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The impact of illicit drug networks on the effectiveness of law enforcement in South Africa

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Abstract. In the past few years, South Africa has experienced an enormous increase in the amount and types of illicit drug manufacturing, distribution and use. This has resulted in an increase in the burden of crime and health risks in the community. The patterns of drug availability and drug use have been linked to regional and country variations, socio-economic status, racial and geographical differences. Because of the dramatic increase in the availability of various illicit drugs, identified South Africa as one of the drug centres of the world. This raises concerns about whether law enforcement agencies perform their functions effectively. This paper focuses on the illicit drug networks that hinder the effectiveness of law enforcement in South Africa. The *modus operandi* (MO) used to produce and smuggle illicit drugs and the challenges experienced by law enforcement to prevent and combat illicit drugs will be discussed. The data was collected through in-depth interviews with experts within the Criminal Justice System (CJS) in South Africa. The study conducted in 2017/ 2018 in terms of the scientific measurements, has adopted a qualitative approach. Data was collected from a target population consisting of 11 South African Police Service (SAPS) drug-related crime experts, including members of the SAPS specialised detectives of the Directorate for Priority Crime Investigation (DPCI), crime intelligence members, border police, the International Criminal Police Organisation (Interpol) and commanders at ports of entries. A documentary study was used as a secondary method of data collection. Data obtained from interviews were analysed by identifying common themes from the respondents' descriptions of their experiences.

Keywords. Illicit drugs, modus operandi, challenges, law enforcement, South Africa

1. Introduction

The South African Police Service (SAPS), as mandated by the Constitution of the Republic of South Africa, must prevent and combat crime. At ports of entry, other law enforcement agencies, such as the Department of Home Affairs (DHA), South African Revenue Services (SARS) and Customs, have a similar role. However, the strategies to prevent and combat illicit drugs don't seem to be effective.

This paper will explore the challenges experienced by law enforcement to manage the scourge of illicit drugs in South Africa. The study also focuses on the countries producing illicit drugs and supplying them to South Africa.

2. Problem statement

The drug industry often occurs at various levels: the producer/supplier or manufacturer, the distributor, the retailer and finally, the user. Which level should law enforcement agencies, as the pivotal role-players in the Criminal Justice System (CJS), be targeting? Also, the difficulties in dealing with each level remain a major question. Rogers and Lewis (2007: 172-173) assert that supply follows demand and criminal empires are fed by the proceeds of drug crime. Tackling the supplier would thus have the most significant impact in reducing drug-related crime, provided that another producer or supplier does not step in and fill the gap. In fact, some "back filling" is likely to occur. The modern view of high-level criminal targets is that they are entrepreneurs, like business people, who will satisfy any demand with supply. This suggests that drug supply will often re-emerge after a successful police operation and that the police constantly have to maintain their operations to remain effective.

Public confidence and cooperation with law enforcement is necessary and an important step in preventing crime and increasing levels of safety. The likelihood of crimes being committed is increased if the system is regarded as inefficient. Confidence is eroded by the perception that police officials are involved in drug dealings, that criminals escape from the law, that arrests do not lead to convictions, and that prisoners escape easily from the courtroom or correctional facilities. The emergence of complex crimes, such as organised crime and corruption, coupled with violent crimes, has greatly altered the operational environment, posing unique challenges for the police. Organised crime and corruption are intricately related and not a new phenomenon, but in the South African context, the levels of organisational sophistication, international networking with other criminal syndicates and transnational crime trends has expanded rapidly. Organised crime jeopardises the capacity of states to ensure the security of territories and similarly increases levels of corruption. The relationship between the trafficking of illicit drugs and the commission of violent crimes compounds the crime situation. Drugs are known to be linked to crime in multiple ways through use, possession, manufacture and/or distribution. Drugs, like alcohol abuse, impair rational judgement and create a heightened predisposition to violence and other illegal activities (South Africa, 2020: 15).

3. Purpose of the study

Given the above, the research problem of this study is whether South African law enforcement can prevent drug operations effectively in 2018 and beyond. The illicit drug network is strong, and effective interventions need to take place immediately. The purpose of this study was to investigate the challenges experienced by law enforcement agencies trying to prevent and combat illicit drug organisations.

4. Research methodology

Semi-structured one-on-one interviews were conducted with 11 drug experts comprising members of the Division: Crime Intelligence, Interpol officials, Specialised Crime detectives, border police and operational crime prevention officers. Participants' perceptions, facts, forecasts and reactions as well as possible solutions were determined. The prospective sample was selected through the purposive method. Analysis of data obtained from interviews was done through identifying common themes from the respondents' description of their experiences. Irrelevant information was separated from relevant information. The relevant information was broken into phrases or sentences, which reflected a single, specific thought. The phrases or sentences were further grouped into categories that reflect the various aspects of meanings.

A documentary study was a secondary method of data collection. The focus was mainly on Acts, policies, case law and the legislature monitoring illicit drugs.

5. Literature review

The threat of illicit drug markets post-2000

The number of deaths in the United Kingdom caused by drug misuse increases every year. The last certified number of UK deaths due to drug misuse in 2016 attributed 2 593. Newer synthetic opioids such as fentanyl have contributed to this rise.

Opium production in Afghanistan and cocaine production in Colombia are at record levels. This increase in production has the added effect of a high level of drug purity at street level as the drug dealers do not rely on the usual cutting agents, which brought its own dangers. The chemicals necessary for amphetamine production enter South Africa in huge volumes while street prices drop, indicating rising availability. Evidence suggests crack cocaine use is also rising in England and Wales, while the demand for all common drug types remains high.

There is a significant, and often deadly, competition between rival organised crime groups at all stages of drug production and supply. There is also corruption at every stage of the drug supply chain, including using corrupt port and airport officials. Organised crime groups involved in drug trafficking are typically also involved in a range of criminal activities, and the profits from illegal drugs are used to fund other forms of criminal operations, including buying illegal firearms. Crime associated with drug trafficking is often violent and directly linked to the unlawful use of firearms and gang feud knife attacks, and traffickers frequently exploit young and vulnerable people (National Crime Agency, 2021). Similarly, from a health perspective, many health-related problems are associated with drug abuse. Users can die from overdose or violence in obtaining drugs or associating with persons with violent criminal backgrounds. Medical reactions can result from taking certain types of drugs. Chronic physical problems can develop in some drug users, and dependence can form with certain drugs. Users are exposed to HIV infection, tuberculosis, hepatitis and other diseases. Injuries can result from accidents caused by intoxication (Lyman & Potter, 2003: 10).

Circumstances exacerbating illicit drug organisations in South Africa

Illicit drugs are ultimately consumer goods, and similarly to commercial products in modern societies, they are primarily provided because there is a demand in the market. The success of the market, according to Kilmer and Hoorens (2008: 20), is therefore determined by the drug availability and the quantity of the drug demand. Drugs are sold on the black market, so information about the quality and/or precise amount of the product being sold is neither advertised nor readily available (Kilmer & Hoorens, 2008: 20). The steady increase in drug demand has increased drug prices, resulting in lucrative criminal drug trafficking businesses (Kelley, 2006: 17). Only minimal data is available on the cost of transporting, distributing and selling illicit drugs in consumer countries. Information on the average price paid for drugs, combined with information on how much is consumed in that market (drug demand), can explain what is happening with the supply of the drug. This can also assist law enforcement agencies in determining how effective combatting and preventative strategies are influencing or impacting the value of drugs (Kilmer & Hoorens, 2008: 23).

