

AN OPERATIONAL ANALYSIS OF KNOWN RAPE CASES IN THE GREATER
GEORGE AREA

by

MARK LORTON POCKPAS

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SUPERVISOR: MRS B C BENSON
CO-SUPERVISOR: DR N J C OLIVIER

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ABSTRACT

In an attempt to find more information on the developing of an offender profile through docket analysis, the researcher utilised sources available in the Greater George area, as well as national and international material. The initial idea was to test the general knowledge of the concept “offender” profiling locally, in order to research and later suggest how such a profile of a rape offender could be developed through docket analysis.

To establish this, it was important to indicate how offender profiling forms part of the objectives of investigation of crime. The objective – the individualisation of crime – was directly linked to profiling, as it suggests that the crime is an act of a particular person or persons. At the heart of the concept “profiling”, it is suggested that the trademarks of the offender can be deduced by carefully and painstakingly examining the characteristics of the offence. This information can, at a later stage, predict the most likely offender who could have committed the offence.

When the odds are against one in the investigation of crime – more specifically, a rape case – the concept and goals of offender profiling should most definitely be considered as a key aid.

LIST OF ABBREVIATIONS

CAS	–	Crime Administration System
BI	–	Business Intelligence
FBI	–	Federal Bureau of Investigation
FCS	–	Family Violence, Child Protection and Sexual Offences Unit
IPU	–	Investigative Psychology Unit
M. Tech	–	Magister Technologiae
NCIC	–	National Crime Information Centre
NCPS	–	National Crime Prevention Strategy
SAPS	–	South African Police Services
UNISA	–	University of South Africa
VICAP	–	Violent Criminal Apprehension Program

Student number: **3726-015-4**

I declare that **AN OPERATIONAL ANALYSIS OF KNOWN RAPE CASES IN THE GEORGE AREA** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

SIGNATURE

(Mr M L POCKPAS)

DATE

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CHAPTER ONE

GENERAL ORIENTATION

1.1 INTRODUCTION

Crime in South Africa, as indicated in the South African Police Service (SAPS) crime statistics, is very high (*Crime statistics*, 2009). Various crimes contribute to these statistics. For the period April 2004 to March 2005, 18 793 murders, 55 114 rapes, 24 516 attempted murders, 249 436 cases of assault with the intent to inflict grievous bodily harm, as well as other crimes, were reported. With over 52 000 rapes reported every year, South Africa has the highest rape rate for countries that record these statistics (Du Plessis & Louw, 2005:432).

The organisation (SAPS) has, over the years, implemented various plans to curb the escalation of crime. Documents such as the National Crime Prevention Strategy (NCPS) (1996) and the White Paper on Safety and Security (1998) clearly set out these plans. A further initiative was the Strategic Plan for Policing, 2004–2007, wherein, under Key Programme 3, it states that the objective is to contribute to the successful prosecution of crime, by investigating and gathering all related evidence, and preventing the crime detection rate from decreasing in 2004–2005 (*Strategic plan for the South African Police Service 2004–2007*, 2004). This information reflects to crimes in general and the possible results to be achieved through these programmes.

According to Adams (2005:2), people are more likely to be murdered or raped in the Western Cape than in KwaZulu-Natal or Gauteng. She further states that in the Western Cape the number of rapes reported increased by 12.2 % more than double the increase in Gauteng and KwaZulu-Natal. Although the reporting of rape is on the increase, the solving of and conviction in these cases remains a challenge.

According to Adams (2004:7), based on information released, the overall number of rape convictions had decreased from the previous year, when investigations resulted in just over 8% of perpetrators being jailed. She indicates that in the Western Cape, statistics mirrored the national average of 4,

5% – a mere 95 of the 2 077 reported rape cases resulting in a successful conviction. In the Western Cape is a rural area, the Southern Cape, which has contributed to the statistics. The researcher consulted statistics, obtained from *Crime statistics* (2009), for the Southern Cape area, which showed that for the Greater George area the total number of rape cases reported for the periods April to March, in 2002–2003 and 2003–2004, were 151 and 183, respectively. These totals formed part of the largest contributors to all rape cases reported in the Southern Cape (which has 23 police stations). The researcher identified the high number of rape cases reported for the Greater George area as a matter of concern.

Du Plessis and Louw (2005:428) point out that when analysing official crime statistics, it must be noted that real crime levels will be under-counted, because offences that are not reported to the police are not reflected in the data. All this indicates an escalating high figure in the reporting of rape. Further statistics also shows that a problem exists in the conviction rate, as indicated by Adams (2004:7).

Based on this, the need arose to peruse case dockets, in order to establish the real cause of the problem. Prior to the study, the researcher visited Conville police station and took out ten rape dockets that were reported in 2003. The dockets were only paged through and spot checks were done. In these dockets the researcher looked for the following information:

- The status of the case, filed unsolved/solved.
- Whether a suspect was charged or identified.
- The quality of the statements.

It was found in these ten cases, that suspects in four of them were identified and the cases solved. In the rest, the victims were unable to give a description, as they were under the influence of alcohol. No suspects were arrested, and therefore six cases remained unsolved. In these six cases the information given by complainants only indicated that they were attacked and raped by an unknown male. According to Serfontein (2005), a great problem exists in the positive identification of suspects. The interview with this participant further

motivated the researcher to pursue with his research. To contribute to the increase of identifying possible suspects, the researcher identified a concept known as “offender profiling”.

Jackson and Bekerian (1997:83) suggest that offender profiling should be seen as one of a number of analytical tools for use in investigation. The identification of a suspect(s) can be made possible by means of a profile compiled from a current case. The researcher suggests that by means of information retrieved from case dockets, based on information gathered from crime scenes, the number of suspects can be narrowed. Valuable information is explained that can help in developing an offender profile through docket analysis.

1.2 AIM OF THE RESEARCH

It is understood from Mouton (2001:50) that the aim of research is about what one wants to find out, what one is planning to do, and achieve or establish through one’s research. The general purpose of an aim is to give guidance for the researcher to stay on track, and focused, with the research problem identified. This is to ensure that a possible solution is identified which is directly linked to the research problem.

The aim of this study was to develop a guideline on how to establish an offender profile for rape cases through rape docket analysis, by means of a case study in the Greater George area.

1.3 PURPOSE OF THE RESEARCH

Denscombe (2002:25) indicates that the statement of purpose is an indication of the focus and direction of the research, and provides criteria for the evaluation of the outcomes of the research. Maxfield and Babbie (2000:19–20) state that criminal justice research serves many purposes namely, exploration, description, explanation and application.

The purpose of this research was fourfold: firstly, to evaluate the existing situation and establish the strengths and weaknesses of rape investigations; secondly, it intended to explore national and international literature to collect

facts on how offender profiling through docket analysis could be done; thirdly, the purpose was to apply the new information, with the aim of making recommendations for profiling to enhance performance and fourthly, it was to empower the researcher and investigators with knowledge that would make investigations more effective and efficient.

1.4 RESEARCH QUESTIONS UNDER INVESTIGATION

According to Maree (2007:3), a research question specifies what intrigues one, and focuses on what one will study. It further becomes a beacon that guides a researcher during the period of research, to find answers to that question.

In this research, the focus was on answering the following two research questions:

- What does offender profiling consist of?
- How can a rape offender's profile be developed through rape docket analysis?

1.5 KEY THEORETICAL CONCEPTS

For the purpose of this study the following concept definitions are provided as they will be understood in-text:

1.5.1 Offender profiling

"... is commonly associated with inferring characteristics of an offender from the actions at the crime scene" (Canter & Alison, 1999:5).

1.5.2 Profile

"... provides the investigative agency with characteristics of the unidentified offender that differentiate him from the general public" (Hazelwood & Burgess, 1999:116).

1.5.3 Identification

“... means that all items share a common source, the items can be classified or placed into groups with all other items having the same property” (Fisher, 2004:5).

1.5.4 Rape

“Any person (“A”) who unlawfully and intentionally commits an act of sexual penetration with a complainant (“B”), without consent of “B”, is guilty of the offence of rape (South Africa, 2007).

According to Snyman (2006:449) rape is generally defined as an act of unlawful and intentional intercourse by a man with a female without her consent. The last mentioned definition was amended and the proclamation of the changes in 2007. The researcher for the purpose of the study will focus on the old definition of rape by referring to the offender as male and victim as female.

1.5.5 Case docket

“A case docket is an official document in which record is kept of reported crime and of its investigation” (*Basic crime investigation practice*, Module 3, 2009:2).

1.6 RESEARCH DESIGN AND APPROACH

Singleton and Straits (1999:91) suggest that a design basically consists of a clear statement of the problem, and plans for gathering, processing and interpreting the observation, intended to provide some resolution to the problem.

The researcher made use of an empirical design in the research. It is further stated by Denscombe (1998:60) that empirical research involves the idea of getting out of a chair, going out of the office and purposefully seeking the necessary information ‘out there’. This direct approach became necessary, due to the limited information available. The researcher therefore gained knowledge by means of interviewing experienced investigators, to see what was happening in practice.

A qualitative research approach was used to collect specific information. According to Creswell (1998:15), qualitative research involves the studied use and collection of a variety of empirical materials – case study, personal experience, introspection, life stories, interviews, observation, history, interaction and visual text that which describes routine and meaning in individuals' lives. From this it was understood that the researcher needed to come into contact with the most relevant sources of information, in his quest. For that reason, the researcher made use of personal interviews with investigators, literature based on current and previous studies, and docket analysis, in the information collecting process.

The research approach was further based on Creswell (1998:17–18), in which he states that the topic needs to be explained, because of the need to present a detailed view of it. The research was necessary, in order to throw light on how an offender profile can be developed through docket analysis. The topic was carefully summarised to ensure that it was fully represented in the research questions. This enabled the researcher to question available literature sources and also individuals. The researcher used this opportunity to retrieve literature nationally and internationally, which related to the topic. The researcher made use of Internet searches to assist in retrieval of data from relevant websites. During this process, the researcher also double checked and confirmed that there was no similar topic that had previously been researched. From these questions, the researcher compiled an interview schedule to use for interviews with investigators in the study area. The investigators' knowledge and experience of the topic was recorded and assessed. Case dockets were scrutinised to find more information on the topic.

1.7 POPULATION AND SAMPLING

Maxfield and Babbie (1998:87) indicate that the population for a study is that group, usually people, about whom one wants to be able to draw a conclusion. The population relevant to the purpose of the study should be all general investigators and FCS investigators attached to the SAPS in all nine provinces of South Africa. Interviews would have had to be conducted with all these

investigators, in order to be able to draw a conclusion. However, due to limited time, and the costs involved in a study where the whole population is used as the sample, the researcher focused on a smaller group (target population) of investigators in a specified precinct.

A target population is that aggregation of elements from which the sample is actually selected (Maxfield & Babbie, 1998:186). The researcher based on this identified two samples that is representative of the target population. The need arose to identify active investigators from the George, Conville, Pacaltsdorp and Thembalethu local detective branches and the George Family Violence, Child Protection and Sexual Offence (FCS). The researcher is currently employed and based in the Southern Cape which forms part of the Western Province. The researcher identified the Southern Cape for the reason that it was easily accessible and economically viable. This, however, had no negative effects on the quality of the research. The Southern Cape consists of a total of 23 police stations that contribute to the crime statistics of that specific area. From the 23 stations, four stations have reported the highest rape cases, in comparison to the other 19 stations in the Southern Cape. These four stations contributed, in total, 70% of the reported rape cases for the Southern Cape. A further basis for selection was that these stations were also in a specific geographical area, served by the same regional court. The stations identified for the study were the following: George, Conville, Pacaltsdorp and Thembalethu. The investigators at these stations were from, respectively, George (36), Conville (24), Thembalethu (21) and Pacaltsdorp (10). These stations are neighbouring each other and are known as the Greater George area. The researcher therefore refers to these stations, in the study, as the Greater George area.

According to Blaikie (2003:161), a sample is a selection of elements (members or units) from a population, and is used to make a statement about the whole population. Singleton and Straits (1999:139) further indicate that the sampling frame denotes the set of all cases from which a sample is actually selected. For the purpose of this study, the researcher identified two samples of investigators, Sample "A" was taken from the general detectives in the Greater George area (40 participants). Sample "B" was the members of the George Family Violence,

Child Protection and Sexual Offence (FCS) unit (12 participants). The Family Violence, Child Protection and Sexual Offence (FCS) unit is a specialised unit that investigates all the rape cases in the Greater George area. The outcome of these two samples was discussed in general in order to reflect the participants response and knowledge in the study.

The sampling design used in the selection of the research participants is called systematic random sampling. It is suggested by Leedy and Ormrod (2005:203) that systematic sampling involves selecting individuals according to a predetermined sequence, and the sequence must originate by chance. The researcher followed the suggestion of the authors, to toss a coin. "Heads" meant even or equal numbers which start at 2, 4, 6 etc and "tails" indicated odd numbers that is equal to 1, 3, 5 etc. The coin landed on "heads", so the predetermined interval identified was 2. For the larger sample stations, every second name was identified, and for the smaller samples, all members of the station and unit were identified. In the selection of sample "A", the names of the investigators of each of the four stations were written in alphabetical order. A list was completed for each station on a separate sheet of folio paper. It was determined that the total number of investigators at each station were: George (36), Conville (24), Thembaletu (21) and Pacaltsdorp (10). Due to the bigger totals at George, Conville and Thembaletu, only a sample of ten members from each station were needed to be included for the interviews. The researcher therefore used the decided interval to identify every second name on the list as a study participant, starting with the first name on each list. This was done to ensure that all names on the list had an equal chance of being selected, as it was in alphabetical order, irrespective of race, gender, years of service and training undergone by the members.

As soon as the first ten members were identified from the first list, the same pattern was followed for the other two lists. For Pacaltsdorp, however, the researcher identified all of the ten members to be interviewed. A total of 40 members from the four stations were identified, and they formed the sample "A" of the study of investigators. A total of ten participants from each of the three

stations were selected. The fourth station, Pacaltsdorp, had only ten members, and all of them were selected as participants.

The selection of sample “B” was done in the same way as Pacaltsdorp, as the FCS unit consisted of only 12 members; all of them were selected as research participants. The selection of the mentioned samples was not based on the proportion size of the relevant stations. The researcher focussed on the investigators which is the target population. For the purpose of the study, a total of 52 participants were identified. They consisted of sample “A” – forty general investigators, and sample “B” – twelve members of the FCS specialised unit. These participants were interviewed over a period of time at their respective offices. The researcher by means of purposive sampling, further selected experts to respond to selected questions as will be indicated in 1.8.3. In total 56 participants were selected in through the sampling process.

Welman and Kruger (1999:49) indicate that a representative sample is a miniature image or likeness of the population. In a random sample, each person in the universe has an equal probability of being chosen for the sample, and every collection (of persons) of the same size has an equal probability of becoming the actual sample, as long as they are members of the same universe. All that is required to conduct a random sample, after an adequate sampling frame is constructed, is to select persons without showing bias for any personal characteristic (Bailey, 1987:87).

