appeared in the media. One can be sure that research into police brutality during lockdown will soon appear in academic research documents. Early indications are that brutal, unlawful and maximum force incidents were indeed observed. Once all the evidence is available, we will be able to interrogate the link between militarism in policing and police brutality more conclusively.

### **Police force, service and the ANC**

The above exposition makes one wonder about the governing party's interest in societal safety. It seems quite clear to Taylor (2020:2,3) who is critical of President Ramaphosa's decision to bring "... shoot-to-kill Cele back from the wilderness". He also reminds us that Mr. Nathi Mthethwa, who is currently deployed as the Minister of Arts, Culture and Sport in the ANC government, "was police minister when mineworkers were killed in 2012 at Marikana" (Taylor, 2020:3/3).

With Minister Mthethwa's announcement of re-militarisation, the ANC-in-government simply reinforced the colonial and Apartheid policing systems. Those policing systems (during the

colonial and Apartheid eras) were police forces, not police services. Service to all communities was not the goal, forceful control of society in paramilitary fashion was. One of the main aims that South Africa wished to achieve during the transformation process of policing, was indeed to change "from a force to a service" (Botha, in Roelofse et. al., 2012:258). Among others, this was a main reason for the South African Police **Service** (author's accentuation) to be founded (see section 205 of the Constitution of the Republic of South Africa, 1996. Also, the South African Police Service Act 68 of 1995). The official policing institution of South Africa was meant to be known as the service, not the force.

Unfortunately, all those gains in the design and development of a police service for a constitutional democracy under the rule of law, have been lost. South Africa's ANC dominant party government has emaciated policing in the country. The latest information on the downward spiral that South African policing finds itself in is contained in the *Panel of experts report on policing and crowd management, established by the Minister of Police in terms of the recommendations of the Marikana Commission of Inquiry* (referred to in this article as "the Panel". Referencing is under the surname of the chair and the date of the final report is used for reference purposes). The Panel, with the late Justice D.S.V. Ntshangase as chair, produced its final report on 27 May 2018. However, Minister Bheki Cele, only released the report on 29 March 2021 (Shuma, 2021:1/3). It is now in the public domain as it is freely available on the SAPS's website (<https://www.saps.gov.za>). Three of the 14 panel members have not signed the report, namely Mr. Cees de Rover, the representative of Equity International; and the representatives of the South African Police Union, Mr. Thabo Matsose and of the Police and Prisons Civil Rights Union, Mr. Thulani Nsele. Attempts to enquire about non-signature within the available due date for completion of this article were unsuccessful. The other panel members from Brazil and Zimbabwe, as well as the panel members attached to the SAPS and a host of panel members attached to South African civil society institutions, have signed the report. However, I experience some discomfort with two major labour role-player organisations not signing the report, especially given the delay between completion and release. The obvious reason for discomfort, given the argument in this article that politics in South Africa has an adverse influence over policing, is that politics is probably also at work regarding the findings of the Panel.

### **The Panel's report on politics and demilitarisation of policing**

The Panel is clear on its terms of reference, namely to address the broad issue of professionalising and demilitarising the SAPS (see the expression of future goal achievement in the choice of words, much like the National Commissioner's "establishing" as described in the Introduction) and the more specific issue of protest, the law and crowd management (Ntshangase, 2018:19). Therefore, and in summarised format:

"The Panel advocates for a professional, demilitarised and accountable police service lead by experienced, competent and credible leadership of unassailable

integrity and for a system of crowd management that has as its foundation the responsibility to give full effect to the right of freedom of assembly embodied in section 17 of the Constitution, 1996" (Ntshangase, 2018:20).

A summary of the Panel's findings and recommendations in terms of politics and the demilitarisation of policing, brings valuable possibilities for reflection on the *falsitas* dimension. These findings and recommendations may be presented as follows:

#### ■ **On politics**

The reality of the politics/police relationship around the Marikana incident is disconcerting. The Panel takes note of a view, emphasised by the Marikana Commission, that political influence may have played a role in an instruction from the SAPS top leadership to the operational commanders of the SAPS at Marikana. The instruction, communicated to the commanders by the North West Province Provincial Commissioner of the SAPS on the night of 15 August 2012, was that the police should forcibly disarm the strikers the following day if the latter did not voluntarily disarm (Ntshangase, 2018:21). The Marikana Commission argued that this latter instruction to disarm could not readily be explained and the Commission was concerned for reasons of accountability and transparency (Ntshangase, 2018:26-27). The circumstances around this decision "... remain shrouded in secrecy" (Ntshangase, 2018:30). Moreover, the authority of the Minister to give direction should not affect the operational independence of the SAPS. This risk (of interference with the operational independence of the police) may also present itself on the other two tiers of government when provincial and local politicians put pressure on SAPS officials to act in "a biased or otherwise inappropriate way" (Ntshangase, 2018:27). The Panel discusses the requirement that the Minister has to concur with appointments and promotions at the senior management levels (brigadiers and generals). It states that a legacy of inappropriate appointments is visible in the SAPS and it is concerned about the possibility that inappropriate political considerations may influence appointments and promotions (Ntshangase, 2018:29).