Popular illicit drugs produced, trafficked or distributed in South Africa

According to Interpol (2020: 8), in the last couple of years, African airports have experienced an increase in domestic and international traffic, putting them under a lot of pressure. Before that, African airports were already exposed to a wide range of risks due to the limited or lack of airport security measures. However, with the increase in the volume of

passengers and cargo traffic and the connection of transportation networks in recent years, threats at airports in Africa have increased. One of these threats is the trafficking of illicit drugs. African airports continue to be attractive targets for organised crime, as they are used as points of entry, transit and exit for trafficked goods. In addition to the surge in traffic volume, available information shows that rampant corruption is still present at airports. Technology is often dated, there are severe capacity issues, and law enforcement and customs airport agencies are overwhelmed, allowing trafficking of illicit goods to go more easily undetected.

According to Nair (2012), South Africa is the origin, transit point and/or destination on the trafficking routes of various drugs. Moreover, cocaine is frequently transported to South Africa from Brazil and other parts of South America, and there are regular seizures at OR Tambo International Airport (ORTIA). A study by Van Heerden (2014: 53) revealed the following main trafficking routes which affect South Africa:

- a. South America (Brazil/Peru/Chile) – Dubai – South Africa (Durban);
- b. Asia/India – Ethiopia/Kenya – South Africa;
- c. Iran/Pakistan – Ethiopia/Kenya – South Africa;
- d. Nigeria – Chad/Niger/Mali – Kenya;
- e. Nigeria/Kenya – Tanzania – Malawi – Zimbabwe – South Africa; and
- f. South America/Asia – Somalia – Kenya – Europe/North America/South Africa; and
- g. India – Dubai – South Africa.

Hallucinogenic plants and toxins have been exploited throughout the ages. This exploitation has been supreme in the twentieth century. From the pharmaceutical industry presenting new therapeutic agents as a treatment for mental illness to the popularity of drug abuse by individuals, the collective information of hallucinogenic drug production has increased extremely in the last 60 years. The spreading of this information has allowed individuals to cultivate and manufacture hallucinogenic compounds for illicit use (Laing & Hugel, 2003: 139).

The global process of illicit drug production, distribution and sale

According to Zilney (2011: 182), drug organisations have a degree of hierarchy and stages of "career advancement" similar to legal businesses. Each level in the ladder has a complete job description and level of accountability (Vannostrand & Tewksbury, 2006: 316). Higher ranked drug dealers are also expected to train new recruits and organise, plan and implement their organisation the same way that a legitimate profession would (Vannostrand & Tewksbury, 2006: 316).

•Base producers (farmers) of illicit drugs

The base producers (farmers) are primarily in control of the plant-based drug crops. When the crops are harvested, they are processed and packed (Adler, 1993: 29). According to Listerman (2014: 38), poppy cultivation and opium production have been a cultural practice in parts of Southern China for centuries. As early as the ninth century BCE, southern migration from China brought various groups of people to Mainland Southeast Asia, eventually including the Hmong, who were expert opium producers. Political persecution in the mid-nineteenth century sent larger waves of Hmong, Akha, Yao and other tribes southward from China. These tribes brought knowledge of opium poppy cultivation to the region and they settled mainly in the highland areas that are most appropriate for growing the blossoming plant. These slash-and-burn farmers produced opium and other goods for regional traders and caravanning groups like the Hui, who travelled and traded along networks initially established through the centuries-old tea trade. In the interim, the ruling colonial powers attempted to firmly restrict and control

opium production within this region throughout the eighteenth and nineteenth centuries to defend their lucrative monopolies in the flourishing consumer markets. Therefore, they imported Turkish, Indian and Persian opium to tax and sell in their colonies on the Indochinese peninsula while depressing regional production. Consequently, large-scale production of opium in Southeast Asia did not occur until after World War II.

According to the World Customs Organization's (WCO) annual report (2012:4), the United Nations Office on Drugs and Crime (UNODC) established that Afghanistan is the leading foundation country for illegal opiates produced transnationally. The cultivation of the poppy has weakened, however, in the past three years, standing at some 123 000 hectares in 2010, which is to say 63% of what is cultivated globally. Cultivation has meaningfully increased in the Republic of the Union of Myanmar and to a slighter degree in the Lao People's Democratic Republic. World opium production amounted to 4 860 million tonnes in 2010, compared to 7 853 million tonnes in the previous year.

Listerman (2014: 42) assert that laboratories in Marseilles unintentionally stimulated increased production elsewhere, especially in the Golden Triangle. In short, longstanding cultural tradition joined with modern industries, innovations in transportation and business, economic laws of supply and demand and geopolitics to create a boom in post-World War II opium production in Southeast Asia and the Golden Triangle. A strong and pervasive opium culture had already been cultivated and strengthened in the region through the aggressive advancement of mass consumer demand over more than two centuries of colonial regime, ending with many years of legitimately sponsored significant production sustained after independence. By the time governments started coordinating global drug control and prohibition in the latter half of the twentieth century, the roots of opium use and production had already run long and deep in Southeast Asia. In addition, illicit production in the Golden Triangle was sometimes strongly stirred by a displacement effect caused by reduced opium and heroin production in other places such as Iran, China, Turkey and the laboratories in Marseilles. Throughout the Cold War, major supremacies frequently found it strategically beneficial to forge associations with unlawful entities. These dubious partnerships regularly involved the drug trade and governments sheltering or even facilitating and exploiting illegal drug trafficking operations. Similarly, governments often condoned drugs.

Listerman (2014: 42) also assert that the production and distribution of illicit drugs by allied foreign military groups transpire to finance their operations. Also, it has not been historically uncommon for governments to fund their own underground military operations through direct involvement in the production, distribution and sale of illicit drugs. All three varieties of covert government sponsorships of the drug trade occurred in Southeast Asia and contributed significantly to the rise of regional opium and heroin production in the 1970s. Concurrent with the international prohibition regime, irregular underground sponsorships of large-scale illicit crop cultivation, drug production, distribution and sale by the US and other world governments disrupted drug-control objectives in particular situations and in general served to proliferate illegal networking and complicate the problem. As we shall see in the following case studies of Thailand and Laos, duplicitous government policies frequently advanced opium and heroin production and drug trafficking in the Golden Triangle in the past.

UNODC (2020: 27) has reported that drug traffickers use a wide variety of transit methods; however, the use of private and commercial vessels is a long-standing issue. This is mainly the case with drugs such as cocaine, opium and its derivatives, and cannabis. Each of these substances' transportation involves passage over ocean areas. For example, given its relatively high volume and low cost, most of the marijuana and cocaine entering the United

States is transported by private vessels or the North American market. Cocaine is typically transported from Colombia to Mexico or Central America by sea and then by land to the United States and Canada. It is trafficked to Europe mostly by sea, often in container shipments. Colombia remains the core source of cocaine found in Europe. Still, direct shipments from Peru and the Plurinational State of Bolivia are far more common than in the United States market.