Bailey (1987:87) further suggests that random sampling has the advantage of cancelling bias and providing a statistical means of estimating sampling errors. Then the resulting sample is likely to provide a representative cross-section of the whole. The researcher might use a random set of digits to choose the page and the line on the page to select a person for inclusion in the sample. The list of random digits ensures the choice is genuinely random (Denscombe, 1998:12). Random selection further means choosing a sample in such a way that each member of the population has an equal chance of being selected. When such a random sample is selected, the researcher can assume that the characteristics of the sample approximate the characteristics of the total

population (Leedy & Ormrod, 2001:211). The researcher for the target population identified all investigators employed by the South Africa Police Service. Although some trained before or after 1994 they received basic training at the different training venue with in SAPS. The investigators further underwent training as investigators based on the time after basic training courses was presented. The researcher is of the opinion that although the initial detective course, 4 weeks went through developing stages and different time frames till the most resent name the Detective Learning Programme 17 weeks, they underwent training as investigators. The only exception with regards to the sample B was that they completed the FCS course. This training enabled the participants to be placed at the detective branches they were selected from. The sample interviewed in these areas can therefore be seen as representative of the target population. Furthermore, systematic sampling is a variant of random sampling (Denscombe, 1998:12).

For probability samples the probability of selection of each respondent is known (Bailey, 1987:87). In probability sampling, the researcher can specify in advance that each segment of the population will be represented in the sample. Generally, the components of the sample are chosen from the larger population by a process known as random selection (Leedy & Ormrod, 2005:199). Leedy and Ormrod (2005:211) suggest that random selection means choosing a sample in such a way that each member of the population has an equal chance of being selected. They continue to state that when such a random sample is selected, the researcher can assume that the characteristics of the sample approximate the characteristics of the total population.

1.8 DATA COLLECTION

According to Bauer and Gaskell (2000:355), data are facts or evidence that is at the disposal of the proponent of an argument. The researcher made use of primary data in the collection process. Blaikie (2003:18) suggests that primary data is generated by a researcher who is responsible for the design of the study and also for the collection, analysis and reporting of data. The researcher had to gather all relevant information regarding the proposed topic. This was done

through the use of available literature, interviews and docket analysis. Taking this into consideration, the researcher needs to acknowledge that he made use of more than one data collection technique. According to McNiff, Lomax and Whitehead (2003:116), the use of data, regarding an event, from more than one source is called triangulation. McNiff *et al.* (2003:69) suggest that the aim of triangulation is:

- To triangulate the data that is collected from more than one source to use as evidence to support a particular explanation.
- To show how the data from these different sources all goes towards supporting the explanation given of one's situation.

Through the use of all the mentioned sources, the researcher retrieved information that helped to answer the research questions.

1.8.1 Literature

Birley and Moreland (1998:90) state that all written reports of research, whether dissertations or articles in research journals, contain a review of previous work related to the topic under investigation. Therefore, in an attempt to find literature for the purpose of the research, literature in the fields of policing, investigation of crime, forensic science, criminology, psychology and security studies, were consulted in the Unisa branch libraries and other local libraries, as well as on the internet.

In order to identify relevant literature sources, key concepts pertaining to the topic, such as “offender profiling”, “profile”, “identification”, “rape” and “docket analysis”, were used. Systematic perusal of books, articles and journals led to the identification of various authors who had done, and were doing, research in various aspects of the key concepts. Temporary folders were used to file relevant information, and these were later used in the completion of chapters. Proper recognition of and reference to all sources utilised in the study, has been made.

1.8.2 Interviews

According to Robson (2000:88), interviews take place in a face to face situation with one interviewer and an interviewee. It is further suggested by Robson (2000:90) that in a fully structured interview one makes use of a fixed sequence of predetermined questions. The researcher decided to use a structured interview, to ensure that all participants were asked the same questions. The interview schedule that was used was based on the research questions under investigation and, more directly, the topic.

The researcher initially drew up a list of questions that he thought would give more information on the topic. The list became long and had no order. The researcher then conducted a pilot test, as indicated in Leedy and Ormrod (2005:192), to establish what responses he was likely to obtain, and to make sure that later on the real responses obtained would be of sufficient quality to answer the research questions. The researcher's intention was also to ensure that the questions on the schedule would be understandable. To accomplish this, the researcher first sent the list of questions to his supervisor, and then also to five investigators who were not part of the sample. The aim of this was for the sample to identify any shortcomings, such as not understanding the questions, vague or irrelevant questions, and responses with regards to the research problem. According to Leedy and Ormrod (2005:192), if one cannot explain how a question relates to the research problem, one should throw it out.

After the feedback from the supervisor and the sample, the researcher, by means of filtering relevant questions that would ensure proper responses to address the research questions, compiled an interview schedule. The same schedule was used for both the samples A and B, with the exceptions of the interviews with experts (samples C, D and E), which received shortened questions. Leedy and Ormrod (2005:192) conclude by saying that it is of the utmost importance for the researcher to ensure that every question compiled is essential towards addressing the research problem.

The participants in the study were individually contacted and informed of the intention of the study, and the reason for their involvement was explained. In

order to conduct productive interviews, suggestions from Leedy and Ormrod (2005:147–149), were adhered to as follows:

- *Make sure your interviewees are representative of the group*

The researcher only interviewed active investigators in the particular focus area. The research samples were also taken from a larger sample of investigators who had undergone the same training. The researcher expected the participants to give typical perceptions and perspectives on the topic under investigation.

- *Find a suitable location*

The selection of a suitable location posed a slight problem, as the researcher dealt with more than one investigation unit. The researcher finally managed to secure a location at each station that was quiet and which did not leave any room for distractions and interruptions during the interviews.

- *Get written permission*

Prior to the initial interview, consent forms which contained the nature of the study and also the plans for using the results, were distributed to all the participants. Soon afterwards, written consent was given by all participants, and appointments for interviews were finalised. With the written consent the participants further indicated that they have no problem with the researcher taping the interviews.

- *Take a few minutes to establish rapport*

The researcher initially had an informal conversation with the participants, with the intention of making them feel at ease. This wasn't difficult, as most of the investigators were familiar with the researcher. When it came to the interviews, the researcher ensured that he acknowledged the participation of the interviewees by showing genuine interest in their responses. Further, the participants were encouraged to elaborate on their responses when there was a need to do so.

- *Focus on the actual rather than on the abstract or hypothetical*

All the interviewees were investigators; the researcher therefore made sure that questions were asked which would reveal their experience and knowledge of a specific situation.

- *Do not put words in people's mouths*

Questions were put to the participants, and an opportunity was given to them to reply. The researcher at no time interfered with their responses, or suggested different responses. The responses as given by participants were recorded as such.

- *Record responses verbatim*

The researcher ensured that in conducting the interviews, the responses reflected the intentions and accurate thoughts of the participants.

- *Keep your reactions to yourself*

During the interviews the researcher listened to the participants, and at no time showed surprise or disapproval to the responses given.

- *Remember that you are not necessarily getting the facts*

The researcher acknowledges that although all the participants were active investigators, their responses are treated as perceptions rather than facts. Welman and Kruger (1999:164) indicate that the greatest advantage of personal interviews is that the interviewers are in complete control of the situation. It is further indicated in Wengraf (2001:191–192) that any interview will require a tape recorder, a notepad and an interview schedule. The researcher used all three these sources to ensure the capture of data. The researcher also conducted the interviews in person.

1.8.3 Interviews with experts

A need was identified to obtain expert opinions with regard to profiling. According to the *Concise Oxford dictionary* (2002:501), an expert is a person

who is very knowledgeable about or skillful in, a particular area. The researcher therefore had to identify local experts in the field of profiling.

Leedy and Ormrod (2005:206) suggest that purposive sampling is to identify persons, experts in the field, for a particular purpose. The researcher identified experts from the Investigative Psychology Unit (IPU) who assist investigators, on a national level, with psychologically motivated crimes which includes the compiling of offender profiles. Since the unit was established in the early 1990s, the members had been actively involved in investigations, as requested. They were able to enrich the research with information regarding offender profiles.

The experts identified were as follows:

- Senior Superintendent Gerhard Labuschagne: Head of the IPU based at National Head SAPS Office, Pretoria. He specialises in the compilation of profiles all over South Africa as well as neighbouring countries. He holds an Honours degree in psychology, a master's degree in clinical psychology, a master's degree in criminology, a doctorate in psychology and a diploma in criminal justice and forensic auditing.
- Capt Elmarie Myburg: Investigator attached to the IPU – an active profiler. She specialises in the compilation of profiles as a national investigative support to investigators. She holds an honours degree in psychology and an honours degree in criminology.

The researcher used the same schedule to retrieve information from the experts. However, the researcher did not ask all the questions, but the following selected ones:

- Are you currently an investigator, and where?
- How long have you been attached to the unit?
- What is your highest qualification?
- If a National Certificate, National Diploma, Bachelors Degree or any other Postgraduate Degree has been obtained, please specify the field.
- Did you receive any formal training in offender profiling?

- In your opinion, what is the current format of an offender profile?
- What information should be included in a case docket?
- In your opinion, do you think an offender profile can be developed through docket analysis?
- Do you have any recommendations on how docket analysis can assist in rape investigations?

These participants are referred to as sample "C". Apart from the above the researcher identified two more experts; they were identified for the following reasons:

- Captain Cobus Serfontein: During the time the participant was identified he was responsible for the monitoring of patterns in crime at the Area Office of the Southern Cape Detective Services. He at the time has been active as a detective for twenty three years, of which seven at area level. He will be referred to as sample "D". This interview was conducted prior to the study while the researcher was establishing the reason for the study. The researcher informed the participant that he perused case dockets and found that no suspects were identified.

The question, "What the current situation with regards to the identification of suspects?" was asked to this sample.

- Senior Superintendent Denise Locke: During the time of the interview the participant was at the Office of the Provincial Commissioner Western Cape. The participant has twenty five years service in SAPS. Prior to the interview the participant was involved in the developing of a questionnaire for docket analysis at National SAPS Head Office. The participant was responsible for the compilation and later distribution of material, relating to docket analysis from the CIAC at National SAPS Head Office. She will be referred to as sample "E".

The following questions were asked to the participant:

- Where does docket analysis come from?

- Does it only refer to rape cases?
- Who is responsible for docket analysis at station level?

1.8.4 Case docket analysis

The collection of data from case dockets was the last source utilised to gather data on the topic. A total of 68 rape cases were reported for the period 1 January 2003 to 31 March 2003, in the Greater George area. The researcher focussed on the specific time frame, based on the total of cases reported and that all of them were filed in the archives. The researcher would not have been able to have access to these cases if they were still to be finalized. This information was retrieved from the Business Intelligence (BI) system of SAPS. All reported cases are registered on the Crime Administration System (CAS) and then later “drawn” to the BI system for monitoring purposes. Du Plessis and Louw (2005:428–429) indicate that for crime to appear on the official police crime records, two things need to happen: victims or witnesses must report it to the police, and the crime must be recorded by the police on their database. They continue to say that an increase in recorded crime is likely to be a result of increased reporting to the police. The cases identified were all reported cases identified from the databases of SAPS.

For the purpose of this research, the sample was all 68 case dockets identified in the Greater George area. As indicated, these were all the cases that were reported in the Greater George area for a reported time period. Shortly after the case dockets were selected, they were “interrogated”. This was done by means of evaluating the information in the case dockets against the specific questions, formulated by the researcher to retrieve information from the case dockets.

During the analysis the same questions were applied to each identified case docket. The researcher identified the most relevant questions to elicit information from the dockets, as follows:

- When was the crime reported (the times of attack, including month and day of week)?

- Where did it happen (the location of attack, e.g. residential private home, residential apartment, commercial building, in addition to describing the location within the building and the surrounding area)?
- What was the victim's condition (including emotional and physical condition) at the time of the attack? Was she alert? Was she preoccupied? Was she intoxicated? Was she on drugs?
- Where was the victim before the attack?
- How was the victim approached by the offender?
- How did the attack occur (all possible information, including clinical details of the sexual act and the order in which the sexual activity occurred)? Did the offender have trouble maintaining an erection? What did he say? What type of force was used? Did he try to demean the victim during the attack, or did he try to compliment her?
- What was the victim's reaction? Did she physically resist, or was she intimidated by the offender's threats and succumbed to his demands?
- What was the offender's reaction to the victim's resistance or lack of resistance? Did the victim plead with him? If so, what was his reaction? Was any property stolen? If so, what was stolen?
- How did the offender flee or leave the scene?

All these questions enabled the researcher to group certain information retrieved from these dockets. The purpose of this information is indicated at a later stage. For the purpose of the study the questions were put in perspective of the offender as a male and the victim as female. However, these questions will be able to provide the same information if it is used based on the new definition were and offender and or victim can be gender neutral. A further exception will be to rephrase the questions.

1.8.5 Personal experience

- The researcher during the course of the study, used his personal experiences in the investigation of crime, to evaluate and interpret the data collected from the respective sources. This experience was gained through the sixteen years of service in SAPS. It started at the attending

of complaints, where personal observations were made to activate the necessary aids and resources, which he did for five years. The sixth year till currently the researcher became an investigator, and later an unit commander to assist in the gathering and collection of information to solve cases. During the last eleven years not only personal experiences were gained, but also academic enrichments. The researcher enrolled to complete the National Diploma in Policing, the Baccalaureus Technologiae in Policing and is currently enrolled for the Magister Technologiae Forensic Investigation, at Unisa.

1.9 DATA ANALYSIS

According to Bauer and Gaskell (2000:355), data analysis is any approach to reduce the complexity of the data material, and to come to a coherent interpretation of what is and what is not the case. As for Mouton (2001:108), analysis involves “breaking up” the data into manageable theme patterns, trends and relationships. The researcher applied the Tesch analysis process during his research, to analyse the data retrieved (Tesch, 1990:142–145).

Soon after the completion of the interviews and the docket analysis, the data retrieved from each process was available to be grouped and analysed. Due to the large quantity of data collected during interviews, the researcher started with the interview analysis. The researcher first read through all the interview schedules and made a personal note of what he thought were the general ideas that had been brought forward.

Sample “B” constituted only twelve interviews, and a choice was made to start with them. The questions that were set to the participants in sample A and B were the same, and it enabled the researcher to group the ideas together. The researcher used a schedule on hand, to add the similar ideas together. The totals of participants, who replied similarly, were indicated on the combined list. To reconfirm the two sets of information, the researcher assigned alphabetical codes to the data on the lists, and the same codes to the corresponding information on the interviews. This helped the researcher to establish the relevance of the data that was not coded during the initial analyses.

By working through all the data, by means of coding and rechecking, a partially completed product was now available. In sample "A", the researcher followed the same procedure as in the previous one, until the final list was completed. In other words, as Tesch (1990:145) describes it, the preliminary analyses for both samples were done. For both samples it was now possible to draw the conclusions that were needed as contributions to the research. Samples C, D and E were not decoded as only specific questions were asked of the experts, and all of their information was used. During the docket analysis, data was also retrieved by means of a structured schedule. The same principle, as described by Tesch, was then applied to the data of the docket analysis. This was done in order to do the preliminary analysis, to be able to draw a conclusion.