#### ■ **On demilitarisation**

The Panel's view is in favour of community-orientated policing, including "... changing the militarised characteristic of the SAPS management and training culture to one that supports a professional policing ethos" (Ntshangase, 2018:32). It notes a disproportionate emphasis on rank authority to the disadvantage of greater recognition of competencies, skills and expertise (Ntshangase, 2018:32). It is concerned about the structure and functioning of the SAPS's National Intervention Unit and Tactical Response Team, which were both strongly implicated in the killings at Marikana (Ntshangase, 2018:33). Utilising a major-general in the SAPS who has "no recent training or experience in crowd management", carrying out planning for the operation without the involvement of a commander with recent Public Order Policing training and experience in the command team; undermining by the Provincial Commissioner of her own police officials; an absence of command and control when it



was needed; a lack of discipline by members of the SAPS; the base-line formation in which these members were deployed; the use of high velocity R5 rifles; the ditching of a prior plan that the Panel felt would probably have been more successful; and communication issues between police groups, all contributed to the deaths (17 strikers at each of the two scenes) and a lack of medical assistance to the receivers of the SAPS's treatment (Ntshangase, 2018:20-23) are evidently not proving that the re-militarisation of the SAPS was a successful policing policy.

### The fourth estate: Unpacking muckraking reports about policing in South Africa

The term "fourth estate" not only refers to the printed press, but the broader media incorporating print, broadcast and online media in all its appearances and forms (following Harber, 2018a:5/13). Muckraking is a reference to investigating reporting, literally journalists "who dig around in the dirt" (Harber, 2018b:xi). They are disrupters, work on disclosure and the people's right to know (where the magic term "national interest" is mostly to keep information away from citizens, especially where criminality such as corruption is practised by political powers) and reliant on South Africa's constitutional directives regarding freedom of expression and freedom from impunity (Schiffirin, 2017:ix-x; Harber, 2018a; Harber, 2018b:xi-xii). Muckrakers work in a world where officials often resort to official secrecy laws to shut down dissent and persecute whistle-blowers and assorted opponents (Daily Maverick, 2021:2/4).

Investigative journalists are pursued by authorities: take as examples, Jacques Pauw who was pursued in an unimaginable manner (for a constitutional democracy under rule of law, that is) by the SAPS (Pauw, 2017:9-11; Harber, 2018a:6/13), while Marianne Thamm's home was expertly burgled (Daily Maverick, 2021:2/4). A bookshop damaged by ANC Youth League supporters at the launch of Pieter-Louis Myburgh's book, *Gangster's State* had the author flee for his life, but the SAPS needed the owner of the bookshop to open a criminal case before they could act, they said (Burger & Botha, 2019:1). These incidents resemble to us who were there, the "Stratcom" initiatives under Apartheid. Perhaps the following direct quotation by Pauw (2017:10-11) will put the issue into perspective:

"... there were times during the writing of this book that I felt as though I was back in the late 1980s at the anti-apartheid newspaper *Vrye Weekblad*, where we exposed the police death squad at Vlakplaas. Then we lived under a white dictatorship, which banned, imprisoned and killed opponents of the regime. *Vrye Weekblad*'s editor, Max du Preez, became one of the most persecuted editors in South Africa. Our office was bombed. Almost three decades on, we are the children of a constitutional democracy with freedom of speech, association and movement. We shouldn't fear anything from the state except when we commit a crime or don't pay our taxes. And yet, once again, I was speaking to sources in a hushed voice, changing venues at the very last minute and exchanging encrypted messages. At meetings, some told me to switch my phone off and

take the battery out. They reminded me that sensitive state institutions were the victims of mysterious break-ins. We were back in the era of dirty tricks."

Many books and articles are published daily detailing corrupt and other criminal activities from within the political elite circle, yet solid SAPS action in partnership with the National Prosecuting Authority (NPA) is clearly missing in action. Prosecutions of the implicated people in our courts of law are scarce, and none of those implicated has taken any author to task in a legal manner. Some of the issues addressed are provided briefly below. Suffice to say that the political elite, whether in active politics or as a cadre deployed in the clothes of a government official, cannot be as deeply involved with crime if a supportive relationship with the policing agency does not exist - an issue that Hills (2000) has already pointed out two decades ago.