A report by Fields of Green for All (FGA) (2016: 2) describes South Africa as a country that has a certain history with the cannabis plant, as it was South Africa that positioned cannabis on the list of banned substances during the Single Convention on Narcotics Act of 1928. At that time and place, it was mainly indentured workers from India who used the plant as a ritual, and it was banned as the ruling colonialist government saw it as an "unwanted" element. According to FGA (2016: 3), it is estimated that two thirds of the South African population is currently either using cannabis or has used cannabis in some form during their lives. Thousands of rural families rely on this plant to supplement their insufficient incomes and there are an estimated 1 000 arrests a day for cannabis cultivation, possession and sale. The South African fight against drugs, and especially cannabis, can only be described as a massive failure. Drug trafficking is an illegal trade that makes drugs under legal prohibition available for general consumption. It takes a series of processes such as production, cultivation, manufacture, procurement, storage, importation, exportation, transportation, distribution, offering for sale, dealing in, peddling in and sale of narcotic drugs and psychotropic substances under international control (National Drug Law Enforcement Agency (NDLEA), 2010).

•Brokers'/buyers' role in illicit drugs

Brokers and buyers are people who buy processed crops from the farmers for resale. They make preparations for selling the products to smugglers. According to Adler (1985: 30), the brokers/buyers also ensure that the farmers have suitable equipment and sites to continue their farming/producing activities. Furthermore, most brokers are highly organised and only sell to trustworthy clients (Adler, 1985: 35). Once the buyers arrive at a location where drugs are cultivated, they first contact their connections (brokers). At this stage, they have various options: they can buy the product and deliver it themselves, buy it and arrange for a mule to deliver it, or arrange for an agent to return at a future date to buy and transport the drugs (Adler, 1985: 36).

•The role of "testers" in illicit drugs

The drugs then go to "testers", who test the class and purity of the drug. Other experts may also be used at this stage, such as accountants, lawyers and estate agents who, according to Wilson and Stevens (2008: 6), facilitate the drug trafficking process. The lawyers arrange safe transportation and even know which officials to bribe in the CJS while the estate agents rent or buy safe houses or transit depot warehouses, etc. Wilson and Stevens (2008: 6) further maintains that "a money collector is also involved in the collection of debts accumulated through the sale of illicit drugs, while a corrupt law enforcement official that can facilitate some aspects of a drug trafficking operation" is also used in this phase of a drug smuggling operation.

•Transporting illicit drugs to markets

International smugglers use various modes of transport to get the drugs to the market, including air and water. Air transport refers to the syndicates' own transport by air. It is essential for the smugglers to ensure that law enforcement agencies cannot foresee their actions. This involves switching aircraft, varying landing and take-off sites, changing flight times, scanning the ground to avoid radar detection, and using informers and counter security measures once the drugs are in trucks and transported to the destination (Adler, 1985: 37). Water transport

refers to maritime smuggling, which offers the opportunity for transporting a larger amount of drugs. Adler (1985: 42) explains that water smugglers deliver to numerous customers in a single route by arranging multiple drop-offs, i.e. they spread the risk by splitting total consignment to different "agents" in the supply chain for final sale).

• **Storage in safe houses**

Adler (1985:37) further maintains that the drugs are stored in a storing facility or a "stash house" after being smuggled across a border. The stash house is a storage facility used for the express storage of large quantities of drugs. An employee lives on the premises of the stash house and receives and weighs the drugs. It is also this person's responsibility to communicate with the smugglers.

• **Cutting the raw drugs**

At the distribution level, the substance may be "cut" (mixed with other substances) to increase the income margin. According to Zilney (2011: 180), the services of an expert, e.g. pill maker or chemist, is essential for this step. A specialist or mixer is thus involved in the cutting and cleaning of drugs between distribution and sale.

• **Distribution of end product**

According to Wilson and Stevens (2008: 6), drugs are distributed by are four types of dealers: international, national and local dealers and retailers.

International dealers buy drugs outside of the country of consumption, arrange transportation and sell it within the country.

National dealers buy and sell drugs in bulk across the country of consumption.

Local dealers buy and sell within one geographical area, e.g. a city or small region.

Retailers sell drugs at the street level to users.

According to Pearson and Hobbs (2001: vii), the middle market multi-commodity drug broker occupies a strategic place, connecting upper (distribution) and lower (retail) levels of the market. If the vertical dimension of the market is relatively simple and low and involves few links in the chain, the middle market drug broker's scope of operation involves considerable horizontal complexity in terms of how wholesale suppliers are linked to multiple retail-level customers. Middle market multi-commodity drug brokerage networks are typically small: one or maybe two people who control finances and have established contacts, with a small team of runners working for them, collecting and delivering quantities of drugs. Some runners are employed on a weekly wage basis, and some are paid per transaction, while others are effectively junior partners in the business.

While some drug distributors or dealers work within an organisational structure, many dealers work alone, either to earn fast money or, more often, to finance their own drug use habits (European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), 2000: 11). According to EMCDDA (2012: 11), in Europe the "street drug market is largely dominated by foreign dealers, especially those who have immigrated recently, are applicants for political asylum or do not have a residence permit". Because of the massive profits made from drug trafficking, drug dealers need to launder their proceeds without being detected by local and international law enforcement agencies (Fichtelberg, 2008: 223).

Naim (2006: 76) states that the advances in technology have brought about new forms of drug trading. Drug sales are conducted via cell phones that are discarded after one use (Naim, 2006: 78). Instant messaging, online chat rooms, social media networks and e-mail accounts ease the communication between drug sales and recruitment. The drug traffickers also make

use of hackers and encryption software to infiltrate sophisticated government sites to protect their form of communication (Naim, 2006: 78).

According to Tullis (1995: 16), technology creates a safe way for traffickers to launder vast quantities of money. The internet and internet banking facilities also enable drug traffickers to acquire arms, hire paramilitary personnel, invest in legitimate businesses worldwide, pay bribes and collect political capital (Tullis, 1995: 16).

The process of laundering proceeds acquired through criminal activities

Criminal networks traffic a range of drugs, including cannabis, cocaine, heroin and methamphetamine. As international borders become increasingly leaky, worldwide abuse and accessibility to drugs have become increasingly prevalent. This international trade involves cultivators, producers, couriers, suppliers and dealers. It affects almost all Interpol's member countries, undermining political and economic stability, ruining the lives of people and damaging societies. The end users and addicts are often the victims of a dominant and manipulative business. Drug trafficking is often associated with other forms of crime, such as money laundering or corruption. Criminal networks can also use trafficking routes to transport other illicit products. As criminals always develop more creative ways of concealing illicit drugs for transport, law enforcement faces challenges in detecting such concealed substances. In addition, new synthetic drugs are produced with regularity, so police need to always be aware of new trends and products on the illicit market (Interpol, 2019).

Syndicates depend on the legitimate financial system to launder money effectively to conceal and transfer money abroad (Fichtelberg, 2008: 223). According to the UNODC (2013), there are three steps in the money laundering process:

•Placement of illicit money

This involves the "placing" of criminally gained money into criminal financial organisations. It also involves the physical smuggling of bills. Because the amounts are usually small, the cash carriers are called "smurfs", and cash smuggling is referred to as "smurfing". As soon as the bills are deposited by the "smurfs" in a legal account at a legitimate bank or "invested" in a legal business, the money is laundered by the financial institution in a layering process.

•Layering of illicit money

This includes a series of complex transnational transactions, where money is moved from one institution to another to avoid detection. This process usually occurs on a professional level and involves professionals such as accountants and bank managers.