1.10 METHODS TO ENSURE VALIDITY

If one's research is valid, it means that one is observing, identifying, and measuring what one says one is doing. Validity demonstrates that one's concepts can be identified, observed, or measured in the way one says they can. One therefore needs to work out how well a particular method and data source might illuminate one's concepts, whatever they are (Mason, 2002:24). The researcher ensured validity by:

1.10.1 Population

A sample was taken from a larger population by means of random sampling. The population consisted of investigators in the Greater George area. Although some trained before or after 1994 they received basic training at the different training venue with in SAPS. The investigators further underwent training as investigators based on the time after basic training courses was presented. The researcher is of the opinion that although the initial detective course, 4 weeks went through developing stages and different time frames till the most recent name the Detective Learning Programme 17 weeks, they underwent training as investigators. The only exception with regards to the sample B was that they completed the FCS course. As these investigators are at respective detective branches they received the same correspondence regarding working methods. In saying this, the researcher means that the involvement of those selected was

a true reflection of the general population in the Greater George area. The population was therefore identified, based on the description given by Maxfield and Babbie (1998:87), using people that the researcher wanted to draw a conclusion from, and a target population, as the element from which a sample was actually selected, as indicated in Maxfield and Babbie (1998:138). The researcher did this to ensure the validity of the target population.

1.10.2 Sampling

As indicated previously, probability sampling was used. The procedures to ensure that the sample was valid were adhered to, as indicated in Blaikie (2003:168). A list of all research participants was drawn up, in alphabetical order, for each station, and the sample drawn. The entire list for each station was used, as indicated by Leedy and Ormrod (2005:203–204), to ensure a valid sample. The selection of experts was done by means of purposive sampling as suggested in Leedy and Ormrod (2005:206). Their selection was further dependent on their knowledge and experience in their respective fields.

1.10.3 Interviews

To ensure validity, the researcher conducted interviews with all investigators by means of an interview schedule based on the research questions. A properly structured interview, according to Robson (2000:90), was used. He indicates that the data obtained can be easily compared, due to the fact that all people have been asked the same questions. Therefore, the researcher made use of an interview schedule, and the same questions were asked of all participants in samples A and B. Response was spontaneous, as the interviewees were fully aware of the purpose of the research, and precisely understood their part. The expert that participated were not asked the same questions as were done in samples A and B. For samples C, D and E questions were asked based on their fields of expertise as indicated in 1.8.3 of the study.

1.10.4 Case docket analysis

The sample of cases selected was identified through the BI system, an official SAPS database. The researcher requested the system to supply all the

reported rape cases in the study precinct. All 68 cases were used as the sample in the study. In the analysis of these cases, a standard set of questions was used to the case dockets.

1.10.5 Literature

Only literature relevant to the topic has been included in the contents and reference list. The research questions and topic were used as a basis to identify relevant literature. Denscombe (2002:57) states that it is absolutely essential that careful records are maintained, in terms of the bibliographic details of the work that are to be included. The researcher therefore looked thoroughly at the literature on hand, and gave a true reflection by means of acknowledgement to authors. This was done by means of a reference list. It is further emphasised by Denscombe (2002:57), that plagiarism is avoided by proper and correct referencing.

1.10.6 Analysis

In the analysis process, the researcher chose a method that has been utilised by the mentioned researcher (Tesch, 1990:142–145). It can therefore be said that the information available from the analysis is a true reflection of the opinions and insight given by participants. Each of the transcripts available was scrutinised and coded in the same way, to ensure an informed conclusion.

1.11 METHODS TO ENSURE RELIABILITY

Reliability relates to the methods of data collected and the concern that they should be consistent and not distort the findings. Generally, it entails an evaluation of the methods and techniques used to collect the data (Denscombe, 2002:100). According to Maree (2007:80), triangulation is a traditional strategy for improving the validity and reliability of the research. To ensure reliability, the researcher applied the following:

1.11.1 Population

The researcher made sure that the sample was selected as prescribed. According to Bruisma and Zwanenburg (1992:89), one way of overcoming the

questionability of reliability is transparency regarding the way the research was conducted. The researcher therefore made use of random sampling in the sampling process. The researcher clearly indicated on how he ensured that the sample was reliable from an identified target population. The researcher is further of the opinion that he used proven and reliable sampling methods to sure the reliability of the target population.

1.11.2 Interviews

A tape recorder was used for transcription and further references, in case the study needs to be repeated at any time. The participants agreed to the researcher taping the interviews when permission was requested from them. According to Robson (2000:90), a structured interview is where there is a fixed sequence of predetermined questions. This ensured that the interviews conducted with each and every one of the research participants were on the same level. Wengraf (2001:191–192) indicates that any interview requires a tape recorder, a notepad and an interview schedule. These reliable tools were used as methods to retrieve and store information to ensure its reliability. The recordings are available for further cross-references as the need arises.

1.11.3 Case docket analysis

The researcher selected the cases to be investigated from the respective precincts in the Greater George area. These cases are available for any further studies. Results of findings could be generalised for further use in the studies, as a set questionnaire was used to retrieve information from the identified dockets.

1.11.4 Literature

Relevant literature was identified and properly referred to in the list of references. The researcher ensured that detailed and precise information was logged, as described by Denscombe (2002:57). The reliability of the literature is greatly dependent on references and proper recognition given to sources. Should any further similar research be done, the same literature will be applicable and available.

1.11.5 Analysis

The data that was obtained in the analysis process underwent the same coding process. All information retrieved that was relevant to the topic under research, has been reflected in the contents.

1.12 ETHICAL CONSIDERATIONS

Research was conducted with consideration of the code of ethics for research at University of South Africa. This code of ethics is reflected in section 7 of the document (University of South Africa, 2002:128–134). The researcher adhered to the guidelines at all times. The acknowledgement of all sources of information and data used in the research was done by referring to them according to the prescribed methods. Further, the researcher was sensitive to issues such as confidentiality, anonymity, privacy, obtaining consent and approval, harm, and termination of research. Leedy and Ormrod (2005:101–102) agree with the guidelines indicated by Unisa and further add the following ethical considerations:

- Protection from harm.
- Informed consent.
- Right to privacy.
- Honesty with professional colleagues.

In order to protect the participants from harm, the researcher ensured that the risk of participating in the study was not greater than the normal risk of day-to-day living. The participants were all members of the SAPS, and no extra attention was drawn to them. Prior to the research, the researcher informed the participants of the nature of the study, and also that each of those selected had a choice to voluntarily take part. The participants were supplied with the consent form, and, after discussion, they signed and agreed to take part. The researcher also at this stage requested the research participants to give permission to use a tape recorder. The reason for this was to ensure that all the information they gave is available for referencing. They had no objection to be taped and gave their permission. No persons were forced to participate, and all

took part willingly. The right of privacy was secured by the researcher when he attached a number to each of the participants, who is referred to as Participant 1, Participant 2, etc. No person except the researcher had access to the participants' identity.

With regard to honesty with professional colleagues, the responses of participants and the literature sources were recorded as taken from these sources. Proper recognition, by means of full acknowledgement to sources, was given in the text and on the reference list. Further, no person's thoughts, ideas or words were borrowed without proper recognition. With regard to the case dockets perused, they were handled in strict confidence. The dockets were perused at the stations, and no parts of them were copied or removed. The particulars of victims, witnesses or any other persons involved, including sensitive information, will at no stage be made public. All case dockets selected were perused by the researcher himself.

1.13 RESEARCH STRUCTURE (CHAPTERS AND LAYOUT)

The chapter layout is as follows:

Chapter Two – This chapter reintroduces the concept of offender profiling to the reader, and is intended to familiarise all interested parties with it, and explain what it consists of. It is also the researcher's intention to see how its goals can assist in rape investigation, locally, if properly implemented.

Chapter Three – Case dockets are an important part of the investigation of rape cases, as they should contain all information relevant to a case. The focus of this chapter is to investigate what role docket analysis can play in identifying a possible suspect. The term "docket analysis" is investigated, and docket analysis is considered as a basis for offender profiling.

Chapter Four – Findings and recommendations. In this chapter the research findings and some recommendations are made in respect of the research conducted.

CHAPTER TWO

FORENSIC INVESTIGATION AND PROFILING

2.1 INTRODUCTION

Forensic science can largely be referred to as the application of a broad spectrum of sciences to answer questions of interest to the legal systems (Forensic investigation, 2009). Woolf (2004:4) contends that forensic science is any science used in criminal investigation, with its main objective being to provide evidence in a court of law. Applied within a broader field, forensic science mainly centres on the application of scientific knowledge and methodologies pertaining to legal problems and criminal investigation. This chapter begins with an overview of the terms “forensic” and “criminal investigation”, to formulate a working definition of forensic investigation within the SAPS, and the relevance of forensic investigation. It further aims to present the concept “offender profiling” as an investigative tool in the forensic investigation of rape cases.

2.2 CRIMINAL INVESTIGATION

Criminal investigation, as suggested by Palmiotto (2004:6), is a thinking and reasoning process, the end result being to be able to collect all the accurate information relevant to a specific act or crime. In other words, as Van der Westhuizen (1996:1) reasons, it is the systematic search for the truth regarding a crime. The definition of criminal investigation, however, cannot be limited to those of the authors indicated. According to Bennett and Hess (2007:8), criminal investigation involves discovering who has done it. The basis of any investigation, as reasoned by Sennewald and Tsukayama (2001:3), is the examination, study, searching, tracking and gathering of factual information, which answer questions and solve crimes.

Bennett and Hess (2007:8) indicate that to ensure successful investigation, one needs to take note of the balance between scientific knowledge, acquired by study and experience, and skills acquired by the artful application of learnt

techniques. It is indicated by Brown (2001:3) that criminal investigation is the process of legally gathering evidence of a crime that has been or is being committed. Gilbert (2007:46) defines criminal investigation as a logical, objective legal enquiry involving a possible criminal activity.

The question, "What is criminal investigation?" was put to sample A and B. All the participants responded with the following answers:

- It is the investigation of a crime that has been reported (thirty-eight participants).
- The collecting of clues and evidence to solve a crime (two participants).
- It is the job that we do every day (twelve participants).

In general, the participants felt that the investigation of crime constitutes their daily task of collecting clues and evidence, after a crime has been reported. The reference to "criminal investigation" is based on when a crime is committed and efforts that are taken to solve it. The researcher came to the conclusion that although there is a difference in its contents, the similarity exceeds the difference. A suitable definition, in the researcher's opinion, would be that the investigation of crime is to be able to establish, through enquiries and reconstruction, what really happened during the commission of a reported crime. Such an investigation needs to be executed within the boundaries of the laws of South Africa.

2.3 FORENSIC INVESTIGATION

The term "forensic" is not a new one, and Karagiozis and Sgaglio (2005: vii) contend that any reference to "forensic" is not merely proving the guilt or innocence of an entity, but the science of explaining what happened. They are further of the view that "forensic" is currently seen in the legal system, as any matter which has relevance to a criminal or civil issue before the court. In view of the latter concept and working definitions, various meanings of the overall concept exist. With application to this research study, a working definition for forensic investigation can be defined as the application of science during the course of a criminal investigation (Woolf, 2004:45), in order to discover, collect,

prepare, identify and present evidence (Bennett & Hess, 2007:6), with a connection to the courtroom (Innes, 2004:4), and that evidence is put forth related to the legal issues (McKenzie, 1996:4), with the primary purpose of finding a positive solution to a crime (Van der Westhuizen, 1996:1).

Using the abovementioned literature or concept definitions as a base, this research study required its research subjects, currently employed as investigating officers, to give their opinion on what the concept of forensic investigation entails.

The question, "What is forensic investigation?" was posed to sample A. Their responses were as follows:

- The collection of evidence at a crime scene which can lead to a conviction (seven participants).
- Something to do with science (four participants).
- It is to do with auditing of a company (two participants).
- When a specialist investigate[s] a case (one participant).
- It is the same as investigation of a crime [that has] been committed (four participants).
- Special techniques use[d] in investigation (one participant).
- It is when you use DNA to prove a case (one participant).
- It is normal investigation (one participant).
- The people of local criminal record centre (LCRC) do this type of investigation; the stuff they spray for blood or semen (five participants).
- No response (fourteen participants).

It was further suggested, by sample B that forensic investigation is:

- When you use science or other methods to investigate a crime (two participants).
- The use of experts to assist in an investigation (two participants).
- Specific collection of evidence to prove a case in court (two participants).
- A specific investigation that is done to get all necessary information (four participants).

- No response (two participants).

Out of the 52 participants interviewed, 33 ($\pm 64\%$) responded with an opinion as indicated above, on what they reflected on as forensic investigation. The participants in general suggested that forensic investigation is specific, scientific and/or specialised investigation into a specific crime, in order to solve it. Their suggestions as to what forensic investigation means to them, is in line with what the literature reveals. In total, 16 out of 52, a percentage of 36% failed to respond. The researcher expected participation as they are active in the field of investigation. The reason for them not being in a position to do so could be that the term “forensic investigation”, had not been referred to in the detective learning programme. Another factor contributing to their ignorance is possibly that they do not read enough. Participants **do** have access to the articles and material regarding forensic investigation that are published in the *Servamus* – a South African, community-based safety and security magazine received by members each month.

McKenzie (1996:4) explains that forensic investigation evolved through the work of scientists, that is incorporated into particular investigative techniques and procedures that have been developed by police. This concept, as he conveys it, is the product of investigative teams’ and forensic scientists’ working relations. The researcher noted that the views of the literature and the views of the participants that responded can give an understanding on what forensic investigation means.

Fisher (2004:73) and Gardner (2005:1) suggest that forensic investigation is:

- A combination of scientific and investigative methods and techniques to ensure a proper investigation and to present evidence in court.
- The use of scientific methods and techniques to present an alleged offence in court.

The researcher inferred from the given definitions regarding criminal and forensic investigation that both:

- Start or emanate after a crime has been committed.

- Result in a systematic investigation process.
- Find and collect information and evidence in order to attempt to resolve a reported crime.
- Use different methods and techniques.
- Present the results of such investigation in a court of law.

Based on this information, the researcher is of the opinion that the two concepts are one and the same, as both suggest the investigation of a crime in order to achieve a successful presentation of a case in court. The working definitions of each of the concepts then strive for the resolution of a case in hand. The researcher therefore used the term “forensic investigation” for the purpose of the study.

2.4 PURPOSE OF FORENSIC INVESTIGATION

An investigation is a patient, step-by-step inquiry or observation, a careful examination, a recording of evidence, or legal inquiry (Bennett & Hess, 2007:6). This should be the basis, as has been suggested, for any investigation. Eventually, the truth about a reported crime should be established. The researcher posed the question, “What is the purpose of forensic investigation?”, and the respondents replied accordingly. Sample A replied as follows:

- To help find information that the general detectives cannot find (two participants).
- To ensure that scientific information is available (one participant).
- To get a good case together (one participant).
- It gives support to [what] all other investigators [have] done (one participant).
- It will be possible to compile a complete report for court (one participant).
- To ensure that all evidence is being presented in court (one participant).
- To get professionals in to help with cases (one participant).
- To solve crime (thirty-two participants).