- The late Jackie Selebi was the second National Commissioner of the SAPS and the first African to become President of the International Criminal Police Organisation (INTERPOL). He would probably be remembered for his friendship with a notorious crime boss, who was his friend, "finish and klaar". Selebi was convicted of corruption and sentenced to incarceration in 2010 (Basson, 2010:4 & 308).
- The harassment of Major-General Johan Booysen, erstwhile head of the Directorate for Priority Crime Investigation (referred to as the "Hawks") in the KwaZulu-Natal province of South Africa, and the extent of political interference in policing in that province, leaves one aghast. Indications are, and cases before court are currently reported on, that the most senior police official in that province at the time as well as other senior police officials were actively involved in the immense damage inflicted upon Booysen and the police officials under his control (Pitchford, 2016). Reading Pitchford's account makes it impossible for me to agree that Ubuntu exists.
- The Booysen case has another side to the coin: Harber (2020) wrote a detailed account of the reporting on the case by *Sunday Times* journalists Hofstatter, Wa Afrika and Rose. Suffice to say that the newspaper had to retract the story, resulting in the withdrawal of investigative journalist awards to the three journalists. Booysen suffered irreparable damage and I can never read and believe, on a prima facie basis, any article by any of these three journalists again - once *falsitas* has bitten one, the scar is forever visible.
- The alleged central role of former President Jacob Zuma in criminal activities, and the roles played by his keepers to sustain him, are detailed by Pauw (2017). Several role-players in the SAPS are named, notably individuals in the SAPS's Crime Intelligence Division. A concomitant purging of good police officials who may have threatened these activities is equally described. Harber (2020) would later embroider on these issues from a journalist's view.
- What can one, as a person who has spent his life in the world of policing, say when one reads that role-players in the SAPS's Crime Intelligence Division allegedly play an active part in cash-in-transit heists? This is the information with which Burgess (2018) provides us. A specific case is the

one of Captain Morris ("KGB") Tshabalala (Burgess, 2018:187-193), eventually suffering an "... ignoble end to his underworld career" (Burgess, 2018:193). Allegedly a mastermind of cash-in-transit heists, "KGB" was eventually arrested for submitting false invoices to the Crime Intelligence Division's secret fund (and then recreated as a "undercover cash-in-transit super-spy" (he was, ironically, arrested by Major-General Johan Booysen and his Hawks team for one of these crimes (Burgess, 2018:190)) (Burgess, 2018:193)).

- In her own words, Wiener (2018) tells us the "... story of the rise and reign of the Ministry of Crime". It is an underworld narrative of the relationship between police, organised crime and politics in South Africa (Wiener, 2018:3). The book leaves us with a direct quotation by "... an anonymous senior police official who has spent decades treading the fine line of fighting organised crime in the underworld while trying to remain a good, clean cop: You're going to have to get rid of the rot from the top and work down. It's definitely not going to be easy. It is much damaged. It can be fixed, but it is going to take a long time and it's not going to be in my lifetime. If you don't, you won't have a police service that you on the street can depend on - they're supposed to be there when you are a victim and they're not. They're too busy enriching themselves somewhere else" (Wiener, 2018:450).
- Mr. Ace Magashule, the former Premier of the Free State Province of South Africa who was the Secretary General of the ANC has been suspended, at the time of writing (May 2021) since the ANC has decided that all of its members accused of serious crime should step down from their posts. Myburgh (2019) suggests that Magashule controlled the SAPS in the Free State during his tenure as Premier there and, with his current central role in the ANC, has the power to control the SAPS on a national basis.

### **The occupational environment of the SAPS: culture and sub-culture**

The subjects in the research by Botha (2020) were requested to write a narrative on politics and policing in South Africa. These narratives were then analysed and emerging themes identified. The occupational environment of the police was one of the themes that emerged from the content analysis of the narratives. When the details were examined, it was possible to identify both positive and negative characteristics of the police occupational environment. These are described in terms of the imperatives of South Africa's governance paradigm, namely the constitutional democracy under the rule of law: the negative characteristics are consequently described as "unacceptable police occupational environment characteristics", and the positive characteristics as "acceptable police occupational environment characteristics". This simply means that the negative characteristics were unacceptable to the imperatives of a constitutional democracy under the rule of law, while the positive characteristics are acceptable to the international understanding of that specific governance paradigm. The details of the two sets of characteristics are discussed as follows:

### **Unacceptable police occupational environment characteristics**

These characteristics are:

- "Disgusting" - one of the subjects learned that police people were ordinary people and not necessarily "pigs with weapons" (Botha, 2020:101). That police officials are compared to animal characteristics that some people see as disgusting, seemed a plausible explanation;
- indiscriminate use of equipment, inclusive of firearms, by the police;
- conflict-inclined police officials;
- abuse of power;
- police as killers, murderous;
- torture, specifically racially-minded;
- "stuffed" police people - being in trouble and totally immersed in uncontrollable circumstances. It is about being defeated heavily and being worthless, meaningless and ruined;
- politically partisan;
- suppression of regime opponents;
- military nature of the police culture;
- criminally-minded;
- bad and toxic leadership; and
- force, rather than service.

### **Acceptable police occupational environment characteristics**

These characteristics are:

- Neatness (appearance);
- professional (effective and ethical) leadership;
- constitutionally-minded;
- respect for ancient and pre-colonial societal order systems;
- knowledge-based; and
- professional policing.