•Integration of illicit money

This is the stage where the money is returned to the original investor, cleaned of any trace of its illicit source, with the financial institution/legit business having already taken their "cut" (as a commission). It is due to the profit that the financial institutions make from money by laundering bodies such as the Financial Action Task Force.

Drug-related corruption within the CJS as an exacerbating factor for illicit drugs production, distribution and sale

Herman Goldstein, as cited by Machethe (2015: 26), defines corruption as acts involving the misuse of authority by a police officer in a manner designed to produce personal gain for himself or others. Drug-related police corruption varies from other forms of police corruption in that officers are more likely to become involved in criminal activity rather than submissively allowing crime to occur. Zinley (2011: 206) provides examples of activities mostly committed

by corrupt officers, including stealing drugs and money from drug dealers, selling drugs and lying under oath about illegal searches.

Lyman and Potter (2003: 183) outline that corruption erodes communities and the government that oversees them, regardless of who the perpetrators are. Where official corruption exists, an overall lack of public trust and reliability can result. Studies have shown that police corruption can be a stimulating factor to illicit drug prevalence.

Johnston, as cited by Lyman and Potter (2003: 185), cites four main categories of corruption applicable to drug issues. The first is internal corruption, which includes acts among police officers themselves and involves from the bending of rules to the outright commission of illegal acts. The second is selective enforcement where police officers exploit their discretion. For example, a detective who arrests drug dealers and releases them in exchange for valuable information about the trafficker's organisation is not abusing his or her authority, but one who releases the same dealer for money is in a clear abuse of his or her discretion and authority. Walker and Katz, as cited by Dempsey and Forst (2010: 235), describe this as noble cause corruption. Noble corruption refers to situations where a police officer bends the rules to attain the right result. These behaviours involve police officers misusing their legal authority, but not for individual gain. They rationalise the behaviour to get the bad guy behind bars and consider it a noble cause type of corruption. Lyman and Potter further explain the third category of corruption as active criminality where police officers partake in serious criminal activity using their position of power and influence to commit the criminal acts they are entrusted to combat. The fourth is bribery/extortion which occurs when police officers use their conferred authority to generate a personal source of money. Bribery is initiated by the citizen, while extortion is initiated by the officer. Dempsey and Forst (2010: 234) describe bribery as the payment of money or other contribution to a police officer with the intent to subvert the aim of the CJS.

According to Dempsey and Forst (2010: 238), drug users and dealers make good targets for corrupt officers because they are less likely to report being victimised. There is also an opportunity to make a lot of money simply by looking the other way. In a report to the US House of Representatives, the General Accountability Office (GAO) noted a potential for drug-related police corruption in cities where drug dealing was a concern. Typically, this involves small groups of officers who assist in shielding each other in criminal activities, including protecting criminals or ignoring their activities, stealing drugs or money from drug dealers, selling drugs and lying about illegal searches. Profit was the most common motive. They further explain that the report also cited four management-related factors associated with drug-related corruption. This includes a culture characterised by a code of silence and cynicism, officers with less education and maturity, ineffective supervision and lack of emphasis on integrity and internal oversight within the department (Dempsey & Forst, 2010: 238).

A study conducted by Goga (2014: 15) revealed that several criminals associated with the illicit drug trade engage in more sophisticated crime and corruption, including corrupting those at a higher level of policing structures. According to a member of the Executive Committee for Community Safety in the Western Cape Province, the movement of drugs due to tip-offs suggests corruption at high levels of policing. In October 2013, it came to light that the provincial commissioner and several high-ranking police officials in the Western Cape accepted bribes from a businessman.

Intimidation by organised crime syndicates and corruption has a debilitating effect on all efforts by law enforcement and governments in curbing the illicit drug trade and can be described as "narco-corruption" (INCB, 2010: 1). According to the International Narcotics Control Board (INCB), the "police face huge pressure from organised crime. When they are not

fending off attacks or immediate threats of violence and retaliation, they thwart attempts to corrupt officials, including officials from their own ranks. Without adequate support and protection, many law enforcement and judicial officials find themselves confronted with a difficult choice: to become victims of violence and possibly even lose their lives; or to sacrifice their integrity and become the accomplices of ruthless criminals" (INCB, 2010: 1). According to Kiva (2015), three police officers were arrested in Cape Town after they allegedly stole dagga from a murder crime scene and sold it to drug dealers. With the levels of corruption allegations made against the police, it will be difficult to convince the communities that the police are doing everything in their power to apprehend offenders and perform their duties in a fair and accountable way.

6. Results and discussions

The countries from where the most illicit drugs are trafficked into South Africa

Participant 1 interviewed in this study is a member of Interpol. She stated that, according to her experience, most illicit drugs are transported into South Africa from Brazil. Participant 2 is a member from the DPCI, "The Hawks", and is responsible for Office of Serious Organised Crime (OSOC). Participant 2 stated that most drugs come from the following countries:

- Cannabis seeds from Holland, Spain and the Netherlands;
- Cocaine from South America (Brazil, Colombia, Bolivia and Peru), Namibia, Angola and Ghana;
- Heroin from Tanzania, Kenya, Mozambique, and sometimes from East Asian countries;
- Methamphetamine from Nigeria;
- Ephedrine/Pseudoephedrine from India, Laos, Hong Kong, Ghana, Ethiopia, Kigali and Nigeria;
- Mira or khat from Kenya;
- Methaqualone from Mozambique, Kenya or India;
- MDMA and LSD from Holland; and
- Synthetic drugs or precursors to produce synthetic drugs from China.

The *modus operandi* (MO) for the production, distribution and sale of illicit drugs

Participant 3 is a member of the DPCI and stated that the following drugs are predominantly manufactured in South Africa: Mandrax, Ecstasy, methamphetamines (tik) and freebase cocaine (rocks).

The *MO* is as follows:

- Cannabis and magic mushrooms are cultivated indoors and outdoors.
- Drugs are manufactured in three areas: urban residential properties (flats, houses, guest houses or hotel rooms), factories in industrial areas, and rural areas (farms or plots).
- Properties are mostly rented and rarely owned by the suspects.
- Manufactures are normally secretive to their areas of operations.
- Sometimes financiers are involved who get a percentage of the profit.
- Manufactures predominately sell wholesale or an associate facilitates the dealings to minimise the risk of exposure.
- The premises where manufacturing takes place sometimes become contaminated by, for example, chemical exposure.

- In most of the properties where manufacturing takes place, electricity has to be altered by corrupt electricians or city power officials because of large electricity consumption.
- Large chemical and other wastage occur at these places.