It was further suggested, by sample “B”, that the purpose of forensic investigation is:

- To ensure a conviction (six participants).
- To ensure experts can contribute to the success of a case (three participants).
- To find a suspect as soon as possible (three participants).

The participants were not in a position to provide a suitable explanation of the purpose of forensic investigation as the researcher expected. The researcher, here again, is of the opinion that the participants do not read often enough, resulting in a large number of them failing to respond adequately to what the researcher expected. The researcher expected the thirty two participants in sample A to at least give more of an explanation the purpose of forensic investigation, but they failed to do so.

However, it is set out by Van der Westhuizen (1996:1) that the primary purpose of forensic investigation is to find a positive solution to a crime, with the help of clues found at the crime scene. The intention is to find the truth of what has happened during the commission of an offence. This is possible, according to Berg and Horgan (1998:6), if investigators sift through all available information and also determine which pieces can be linked together. Olivier (1997:228) explains that investigation of crime is the best prevention technique, and he is also of the opinion that good investigation frightens criminals. He continues by saying that through proper investigation, arrest and assisting of the prosecutor to send the case successfully to court, fulfils the investigator's tertiary prevention role.

2.5 OBJECTIVES OF FORENSIC INVESTIGATION

According to Van der Westhuizen (1996:4), investigation takes place with definite objectives in mind. He suggests the following towards the objectives of investigation: identification of the crime, gathering of evidence, individualisation of the crime, arresting of the criminal, recovery of stolen property, and involvement in the prosecution process. It is further indicated by Bennett and Hess (2007:8), Lyman (2002:14) and Swanson, Chamelin and Territo (2003:28), that the objectives of investigation are to:

- Determine whether a crime has been committed.
- Legally obtain information and evidence to identify the responsible person.
- Arrest the suspect.
- Recover stolen property.
- Present the best possible case to the prosecutor.

The researcher did not request the samples' view points on the objectives, as it was not topic relevant. The researcher will now discuss the objectives of investigation, and then indicate how profiling forms part of the objective of individualisation of the crime in forensic investigation.

2.5.1 Identification of the crime

Van der Westhuizen (1996:4) reasons that for a crime to be identified, the information and facts gathered must confirm that an act, based on the judicial requirements of particular crimes, is unlawful, and that a specific person or persons is responsible. In Module 1 of *Basic crime investigation practice* (2009:2), a crime is defined as “any unlawful, blameworthy conduct which is punishable by the state”.

For the purpose of the study, the researcher focused on rape as a crime which was a common law offence, which was punishable by the state. The researcher want to emphasize that the cases analyzed was reported before the 2007 proclamation that rape is now a statutory offence rather than a common law offence. The common law definition of rape was applicable as the researcher when case docket analysis was done referred to the offender as a male and victim as a female.

A crime, such as rape, committed against an individual, will be investigated as soon as it is reported. According to the Criminal Law (Sexual offences and related matters) Amendment Act 32 of 2007, the legal definition for rape is: “[a]ny person (“A”) who unlawfully and intentionally commits an act of sexual penetration with a complainant (“B”), without consent of B, is guilty of the offence of rape”.

If police are not aware of a crime, nothing can be done (Palmiotto, 2004:197). It is, however, important to identify false reports of rape at an early stage, in order not to lose man-hours. A suggestion by Carney (2004:90), is that to establish that a crime even happened, often means verifying the victim's account through a third party, or by gathering evidence to support her accusation. This, however, is a very sensitive matter because if a crime has actually been committed, it should be investigated to the best of any investigator's ability.

2.5.2 Gathering of evidence

Palmiotto (2004:43) indicates that an investigator needs evidence to have a case against an offender. In reaction to a crime reported, with particular reference to rape, the victim needs to be treated as evidence. Evidence and possible proof of the occurrence of the event could, and will possibly, be found on the victim. The victim in a rape case however is not the only scene of crime. Fisher (2004:1) contends that evidence is something legally submitted to a competent tribunal, as a means of ascertaining the truth of any alleged matter or fact under investigation before such tribunal.

It is suggested by Lyman (2002:513) that it is inconsiderable what weight a single piece of evidence can have in court. The researcher infers from the author that no information regarding an investigation, or any evidence found at a scene, should be taken up lightly. In order to ensure that the evidence gathered is admissible in a court of law, one needs to ensure that when evidence is identified, one adheres to the legal and scientific requirements for evidence collection (Ogle, 2004:12).

2.5.3 Arresting of the criminal/perpetrator

Van der Westhuizen (1996:7) concurs that the purpose of arrest is to ensure the presence of an accused at the trial. Before the arrest, an investigating officer needs to ensure that all relevant evidence is documented, in order to bring a case before court. Once all relevant information and facts have been collected and the criminal has been identified, the investigator can proceed to have the perpetrator arrested, in order to ensure his presence at the trial (Van der Westhuizen, 1996:7). After the perpetrator's appearance before court, the

cooperation between the investigating officer and the prosecutor is of great importance.

2.5.4 Recovery of stolen property

The recovery of stolen property increases the probability of its return to the victim and the successful arrest of the offender (Gilbert, 2007:192). Van der Westhuizen (1996:7) in return indicates that the recovery of stolen property is twofold in nature:

- To restrict the victim's losses to a minimum.
- To present the recovered property as evidence with evidential value at the trial.

The abovementioned authors deem it fit to say that recovery of stolen property will greatly assist in the investigation of a specific crime. The property found could at times possibly be the only lead that could link the offender with the victim or scene. In the case of rape, some offenders at times take the victim's underwear as souvenirs that they keep in their possession. At times this could lead to the linking of more than one case to another, as a suspect could be found in possession of items taken from previous rape scenes.

2.5.5 Involvement in the prosecution process

It is suggested by Brown (2001:294), that when preparing a criminal case for prosecution, communication is essential. He continues to say that the prosecutor presents the evidence in court, which the investigator collected during his investigation, and therefore the investigator becomes a primary source for the prosecution. The success of the prosecution is greatly dependent on the skills and efficiency of those who have conducted the investigation (Van der Westhuizen, 1996:7). The real value of good cooperation between the investigator and prosecutor cannot be emphasised more than already indicated. They should be at each other's disposal whenever the need arises. The relationship between them can result in the proper presentation of a case docket to a court of law.

2.5.6 Individualisation of the crime

Taking into consideration the mentioned objectives, it can be said that, as a whole, they form the investigation – and later, the prosecution process. However, all these objectives cannot be executed at the same time or in the order as given by the respective authors. The researcher therefore wishes to further elaborate on the specific objective of the individualisation of crime as discussed in Van der Westhuizen (1996:4). As indicated by Bennett and Hess (2007:8), Lyman (2002:14) and Swanson *et al.* (2003:28), which is to legally obtain information and evidence to identify the responsible person.

In Van der Westhuizen (1996:5), it is indicated that individualisation is a process that takes place to determine individuality, and it consist of a series of identifications and comparisons. According to the author, individualisation has the following two aims:

- To individualise, positively, the various objects in dispute.
- To conclusively determine the criminal involvement of the object or person providing a standard for comparison.

Van Heerden (1986:194) emphasises that the overall aim of individualisation is to individualise the crime as the act of a particular person or persons. He continues to say that identification is followed by individualisation, and that they complement each other.

For the period 1 January 2003 to 31 March 2003 as indicated in the introduction to the research the researcher identified an increase in rape cases for the Greater George area. Further, a number of similarities, with regard to time frames, behaviour of the offender during the rapes, and also verbal, physical and sexual behaviour, were identified. After the analysis of the case dockets the pattern identified, suggested that it could be a result of one single attacker or more then one responsible for the attacks. The researcher therefore suggests an investigative concept called offender profiling as a process which can help to individualise the crime as an act of a particular person or persons.

Berg and Horgan (1998:111–112) suggest that offender profiling is a method which goes hand in hand with one of the objectives of criminal investigation – namely, to identify a suspect in the crime. In order to identify a possible offender in a specific case or series of cases, the information on hand needs to be scrutinised, to give direction to the investigation. According to Berg and Horgan (1998:112), profiling is a method of suspect identification that seeks to identify, based on things done and left at the scene of crime. It is further suggested in Palermo and Kocsis (2005:16) that when one profiles a suspect, one will try to predict his future behaviour, in order to trace him. In order to compile a profile, the profiler needs to study all background and evidential information, as well as all initial police reports (Ressler, Burgess & Douglas, 1988:137).

As suggested, the intention of this study and analysis of the information contained in the case docket is to identify a possible suspect. When a rape has been committed, and the list of possible suspects is endless – or non-existent, profiling is suggested by Hazelwood and Burgess (1999:116), as a means of identifying characteristics and traits of an unidentified offender and differentiates him from the general population.

According to the researcher, profiling, as a method of identifying an unknown offender or offenders, is part of the objective of individualisation of the crime. To be able to understand how the profile of an unknown offender in rape cases is compiled, the researcher studied the works of the following authors: Carney (2004:80–82), Hazelwood and Burgess (1999:140–154) and Turvey (1999:44–54), in order to get more information for offender profiling. They suggest the following, to individualise and identify a possible rape suspect by means of his behaviour (which will include physical force, verbal and sexual acts):

- *The method of approach that was used by the offender.*
 - When a person decides to accomplish something, it is human to choose a method or course of action which they feel comfortable with and capable of. The rapist will therefore approach his victim in his own way, and subdue his intended victim. These approaches are referred to as

the “con” approach, where the offender approaches the victim openly, with a subterfuge or ploy. Frequently, he offers some sort of assistance – for example, a work offer, or he requests direction. He is initially pleasant and kind and, generally, easily gains the victim’s trust. When they are alone, he changes his attitude, to show the victim he is serious. The change reflects inner hostility towards the female gender, and the approach suggests a man who has confidence in his ability to interact with women.

- The next approach is the “blitz” approach where the offender uses direct and immediate physical assault in subduing the victim. The term “blitz” in the context refers to the physical assault rather than the suddenness of the approach. The offender allows the victim no opportunity to cope physically or verbally, and will often gag, bind or blindfold his victim. He will attack from the rear, and may use disabling gases or chemicals. The approach reflects hostility towards women, an attitude that may also be reflected in his relationships with women outside the rape environment. The offender’s interactions with women in non-rape relationships are likely to be selfish and one-sided, resulting in numerous but relatively short involvements.
 - Lastly, there is the surprise approach, where the rapist may either lie and wait for the victim (back seat of car, behind a wall, in the bushes) or wait until she is sleeping. There is no physical trauma associated with this approach. As suggested, the offender uses threats and/or the presence of a weapon to subdue the victim. This style suggests that the victim has been targeted or preselected, or the offender does not feel confident enough to approach the victim either physically or through seductive tactics.
- *How was control maintained over the victim?*
 - *Mere presence:* This is dependent on the victim’s perception of the situation. Depending on the passivity and fear of the victim, it is very possible that the offender’s mere presence would be enough to control the victim.

- *Threats:* The use of threatening remarks can be very intimidating, especially those of physical violence. Clues to the motivation for the rape can often lie in these verbal threats.
- *Weapons:* A weapon is displayed to obtain and maintain control over the victim. It is important to ascertain whether the rapist had a weapon (or if he only indicated that he had one), and when it was displayed. If the victim saw it, was it brought to the scene or obtained at the scene? Did he relinquish control over it? Lastly, did he inflict any physical injury with the weapon?
- *Force:* The use and amount of physical force can be a key determinant in offender motivation. It is important to determine the amount of force, when it was used, and the rapist's attitude before, during and after the use of force.

- *Amount of force that was used by the attacker.*

The level of force gives valuable insight into the rapist's motivation for the crime. The level of force that has been used is indicated in the following ways: minimal force, moderate force, excessive force and brutal force. Each of these levels will indicate clearly the amount of force used.

- *Resistance by the victim and offender's reaction towards such resistance.*

When the victim is ordered to act, there may be compliance or resistance. The types of resistance need to be understood as passive, verbal and physical resistance. These reactions by the victim might result in counter-reaction from the offender. This might be to retain control, prevent the victim from escaping, and fear of being identified.

Carney (2004) Hazelwood and Burgess (1999) and Turvey (1999) have observed and identified five rapist reactions:

- Cease demand and move to other attack phase.
- Compromise or negotiate by suggesting and allowing the victim to suggest alternatives instead of anal or vaginal sex.
- Flee, in case the offender did not expect such resistance.

- Threats – the offender can resort to verbal or physical threats to gain compliance.
- Force – a final reaction of rapists is to resort to force if they encounter victim resistance. The degree and duration of use of such force will be important in the identification of such an offender.

- *Sexual dysfunction of rapist.*

The occurrence of any sexual dysfunction of the rapist and an investigative understanding of the dysfunction may provide valuable information about the rapist. The following are the dysfunctions experienced: erectile insufficiency, premature ejaculation, retarded ejaculation and conditional ejaculation.

- *Type and sequence of sexual acts committed.*

The documenting of the kinds of sex acts that occur during the offence can help in understanding the rape and also the type of offender. Fantasy is the first type to be identified, when the offender acts out fantasies such as kissing, fondling and/or cunnilingus. Experimentation is where the offender engages in a series and repetition of sexual acts, including the use of foreign objects. Punishment entails the offender punishing, degrading or humiliating the victim. Almost all victims report excessive or brutal levels of force by the offender. It is also indicated that the rapist mostly demands fellatio following anal sex. Lastly, the ex-convict offender commits his offences based on actions followed in prisons and focuses mostly on anal sex.

- *Verbal actions of suspect.*

It is important here to note the precise vocabulary that was used by the rapist, as it can help with a pattern he follows. His verbal actions will throw light on whether his threats are just meaningless words, with no affection intended. The constant use of compliments, politeness, expressions of concern, apologies and discussion of the offender's personal life suggests a

relation to fantasy experienced by the offender. A verbal picture of the personality of the unknown offender is then possible.

- *Was the victim forced to say anything?*

The offender, by means of his suggestions to the victim, will indicate what arouses him. During the rape situation the rapist may demand that the victim use certain words or phrases that enhance the act for him. One who demands the victim to plead, or forces her to scream, suggests sadism and enjoyment of total control and domination.

- *Sudden change in offender's attitude during offence.*

It is important to acknowledge any change in the attitude of the offender. Is it becoming more or less aggressive, apologetic, caring? Is the change caused or influenced by external factors? An indication that the rapist's behaviour changes under stressful conditions, can help with interrogation.

- *Precautionary actions taken by offender.*

This information will be a determining factor in the establishing of the experience level of the rapist. The novice rapist is unfamiliar with modern medical or police technology, and will take minimal or obvious actions to hide his identity. The experienced/previously arrested rapist should be noted by his *modus operandi* that indicates a more than common knowledge of police and medical abilities. In addition to the above, the experienced rapist will disable the victim's phone before entry or departure, order the victim to shower or bath, and remove or wash items used during the offence.