### **Discussion on police culture, and police sub-culture**

The acceptable police occupational environment characteristics can easily be married to a constitutional democracy under the law of law, while the unacceptable police occupational environment characteristics will find it difficult to be housed in that specific governance paradigm. Therefore, I argue that the acceptable police occupational environment characteristics can serve as a "sub-culture", since it forms part (the "sub") of the culture of society namely a constitutional democracy under the rule of law. The unacceptable police occupational environment characteristics would rather find a place in authoritarian and failed states. It will sit easily within the compounds of the police state. Therefore, I argue that the unacceptable police occupational environment characteristics represent a "culture" on its own as it does not fit into the culture of our society. It is clear, from the discussion on the real view of policing professionalism so far, that the unacceptable police occupational environment characteristics were clearly evident during colonial rule, the time of Apartheid and currently, under the so-called democratic rule that is said to have followed our first all-franchise elections in April 1994. Therefore, if we are indeed a constitutional democracy under the rule of law, then our police occupational environment should be seen as the police sub-culture, since it

would reflect the acceptable characteristics - which it does not currently, judging from the evidence provided in the discussion on the real view of policing professionalism to this point.

### **Police culture: Real indications from the Panel of Experts Report on Policing and Crowd Management (2018)**

I have already drawn attention to the Panel's views on politics as well as demilitarisation of the police earlier in this article. I will now refer to police culture. The Panel bemoans the fact that the existence of a culture permeating to the very highest levels of the SAPS "... supports SAPS members in evading accountability in wrongdoing" (Ntshangase, 2018:23). It is also concerned about the conduct and integrity of top police commanders since their behaviour will "... impact directly on the dominant police organisational culture" (Ntshangase, 2018:28). Interesting aspects of the SAPS's occupational environment are reflected in the Panel's report (Ntshangase, 2018:30):

- The high-level decision to disarm the strikers remains shrouded in secrecy;
- after the shootings, SAPS members tampered with the evidence at Scene 2;
- the SAPS's participation in the Marikana Commission proceedings were obstructive, evidence was not truthful and information was withheld from the Commission;
- a "blue code of silence" was observed - SAPS members have a culture of solidarity and are therefore expected to protect each other against being held accountable for wrongdoing;
- management culture is to put performance in a positive light instead of working on a basis of reliability and accuracy;
- SAPS's organisational culture appears not to encourage or support critical reflection (when things go wrong, the SAPS becomes defensive, rather than to assess facts objectively);
- as a result, there is little room for organisational learning from experience; and
- overall, the culture of the SAPS is not one in which honesty and truthfulness is (sic) highly valued.

### **Policing professionalism: Real indications from the Panel of Experts Report on Policing and Crowd Management (2018)**

The Panel provides us with the following facts (Ntshangase, 2018:20-23):

- A major-general in the SAPS with no recent training or experience in crowd management was tasked with intercepting and engaging with a group of armed strikers;
- SAPS members involved in negotiations with the strikers were undermined by their own provincial commissioner who discouraged Lonmin from negotiating;
- authority to make decisions were removed from the operational personnel at Marikana;
- a plan that could have been more successful, was ditched and replaced with a rudimentary plan and cursory briefing;
- planning for the operation of 16 August 2012, where 34 people were killed, was carried out without the involvement of any commander with recent Public Order Policing training and experience;

- the SAPS Standing Orders governing the conduct of crowd management operations were disregarded;
- the SAPS did not prioritise the protection of life - they went ahead with the operation being fully aware that it was likely to lead to the loss of life;
- communication problems between police units meant that police members thought that the strikers were shooting at them while it was actually other police unit's bullets flying around: units opened fire against this shooting and killed 17 strikers at Scene 2;
- one of the SAPS commanders diverted paramedics from Scene 1; few police members had first aid training; police members that were trained in first aid did not regard themselves as having any duty to provide first aid to injured persons; and
- the SAPS's National Commissioner began to promote a strategy in terms of which the SAPS would deny that it had done anything wrong at Marikana, and provide misleading information about what had happened.

### **THE NORMATIVE VIEW OF POLICING PROFESSIONALISM IN SOUTH AFRICA: THE QUEST FOR TRANSFORMING AN OCCUPATION TO A PROFESSION**

With the term "normative", I mean an ideal situation that can be derived from a standard, norm or principle. The real view of policing professionalism in South Africa paints a bleak picture. That picture needs to be compared to the normative view of policing in South Africa for South Africans to make an informed decision on the standard, norm or principles on the issue of policing professionalism that will be acceptable to us. In this part of the article, policing professionalism will be unpacked in terms of both concept as well as context.

#### **Policing professionalism: the concept**

The overriding theme behind the theme in this article, is the knowledge that the current policing system in South Africa, under ANC rule, compares favourably with the policing systems practised under colonialism and Apartheid. It will therefore be useful to interrogate the issue of policing professionalism also during those eras. Although it is now accepted that "policing" (even if the word was not known then) or a system of societal safety existed among the first people of South Africa (Botha & Hewitt, 2020:10-12) before the arrival of people from Europe to settle here, studies on the characteristics or form of professionalism in those early civilisations are not available. It is certainly an area for deeper scientific investigation.