Participant 7, who is deployed at the borders, stated that the suspects plant dagga in areas such as Lesotho as their source of income due to the high unemployment rate. They operate effectively even at night because they can see the police patrol vehicle lights from far. Participant 8, who is also at the borders, stated that the suspects carry bags of dagga from Lesotho. *“They carry about 11 grams. Some use small packs prepared to be sold. After arrests our members are called to testify in court. They get a sanction or a fine. When they get arrested someone else comes and pay for them for example five thousand Rand or 2 years' imprisonment. Someone will come and pay for them. These drug dealers are mostly are repeat offenders. They are now syndicates. The same person can be arrested at borders and then maybe after 5 months will be arrested again by the police, maybe in town”.*

Similar to the above findings, Steinberg (2005: 9) states that a person smuggling cocaine from Brazil could land at an airport such as OR Tambo International Airport on a flight from anywhere. They may have used more than one passport and air ticket and thus concealed the leg of the trip that took them to Sao Paulo. Passengers are targeted by a combination of profiling methods. Steinberg (2005: 12) explains that working with cargo is both easier and more complex than working with people. It is more problematic because freight does not give itself away as easily as human beings – it does not sweat when sniffer dogs enter the arrival hall, it does not speak continually on a cell phone to make drop off preparations, and it does not respond to questions contradictorily under interrogation. Yet, working with freight on the evidentiary chain is less time-consuming, less prone to mistakes and less emotionally demanding than working with human couriers. Steinberg (2005: 13) further states that illicit drug dealers may use false addresses, non-existent distributors, or a manifest declaring a cell phone consignment from a point of origin that does not manufacture cell phones. A client will always pay in cash and pay uncommon attention to the timing of consignments; a client's delivery address will be an old, abandoned warehouse. According to the findings of Steinberg (2005: 20), the first price for any smuggler is to freeride on a respected name. Smugglers would target a reputable shipper, for example, a large Japanese motor vehicle manufacturer. They would find somebody to corrupt the manufacturer's supply line and pay somebody a fortune to slip the consignment into the supply line.

The findings confirm that illicit drug-related crime in South Africa is mainly committed by foreign nationals, predominantly Nigerians. The police exacerbate or smoothen the process of drug trafficking from foreign countries to South African provinces before it is sold on the street markets. Police corruption is a major concern. Law enforcement structures on borders seem to be inefficient. The challenges experienced by law enforcement to prevent and combat illicit drugs in South Africa will be presented below.

Population groups mostly involved in the production, distribution and sale of illicit drugs

Interviewed Participant 6, who is a commander of crime intelligence, stated that the Nigerian syndicates control the drug mules. He said, *A Nigerian will usually recruit the son, then the mother and then the sister. Mostly they will pay the dealer thirty thousand rand. These are mostly people who struggle to survive due to a lack of income. Sometimes it will be rich*

kids who were kicked out by their parents and who must now survive on their own. Most syndicates consist of foreigners who enter South Africa. This was confirmed by Participant 4, who works for Interpol at the drug desk and stated, My most concern is the young SA ladies who traffic drugs. They are very young; they wrap it around their bodies and wear dresses. They go and fetch the drugs for example from Brazil. There was a lady who filled a condom with drugs and put it in her private parts, she was arrested from Brazil in Angola.

Number of drug dealers arrested by the South African Police

During an interview with Participant 2, he stated, *We lack dedicated police officers. Most don't want work weekends or after hours. They say it is because there is no overtime pay. Our investigating officers don't support us that much. We struggle to get young policemen who want to go to court. Most police officers today do not want to go to court to testify. Now police officers are not dedicated. Detectives of today do not have good relations with prosecutors. We work together but we work separately.* Rajin (2017: 219) found that police officials have become disappointed in and despondent with the courts and the way criminals go free without any conviction. Some feel that they have a good case which can get a conviction, but the offender is nevertheless released. The offenders collude with the investigators and the prosecutors to deteriorate the case in exchange for money, although police officials are aware that these acts constitute corruption.

Level of drug dealers' cases which are thrown out of court

In an interview with Participant 2, a member of DPCI OSOC, he stated, *Outstanding investigations result in cases getting thrown out of courts, e.g. forensic reports, further particulars requested by defence and not supplied, seizing of drugs without a search warrant, contradicting witness statements, not charging of suspects and brought to court within 48 hours after arrest, constitutional rights that was not explained when search was conducted or arrest made, etc. There is not enough evidence to prosecute or convict drug dealers. For example, four people driving in a car and a bag of drugs was found under one of the car seats and no person can be linked or drugs found buried in a properties' back yard that cannot be linked, resulting in cases getting withdrawn.*

Participant 3 stated that prosecution blunders happen as a result of inexperience. Some prosecutors do not know how to properly formulate charges on a charge sheet, while others cannot present crucial evidence during court proceedings. The police inexperience and lack of knowledge of the law by members of the CJS result in civil claims. Participant 6 stated, *Corruption causes cases to get thrown out of courts, like for example investigators who deliberately break the chain of evidence by writing the wrong forensic bag numbers on their statements, and therefore knowing that the case will get withdrawn.* Similarly, Participant 2 stated that collusion between lawyers, prosecutors and police, such as agreeing to minimal sentences on serious matters or withdrawing cases, is a major problem in South Africa. He said, *Some suspects flee court proceedings due to collusion of members within the CJS.*

Public officials who are involved in drug dealing

In an interview with Participant 6, he stated, *The biggest problem is corruption. Even in our legal department. They will withdraw a case whereby a Nigerian offender was arrested. A DPCI member who arrested the dealer will say, 'Give me 50 thousand and we will withdraw the case'. Most of the dealers were arrested five to six times and all the cases were withdrawn.*

The chain of evidence is a major cause for cases to be thrown out of court. Participant 10 confirmed this statement in an interview. He stated, *The cases that get thrown out of court is because the police do not follow the proper procedures, mostly is because the police do not*

follow the proper chain of custody. Sometimes it can be corruption whereby they deliberately tamper with the evidence. Sometimes it can be an arrangement between the investigator and the prosecutor. For instance, the drugs that I brought in was 10 kg but now here is 8 kg, where is the rest? Then the case gets thrown out of court. Sometimes it is from the arresting officer to the prosecutor, for example in case of assault, the investigator might not inform the complainant. The case goes to court and you don't appear, the second time you don't appear, the case gets thrown out of court because the complainant didn't appear in court.

In an interview with Participant 1, a member of Interpol, she stated, *We have interviewed another prisoner in Randburg Maximum Prison facility who gave us information that a certain guy has a connection with the police, he was arrested with him and his son. He gave more information about him. He was arrested because they threw drugs in his car when they were afraid of the police. The inmate was angry. He gave the police information that that person has drugs, the police went and arrested the suspect and found drugs. Then that arrestee did not even last a month in jail. Some of the police officers and prosecutors are involved. Most senior commanders are involved in these cases. They write lies in reports and destroy the evidence. Some cases don't even reach the prosecutors.* The majority of participants in this study had similar views and experiences of members of the CJS colluding with drug dealers. This confirms the alleged level of collusion between police officers, prosecutors and drug dealers that emerged in this study.