- *Objects removed from the scene.*

It is important that theft from the victim should be recorded properly, as it can assist in identification of the offender. Evidentiary items taken, such as those he touched or ejaculated on, suggest his level of experience. Valuables taken can indicate a level of unemployment: the value levels and also the size of items taken will also indicate the level of experience. Younger suspects will take a television, while mature offenders will take

jewellery or concealable items. Personal items such as photographs of the victim and lingerie are items with no intrinsic value. These are normally taken to remind the rapist of the event or the victim, and are taken as souvenirs or as a trophy. The objects taken reflect some or other information regarding the offender.

- *Has the victim had any experience that would suggest that she was targeted?*

Rapists quite often target or select their victims before the commission of the crime. It is important to establish if, before the offence, the victim experienced any calls or notes from unidentified persons, break-ins or a feeling that someone was watching or following her. Rapists who preselect their victims were often previously arrested for crimes such as breaking and entering.

- *How would the rapist's friends describe him?*

The ability of the rape victim to disassociate the individual, who raped her from the way he is observed to be by his friends and associates, will amaze even the most experienced investigator. Having the victim describe her attacker will benefit the investigator and the victim. Attributes such as whether the offender was shy, unsure of himself, or rough, will help to formulate more information on him.

Based on the above suggestions, the researcher is of the opinion that offender profiling fits in under the objective individualisation of a crime, as it attempts to individualise the crime as an act of a particular person. Offender profiling is now further discussed, in order to understand its origin and possibly its more frequent use in the forensic investigation of crime.

2.6 OFFENDER PROFILING

According to Putwain and Sammons (2002:83), supported by Jackson and Bekerian (1997:4) and Ainsworth (2001:98), the first offender profiling system was developed in the 1970s by the Federal Bureau of Investigation (FBI) in the United States. The FBI's Behavioural Science Unit developed the profiling technique known as crime scene analysis. Initially, the members of this unit

interviewed offenders such as serial killers and rapists who had committed serious crimes. The data from these interviews were put on a database called the Violent Criminal Apprehension Program (VICAP). They then used this data to compare evidence from a crime scene to patterns from previous crimes, in order to predict if any crimes were likely, and when and where they might take place.

During that time, Professor David Canter from the United Kingdom (UK) was also involved in profiling. Canter developed an approach to profiling that he called "investigative psychology" (Putwain & Sammons, 2002:88). This approach suggested that people tend to act consistently during the commission of crime, and therefore the way in which a crime is carried out can be used to predict how an offender will act in other aspects of their life.

The researcher noticed that in Ainsworth (2001:98), the approaches of the FBI and Canter were referred to as early approaches to profiling. The approach to profiling of Ainsworth is therefore also discussed. Ainsworth (2001:7) declares that at the heart of most profiling is the belief that the trademarks of an offender can be deduced by carefully examining the characteristics of the offence. He also suggests that offender profiling is the process in which all available information about a crime, a crime scene and a victim, are utilised to compile a profile of a (as yet) unknown perpetrator. In the work of Ainsworth (2001:8), he contends that the aim of profiling is a prediction of the most probable characteristics that a perpetrator is likely to possess.

In relation to the abovementioned statement by Ainsworth (2001:8), at first glance an opinion can be formed that reference is being made to *modus operandi*, rather than profiling. According to Berg and Horgan (1998:100), *modus operandi* is the method of operation that an offender uses to commit a crime. They further suggest that the way in which an offender commits a crime will often stay the same, whereas Bennett and Hess (2007:653) refers to it as the characteristic way in which a criminal commits a specific crime. In a sense, when the term is defined, it sounds quite similar to profiling, which also focuses on the trademark of the offender in committing the offence, to establish his

identity and further to narrow the pool of suspects. According to Bennett and Hess (2007:387), Berg and Horgan (1998:101–102) and Marais (1989:48–49), the important factors that influence *modus operandi* are as follows:

- The time.
- Type of victim.
- Type of premises.
- Point and means of entry.
- Type of property taken.
- Any peculiarities of the offence.
- Opportunity to commit a crime.
- Need.
- Passion.
- Inadequate social skills.
- Physical capacity.
- The situation in which the offender finds himself.
- Knowledge and experience.

The information gathered from the abovementioned factors will help investigators to compile *modus operandi* files. *Modus operandi* files are organised into two categories of information:

- Information pertaining to crimes committed by unidentified offenders; and
- Information concerning crimes committed by identified and apprehended offenders.

According to Bennett and Hess (2007:196) and Berg and Horgan (1998:111), *modus operandi* is effective when a trend is identified and the information gathered can be analysed or checked against details already in the *modus operandi* files. According to the researcher, the reasoning behind *modus operandi*, suggest when a trend is identified a file regarding an offender is opened in order to link him with a specific crime. If information gathered based on the factors involved in a crime do not link, a new file is opened each time no link or identification is made. The *modus operandi* file only supplies an

investigator with the basic behaviour and characteristics observed and noted during the commission of an offence.

It is therefore suggested by Bennett and Hess (2007:196) and Berg and Horgan (1998:111–112), that when a crime is committed without an explainable reason for the crime, investigators should look for other sources to develop or identify an offender. They identify offender profiling that focuses on specific information which is categorised to either identify offenders or to eliminate them. *Modus operandi* files and information are important towards providing an investigator with information that can be included in an offender profile. Offender profiling itself was found to be interpreted and defined in different ways.

The researcher found that researchers do not refer to offender profiling by only one single term. Various authors have their own ways of referring to offender profiling, as indicated in Ainsworth (2001:8), Jackson & Bekerian (1997:2), Palermo and Kocsis (2005: viii) and Turvey (1999:1), as less common terms:

- Behavioural profiling.
- Crime scene profiling.
- Criminal personality profiling.
- Psychological profiling.
- Criminal profiling.
- Crime scene analysis.
- Specific profile analysis.
- Investigative psychology.
- Statistical profiling and geographical profiling.

Turvey (1999:1) is of the opinion, regarding the abovementioned terms, that there is no uniformity or agreement regarding the application of the indicated terms to any profiling method. Jackson and Bekerian (1997:2) contend that the underlying concepts, on which the definitions are based, remain the same, although defined in different terminology by many different authors, over the years. In order to be able to identify a suitable definition for the purpose of the study, the work of various authors was perused.

Several authors, including Ainsworth (2001:7), Jackson and Bekerian (1997:3), Palermo and Kocsis (2005:5) and Turvey (1999:1), define offender profiling as follows:

- The combination of sociological, psychiatric, psychological and criminological disciplinary knowledge in the analysis of criminal behaviour.
- The process where all available information about a crime, a crime scene and a victim, are used to compile a profile of an unknown perpetrator.
- The process of inferring distinctive personality characteristics of individuals responsible for committing criminal acts; this is based on the premise that the proper interpretation of crime scene evidence can indicate the personality type of the individuals who committed the offence.

The South African researcher, Labuschagne (2003:67), defines offender profiling as:

- Any activity specifically undertaken with the intent of assisting an investigator to determine the most likely type of individual to have committed a specific crime.

Hesselink-Louw and Joubert (2003:99–100) define profiling as follows:

- Soft evidence profiling: the assessment of criminal behaviour (including an assessment of victims' credibility); motives; causes of crime; *modus operandi*; characteristics unique to the South African offender; relevance of a specific culture; customs and personal beliefs of a perpetrator; personal and family background; personality outlay (e.g. intelligence, emotional functioning, fantasies, cognitives, distortions); and, post-offence behaviour and appearances.
- Hard evidence profiling: biographic details of the perpetrator (e.g. age, gender, race, occupation, residential area); crime scene analysis (photographs, analysis of the area); forensic evidence (e.g. DNA samples, blood, semen, hair, clothes, weapons); strategies for

apprehension and determining where evidence may be located; and, officers' reports, statements and autopsy reports.

To a further extent, the researcher made use of research participants to retrieve their opinions regarding what offender profiling is. The question, "What is offender profiling?" was put to sample A, who responded as follows:

- Something to do with information of a suspect (two participants).
- To have data of a suspect available (two participants).
- I have no idea what it stands for (thirty-six participants).

Sample B responded to the same question as follows:

- When you gather information and later use it to trace a suspect (one participant).
- It is a document where all relevant information of a suspect is in (one participant).
- It is to find a possible suspect in some cases (one participant).
- It is the people of intelligence that compile offender profiles (one participant).
- Never heard of it (eight participants).

The vast majority of participants were not familiar with the concept "offender profiling" at all. Out of 52 participants, 44 had never heard of offender profiling, or had no idea what it is. Regarding the remaining participants, the researcher concluded that they did not have a reasonable understanding of offender profiling. It is evident that there are differences in the definition of "offender profiling", and also different approaches to it.

For the purpose of the study, the researcher will therefore use the terms "offender profiling" and "profiling" concurrently, which will be defined as follows:

- The process whereby all available and useful information regarding the behaviour of an offender is analysed to determine the most likely or unknown perpetrator in a reported case.

The purpose of the product will be to assist investigators. Offender profiles do not solve crime, but constitute just one more tool to give guidance, support and improvement to a case (Jackson & Bekerian, 1997:3). The researcher intends to explain, in the following chapter, why he feels that offender profiling can be a method that should be utilised in the investigation of rape cases.

2.7 GOALS OF PROFILING

According to Labuschagne (2003:67), the goal of profiling is to assist the investigator to focus his investigation on the most likely type of suspect. Holmes and Holmes (2002:7–8) suggest these three major goals in profiling:

- To provide a social and psychological assessment of the offender.
- To provide psychological evaluation of belongings found in possession of the offender.
- To provide interviewing suggestions and strategies.

Turvey (1999:350) adds the following as goals of profiling:

- To reduce the viable suspect pool in a criminal investigation, and to prioritise the investigation towards those suspects.
- To assist in the linkage of potential related crimes, by identifying unique crime scene indicators and behaviour patterns (i.e. Signature aspects).
- To assist in the prevention of escalation of nuisance criminal behaviour to more serious or violent crimes.
- To provide investigators with relevant investigative leads and strategies.
- To help keep the overall investigation on track and undistracted.

Holmes and Holmes (2002:7) contend that these goals are not unique, but exist as an aid in the battle against crime. The question, “What are the goals of offender profiling?” was put to the respondents. In total, 52 of them responded in more or less the same way: offender profiling sounds like something that can help to solve a case. Although the majority of participants indicated that they are not familiar the concept offender profiling, they did however attempt to respond to what they thought the goals entailed. From the information retrieved from the respective sources, it suggests that offender profiling can in one way or another

assist in forensic investigation. The participants in relation to the literature concur that offender profiling can assist in and during forensic investigation. The researcher will now focus on the format of a profile.

2.8 PURPOSE OF OFFENDER PROFILING

The primary purpose of profiling, in police investigation, is to serve as a tool for identifying suspects (Palermo & Kocsis, 2005: viii). As previously indicated, profiling is not another way to solve crime, but a method to assist during investigations. Palermo and Kocsis (2005:16) maintain that to identify offender's traits is the main purpose of any offender profile. The profile tends to give a solution for establishing the identity of an unknown offender. It is indicated in the Psychologically Motivated Crimes Course (2007:202), that the offender profile will eventually describe a certain personality and characteristics that will fit the offender. Although more than one suspect may fit a profile, the profile should be accurate and detailed enough to narrow the probabilities to a large extent. Ainsworth (2000:105–106) continues to say that a profile suggests the most likely offender, based on the offender's actions. He further feels that the profile will narrow the pool of suspects, and avoid wasting time on lines of inquiry which are likely to be fruitless. In the compilation of a profile, there is no room for speculation or taking wild guesses, but rather, relying on generalised research facts.

2.9 FORMAT OF A PROFILE

Palermo and Kocsis (2005: viii) suggest that a profile can be a list of characteristics, compiled by a law enforcement agency, which consists of common characteristics of those (perpetrators) engaged in a certain type of criminal activity. According to Labuschagne (2003:68), an offender profile should be formulated into a structured written report. It is further reasoned by Turvey (1999:190), that a profile should be a court worthy document. The question of what it should consist of, and look like, comes to mind.

Berg and Horgan (1998:113–114), Hagan (2000:144) and Van der Westhuizen (1996:52) identify the following aspects to be included in a profile:

- Age.
- Sex.
- Marital status/adjustment.
- Occupation.
- Level of education.
- Military history.
- Socio-economic status.
- Hobbies.
- Transport used.
- Record of previous arrest.
- Appearances of the suspect.
- Residence.
- Relationship to victim.
- Intelligence.
- Emotional adoption.
- Pathological behaviour.
- Family background.
- The likelihood to commit the same crime again.
- Work habits.
- Personality characteristics.
- Sequence of events during offence.
- Mood of offender before, during or after the offence.

Taking these aspects into consideration, the researcher searched for information about an actual profile. According to Labuschagne (2003:68), an actual profile can comprise twenty or more pages, depending on the offences committed. It was also noticed by the researcher in the actual profiles by the mentioned authors, that their length and structure differed. The researcher reasoned that the aspects included greatly depended on what information is relevant to a particular case, and available for profiling. The ideal outcome of a profile will be for it to pinpoint a suspect. This, however, is premature, as the purpose is to identify a possible suspect. Palermo and Kocsis (2005:viii)

explain that the primary use of a profile is as a tool for identifying suspects in police investigations.

During the interviews the question “What is the format of an offender profile?” was put to the participants. In total, 52 participants from both samples replied that they had no idea what an actual profile would look like. The participants explained that they did not have prior knowledge of the concept or requested such information. The participants could not add any information and therefore had no idea of what was written in the literature.

Hazelwood and Burgess (1999:178–181), Holmes and Holmes (2002:33–35), Labuschagne (2008), Myburg (2008) and Van der Westhuizen (1996:58–63), were able to identify how the information collected complemented the actual profile. The last mentioned sources therefore included the following aspects in an offender profile:

- *Overview of case.*

In this part of the profile, an overview is given of the time and area frame in which the rapes were committed. The possibility is mentioned, based on the similar behaviour of the offender with regard to his approach to the victim and his verbal, physical and sexual behavior, that it is suspected to be the work of the same person. References, by means of the cases, are also given as such. From the aforementioned information it should be possible to class the offender, based on his actions – as, for example, an anger retaliation rapist. It will indicate that for the offender, the offence of rape is primarily to show aggression, rather to be sexually satisfied. He uses the sexual deed to punish women.

- *Demography.*

- Age – when it comes to anger retaliation offenders, the ages of the victims are more or less the same, or a bit older than the offender.
- Race – the race of the offender is more or less established according to the area in which the rapes occur – or possibly voice or dialect.

- Marital status – the time frames during which the rapes occur will serve as an indication whether the offender is married or not.
 - Residence – if the rapes occur in a specific area, it can be that the offender lives nearby. The fact that he also flees without being caught could be an indication that he knows the area well.
- *Childhood.*
When referring to the anger retaliation rapist, it can suggest that the offender had a childhood with some amount of aggression. As his aggression is towards women, the aggressor in the family could have been his mother.
 - *Education and intelligence.*
If the offender commits more than one rape in the same area and manages to flee the police constantly, it means that he does some planning. This is an indication of an offender with an education and a level of intelligence.
 - *Occupation.*
In a case where the offender is indicated to be very strong in the use of his aggression, it could show that he might be a builder or a gardener.
 - *Socio-economic status.*
The offender will probably stay and work in the area and will therefore fit into such environment.
 - *Transport.*
Access to transport, for instance, will not be an issue if the victims are at all times approached on foot, or the suspect always runs in a certain direction.
 - *Appearance.*
This information will be dependent on the information the victim relays in her statement.
 - *Criminal record.*

At times when the offender uses a condom, he is aware of the fact that DNA can trace him. The efforts such an offender takes to hide his identity can mean that he does not want to be recognised.