#### **Britain: the early view of policing professionalism**

In Britain, South Africa's colonial ruler except for a few years under Dutch rule, the early view of professional policing was a simple one. It was a move from a system of voluntary protection of the self and others to a system of an organised policing environment. In this environment, police officials were enlisted in a policing organisation, paid a salary and offered other employment benefits (Mellville Lee, 1901; Howard, 1953; Van Heerden, 1976; Emsley, 2009). It involved the pursuance of a policing professional model which evolved to random patrol,

rapid response and reactive investigation (Neyroud, 2014). This model, being largely discredited, opened the gap for Evidence-based Policing (EBP): a new model of professionalism (Neyroud, 2014) based on targeting, testing and tracking (Faull, 2020:2/5;3/5).

### Policing professionalism during Apartheid

A study conducted by Van Heerden (1979) investigated the practical implications that the academic development of police officials would have for the South African Police (SAP). Several characteristics of a profession, quite in line with the characteristics described in the next paragraph, are discussed (Van Heerden, 1979:24-25). He argued for a continuum of professionalisation in that the real question is not if the occupation is a profession, but to which extent the occupation can be regarded as a profession (Van Heerden, 1979:22). At the end, Van Heerden (1979:45) concludes that higher education qualifications are the primary trigger for the SAP to obtain professional status. Therefore, one can say that policing professionalism can be achieved through knowledge generation and dissemination.

The study was marked "Confidential" and Van Heerden declared on the title page that the study was conducted upon recommendation by the Commissioner of the SAP and with the approval of the Minister of Police. He also declared that the findings of the study and the viewpoints supported, were those of the researcher - it did not necessarily represent the views or policy of the SAP. This proved to become a huge issue in the academic development of police officials some 11 years later. In 1990, with South Africa's political environment changing drastically, the study was regarded as part of the Afrikaner nationalist criminology environment. The discipline Criminology as well as Van Heerden's brainchild, the discipline Police Science, was rejected by critical thinkers such as Van Zyl Smit and Brogden (Botha, in Roelofse & Gumbi, 2018:97, 98) because of its perceived close relationship with the Apartheid government of the time. Van Heerden, in various personal discussions over many years afterwards, was hurt badly as he perceived his life work disappearing. This is a pity, and I would be content if I could have spared him this turn of events.

### Policing professionalism in South Africa after 1994

The content of the paper by Faull and Rose (2012) has a broad remit. In the words of the authors themselves:

"This paper does not seek to offer new empirical data informing the police professionalism debate. Instead, it explores the idea of a professional police agency while probing what the concept might mean in the South African context" (Faull & Rose, 2012:1).

However, the paper contains valuable research information from which the characteristics of policing professionalism may be extracted. The same situation was found in Botha (2020) where several authors were utilised for the same purpose. Extraction was done by content analysis of these sources and the capturing of emerging themes.

At the end three themes emerged from the exercise, namely:

- The **knowledge environment** of policing professionalism puts high value on specialist knowledge needed by the profession to take evidence-based decisions. Continuous development, which could be translated also into life-long learning, is a necessity as research broadens the policing body of knowledge (POLBok). This places knowledge dissemination through education, training and development (policing ETD) in the spotlight. The whole process is dependent on an effective partnership between policing practitioners and policing researchers. Policing practitioners are supported by policing researchers with peer-reviewed research for purposes of policy and operational practices. EBP and KL again enter the scene, and should work in tandem. KL can contribute to EBP in that it highlights the influence aspect of leadership to the extent that both police leaders as well as academic leaders could influence (not manipulate) the partnership between practitioners and researchers to the benefit of policing policy. The end in mind would be that the community will benefit from the policy so developed and, consequently, from policing in a constitutional democracy under the rule of law. The knowledge environment advocates an applied science, built upon a body of abstract knowledge and professional literature and professionalisation takes place through academic interventions. The promotion of policing as a scientific discipline must be accelerated beyond current boundaries. The symbiotic relationship between policing and most, if not all, other scientific disciplines give impetus to this statement.
- The **regulatory and image environment** of policing professionalism places emphasis on an increase of internal and public accountability. It advocates for the guarding of the police profession's image at work and in private life and argues in favour of self-discipline. The policing profession should be regulated by an independent professional regulator, requiring registration of policing officials and eventual scrapping off of the role of policing professionals in the event of misconduct. The regulator should be the accountable agency for enlistment, appointments to posts, promotions, disciplinary issues and standard setting. The regulatory and image environment indicates an exclusive membership operationally independent from political interference. The appointments of people in the professional policing institution must be commensurate with the ideals of professional service delivery, from the National Commissioner of the SAPS down to entry level appointees.
- The **legitimacy environment** of policing professionalism places high emphasis on a duty to serve where the broader policing mandate in the environments of problem-solving and social work makes the policing duty of care visible. Hard, selfless work is required and the community is treated with dignity and respect. The police professional knows that he or she must be seen to be trustworthy before demanding to be trusted. Respect is therefore earned; it does not come into play as a by-product of rank or choice of profession. Therefore, the police professional understands the value of perceptions and political non-partisanship. In this environment, the generation of public acceptance

through accountable policing must be effected in a co-productive and inclusive dialogue process.