Challenges experienced by SAPS during operations

In an interview Participant 6, a commander of Crime Intelligence, stated, *The procedure for conducting an operation delays through approvals from commanders. To share information to other countries, if it is an urgent matter, for instance if a person is about to board a flight, I call my telephone contact in that country. We are supposed to use e-mails as a procedure. I will then ask my contact to arrest that person immediately. I call the people from the airport to arrest that suspect. We have people that we trust at the airport.*

Participant 6 further stated that the biggest challenge is that they can't understand the Nigerian, Serbian, German or Hebrew language. *It is very difficult to understand them. A possible solution to eradicate illicit drugs will be to use detectives to apply for a search warrant and do operations. At a cluster level, there must be a task team to do street operations. Detectives have work overload. There's too many bosses and generals today in the police.* He further stated, *When they want to conduct operations when they get to the targeted locations, they are told by commanders that they didn't apply for a search warrant.*

Participant 6 further said, *Today no one wants to work with crime intelligence, but we think the problem is with the top management. Provincial office does not want to listen to the national head office because there are many generals. When I do an operation, I must go through the provincial commissioner's office, and they will say, 'Put it in writing so that I can apply my mind.' If we want to be effective, we want to be more effective, give us detectives that we can control so that we don't have to apply for section 252 authority or section 205. They take too long to approve.*

Participant 5, a commander of detectives at a border post, stated, *Most Nigerians males bring drugs to our province. They go to Johannesburg and when they come back, they come with drugs. We only get them when we get a tip off from informers, but this is not likely to happen. We only get information after we arrest them when they confess. During roadblocks we are not likely to get them. They use an escort car which goes ahead and checks where the roadblock is and then the escort vehicle will inform the vehicle transporting drugs to divert the road and hide drugs somewhere.*

The role of law enforcement at South African borders

During an interview with Participant 10, a former commander of one of the South African airports, he stated, *"The most challenge at the airport was that for you to commit crime you need to be assisted by somebody who works at the airport, be it the police, security, a cleaner, immigration or even the customs. The difficult thing is that you would not see the main criminal, but someone needs to facilitate the smuggling process. An example, we found some Pakistanian nationals in the back of a security van. They parked somewhere and a security van came to take them out of the airport. They were kept somewhere instead of going through immigration, then the van came to assist in the process. Even the cleaners would put a drug smuggling person in a rubbish bin and push the bin as if they are going to throw out the rubbish.*

Participant 10 further stated, *One of the MO of police officers was that they used to smuggle illegal immigrants as if it is done illegally. They will call and say that I know that there are two illegal immigrants in a certain aircraft who are going to be smuggled, so I am giving you a tip to arrest them. Then you go and arrest them and charge them at charge office and take them to court. It will be done legally but you are actually assisting them to get into the country. As soon as they are in court they will be released. They just disappear in the mist within the country.*

In an interview with Participant 7, a commander at the South African border with Lesotho, he experienced that *Gates at borders open at 8 am to 4 pm. The gates open for pedestrians and vehicles until 4 pm. After 4 pm the gate will open for only members will do patrol at the border. They search every vehicle but no K9 unit is involved because it is too far situated. They search vehicles thoroughly inside and outside. They only use a hand metal detector to search the body. Most people who pass this border are 99 percent Lesotho residents. He further stated that *The farmers next to borders repair the fence but after about 2 weeks criminals cut it again. Our Government doesn't take care of the fence. Our vehicles are the old ones, we have small vans such as mp300 not 4x4s. The vehicles cannot sustain the gravel road. Our border is not very long. We work 2 shifts. One shift with 4 and one with 5 members per shift. We have two operational support members who work from 8 to 4 pm. There are no people to replace members who goes for leave. If there are four members per shift and the other is on leave, I will be left with three members.**

Participant 8, who is also deployed at the borders, stated that there is a huge gap on the border, which is too long. *We cannot police it effectively. There is lack of human resources. The roads on the border lines are not well. There's a lot of obstacles that are put by criminals. The other challenge is that Lesotho is a mountainous area. Criminals stay on top of a mountain to see police patrolling. When we move to the other side, they inform criminals to enter on the other side.*

Similarly, Tait and Van der Spuy (2010: 58) pointed out that a lack of resources is a major constraint on operations. Police from different divisions are often combined for certain operations. They are often required to do work outside their field of expertise. For example, the head of the drugs division in Lesotho may be paired with a SAPS official specialising in vehicle theft and be required to check for stolen vehicles. Tait and Van der Spuy (2010: 50) further state that crime intelligence within the Lesotho Police and within the SAPS is shared on a daily and needs basis through informal phone discussions. There is particularly focused cooperation between the Lesotho Police and the SAPS in the Free State. Special attention is paid to armed robberies, fraud, the smuggling of firearms, drugs and immigration. There is a large flow of immigrants to South Africa from Lesotho. Lesotho is sometimes blamed for having sloppy laws.

According to one official, Lesotho "is not interested in immigrants. If we see them crossing the border into South Africa, we let them go."

Corruption within law enforcement

During an interview with Participant 1, who is a member of Interpol and works at the drug counter, she stated, *One of our members in our offices was also arrested for assisting drug mules and charged for corruption. I don't see anything wrong with approval of operations, it is just a matter of filling up a report. The major challenge is that if I have information with addresses and I contact some people to go and search, when they arrive there, they take a bribe. That's the problem that SA as a whole is facing.*

Participant 8 said, *Criminals plant dagga in Lesotho as their source of income due to high unemployment rate in their country. They even operate effectively at night because they can see the vehicle light from far. When they get arrested, someone else comes and pay bail for them. They are not afraid to commit crime repeatedly because they know that they will not stay in prison.*

These findings were confirmed by Tait and Van der Spuy (2010: 60), who points out that several factors prevent operations from being carried out successfully. Lengthy extradition procedures allow criminals time to find loopholes to escape prosecution. Criminals will, for example, commit crimes in Lesotho and flee to South Africa. Crime intelligence officers will find the suspects and arrest them. Whilst they are waiting for extradition procedures to follow their course, the criminals will obtain South African documents and produce these in court. The court case will then be thrown out. Crime intelligence keeps finding that the same suspects are arrested for crimes, but the courts can never prosecute them.

Corruption within the CJS

Corruption is committed by police officials irrespective of the rank level and seniority they have within the SAPS. Some reservists who volunteer their services as police officials also view it as an opening to commit corruption to generate income. Other government departments have the expertise to deal with certain aspects of law enforcement within the CJS. South African Revenue Service (SARS), the National Prosecution Authority (NPA) and Department of Home Affairs (DHS) should be supporting the police in apprehending and convicting offenders, but instead, they collude with the police officials to commit corruption (Rajin, 2017: 129).

Participant 1, who is a member of Interpol, stated that people get corrupt because of greed. She said, *We can blame the drug users and runners, but who is financing them? Who is sending people to bring drugs here all the way from Brazil? The police only deal with the runners. The hawks have more information. She further said, An office from DPCI in Limpopo or anywhere else, when they have information, they contact the Interpol drug counter office and provide details of the target they have or a suspect in a certain location.*

The duties of Participant 1 are to coordinate information to the Interpol and crime intelligence offices. How they deal with information is not in her scope. She stated, *For example, I would contact Nigeria and say that, 'Could you please do background check on the following people.' If it is a South African project, the suspects get arrested here. Whatever happens to them is not on my scope. Last year we had a project focusing on airports and harbours. Our focus was to relay information to our local law enforcement.*

During an interview with Participant 10, he expressed several reasons why senior members of the CJS get corrupted by syndicates. The biggest cause is financial; people need more than they earn. Secondly, it is the cunningness with which syndicates approach a member of the CJS. He said, *They start by befriending that specific person. They want to understand his*

family setup, such as his wife's birthday or children. During the birthday they bring gifts. It starts small like that, sometimes they start by even helping their targeted person in terms of paying his accounts and other tariffs.

