ISS submission

Draft White Paper on the Police

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# 1. Introduction

The Institute for Security Studies (the ‘ISS’) was founded in 1991 is an African organisation which aims to enhance human security on the continent. It does independent and authoritative research, provides expert policy analysis and advice, and delivers practical training and technical assistance. The ISS head office is in Pretoria, South Africa. Regional offices are located in Nairobi, Kenya; Addis Ababa, Ethiopia; and Dakar, Senegal.

The vision of the ISS is a peaceful and prosperous Africa for all its people. The mission and overall goal of the ISS is to advance human security in Africa through evidence-based policy advice, technical support and capacity building.

The ISS welcomes the opportunity to make a submission on the Draft White Paper on the Police (hereafter ‘the paper.) We recognise the importance of having a clear policy that guides the orientation of our police agencies that can be used to assist in drafting new legislation and communicating with both the public and police officers as to what is to be expected from them.

The first part of this submission will present specific recommendations that will provide clear direction to the police for achieving the aspirations contained in the white paper. The second part will engage with specific sentences.

# 2. General Comments

The ISS supports the overall vision and aspirations for the police as contained in the White Paper. In particular we welcome the acknowledgements regarding the importance of ethical police leadership and professional police officers who are orientated to serving their communities within a Human Rights framework.

Our general concern is that the draft White Paper contains very little detail as to how the various objectives contained therein will be achieved. Moreover, while the paper refers to some of the recommendations contained in the National Development Plan as adopted by the Cabinet in 2012, it does not provide further details as to how these will should be implemented and achieved. Moreover, a number of practical recommendations contained in the NDP are left out altogether.

In addition, while the paper is implicit on a number of challenges facing the police, it fails to clearly highlight, diagnose and definitively respond to a number of what we consider substantial policy issues facing the SAPS and other policing agencies in South Africa. We believe that the White Paper would be substantially strengthened if it had engaged with the findings and practical recommendations contained in inter alia:

* The SAPS Policy Advisory Council Reports (2006/7 & 2007/8)
* Parliament’s Detective Dialogue (2012)
* The National Development Plan (NDP) 2030: Our future – Make it work (2012)
* The Khayelitsha Commission of Inquiry (2014)
* The SAPS National Inspectorate Report of January 2015
* The report of the Marikana Commission of Inquiry (2015)

In particular, the recent findings of the Marikana Commission of Inquiry related to the integrity, approach to decision-making and politicisation by the Senior Leadership of the SAPS are of particular concern. The White Paper should ensure that it addresses these issues in detail.

There is a substantial amount of input that could be made based on the above mentioned formal documents on the SAPS, in addition to the substantial research literature available on policing in South Africa. However due to time constraints and in the interests of brevity, we will confine our submission to the following key areas:

* Improving police leadership
* Promoting police integrity and reducing corruption
* Improving officer safety and the use of force
* Ensuring that police are properly capacitated to address priority crimes
* Enhancing police partnerships and legitimacy

Our goal with this submission therefore is to provide some practical options as to where we believe clear policy guidance is required to achieve the objectives for policing as contained in the draft White Paper.

This submission will not be comprehensive of all aspects of policing, but rather focus on what are considered as pressing priorities for achieving improvements in policing in South Africa. Given that the single biggest policing agency is the SAPS, all recommendations are related to this institution unless otherwise stipulated.

# 3. Improving Police Leadership

The White Paper states that “Policing in the 21st century requires astute leadership and management who strive towards enhancing and building legitimacy and trust of the institution in the eyes of those whom they serve. Police leadership and management must ensure a clear normative standard of the highest quality.” (White Paper, p.18)

Indeed, the National Development Plan also recognises the leadership challenge facing the SAPS and states that “… the organisational culture and subcultures of the police should be reviewed to assess the effects of … the serial crises of top management.” (NDP, p. 393). It is important to recognise, that to improve policing it is crucially important that the senior leadership of the any policing organisation is high experienced, skilled and whose integrity is beyond reproach.

Currently, the SAPS suffers from a situation where there are too many senior managers who either:

* Were appointed irregularly,
* do not possess the skills or expertise for the posts they hold,
* have found to have been untruthful while testifying under oath, and
* are either facing allegations, investigation or are being prosecuted on serious crime and corruption charges.