- *Attitude towards woman/sex.*

The offender's aggressive behaviour towards women will and can indicate that he uses them as objects. If he cannot perform, he will use any form of aggression to stimulate himself.

- *Motive and fantasy.*

The objective of the offender is not the act of sex, but rather to show his hatred towards women. The offender's fantasy will be the comfort he experiences when he causes the woman pain.

- *Emotional adoption.*

The offender will only consider himself, and will ensure that his own needs are satisfied. He will counteract resistance with force. He will further use this force and aggression to show he is the only one in control.

The abovementioned authors conclude by suggesting that the profile should, lastly, assist the investigating officer with interrogation strategies. The content of the profile will greatly depend on the information available on hand in the case docket.

2.10 SUMMARY

The investigation of crime remains a factor in the curbing of crime. According to Bennett and Hess (2007:9), criminal investigation has become more scientific since 1950. Investigators cannot only rely on the experience and knowledge they have gained, to solve cases. Offender profiling in forensic investigation of crime is not a new investigative method, but merely an investigative aid. It is, indeed, a reminder of the resources available during the investigation process.

In addition, the use of offender profiling in South Africa can be broadened. The concept of offender profiling was discussed, and found to be less commonly

used, locally. The purpose of this study is to ensure the rollout of the concept to all investigators, as an aid to investigation.

The last chapter includes a discussion on what a case docket, rape investigation and docket analysis consist of. To conclude, a discussion on the development of an offender profile through docket analysis follows.

CHAPTER THREE

DEVELOPING OF A PROFILE

3.1 INTRODUCTION

Marais (2003:87), states that when a crime is committed, the complainant usually lays a charge with the SAPS, where a case docket is opened. The registering of a docket is done in the Community Service Centre (CSC). Shortly after the registration, it is assigned to the relevant investigation unit. All rape cases are assigned to FCS. The case docket will either be transferred by hand or post. During this process it is also transferred electronically, for the relevant unit to acknowledge receipt. The Case Administration System (CAS) serves as a means of control, to ensure that cases do not get lost (albeit electronically).

According to Marais (2003:8), all information gathered during police investigation of a case, is filed in the case docket. The information collected during the investigation of a case should lead in the direction of identifying a suspect or possible suspect. In this chapter the researcher indicates what a case docket is, its purpose, and defines and discusses the concept of “docket analysis”. Further, the discussion attempts to indicate how the use of docket analysis in rape cases can assist in the identifying a possible suspect.

3.2 CASE DOCKET

The official document used by SAPS to collect and gather information regarding the investigation of an offence is called an SAP3M. Investigators refer to it as a dossier (as referred to in Afrikaans) or case docket. When a crime is committed and reported to the police, they open a file called a case docket (Bekker, Deane, Swanepoel & Nel, 2006:15). According to the *Concise Oxford dictionary* (2002:231), a “dossier” relates to a perpetrator’s case under investigation. The term “dossier”, as used in the dictionary, is also the common term used by investigators referring to the Afrikaans meaning. Locke (2001:1) defines a case docket as an official document (SAP3M) wherein record is kept

of a reported crime and its investigation. It is suggested by Palmiotto (2004:6), that investigators need to assemble documents and facts that are linked to a crime, to later assess the information, in order to be able to draw a conclusion. Locke (2001:2) insists that a case docket contains the complete record of the investigation of a crime. All information regarding the victim, witnesses, crime scene, perpetrator and further relevant information, should be documented in a case docket. The case docket will then serve as an actual courtworthy document to gather this information. During the investigation process, the case docket is subjected to different levels of inspection, which are to ensure that the investigating officer adheres to instructions given by the supervisor, or any outstanding and unclear matters raised by the prosecutor.

3.3 THE PURPOSE OF A CASE DOCKET

According to Marais (2003:48), the purpose of a case docket is to investigate a crime that has been reported. He further concludes that this case docket, after a proper investigation, needs to be presented in court, in order to present a case. Bekker *et al.* (2006:15) feel that all statements, related documents, and action steps taken by the investigating officer in the course of the investigation, should be recorded in the case docket. It is suggested by James and Nordby (2005:173) that with proper documentation by the investigators, information regarding the crime scene and physical evidence are permanently documented.

The researcher obtained the following results from the interviews, regarding the purpose of a case docket. The question, "What is the purpose of a case docket?" was posed to both of the samples. The fifty-two participants from the two samples replied as follows:

- To investigate a case that has been reported (twelve participants).
- To keep record of your investigation (four participants).
- It is opened when a case has been reported (two participants).
- It is called a saps 3, in police terms (seven participants).
- All statements, photos, correspondence, and all relevant information to a case, are put together in a case docket (three participants).
- It is like a record keeping system that you later use (two participants).

- To gather information for court purposes (two participants).
- It helps you to manage your case (three participants).
- If you do not have a docket, there is no case (one participant).
- It is the official document saps use for their investigations (sixteen participants).

All the participants that participated in the research responded. The responses in almost 50% of the feedback, however, do not address the purpose of a case docket. The researcher is of the opinion that the participants do not know the answer, but rather what it is. The other 50%, who responded, indicated that the purpose of a case docket would be to collect and record all relevant information in the investigation of a case reported. Three of the participants agreed with the following authors and experts interviewed, on what is to be included in a case docket, with reference to its purpose. Bekker *et al.* (2006:15), the Psychologically Motivated Crimes Course (2007:187), as well as experts interviewed Labuschagne (2008) and Myburg (2008) suggest the following information to be included and presented in a case docket:

- Statements (which include those of victim, witnesses, experts and investigators).
- Photos (all relevant to victim, scene and geographical area).
- Correspondence.
- Forensic reports.
- Investigative decisions.
- Notes of the investigating officer, and any other information relevant to the case under investigation.

The abovementioned information forms part of the investigation process, and the completeness thereof is of the utmost importance. The researcher found that at times, not all the information referred to will be present in the case dockets. During an analysis done by the researcher, it was found that in all the dockets analysed, the following information was either not included, or incomplete, in the mentioned total out of sixty eight:

- Photos of the crime scene – in three of the cases these were outstanding.
- Information in complainant statements only gave information regarding the sexual deed, no possible description of the offender, and the victim was under the influence and was not able to give a description in four of these cases.
- Not all statements were properly filed – in twelve cases; each statement was filed as an information report in the b-clip of the docket. The commanders were informed and fortunately it was rectified. The researcher also as a commander did when he noticed this indicate to there supervisors that the investigating officers involved, all inspectors, do not take work as serious.
- Statements of experts and witnesses outstanding – in seven of the cases.
- Forensic reports outstanding, DNA report in three of cases not filed.
- Summary by investigating officers – a common factor outstanding in two cases.
- Proper entries in investigation diary – an outstanding factor in four cases.

In these mentioned cases, the information that was needed to complete the analysis, in terms of the statement for use during profiling, was sufficient. Carney (2004:139), suggests that an investigator needs to ensure that in every case, proper record-keeping, organising those records in chronological and coherent fashion, and their persistence to document every aspect of their investigation, is carried out. According to Turvey (1999:60), it is better if investigators over-document in a case, rather than under-document it, as one will only have one chance to investigate properly. If this is done, a case docket will then contain all relevant information that is suggested, and will show the commitment of the investigator. There can never be too much information in a docket. Turvey (1999:61) is further of the opinion that investigators should include all available information in their cases, as it can be used to create a picture of what happened.

3.4 DOCKET ANALYSIS

According to *Longman active study dictionary* (2004:26), an “analysis” is the careful examination of something (e.g. a docket), to understand it better or find out what it consists of. It is further suggested in *Analysis* (2009), that “analysis” is the process of breaking a complex topic or substance (e.g. the statements in a docket) into smaller parts to gain a better understanding of it. For the purpose of this study, the researcher focused in particular on the statements in the case dockets. It is suggested by the researcher that an analysis is the careful breaking down of information, in order to find a meaning or value in the found information. Docket analysis, for the purpose of the study, must be seen as the careful examination of a case docket in order to retrieve information contained in such docket for future use. The information retrieved from these dockets is then generally used by the SAPS to assist during their day-to-day planning. At station level, docket analysis is being done by the Crime Information Analysis Centre (CIAC). Docket analyses are done when specific crime trends, with regard to a specific crime such as rape, are identified. An example of a crime trend can be an increase of reported rape cases in an area which has a low reported figure. It can be when there are normally six cases reported for the month, and the figure escalates to twelve. The docket analysis process is discussed in 3.6 of the study.

3.5 OBJECTIVES OF DOCKET ANALYSIS

Locke (2001:2) feels that the objective of docket analysis is to increase one’s knowledge of a crime. As previously indicated, a case docket serves as an official file to store, gather and collect all relevant information regarding a reported crime. It is suggested by Locke (2001:2) that the following are examples of the objectives of docket analysis:

- Management of information.
- Explanation regarding the causes of crime or an indication of factors associated with certain crimes.
- Providing information to focus on crime prevention strategies.

- The identification of a *modus operandi* could establish the presence of some kind of serial offender or group of offenders.
- The channelling of information to the community regarding risk factors.
- Serving as a basis for the initiation of follow-up studies of a qualitative nature.

The success of such docket analysis depends greatly on the information (e.g. statements, photos, forensic reports, expert reports) available in the case dockets. For the analysis to be done, information is needed. It would be advisable if investigators are educated to include as much possible information in a docket. The researcher suggests that in service training, specific information sessions and practical evaluations to be introduced to the investigators. The inspections done by group heads and supervisors, should give guidance on what information will ensure the completeness of the case dockets. Keeping in mind the objective of docket analysis, the researcher intends to explain the process of docket analysis and the analysis completed in the study.

3.6 THE PROCESS OF DOCKET ANALYSIS

The docket analysis process was initiated by the CIAC at the SAPS Head Office in early 1995 (Locke, 2008). Questionnaires for all cases were developed, to try and establish a possible pattern when two or more specific crimes are reported in a specific area. A workgroup was established to compile a questionnaire for the purpose of docket analysis in rape cases. Docket analysis is currently done by the Management of Information Officer (MIO) at station level.

This questionnaire is an example of an instrument which can group information that can later be used in a specific investigation. The information requested is not the “beginning and the end”, as more relevant questions can be added as the need arises. The process is brought to life when a specific threat has been identified – for example, a sequence of rape cases is reported in a specific area in a specific time frame. In the current study, the focus was on rape cases reported in a specific time frame and area. As soon as the time frame is

available, the relevant case numbers and case dockets must be obtained from the archives.

During the execution of this study, a sample of case dockets was selected for analysis. The dockets were analysed against the questions as indicated in 1.8.4, see page 16. In relation to questions the result of the docket analysis produced the following findings:

- *Day of the week* – It was found that most of the rapes occurred over weekends, with the majority on Saturdays.

Day of week	Number	%
Sunday	10	14,7
Monday	3	4,4
Tuesday	1	1,4
Thursday	7	10,2
Friday	18	26,4
Saturday	29	42,6
Total	68	100,0

- *Time of day* – The time frames that is reflected in the table below should be understood as follows, day period will be from 06:00 till 17:59 whereas night time from 18:00 till 05:59. The most cases were reported during night time which is in total is 83, 9%, the bulk of it after midnight. For the day period only 15, 1% is reported in relation to the night. This could be an indication that the offender feels the victims are more vulnerable and accessible during night time.

Time	Number	%
00:00 – 02:59	33	48,5
03:00 – 05:59	11	16,1

06:00 – 08:59	1	1,4
09:00 – 11:59	3	4,4
12:00 – 14:59	4	4,8
15:00 – 17:59	3	4,4
18:00 – 20:59	4	5,8
21:00 – 23:59	9	13,2
Total	68	100.0

- *Scene of crime* – The first contact with the victim was either at the crime scene, or the victim was taken to a specific location. It was noticeable that the preferred scenes of attack were open fields or bushy areas. The rapes also occurred less frequently at the offender’s residence. The offender overpowers the victim and forces her to the place of the rape.

Place of first contact/ crime scene	Number	%
Victim’s residence	7	10,29
Offender’s residence	6	8,82
Other private residence	9	13,23
Park	15	22,05
Open space	27	39,70
Unknown	4	5,88
Total	68	100,00

- *Victim’s condition* – In the majority of these cases, the victims were on the way home from friends, and were surprised by the attacks. In 17, 64 % of the cases the victims used drugs. An indication was given that one or two beers were drunk with friends in 75% of the cases. The lowest percentage gave an indication of using strong liquor.

Any substances taken by victims	Number	%
Drugs	12	17,64
Beer	51	75,00
Strong Liquor	5	7,35
Total	68	100,00

- *Victim before attack* – In 55.88% of the cases analysed the victims were on their way home after visiting friends. It appears that the attacks commonly occur when the victim is alone.

Victim before attack	Number	%
Work	5	7,35
In tavern/shebeen	18	26,47
Visit to friends	38	55,88
At victim's residence	7	10,29
Total	68	100,00

- *Approach by offender* – The approaches effected in different ways – 75% overpowered the victim (blitz approach), 22% wanted to show the victim something or offered assistance (con approach), and in 3% of the cases the victim described the attacker as unknown or she was surprised.

Approach by offender	Number	%
Blitz approach	51	75,00
Con approach	14	20,58
Surprise	1	1,47
Unknown	2	2,94
Total	68	100,00

- *How the attacks occurred.*
 - The offender, which could have been a single attacker or several single attackers, was very aggressive in his attacks, as if he wanted the victims to know he was stronger than they were, and in control. At times he slapped the victims through the face, without saying anything. This happened in all 68 cases.
 - In 44 of the cases analysed (a total of 65%), the victims reported that the offender or offenders threatened to kill them if they did not say he would make a good lover. The remaining 24 victims, reflecting 35%, were requested to show signs of affection by suggesting they wanted more. The researcher is of the opinion that the offender saw the victims as objects, based on his behaviour towards them.
 - Sexual dysfunction: in 51 of the cases (75%), the victims indicated that the offender gave his penis a slap while mumbling something. This could be an indication that there was some form of erectile dysfunction. The rest of the 17 cases (25%) indicated that the offender did not have any problem with getting an erection.
 - Type and sequence of sexual acts: the type of acts indicated show that the offender thrived on fantasy. He was cuddling and kissing victims in their necks and breasts. This acts occurred in 51 of the 68 cases. In total, the rest of the victims (17 out of 68, a percentage of 25%) reported that he also bit their nipples before he raped them.
- *Victim's reaction* – In total, 68 of the victims indicated that they succumbed to the offender's demands, as they feared for their lives.
- *Offender reaction towards resistance* – As indicated, the victims did not attempt to resist, as the initial attack on approach startled and caused a fear of the offender. In all 68 cases reported it was the feedback.
- *Objects and property removed from the scene* – In none of the 68 case dockets was such information reported.