Participant 10 further stated, *An example 'off record', is that when I started working at the airport as new from national head office, we were the new management. There were these guys who were inviting us to their gatherings and other functions, who wanted to take us to holidays, if there are sports games, they provide you with complementary tickets to go and watch a game. It starts like that. If you lack discipline and strong ethics you will end up in the middle of these issues. There are only a few, if there is any, who join the police to commit crime. They just find themselves in the middle. People are not briefed on what to expect after Police College. People are not prepared for the risk they will be involved in. Syndicates provide them with nice cars, etc. All of us, we joined the police with good intentions but somewhere along the way corruption becomes a problem.*

Corruption within law enforcement was seen on 19 November 2015 when the Hawks (a division of the SAPS) arrested 16 border police officials and 3 home affairs officials at the Kopfontein border post between Botswana and South Africa. The suspects, who were arrested while on duty, were linked to a combined 54 charges of fraud and corruption. Corruption charges revolved around smugglers bringing prohibited goods into South Africa (Cross-Border Road Transport Agency (C-BRTA), 2016: 13).

Corruption persists even among the members of the South African National Defence Force (SANDF). Nines soldiers have been arrested in connection with a cross-border smuggling case. The soldiers allegedly accepted R15 000 for each stolen vehicle they allowed to cross the border. The accused were arrested in the Free State, Northern Cape and North West provinces during a sting operation involving the Hawks, the National Intervention Unit and SANDF members. Between 2017 and 2019, the accused were deployed at Beitbridge Border Post to protect the territorial integrity of the Republic of South Africa. Instead of carrying out their constitutional mandate, the accused allegedly colluded with vehicle smuggling syndicates to smuggle stolen vehicles through the Limpopo River (McCain, 2021: 1).

In an interview, Participant 2 stated that corruption by police members, prosecution and magistrates is a serious and growing concern. He stated, *What I have noticed is the appointment of lawyers (side-tracking of prosecutors who work for Justice), to the post of magistrates. This is a serious concern, as the newly appointed magistrates seem to advantage lawyers appearing in their court that they have worked with before.* The responses from South African community members revealed similar findings.

Many responses revealed the following challenges:

- Courts grant suspects involved in the illicit cultivation and production of cannabis a stay of prosecution due to pending Constitutional court applications on cannabis.
- High-flyers are granted bail because of their financial capability to use the services of high-priced lawyers and advocates. This also results in lengthy trials when dealing with syndicates, as lawyers can drag out matters forever.
- Inexperienced prosecutors fight against high-priced lawyers and advocates, and these fights result in a sense of intimidation.
- Prosecutors and magistrates deem drug dealing a victimless crime and don't see the seriousness of it.

Participant 5, a commander of detectives at a border post, stated that the biggest challenge is continuity of possession. *Most crime prevention officers do not seal the drugs at*

the scene when they seize the drugs. They do not follow the entire procedure for collection, marking, packaging and safekeeping until the drugs reach forensic laboratory. This is the most challenge that lead to less convictions in court. These police officers are well trained, but some are ignorant, and some contaminate evidence on purpose in order to achieve a certain goal.

Information leakage in the CJS

Participant 1 stated that there is no information leak unless it is from the DPCI or crime intelligence. According to her, information does not leak from the Interpol office, and her duty is only to relay it to relevant structures. This participant further stated that she cannot measure the success of projects because they only get some feedback during the meetings. The challenge to stop drug trafficking is corruption within and outside the SAPS. It includes ports of entry and even pilots and customs officers. The Interpol office usually communicates with our SAPS members at ports of entry and they can inform the customs.

Holmes (2014) confirmed that the leakage of information within law enforcement is common. Some corrupt networks could be identified across agencies, including different police forces, central police agencies such as the National Citizens Service, and partner agencies such as the Crown Prosecution Service or Customs and Excise.

7. Discussion

South African Police Service members enablers of illicit drugs production, distribution and sale in South Africa

The study revealed that the South African community believes that the police are involved in the trafficking of illicit drugs in their respective communities. The community believes that the police do not arrest drug dealers in their communities. The Crime Intelligence Division lacks dedicated police officers to fight illicit drugs. Most police officers are reluctant to work on weekends or after hours because no overtime is paid for these shifts. The investigating officers do not provide sufficient support to their commanders. Most police officers do not want to go to court to testify. Detectives nowadays do not have good relations with prosecutors. The prosecutors are supposed to have close relations and effective communication with detectives. The study revealed a lack of trust between law enforcement officials, prosecutors and judges.

The study revealed that there are many outstanding investigations due to incomplete forensic reports, further particulars requested by the defence not supplied, seizing of drugs without a search warrant, contradicting witness statements, suspects not brought to court within 48 hours of arrest and thus not charged, and constitutional rights not explained when the search was conducted or the arrest made. In most drug cases, there is not enough evidence to prosecute.

Most participants in this study raised concerns about corruption by police members that exacerbate illicit drugs. The study revealed that some investigators deliberately break the chain of evidence by writing the wrong forensic bag numbers on their statements, knowing that the case will get withdrawn. The chain of evidence is a major cause for cases to be thrown out of court. Police do not follow the proper chain of custody of evidence. Most crime prevention officers do not seal the drugs at the scene when they seize the drugs. They do not follow the entire procedure for collection, marking and safekeeping until the drugs reach the forensic laboratory. The level of corruption within the police has spread even to the Interpol office. The study revealed that one of the Interpol members was arrested at the Interpol office for assisting drug mules. The study further revealed that this corruption manifests within and outside the SAPS. It includes ports of entry, flight crew and even customs and immigration officers.

The study also revealed a lack of secrecy in detectives who investigate illicit drugs. The South African community respondents are familiar with detectives who investigate illicit drugs in their areas. This leads to the tipping off of drug dealers before police operations are conducted. The majority of respondents pointed out that police officers are drug peddlers.

Law enforcement at South African ports of entry cannot combat illicit drugs crossing South African borders

The study revealed that participants believe that law enforcement at South African ports of entry is inefficient. They also believe that about eighty percent of illicit drugs in South Africa are from international countries. Most cannabis seeds come from Spain and the Netherlands, and cocaine from South America (Brazil, Colombia, Bolivia, Colombia and Peru), Namibia, Angola and Ghana. Heroin comes from Tanzania, Kenya, Mozambique and sometimes from East Asian countries, while methamphetamine comes from Nigeria. Ephedrine/Pseudoephedrine comes from India, Laos, Hong Kong, Ghana, Ethiopia, Kigali and Nigeria and mira or khat from Kenya. Methaqualone is from Mozambique, Kenya or India, and MDMA and LSD from Holland. Synthetic drugs or precursors to produce synthetic drugs are from China. However, illicit drugs are also produced in South Africa and exported. Methamphetamine is exported to Far Eastern countries like Japan, Indonesia, and Thailand, while ketamine is exported to England. Cannabis grown indoors or outdoors are exported to places like Holland and England.

The study revealed that pharmacists and other medical practitioners are involved in illicit drug network. For example, there was a German doctor who was recruited by Nigeria and Ghana to come to South Africa to get drugs to Hong Kong and he was arrested there. Some of the suspects plant dagga in Lesotho as their source of income due to the high unemployment rate in Lesotho. They even operate effectively at night at the border because they can see the patrol vehicle lights from far. The procedure for conducting an operation at ports of entry is delayed through approval from commanders who are responsible for approving operations before they are conducted. In the SAPS there are many commanders who are responsible for approving operations. Usually prior to operations being conducted at ports of entry, the commander responsible for the operation is often referred back to go and apply for a search warrant. This often causes frustration and a delay of the apprehension of suspected criminals.