Currently, cases against senior officers are not effectively prioritized or dealt with expeditiously resulting in severe damage to the public and organisational integrity of the SAPS. Similarly, those senior managers who do not possess the necessary skills and expertise for the important posts they hold, are limiting the ability of the SAPS to effectively utilise its substantial resources to reducing highly policeable crimes such as aggravated robberies, organised crime and much of the corruption.

The White Paper therefore needs to provide clear and concrete direction on how to ensure that only appropriately skilled, experienced and honest people are appointed to positions of police leadership. Moreover, it needs to provide guidance as to how police integrity is to be maintained when serious allegations against senior police officials emerge. The White Paper in its current form does not do this.

**Recommendations:**

The **NDP recommendations** therefore should be included in the White Paper and expanded upon. It is suggested that the White Paper further refine and add to the NDP recommendations as follows (in bold italic):

* A National Policing Board (NPB) with multi-sectoral and multi-disciplinary expertise will be established to set objective standards and oversee the selection, appointment and promotion of ***all people to senior management posts of Brigadier above, including the National Commissioner of the SAPS.***
* ***The NPB board will be chaired by a retired judge and will consist only of no more than nine people who are recognised as independent professionals with proven senior or executive management expertise and whose integrity is beyond reproach.***
* ***Appointment to the Board should follow a transparent and competitive process run by the Portfolio Committee on Police and appointments ratified by the Minister of Police.***
* The National Commissioner should be appointed by the President only on the recommendations by a selection panel **consisting of the members of the NPB following a transparent and competitive recruitment process against clear and objective criteria. A shortlist of 12 applicants should be interviewed in public by the panel who may recommend three possible candidates once receiving security clearance to the President of which he may select one.**
* **Deputy National Commissioners and Provincial Commissioners should be appointed by the National Commissioner only following a transparent and competitive recruitment process overseen by the NPB.**
* **As a matter of urgency, the NPB will commission and oversee an independent assessment of the competency and integrity of all officers above the rank of Brigadier, starting with those holding the rank of Lt-General.**
* **Where individuals have either been appointed irregularly and do not possess the required skills and expertise, they must be re-deployed to posts to which their skills and expertise are applicable.**
* **Where questions are raised about integrity or contraventions of the SAPS Code of Conduct and values on the part of any top or senior manager, the appropriate disciplinary investigations and processes should be undertaken under guidance by the NPB.**
* **Where senior management posts become available as a result of redeployments based on the competency and integrity assessments, they should only be filled following a competitive and transparent process overseen by the NPB.**
* **Where senior managers face allegations of misconduct or criminality, investigations should by undertaken by an appropriately staffed *Senior Management Integrity Unit*staffed by forensic investigators from outside of the SAPS. Such investigations must be given full attention and undertaken expeditiously so that they are completed within 30 days. Subject officers are to be suspended unless otherwise decided by an application to the National Commissioner in consultation with the NPB.**
* **Senior managers will be expected at all time to adhere strictly to the SAPS Code of Conduct and Code of Ethics and will be held accountable thereto. Any ruling by a court, a commission of inquiry, or any public statement made by a SAPS manager that raises questions about their ethical disposition or behaviour will result in immediate suspension and referral to a disciplinary process that must be completed within 30 days.**

# 4. Promoting Police Integrity and Reducing Corruption

In the 2014 National Victims of Crime Survey (NVCS), showed that the second most likely form of public sector corruption (experienced by 13% of households) is police corruption.

The high level of experience of police corruption is arguably the reason why the South African public generally perceives the police to be corrupt. For example, the 2011 Human Sciences Research Council (HSRC) South African Social Attitudes survey found that 66% of a representative sample of all South Africans perceived that corruption is “widespread” amongst the police. More recently a national survey revealed that “Three quarters of South Africans believe that a lot of police are criminals themselves” and 33% said that they were “scared of the police**”** (Futurefact, 2015)**.**

It must be noted that these findings stand in clear contrast to the National Victims of Crime Survey that found that 76% of households “trust the police in their areas.” The differences could be explained in the way that the question was asked and to whom (e.g. older people tend to have greater trust in the police than younger people.) Nevertheless, the NVCS found that both trust and satisfaction in the police was declining which should be a serious policy concern with which the White Paper should engage.