### **Normative indications from South Africa's National Development Plan (2030), as well as from the Panel of Experts Report on Policing and Crowd Management (2018)**

South Africa's National Development Plan (NDP), 2030, was adopted on 12 September 2012, a mere month after the Marikana killings of 16 August 2012. To date, policing commentators in mutual discourse are *ad idem* that none of the five priorities for achieving a crime-free South Africa has received attention. These priorities are:

- Strengthening the criminal justice system;
- making the police service professional;
- demilitarising the police service;
- building safety using an integrated approach; and
- building community participation in community safety (NDP, 2012:350).

The NDP provides very specific recommendations for all of the five priorities - in fact, an analysis of the detail written up in the priorities is a blueprint of actions. The work has already been done. It does not need another author to report the detail in an academic journal. Suffice to say that the recommendations merely need implementation, which is not the function of an academic author. Unfortunately, the implementation of the NDP has been slow. Given the visibility of the five priorities in our daily existence, the observer may be tolerated for harbouring an opinion that the criminal justice system is still in need of strengthening (as the crime statistics and problems in our courts and the correctional system indicate); the discourse on policing professionalism is still open (as, indeed, in this article); the SAPS is still not demilitarised (not in behaviour, nor in appearance of uniform, arms or insignia); an integrated approach to safety still needs work; and community participation still suffers from police-community antagonism in many parts of our country. A discussion of the full implications of the statement above requires a separate article. However, it is useful to look at the strategic plan of the Civilian Secretariat for Police Service (CSPS) (South Africa, 2020) for some guidance. Aspects of the NDP are visible in the Plan, mainly in terms of implementation of the 2016 White Paper on Policing (on reducing crime and building safer communities), implementation of the National Policing Advisory Committee (giving effect to the National Police Board envisaged in the NDP) and the development of a policy framework for the integrated model of policing envisaged by the NDP.

The problem though lies in the fact that these imperatives are again something being planned to be effected in the future. It remains to be seen what the results will be by the end of the timeframe.

The Panel created a framework for professionalisation of the SAPS, presented here (Ntshangase, 2018:24):

- Policing that is competency-based and principle-based;
- greater accountability both within the governance of the police and within the SAPS itself;

- measures to ensure that personnel at the leadership level are experienced, competent, credible and of unassailable integrity;
- ensuring that the use of force by police complies with human rights principles;
- the provision of first aid to injured persons in terms of a duty of care; and
- re-affirming the commitment to a service orientation and other measures to consolidate de-militarisation.

Unfortunately, as with the NDP, I have to report that the work has been done, it now simply needs implementation. As noted earlier, nearly three years were spent between the adoption of its final report by the Panel, and the Minister of Police's release of the report, while three of the panel members have not signed off on the report. Chances, if compared to the non-implementation of the NDP, are not good that any of the Panel's recommendations will be implemented in the near future, if ever. It probably does not suit the ANC politically to implement the work done by structures that the ANC-in-government has appointed and funded.

### **Policing professionalism: the context**

Although some references are indicated in this paragraph, the structure and content are mostly the result of my role as an indigenous outsider participant observer as described earlier on in the article. The contexts are discussed below.

#### **The personal context**

The policing professional must believe in policing professionalism, and practice it him- or herself. The policing professional does not kowtow to political expedience when the latter influences the organisation in other ways than following research based on epistemological, methodical and ontological perspectives. The policing professional must be able to withstand the consequences of opposing powerful political individuals irrespective of the consequences. It is a principle-based lifestyle, and indicates self-leadership.

#### **The interpersonal context**

The relationship between the policing professional and other people (colleagues, victims, alleged perpetrators, other policing agencies, et cetera) is a corner stone for the delivery of professional service to the community. It reflects the sub-culture idea discussed elsewhere in this article and represents the opposite of bad and toxic leadership and ineffective policing leadership. This entails a caring attitude, and interpersonal leadership.

#### **The organisational context**

The policing professional adheres to the imperatives of South Africa's constitutional democracy under the rule of law. This governance paradigm is, after all, South Africa's chosen settlement to deal with our history. All other governance paradigms, ideologies and concepts are not supported by the policing professional - she or he withstands state capture approaches by politicians operating under the guise of a constitutional democracy under the rule of law.

## A STEEPLE analysis

STEEPLE is a mnemonic which refers to social, technological, economic, educational, political, legal and environmental contexts. Professor E Schwella (Dean of Social Innovation at Huguenote College) is credited with this expansion of the well-known PESTLE analysis, and my exposure to it.

First, the social context: Policing is a social service. In the community, the police are the most visible and most accessible representative of government (Botha, 2020:61). It therefore represents the public governance environment in South Africa. Because of the nature of the police's duties in the community, they are required to be among the community. In fact, even in cases where other departments should take the lead (for instance in social development issues), the police are often the first responders to incidents, whether criminal-related or not. The police are required to respond whenever communities protest, often violently, against perceived poor service delivery by government. These incidents have the potential to harm the relationship between the community and the police, which relationship is necessary to maintain a partnership between the community and the police. The policing professional will not only be required to influence the police as an organisation, but also all spheres of public governance (national, provincial and municipal) in an effort to support professionalism among these structures.