The study revealed that there is a lack of cooperation between the isolated SAPS divisions. Most divisions do not want to work together with the SAPS Crime Intelligence. The provincial offices do not want to adhere to orders from the national head office because many generals exercise their authority in contradiction to others. Before Crime Intelligence can conduct an operation, they must get authorisation from the provincial commissioner's office in writing. The Crime Intelligence Division does not have detectives at clusters who can control operations so that they do not have to apply for section 252 or section 205 authority. The Commanders delay the approval of applications. It is a long process for detectives to apply for a search warrant before they can start their investigation. At cluster level, there is a lack of a task team to conduct street operations. Detectives also have a work overload.

The biggest challenge at the airports is that criminals are assisted in crime by those who work at the airport, for example, the police, security, cleaners, immigration or even the customs. The difficulty is that the main criminal may not be found, but someone who facilitates the process of smuggling drugs. For example, some foreign nationals from Pakistan were found in the back of a security vehicle. The security vehicle was used to take them out of the airport. They were kept hidden somewhere instead of going through the immigration office. Even the cleaners may hide people in rubbish bins. Drug trafficking is increasing in South Africa due to

corruption within and outside the CJS, including law enforcement officers at ports of entry and even flight crew.

One *MO* is the use of police officers to smuggle illegal immigrants as if it is done legally. They will call the law enforcement office at the port of entry and allege that there are illegal immigrants who are smugglers in a certain aircraft, as if it is a tip to apprehend them. The police will arrest, charge and take the suspects to court legally, but actually, they are assisting the suspects in getting into the country. As soon as they are in court, they are released and disappear.

At a South African border with Lesotho, gates are open from 08:00 to 16:00. The gates are open for pedestrians and vehicles until 16:00. After 16:00, only law enforcement members will patrol the border. They search every vehicle, but there is no dog unit (K9) involved because it is situated too far from the border. They search vehicles thoroughly inside and outside and use a hand metal detector to search travellers when the gates are open. The farmers on the borders repair the fence, but after a few weeks, criminals cut it again. The South African Government does not repair the border fence. The police vehicles are old and small and therefore cannot withstand the gravel road. The police work two shifts: one shift with five police members and the other with four. There are only two operational support members who work from 08:00 to 16:00. There are no people to relieve members who go on leave. If there are four members per shift and one is on leave, only three will be left to conduct the law enforcement duties.

The study also found that there is a great gap on the border; the SAPS cannot police it effectively. There is a great lack of human resources. The roads at the border are not well maintained. Lots of obstacles are put in the roads by the criminals. Another challenge is that a neighbouring country such as Lesotho is a mountainous area. Criminals stay on top of a mountain to see police patrolling. When the police move to one side, they inform criminals to enter on the opposite side.

The major challenge that affects the South African Interpol office is the acceptance of bribery by members of the CJS. When they have information about a suspect and someone is sent to arrest the suspect, that person takes a bribe. Resources such as technological devices at ports are limited, for example, Mobile APPS that cannot be intercepted and monitored.

8. Limitations of the study

Initially, the study was intended to include the National Prosecuting Authority. However, several attempts to apply for ethical clearance within the National Prosecuting Authority were rejected. Certain SAPS members at ports such as ORTIA, Durban and Richards Bay did not cooperate with the researcher, although authority was given by the national and the provincial offices. Members of the SAPS at ports were reluctant to participate in the study. Research with a broad sample, including SARS, World Customs Organisation and Home Affairs immigration officers, could probably elicit more relevant findings and solutions to illicit drug problems.

9. Conclusion

Limited information-sharing takes place between law enforcement agencies in South Africa. The seemingly simple act of information-sharing amongst law enforcement agencies in the region is compromised by invisible barriers, such as a lack of trust between role-players, security, regulations and management decisions. Current law enforcement practices are not effective in preventing illicit drugs in South Africa. South African roadside inspections are conducted by various role players, e.g. the South African Police Services (SAPS), the Provincial

Road Transport Departments, the Metropolitan Police, the Cross-Border Road Transport Agency (C-BRTA) and the Road Traffic Management Corporation (RTMC). Since each public sector department has its own mandate and set of rules, how inspections are conducted vary. Furthermore, the existence of various road checkpoints increases the likelihood of corrupt activities taking place.

Over the years, the bribery culture has become similar to regular business at South African border posts. Transporters and agents operating at the border give in to the bribery demands out of desperation to get the drugs through the border post. Due to financial constraints, most law enforcement agencies in South Africa operate below human capacity requirements. Insufficient capacity is a reality not only for the SAPS but also for other departments involved in border control; it is mainly related to the state of the country's revenue resources. This results in criminals operating efficiently. Specialised training relevant to borders is expensive and unavailable within the SAPS (HRD), for example, aviation, border patrol, or maritime courses. Personnel shortages at all border posts and laws governing border control are not enforced due to the lack of training and knowledge.

Some illicit drug mules are regularly seen at ports of entry and do not pose any security or criminal threat. They are the smugglers or the informants of the smuggler. Illicit trafficking is a trans-border problem that requires a trans-border approach to tackle it effectively. Cooperation between the South African border police and the police of neighbouring countries, such as Botswana, Swaziland and Lesotho, is essential, and a military presence will be of great help.

Cooperation between the police and local communities along the border urgently needs to improve. Relations between community police forums and the SAPS at local police stations seem to be poor. A survey among members of the community police forums indicated that the local people have substantial information about illicit drug trafficking that is not utilised. There was a high level of distrust of the police among the people, and many accusations of corruption were levelled at the local police. However, the poor community relations seemed to be exacerbating this situation and hampering efforts to stem the influx of illicit drugs. One of the most worrying allegations was that police stations did not respond to information supplied by local people about individuals involved in illicit drugs.

Almost all of the people interviewed for this case study mentioned that corruption facilitated illicit drug trafficking. Many members of local communities who were interviewed perceived police corruption to be the biggest problem. It was a common view that most illegal drug crimes were perpetuated due to the deliberate negligence of the police. Corruption will always be an issue in border areas where there are financial rewards to be reaped. It complicates the task of the many honest, hard-working SAPS border police members.

The Green Paper on Policing (2020: 31) states that investigation of crime will not positively impact crime unless such investigations result in proper detection, successful prosecution and, finally, conviction. The fight against crime thus rests on two critical aspects: improving the rate of detection, and ensuring sanctions are meted out that are appropriate with the type of crime that has been committed. The prosecution and conviction of people involved in crime do not depend solely on the police but requires improvement in the CJS as a whole. However, the police can contribute significantly to increasing the overall conviction rate by focusing not just on improving the detection rate of suspects but also on the nature and quality of investigations. Police require greater sophistication and training in investigation and detection practices. Investigations must be conducted properly, and the work of prosecutors adequately supported to improve conviction rates. The improvement of this rate also requires

strengthening the link between police investigators and prosecutors. Continuous focus must be given to enhancing the capacity and quality of criminal investigations. This requires allocating enough resources to detect and develop the skills and techniques of the relevant detective personnel involved. In addition, there is a need to ensure improved management of investigations and information as well as technical support provided (SA, 2020: 32). The study found that there was a lack of cooperation between the police and other law enforcement agencies. It is important to understand that cooperation between law enforcement agencies could prevent the smuggling of illicit drugs. This is primarily information-driven. Given the lack of police capacity to search vehicles, the police need to be tipped off in advance of vehicles suspected of transporting illicit drugs.

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11. Author contributions

All authors listed have made a substantial contribution to conceptualisation, methodology, data validation, data analysis, writing up of the work, and getting it approved for publication.

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