- *Offender's fleeing of scene* – The offender, in all of the cases, ran away from the scene after he had committed these rapes. In none of the cases was an indication given that a vehicle was used as a getaway after the attacks. Based on this information, it is suggested that the offender or offenders lived nearby and knew the area well.

It is suggested by Ressler, Burgess and Douglas (1988:136) that comprehensive case material is essential for an accurate profile.

The information retrieved with the abovementioned questions was only to give an indication of the offender's behaviour before, during and after the offence, which included the physical, verbal and sexual acts as suggested by Carney (2004:80–82) and Hazelwood and Burgess (1999:140–154). This information could be used to individualise the crimes as the act of a specific offender or several lone offenders.

3.7 RAPE INVESTIGATIONS

For the purpose of the study, the definition and elements of the crime of rape will now be indicated. An explanation of who is involved in the investigation of rape cases will also be given. A full discussion on how rape investigations should be carried out, was not the aim of this chapter or study, and therefore will not be discussed.

The following is the current (and previous) definitions of rape in South Africa.

According to Circular 1/1/4/1(242) of 2007 (par.1) a new Act, the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, was adopted by Parliament and came in operation on 16 December 2007 (South Africa, 2007). It is further indicated in paragraph 2 that the new Act repeals several existing common law offences such as rape, indecent assault, incest and bestiality, and replaces the offences with new statutory offences. An indication was further given that at no time on or after 16 December 2007, should the offence of rape be referred to in terms of its common law definition and the actions prescribed in it, but as referred to in the Act. Paragraph 9 of the Circular, Section 3 of the Act, provides that a person is guilty if he or she

unlawfully and intentionally commits an act of sexual penetration with a complainant, without his or her consent.

According to South Africa (2007) in Act 32 of the Criminal Law (Sexual offences and related matters) Amendment Act 32 of 2007, the legal definition for rape is when:

- any person (“A”) who unlawfully and intentionally commits an act of sexual penetration with a complainant (“B”), without consent of B, is guilty of the offence of rape.

The elements of a crime are the conditions that have to be present before it can be stated that a crime is been committed. According to the *Basic Crime Investigation Practice*, Module 1 (2009:2), the conditions include:

- Principle of legality.
- Conduct.
- Unlawfulness.
- Culpability.

As indicated in Act 32 of the Criminal Law (Sexual offences and related matters) Amendment Act 32 of 2007(2007:20) and Circular 1/1/4/1(242) of 2007 (par.9), for a case of rape to be reported and proved, the officer needs to look at the following elements as indicated:

- There must have been sexual penetration.
- The perpetrator should have intended to commit the rape.
- The perpetrator should not have been forced to commit the rape.
- The act should have been committed without consent.

It should be noticed that the mentioned definition is gender neutral, as it suggests that the offence can be committed against male or female. After its proclamation, the definition was circulated among all SAPS personnel, to familiarise them with it, and to enforce Circular 1/1/4/1(242) of 2007. However, prior to the amendment, the accepted definition for rape was, as indicated by Van der Hoven, Naude and Munnick (2007:15), the unlawful and intentional

intercourse with a female without her consent. The readers should note that the rape cases analysed in the study were reported before the amendment took place. The last-mentioned definition was applicable and in use when the cases that were analysed during this research were reported. It was found that the perpetrators in these cases analysed were all male, as it was accepted, prior to the amendment, that the female was a victim. It did not imply that males are excluded as victims of rape. The researcher, however, will refer to the victim as the female and the male as the perpetrator. The investigation of the newly reported cases was done as prescribed in the Sexual Offences Amendment Act.

In the SAPS, the Family Violence, Child Protection and Sexual Offences Unit (FCS) are directly involved in the investigation of sexually-related cases, which include rape cases. Carney (2004:1) suggests that when conducting a rape investigation, it requires different skills and proficiency that is unique to these types of investigations. He further indicates that the lack of skills and proficiency can be an obstacle and daunting to untrained and inexperienced investigators. According to Snow (2006:29), the investigation of rape begins like any criminal investigation, with the report of the crime to the police. The skills of local investigators will establish the quality of the rape investigations. It can be deduced from the information given that despite all the training and experience of investigators, a great deal depends on the attitude of the investigator. The difficult part during rape investigations is for the investigators to be compassionate towards the victim while keeping focused on the investigation at hand. Rape investigations are of a sensitive nature, and the investigation should always be conducted in a professional manner.

3.8 QUALITIES OF RAPE INVESTIGATORS

According to Carney (2004:25), the reluctance of many investigators in rape investigations, is frequently caused by their inability to work with such sensitive occurrences objectively. Gilbert (2007:286) suggests that the investigation of rape calls for maximum tact and professionalism of investigators. It is therefore of the utmost importance that special commitment and discipline in such

investigations are needed. It is then suggested by Carney (2004:26) that this unique field of investigation needs more than just skill. Carney (2004:26–30), Gilbert (2007:286), Netto (2000:89), Savino and Turvey (2005:29), and Swanson *et al.* (2003:29) suggest the following as qualities of investigators, they must:

- Show compassion for the victim while maintaining a professional posture.
- Not become emotionally involved.
- Gain the confidence of the victim by adopting an empathetic approach.
- Not be judgmental.
- Be able to identify and collect evidence.
- Apply their training during investigations.
- Be able to establish the legitimacy of the rape.
- Lead victim or witness during questioning.
- Have a strong degree of self discipline.
- Use both inductive and deductive reasoning.
- Use legally approved methods and be highly ethical.
- Realise that successful investigations are not always produced by rote application of the appropriate steps, and therefore supplement the investigative procedures with their own initiative and resourcefulness.

The abovementioned qualities will not be developed overnight, but can be the product of real commitment and openness towards training. The question, “Is there any specialised training for rape investigations?” was posed to the investigators during the interviews. All the participants responded that the Family Violence, Child Protection and Sexual Offences Course are the official course for investigators. This course is presented over a period of four weeks to members attached to the FCS units. Talent and abilities differ from investigator to investigator, and although basic requirements apply for each investigation, the skills of the individual investigators should be exploited and not abandoned (Carney, 2004:25). The skills and qualities of the investigators, as well as their investigations will be as a result of their own commitment in their field of specialisation in rape investigations.

The sample was not requested to give an opinion on the qualities of investigators, so there was purely a focus on literature in this regard. The researcher mostly requested information on profiling, from the participants, rather than on the qualities investigators need to possess.

3.9 DOCKET ANALYSIS AS AID IN RAPE INVESTIGATIONS

During a study executed by Van der Hoven *et al.* (2007:16), specific reference was made to docket analysis to identify patterns in rape cases. During their study, these researchers came to the conclusion that docket analysis confirms that the victim and the perpetrator are known to each other in a very high percentage (50%–80%) of all rape cases. The information mentioned is an indication that docket analysis is an option when one wants to group information. It can serve as an alternative avenue to obtain more complete information needed to explain a crime (Locke, 2001:2). In terms of the current research, the researcher refers to the crime as “rape”.

In response to the question, “How can docket analysis assist in rape cases?” The participants answered as follows:

- It can help you find a suspect (six participants).
- You can add a few rape dockets that occurred at more or less the same time to find a pattern (three participants).
- It shows you on how you can investigate your dockets on hand (four participants).
- Rape cases with no suspect can do with any help (seven participants).
- Docket analysis can make sure you get a possible suspect (two participants).
- When a lot of the same cases are reported you can rely on docket analysis (one participant).
- The information in it can help to find leads (three participants).
- It can help you to prevent crime (two participants).
- Ensure you can analyse information (four participants).
- No response (twenty).

In general, 64% of the participants responded to the question posed to them. The researcher is of the opinion that the rest of the participants (36%) are not familiar with the concept and therefore do not know how it can assist in rape cases. The intention of the researcher was to establish if the general investigator understood the use of docket analysis as an aid. These investigators are not personally involved in the docket analysis process as it is done for them on request by them by a Management of Information Officer (MIO) at the relevant station. From the interviews it can be seen that they do not use docket analysis as an aid. It is therefore of importance that investigators are knowledgeable of the benefits as well as aims of what docket analysis could mean to them.

Ainsworth (2001:4) feels that good analysis and the use of profiling will greatly depend on the quality and accuracy of the information gathered. The emphasis here is referring back to the qualities that rape investigators must possess in order to ensure a proper and well-noted investigation. If information is incomplete or inaccurate, then any subsequent analysis will be unreliable (Ainsworth, 2001:59). The information identified during docket analysis can only fully complement the profile, if it is relevant to a specific case and a proper investigation is done.

3.10 DEVELOPING OF AN OFFENDER PROFILE THROUGH DOCKET ANALYSIS

Snow (2006:29) suggests that during the investigation of rape cases one cannot overlook any source, no matter how unlikely. Labuschagne (2008) and Myburg (2008), both profilers in the SAPS, indicate that the case docket at this stage is the only source of information used to develop a profile. They state further that information such as statements, photos, forensic reports, etc. are of the utmost importance in a docket. All this information enables them to form a hypothesis with regard to a possible perpetrator. It is suggested by Netto (2000:50), that applying profiling in investigations in South Africa will depend on the retrieval of the essential information of the crime since it was reported. Carney (2004:176) includes the following as sources to assist in developing a profile:

- Forensic evidence developed at the crime scene and during medical examinations.
- Leads developed from interviews with witnesses, suspects and the victim.
- Leads initiated through criminal database searches.
- Information developed from non-criminal database searches.
- The collective knowledge and wisdom of the investigative team.
- Tips called in to investigators that do not conform to the profiles.

In order for a profile to be compiled the investigator needs to be available, as well as having the following information at hand, all investigative files, crime scene photos, crime scene examination results, autopsy findings and photographs, toxicology reports, victimology findings, demographic and crime data, statements of experts and results of laboratory examinations (James & Nordby, 2005:621).

It is important that the information in the case docket should lead the investigating officer to a suspect, or give a good indication of how the crime was committed. The statements and information available should also identify the characteristics of an offender, based on his behaviour during the commission of the rape. Ainsworth (2001:7) declares that at the heart of most profiling, the belief is that trademarks of an offender can be deduced by carefully examining the characteristics of the offence. He also suggests that offender profiling is the process in which all available information about a crime, a crime scene and a victim are utilised to compile a profile of an (as yet) unknown perpetrator. In the work of Ainsworth (2001:8), he contends that the aim of profiling is to make a prediction as to the most probable characteristics that a perpetrator is likely to possess.

According to Carney (2004:181), investigators should be able to provide a detailed account of an attack, in order for a profiler to complete an accurate profile. James and Nordby (2005:173) therefore state that the documentation of a crime scene by investigators is crucial to the subsequent investigation. It is, moreover, reasoned by Girard (2008:8) that proper documentation can greatly

assist, when an analysis is done, to understand what happened during the commission of a crime. Berg and Horgan (1998:105) suggest that when police are investigating a number of rape cases in a specific area, they will be keen to establish whether they have been committed by the same person. A pattern will only be identified if investigators take note of the cases they receive. The similarities in the cases reported should be able to give an indication whether one or more offenders are involved or operating in that specific area. As a result of proper investigation, all relevant information will be available in the case dockets to feed the profiling process. It is, further, important to acknowledge that the investigating officer will play a big role in the profiling process. According to Netto (2000:16), the success of profiling depends to a large extent on the individual investigator investigating a particular crime.

Carney (2004:181) deems it necessary for investigators to:

- Chart the time of attacks, including month and day of week.
- Map location of attacks.
- Describe location of attacks (e.g. residential private home, residential apartment, commercial building), in addition to describing the location within the building and the surrounding area.
- Describe the victim in detail, including emotion and physical condition at the time of the attack. Was she alert? Was she preoccupied? Was she intoxicated? Was she on drugs?
- Describe each victim's actions prior to the attack in detail.
- Describe how the offender approached the victim.
- Describe the attack in detail, including clinical details of the sexual act and the order in which the sexual activity occurred. Did the offender have trouble maintaining an erection? What did he say? What type of force was used? Did he try to demean the victim during the attack, or did he try to compliment her?
- Describe each victim's reaction: did she physically resist, or was she intimidated by the offender's threats and succumbed to his demands?

- Describe the offender's reaction to the victim's resistance or lack of resistance. Did the victim plead with him? If so, what was his reaction? Was any property stolen? If so, what was stolen?
- Describe how the offender fled.
- Describe the police response, crime scene, and evidence that was recovered.
- Describe the result of the forensic analysis.
- Describe what investigative steps have been taken and the current status of the investigation.

The abovementioned information can be retrieved by means of docket analysis if all the information has been documented properly by the investigating officer. Information provided by the rape victim and information compiled about the rapist are primary sources of information to the profiler (Netto, 2000:46). The abovementioned information needs to be noted properly in the case file, for the profiler to make the analysis as accurately as possible (Carney 2004:181). The researcher discussed, in 2.5.6., under the objective of investigation the individualisation of the crime, the aspects to identify an offender by means of his behaviour during the commission of an offence in order to individualise the crime as the act of a particular person or persons.

In order to analyze the case dockets, the researcher used the questions suggested by Carney (2004:181) as well further questions from himself from which a checklist was compiled. The questions on the checklist would, if the response was "yes" or "no", give an indication if there was enough information in the case dockets to assist in the compilation of an offender profile. From the analysis, the researcher would come to one of the following conclusions:

- "Yes" would indicate that all information could be obtained from the case dockets;
- "No" would show that the case dockets were incomplete and the relevant information could not be extracted.

The analysis was done by the researcher, as follows:

	Yes	No
Did you find the undermentioned information in the case dockets?		
When were the crimes reported, the times of attack, including month and day of week?	X	
Where it happened, the location of attacks (e.g. residential private home, residential apartment, commercial building), in addition to describing the location within the building and the surrounding area.	X	
Describe the victim in detail, including emotional and physical condition at the time of the attack.	X	
Was she alert?	X	
Was she preoccupied?	X	X
Was she intoxicated?	X	
Was she on drugs?	X	X
Where was the victim before the attack?	X	
How did the offender approach the victim?	X	
How did the attack occur, all possible information, including clinical detail of the sexual act and the order in which the sexual activity occurred?	X	
Did the offender have trouble maintaining an erection?	X	
What did he say?	X	
What type of force was used?	X	
Did he try to demean the victim during the attack or did he try to compliment her?	X	
Describe each victim's reaction.	X	
Did she physically resist or was she intimidated by the offender's	X	

threats and succumbed to his demand?		
Describe the offender's reaction to the victim's resistance or lack of resistance.	X	
Did the victim plead with him? If so, what was his reaction?	X	
Was any property stolen? If so, what was stolen?	X	
Describe how the offender fled.	X	
Describe the police response, crime scene and evidence that were collected.	X	X
Describe the result of the forensic analysis.	X	
Describe what investigative steps have been taken and the current status of the investigation.	X	X

In the abovementioned table where it is marked "yes" or "no", it reflects all 68 cases that were analysed. In the majority of the cases analysed, it included the information that is supposed to be in a case docket for the investigation to be complete. The researcher can confirm that the information that was outstanding in the case dockets was not of great concern, and reflected the minority of the cases analysed.