Surprisingly, the White Paper is silent on the challenge of police corruption and does not provide any details about specific step or approaches on how to promote integrity in the police. This is surprising given that integrity related issues such as police officer misconduct, brutality, corruption and criminality are arguably amongst of the key challenges undermining public legitimacy and trust in the South Africa’s various policing agencies. It is therefore recommended that the White Paper engage more specifically about how integrity in the police should be enhanced. This section will provide some ideas as to how this may occur.

**4.1 Protecting Operational Integrity**

Ensuring that police officers only act in line with the Constitution, the law and SAPS Code of Conduct and stated values, necessarily requires that senior police leadership have integrity. However, there is also the need to protect operational police from arbitrary political interference as this undermines the very ethos of professional policing.

A good example is the alleged interference by the former Minister of Police to in the internal investigation and disciplinary processes against the Head of SAPS Crime Intelligence Lt-General Richard Mdluli despite wide ranging evidence supporting charges of criminal behaviour and misconduct. Along with the ongoing protection afforded Mdluli by the current SAPS National Commissioner, this type of interference has caused substantial damage to the Crime Intelligence Division as evidenced in the substantial decline in the quantity and quality of its work.

Indeed the Constitution provides that “*A member of the Cabinet must be responsible for policing and must determine national policing policy*” \_… \_ \_“*The National Commissioner must exercise control over and manage the police service in accordance with the national policy and the directions of the Cabinet member responsible for policing*”.

However, there is a need to ensure that the direction given by the member of Cabinet is at all times within the law and aimed at promoting the SAPS Code of Conduct and Ethics.

**Recommendations:**

The White Paper must practically emphasise the Constitutional principles of transparency and accountability by stating that **“All direction given to the SAPS National Commissioner by the Minister of Police must be in writing and presented to parliament at least twice a year. Any direction to the SAPS Commissioner not in writing should be considered either as an illegal instruction or at the very least an informal recommendation which is not binding on the SAPS National Commissioner but which should still be reported on to parliament.”**

Operational integrity also requires that there are well functioning internal accountability practices and mechanisms. The White Paper recognises the role of the inspectorate to conduct administrative reviews to ensure adherence to departmental policies and procedures and where necessary propose corrective action.

This is an important mechanism for ensuring that police officials and other administrative staff are held accountable for their actions or omissions when it comes to complying with SAPS regulations and standards. However, there no information about the role, functions and powers of the Inspectorate in respect of administrative reviews, nor how to ensure that this important structure receives the necessary resources and support to function effectively. Over the years its capacity has declined and many police stations are not inspected, or are subject to irregular inspections. As importantly, the recommendations from the Inspectorate are often ignored and no remedial is taken despite repeated findings of a lack of compliance from station level inspections.

**Recommendation:**

**The White Paper needs to ensure that the SAPS National Inspectorate has clear and defined rules of engagement and operation. The processes involved in administrative reviews, sanctions and other functions must be practically enforceable and the White Paper must emphasise that the Inspectorate must be capacitated to conduct regular unannounced inspections of police stations and that only police officers of the highest ethical standards and expertise are deployed to this component.**

**Moreover, there must be clearly defined mechanism to assess the extent to which recommendations made by the Inspectorate are implemented. Where recommendations are not implemented written reasons must be given. Appropriate steps must be taken where the reasons for not implementing recommendations are as a result of lack of ability or misconduct on the part of the relevant commanders.**

**4.2 Tackling Police Corruption and Criminality**

The SAPS has an Anti-Corruption Strategy consisting of four key pillars which was formally adopted in 2011. Within each pillar are a number of measurable objectives that have to be achieved. These are summarised below:

Pillar 1. Prevention of Corruption in SAPS

* Internal and external communication and awareness initiatives
* Develop roles and responsibilities for all managerial levels
* Establishing and managing partnerships with external agencies

Pillar 2. Detection of Corruption in SAPS

* Utilising corruption risk assessments and analyses to identify trends regarding corruption prone areas
* Define the role of Crime Intelligence, the Inspectorate and Internal Audit in detecting corruption
* Develop a whistle-blowing policy for the SAPS
* Develop a ‘Corruption Reporting Incentive Policy’ for the SAPS
* Ensure compliance with all the SAPS’ reporting obligations
* Develop a centralised Information Management System for reports of corruption

Pillar 3. Investigation of Corruption in SAPS

* Finalize the SAPS organizational structure regarding the investigation of corruption within the SAPS.
* Develop policy, procedure and standards for the investigation of corruption Develop protocols for cooperation with other government departments, (e.g. NPA, SARS regarding the investigation of criminal cases of corruption.)
* Ensure the effective management of criminal investigations into corruption perpetrated by SAPS members, including the managing of outstanding investigations using the CMIS & establishing a dedicated unit.