Second, the technological context: Technology is increasingly used in criminal activity and various reports about this phenomenon are available in the media. These reports describe a world in which gifted people turn their minds towards using technology to *inter alia* hack and defraud others. As an example of the technological context in policing, a recently described investigation into the role of the cellphone in a criminal act is an example of knowledge generation that may be used effectively by the police's knowledge leaders. According to the Lochner principle (Lochner & Zinn, 2015), there is non-visible contact between the cellphone and the scene of crime, whereas the Locard exchange principle (Lochner & Zinn, 2015) explains that some traces of the perpetrator stay on the scene, and some traces from the scene will stay on the perpetrator. These may be made visible by way of dactyloscopy and other forensic investigations. The Lochner principle describes the fact that traces of the cellphone will not be found directly on the crime scene but that the location of the cellphone is recorded by the cellphone network which is not at the scene of crime. The traces that may be linked to the scene are therefore mapped through telecommunication techniques by the relevant service provider. Other investigators have been using this principle before Lochner and Zinn (2015) described it, but their work contributes to the body of peer-reviewed scientific knowledge available in the public domain, which is therefore reliably usable by professionals in policing.

Third, the economic context: The policing professional should be acutely aware of possible causes of crime as a result of the economic environment. Burger (2007) for instance, points out the effects of poverty and unemployment in crime causation.

Although crime is caused by a combination of factors, the part played by economic factors (the discourse on crime as a profession) cannot be underestimated by the police professional. This includes taking cognisance of the latest criminological and other research which investigate the root causes of crime. In organisational terms, the policing professional understands the spending of a public budget and the wider public financial management system.

Fourth, the education context: The policing professional is also a knowledge leader. Apart from own learning, the knowledge leader also has other functions, namely as coaches, facilitators, teachers and developers. It is important to emphasise that knowledge leaders create a climate in the police organisation that supports learning and unleashes a thirst for knowing more (and therefore, supports lifelong learning). I argue that this is the only way to lead the police in a constitutional democracy under the rule of law. Van Heerden (1976) emphasises this point in a special way by writing about the symbiotic relationship (which he borrowed from Biology) between Police Science on the one hand, and other disciplines on the other. These include the law, Criminology, Psychology, Public Administration, Sociology and several natural sciences (such as chemistry). The question therefore is: why does South Africa still appoint young people with Matric certificates, approximately the same procedure followed from the colonial era and the Apartheid era, to police an advanced constitutional democracy under the rule of law? (Although recommended, matric was not always a prerequisite during those eras. As long as the police official was physically strong, could subdue another person with physical techniques and was able to shoot well.) Of course, I do not indicate that young people should not get the opportunity to join the official policing structure in the country - far from it. But should our police officials not at least have a tertiary qualification from a registered higher education service provider? This issue needs to be expanded on in future research endeavours.

Fifth, the political context: This context is part of the overall investigation of this article. Suffice to say that the history indicates an unbecoming politics/police relationship. The policing professional is required to form policing policy based on research, not on political expedience that may be counter to the imperatives of a constitutional democracy under the rule of law.

Sixth, the legal context: Suffice to say that the policing professional is a staunch supporter of the constitutional democracy under the rule of law.

Seventh, the environmental context: In South Africa, land and water are issues of national discourse. So is poaching and illegal mining. This discourse may lead to protest action which, as described under the social context, will inevitably lead to the activation of the police. The policing professional taps into all his or her knowledge resources to deal with these situations. The policing professional will understand the emotions and the difficulties on all sides of the debate and attempt to exercise authentic influence in order to prevent negative effects.

## Conclusion: the juxtapositioning of realism and normativism

In this article I argue that, in South Africa under the ANC government, we have ample reason to be concerned about the *falsitas* surrounding government's utterances about policing professionalism. Evidence has been offered to the effect that the SAPS in general is a para-military force assisting a dominant political party to stay in power by suppressing opposition to the party and by being involved in the criminal underworld. Not one bit of this evidence has at the time of writing (April 2021) been challenged by the implicated individuals or groups in South African courts. Yet, we have ample normative work that we simply need to implement to make everything better. Unfortunately, this does not seem to be a priority to the South African government.

South Africa's biggest liability is the government that we have. Given its ability to cling to power through the majority vote, we can be assured of adverse political influence in our policing system for a long time. The thinking inside the ANC-as-government will not change as the culture of corruption and *Baasskap* is too deeply entrenched. Our only way out is to embark on the advocacy needed through which government will be forced to implement the recommendations of the NDP and the Panel as discussed in the article.

In the end, the question remains: *quis custodiet ipsos custodes?* (Who will guard the guards themselves?).