The following breakdown can be given:

- Was the victim preoccupied? (In two cases no information was available.)
- Was she on drugs? (In one case no information was given.)
- Describe the police response, crime scene, and evidence that were recovered? (In two cases no proper entries as to how the scene was investigated and the flow of the investigation.)
- Describe the result of the forensic analysis. (In three of the cases the reports were not filed.)

- Describe what investigative steps have been taken, and the current status of the investigation. (In six of the cases no summary was made to indicate the progress of the investigation.)

In this docket analysis, the researcher was able to retrieve information from case dockets that referred to what happened during the commission of the rape, and the behaviour of the offender. Information from cases can be collected with regard to the offender's behaviour, and can be used in the compilation of a profile, as inferred by Carney (2004:181). It is, however, of great importance that there is sufficient information available as needed, in a case docket. Carney (2004:181) is further of the opinion that in each case, the investigating officer is the eyes and ears of the profiler, with regard to information needed. He continues to say that investigators are the ones who interview the victim and visit the crime scenes, and by means of their investigation, feed the profile.

According to Hazelwood and Burgess (1999:182), to ensure that a profile can be compiled, a detailed statement needs to be obtained from the victim. There is a great resemblance in the information needed by a profiler to draw up a profile, and the information needed to compile a docket analysis. For both of these processes, the importance of the role of the investigating officer in the collection of information should be noted as valuable.

In the *Psychologically motivated crimes course* (2007:187) it is suggested that a profile should be drawn up in collaboration with the investigation team. Netto (2000:16) suggests profiling as an invaluable investigative accompaniment to assist in a thorough and sound investigation. It is further suggested by Ainsworth (2000:120) that if one studies the way in which offenders behave while committing their crimes; it can enable inferences to be drawn as to their most likely characteristics. Profiling offers no recipe or secret formula to bring the behavioural perceptions to life in the context of an investigation. It can, however, through systematic analysis of case material, identify a possible perpetrator (James & Nordby, 2005:616).

3.11 SUMMARY

It is of great importance that resources available to investigators are known to them, and are also accessible. A case docket, as indicated, is an important document in the conducting of any investigation. Information such as, proper statements, photos, correspondence, forensic reports, investigative decisions, notes of investigating officers and any information relevant to the case under investigation, must be recorded in the case docket. It has been established that the investigators in general are not familiar with the process of analysing case dockets. This was the situation with samples A and B who participated in the research. A proper understanding of what docket analysis constitutes will enhance the docket analysis process, which further will ensure profiling, and will be valuable in giving direction to any investigation. Docket analysis, together with the concept of profiling is an investigative tool that needs to be used to the fullest. The proper use of docket analysis, to compile an offender profile, represents a great, yet unrecognised stride forward in the forensic investigation of crime.

CHAPTER FOUR

FINDINGS AND RECOMMENDATIONS

4.1 INTRODUCTION

“An operational analysis of known rape cases in the Greater George area”, was researched for this report. A case docket, which is the reflection and product of an investigator’s work, is suggested as, and found to be, a source for offender profiling. Offender profiling needs a source of information such as a case docket to feed it with valuable information, in order to identify a possible perpetrator or to limit the pool of perpetrators.

Docket analysis is used to retrieve this valuable information from such an investigated case docket. Similar tracts of the offender can be identified through the docket analysis process, and then source the profiling process.

Findings and recommendations will now be made, based on the contents of the research.

4.2 FINDINGS

Information retrieved through interviews with research participants, case analysis and literature, enabled the following findings:

Research Question 1

What does offender profiling consist of?

In this research it was established that:

- Criminal investigation is identified to be the process whereby a crime is investigated through enquiries and reconstruction, into what really happened during the commission of a reported crime.
- Participants are familiar with the concept “criminal investigation”.
- With regard to “forensic investigation” it was found that participants are not familiar with the concept.

- Literature suggests any investigation to be the thorough investigation of cases, using scientific and investigative methods and techniques, to prove the true facts in court. Based on the literature sources studied and the researcher opinion that the two terms have the same goal.
- In the research it is found that criminal investigation and forensic investigation is the same, as both suggest the investigation of a crime in order to achieve the successful presentation of a case in court.
- The research participants were, to a large extent, unable to indicate what the purpose of forensic investigation is.
- Based on the literature, the end purpose of forensic investigation, other than merely solving crime, was identified to be a suitable prevention technique.
- The reasoning of the statement being that a successful presentation after investigation will scare off criminals.
- The objectives of forensic investigation are the identification of crime, gathering of evidence, individualisation of the crime, arresting of the criminal, recovery of stolen property and the involvement in the prosecution process.
- Offender profiling was identified as a process that complements the objective individualisation of the crime.
- It is the process whereby all information about a crime, crime scene, and a victim are utilised to compile a profile of an (as yet) unknown perpetrator.
- It was also noticeable that the respective researchers differed in their terms and approaches to offender profiling.
- Participants, in general, were not familiar with the concept of offender profiling, and the second lowest response to any question during the research was recorded here – a total 44 out of 52 participants did not respond at all, showing that participants did not understand the concept at all.
- In general, the main goal of profiling is identified as that of narrowing the pool of perpetrators, in order to identify and investigate the most likely type of perpetrator.

- According to the participants, the goal of profiling is to solve crime.
- The purpose of offender profiling is identified as a tool to assist in the identification of a possible suspect.
- The format of a profile is identified to be a formally structured, written report with a list of characteristics.
- Literature in general suggests a similar list of characteristics.
- None of the 52 participants had an idea on how an actual profile looks like. The lowest response to any of the research questions was recorded here.

Research Question 2

How can a rape offender's profile be developed through docket analysis?

In this research it was established that:

- A case docket is an official document, used by the SAPS to investigate cases reported, which are later presented in court.
- In total, all 52 participants were fully aware of what a case docket is, and also its purpose.
- All of the participants do investigate case dockets.
- To ensure that the purpose of a case docket is achieved, the following information needs to be included: all relevant statements which includes those of victim, witnesses, experts and investigators, photos (all relevant to victim, scenes, geographical area, correspondence, forensic reports, investigation decisions and notes of investigating officer and any other information relevant to cases under investigation.
- Docket analysis done by the researcher indicated that at times the cases did not include the following information: photos of the crime scene, information in complainant statement only gave information regarding the sexual deed, no possible description of offender, not all statements were properly filed, statements of experts and witnesses outstanding, forensic reports outstanding, summary by investigating officers and proper entries in investigation diaries not done. From the analysis done, the information outstanding was in the minority, of the 68

cases identified. The researcher after analysis was done informed the relevant commander on what was found, in order for it to be rectified, for the changes might possibly lead to solving of the effected cases. The researcher further suggested that the commander should ensure that the group leaders do proper inspections and give guidance to investigators.

- Docket analysis is identified as the process where a case docket is carefully examined in order to retrieve information contained in such docket for future use.
 - The objective of docket analysis is to increase one's knowledge of crime;
 - The objective of such analysis being greatly dependent on the information in the case dockets.
 - The process of docket analysis was initiated by SAPS Head Office as an instrument which can group information that can later be used in a specific investigation.
 - The analysis of case dockets is currently done the MIO at station level which on their part compile a report to investigators on request.
 - Rape investigations are currently done by the Family Violence, Child Protection and Sexual Offences Unit.
 - The members attached to the unit are sent to a specified course to equip them in their investigation is called the Family Violence, Child Protection and Sexual Offences Course.
 - An important finding being that the Sexual Offences Amendment Act is gender neutral, as it suggests that the offence can be committed against male or female.
 - The qualities and skills of rape investigators will greatly depend on the commitment and attitude of each individual investigator.
 - The literature suggests that docket analysis can identify patterns and alternative avenues to obtain more complete information needed to assist in rape investigations.
 - Information from the sources indicate that no source in the investigation of rape cases can be overlooked, it is further contended that a case docket at this stage is the only source of information used to develop a

profile, and the success of developing an offender profile through docket analysis depends greatly on the information collected and charted in the case dockets for analysis purposes.

- It is also found that the profiler is greatly dependent on the investigation officer who is the eyes and ears of the profiler, with regard to information needed.
- Offender profiling, when fed with the relevant information from case dockets and investigators, appears to be an invaluable investigative tool in suspect identification.

4.3 RECOMMENDATIONS

The following recommendations are drawn, with regard to the research questions:

Research Question 1

- In the findings it is found that investigators are familiar with the term criminal investigation. They are however not familiar with forensic investigation. It is suggested that investigators should be motivated to read more. The researcher further of the opinion that more emphasize should be included about the term forensic investigation in the training material of SAPS.
- The concept “offender profiling” is identified as an uncommon term for investigators. The researcher recommends that the SAPS include it as a technique that can give assistance in training manuals, from the level of general investigator, as well as specialized investigator, in order to indicate and acknowledge the need and value of profiling.
- It is also recommended that a local office which is able to do profiling at provincial level be opened, and not only nationally. This will ensure in-service training for offender profiling, which will include the training of members to become open minded towards profiling and further awareness of the process to their disposal. Information sessions and workshops will ensure that members are informed.

- The researcher recommends that the concept of offender profiling should be included in the training programmes for all investigators.
- The researcher recommends the concept offender profiling to be noted of and optimally used where an unknown offender commits a series of rapes.

Research Question 2

- The main sources of a profile are suggested to be the case docket and its investigator. The researcher recommends that it is important for commanders to ensure that investigators include all possible information in case dockets. This is possible when proper inspections and guidance are given by inspecting officers and team leaders in the dockets.
- It is further recommended that investigators are properly informed on what docket analysis is, of what it consists of and its purpose. Training and information sharing can be done at station level by Management of Information Officers.

4.4 CONCLUSION

The researcher, after evaluating the data collected by means of research questions, established that through proper analysis of case dockets, an offender profile can be developed. It was identified that if investigators include all information they collect in the case dockets, it paves the way for a proper analysis to be possible. In the course of the study it was also identified a shortcoming and need for proper training and education in docket analysis and profiling for investigators exist. The knowledge of investigators and extra training will ensure the use of the concepts to successfully contribute to forensic investigation of crime.

An open mind to aids such as docket analysis and profiling, and further willingness to learn and understand it can only assist investigators during their investigations. Docket analysis together with offender profiling will be able to assist in the successful investigation of rape cases. These tools should be

utilized as a source or solution to assist in the investigation of all serious crimes reported.

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ANNEXURE A:
INTERVIEW SCHEDULE

Developing of an offender profile for rape cases through docket analysis: a case study in the Greater George area.

Research questions:

- What does offender profiling consist of?
 - How could a rape offender's profile be developed through rape docket analysis?
1. Please indicate your gender – male/female.
 2. Are you currently employed as an investigator and where?
 3. How long have you been attached to this investigation unit?
 4. What is your highest qualification?
 5. If a National Certificate, National Diploma, Bachelors Degree or Postgraduate Degree has been obtained, please specify the field.
 6. Did you undergo any training in investigative courses?
If yes, what courses?
 7. Did you receive formal training in offender profiling? If yes, indicate.
 8. Do you have any recommendations on further investigative training?
 9. Are you familiar with the term “forensic investigation”?
If yes, indicate what forensic investigation is.
 10. In your opinion, is there a difference between forensic investigation and criminal investigation?
If yes, what is the difference?
 11. Are you familiar with the purpose of conducting a forensic investigation?

- If yes, what is the purpose?
12. What do you think are the objectives of forensic investigation?
 13. Are you acquainted with the concept of offender profiling?
If yes, please indicate what offender profiling is.
 14. Are you familiar with the types of profiling?
If yes, which of these types are you familiar with?
 15. Do you know the goals of profiling?
If yes, what do you think, in your job, are the goals of profiling?
 16. Do you utilise profiling in your investigations?
If yes, to what extent do you use it?
 17. In your opinion, can profiling assist in rape investigations?
If yes, how can it assist?
 18. What is your opinion on the current format of an offender profile?
 19. Do you work with rape cases?
If yes, how many rape cases per month do you receive?
 20. Is there specialised training for rape investigations?
If yes, how often do you go for training and what is the training called?
 21. Are you familiar with a process called docket analysis?
If yes, can you explain what your understanding of case docket analysis is?
 22. Do you know the purpose of case docket analysis?
If yes, in your opinion indicate the purpose of docket analysis.
 23. Did you undergo any training in docket analysis?
If yes, indicate.
 24. Can you analyse a case docket?
If yes, how is it done?

25. In your opinion, can docket analysis assist in rape investigations?
If yes, how can it assist?
26. In your opinion, do you think an offender profile can be developed through docket analysis?
If yes, please indicate how it can be done.
27. Do you have any recommendations on how docket analysis can assist in rape investigations?

Thank you for participating in this research project.


ANNEXURE B:
RESEARCH PERMISSION LETTER FROM SAPS

05 APR 2007 (THU) 12:20

AUXILIARY SERVICES

(FAX) 021 4177336


0017000

<i>South African Police Service</i>			<i>Suid-Afrikaanse Polisie</i>	
Private Bag Privaatsak	X5004, CAPE TOWN / KAAPSTAD, 5000		Fax:	(021) 417-7336
YOUR REFERENCE/MI VERWYSING: 25/7/2/1(09/08/2006)		THE PROVINCIAL COMMISSIONER DIE PROVINSIALE KOMMISSARIS		
MY REFERENCE/MI VERWYSING:		WESTERN CAPE PROVINCE		
ENQUIRIES/NAVRAE:	Capl Otto / Insp Jensen		WES-KAAP PROVINSE	
TEL:	(021) 417- 7325			
2007-03-12				
M Pockpas 97 Beukes Street Pacaltsdorp GEORGE 6530				
RESEARCH REQUEST: DEVELOPING AN OFFENDER PROFILE FOR RAPE CASES THROUGH DOCKET ANALYSIS: A CASE STUDY IN THE GREATER GEORGE AREA				
1. Approval is herewith granted for you to conduct research as requested.				
2. The approval is subject to the following conditions:				
2.1 There should be no intrusion upon the normal duties of the personnel stationed at George, Conville, Thembalethu and Pacaltsdorp Police Station.				
2.2 Information relating to the identity of victims, witnesses, perpetrators, suspects, the investigation officer or police officials mentioned in the dockets perused are not to be divulged.				
2.3 The victims, witnesses, perpetrators or suspects mentioned in a docket or file perused may not be contacted.				
2.4 The relevant Station Commissioners must be contacted to schedule interviews with personnel.				

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- 2.5 The participation of members are voluntary and does not necessarily reflect the opinion of the South African Police Service on the subject.
 - 2.6 Only finalized / closed docket relevant to the research should be perused at the identified Police Stations. No docket or any part of its contents should be copied, removed or altered in any manner.
 - 2.7 Where specific police reports and statistical reports are needed, the normal Promotion of Access to Information process must be adhered to.
3. Upon completion of the research, a copy of the final research document should be provided to the South African Police Service.

Yours sincerely


PROVINCIAL COMMISSIONER: WESTERN CAPE
M PETROS