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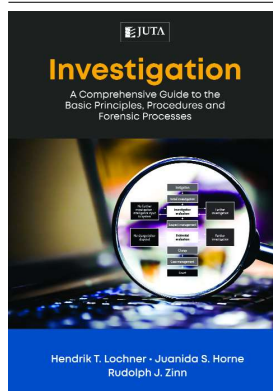


# BOOK REVIEW

Chris Botha

Governance and leadership professional with a special interest in societal safety.

## Investigation: a comprehensive guide to the basic principles, procedures and forensic processes



**Author:** H. Lochner; J. Horne and R. Zinn  
**Published:** 2020, Juta and Company (Pty) Ltd  
**ISBN:** 978 148512 675 1

**Investigation: a comprehensive guide to the basic principles, procedures and forensic processes** is highly recommended as a crime investigation source for investigators and scholars alike.

This South African textbook on the investigation of crime is an inclusive source as it not only focuses on state organs of crime investigation. The authors all have extensive practical (56 years combined) as well as academic backgrounds in the investigation of crime. In this regard they are currently typical indigenous outsider participant observers in the environment of crime investigation, measured against the characteristics of Banks' participant observer taxonomy.

The diagram on the cover page provides a clear, yet simple, picture of the main milestones of crime investigation, a diagram that leads the reader into the content of the book. This "comprehensive" yet "basic" guide deals with all or most fundamental aspects (timeless, epistemologically defensible) of crime investigation, and it does so in an easy to understand way.

In real terms, the principles, procedures and processes are covered as follows in the book: ethics (and the role of the investigator in the investigation of crime, chapter 1) precedes the characteristics of criminal and forensic investigation (chapter 2) which is followed by the principles in criminal investigation (chapter 3) and the role of the crime scene in the investigation of crime (chapter 4). Chapter 5 deals with evidence, chapter 6 with the documentation of a crime scene and the investigation of the case with chapter 7 explaining arrest and detention. Statements are dealt with in chapter 8 with chapter 9 concluding the book with an explanation of the case docket and testimony in court. The content of the book is clearly structured as integrity-driven, people-driven and outcomes-driven.

The decision to include the annexures at the end of the book is applauded. So often policing education, training and development interventions give adequate attention to the academic aspects of a

policing phenomenon but largely ignores the practical issues. The forms supplied should assist the reader in understanding the aspects described in the text and add to their understanding of evidence through competent paperwork. As such the "police and policing body of knowledge" (POLBoK) could be augmented in the public domain.

The introduction of POLBoK here urges one to entertain Evidence-Based Policing (EBP), which indicates a relationship between policing researchers and policing practitioners. It is clear that the textbook was written with academic research as basis. The contents of the book are based on the work of several South African researchers as well as some of our research colleagues from other parts of our continent (refer to pages 33 - 35, for instance). Given the distinct African/South African base of the research used to compile the book (even with the contribution on policing in Africa by researchers with Northern Epistemology status such as Hills, see page 35), the development of an African/South African Policing Epistemology is augmented by the publication of this textbook.

Unfortunately, although references to sources are made in the text of the book, a complete list of references was not supplied. Where an end note was supplied (on p 30), it was incomplete. Inclusion of a bibliography or complete end notes/footnotes would augment an already highly useful textbook and allow other researchers to evaluate the authors' interpretation of utilised sources.

### Recommendation

However, despite my criticism, this book is highly recommended as it is based on research and written by highly experienced and qualified individuals. I am convinced that it will be useful to academics and practitioners alike and instrumental in the quest for success in crime investigation.

# UPCOMING ISSUES

The editorial team of the **JUST AFRICA** Journal invites submissions for articles for the publication in its upcoming issues.

The details are as follows:

Issue	Theme	Submission date	Publication date
ISSUE 2/2021	EVIDENCE-BASED POLICING	15 AUGUST 2021	30 NOVEMBER 2021
SPECIAL EDITION	POLICING AND LAW ENFORCEMENT IN TIMES OF COVID-19 (OR OTHER PANDEMICS)	15 JANUARY 2022	30 APRIL 2022

## Submission details

- Article submissions should be forwarded to the Editorial Manager: Jeanette Smit via e-mail: JeanetteS@stadio.ac.za
- The editorial policy and guidelines are available to download from: <https://www.servamus.co.za/index.php/journal>
- An article contribution will be considered, provided that it has been edited and is ready for processing in terms of language, proofreading and complies with the technical format and referencing as provided for in the editorial policy and guidelines.
- The editorial committee will submit the article contributions to referees in a double blind peer review process for evaluation whereafter the committee will decide whether to accept or reject an article.  
Where changes are deemed necessary, articles will be referred back to authors for finalisation.
- A publication fee may be levied at the discretion of the editorial committee for every article published in the **JUST AFRICA** Journal. NGOs, unaffiliated authors, international scholars, etc., who do not have access to research grants to fund expenses of this nature, may be exempted.
- At least one article will be reserved for upcoming researchers including students in Criminal Justice, Corrections and Traffic Management, who are busy with their Masters.
- Submissions for academic book reviews may also be forwarded to the Editorial Manager.