Pillar 4: Resolution of Corruption in SAPS

* Develop policy and procedure for the rectification of SAPS procedures compromised by corruption
* Finalizing of the Discipline Management policy and procedure
* Integrate relevant policies and procedures into the ACS (i.e. risk management, employee wellness, etc)

**Recommendations**

**It is important that the White Paper reflect on the importance of the implementation of this strategy and an assessment of its impact. It is suggested that so to clearly demonstrate that the SAPS is taking steps to address corruption it must provide the Police Minister and parliament with information on the measurable indicators used by the SAPS assess whether the Anti-Corruption Strategy is being effectively implemented and its impact? Moreover, an external evaluation of the implementation and impact of this strategy should be undertaken or overseen by the Civilian Secretariat at least annually**

**The White Paper must also incorporate the anti-corruption strategies envisaged in Chapter 14 of the NDP. A holistic and integrated approach to tackling corruption in the police depends on the alignment of these various strategies.**

**4.3 Enhancing Police Conduct**

As part of improving police conduct, it is necessary for the SAPS to improve its systems for receiving information on misconduct committed by police officers, its capacity to effectively and quickly investigate allegations made, and where there is evidence of misconduct to effectively hold officers accountable.

**The White Paper should therefore consider stipulating that: the SAPS and all police agencies will implement user-friendly and accessible mechanisms for receiving and processing complaints against its officers.** These can take various forms but must ensure confidentiality of the complainant and that all information is captured not only for investigative purposes, but also to enable systemic assessment on officer conduct across the country.

**Recommendations:**

**It is recommended that the SAPS and other policing services provide civilian oversight agencies such as the CSP with the following information upon demand:**

* **A clear description of how the citizen complaints system functions, the resources available to run the system, key challenges facing the system and information on how these challenges are being addressed so as to strengthen the efficiency and effectiveness of the system?**
* **The complaints against police officials that are received by the SAPS complaint mechanisms each year?**
* **A breakdown of the nature of complaints that distinguishes between criminal, misconduct and service delivery related complaints?**
* **The average length of time investigations take until a decision is made to prosecute or dismiss the complaint?**
* **The profile of police officials that receive the most numbers of complaints by station, unit, component, rank and time employed in the SAPS.**

Once complaints are received against the police, it is necessary to thoroughly and expeditiously investigate the allegations made. This is to ensure that police officers who are innocent of any wrong doing can be quickly cleared and that those who are found to have committed misconduct can be held effectively accountable.

Of particular importance for achieving this is the establishment of a dedicated and well-resourced *SAPS Internal Integrity Unit* to investigate all allegations of criminality and corruption committed by police officials (as mentioned under pillar 3 of the above Strategy.) This unit needs to learn the lessons from the previous SAPS Anti-Corruption Unit which operated successfully between 1996 and 2002 when it was closed down by former SAPS National Commissioner Jackie Selebi who was later convicted for corruption.

**Recommendations:**

**For such a unit to be successful it requires the following:**

* **Political and police leadership who truly want to tackle police corruption and actively support the unit.**
* **Only the most highly skilled police professionals whose integrity is beyond reproach are selected to manage and staff the unit**
* **The unit has adequate resources and capacity to undertaken both reactive investigations and proactive targeted and random integrity testing.**
* **It only reports to the SAPS National Commissioner on investigations once they are completed and may report attempts at interference to parliament.**
* **It is held accountable for high standards of conduct and performance.**

**To demonstrate to the public that that the SAPS takes criminality and corruption amongst its members seriously, it should report the following information to parliament once a year:**

* **The numbers of police officials that have criminal charges opened against them?**
* **A breakdown of the charges opened per crime category?**
* **The number of cases per category that are referred to court for prosecution, that are withdrawn by the prosecution, that end in a “not guilt” verdict, and that end in a criminal conviction?**
* **The sentences received for the convictions per category?**
* **The numbers of police officials that are dismissed, and not dismissed, after being convicted of a criminal offence?**

In many instances, investigations against police officials following complaints will reveal conduct that is not consistent with the SAPS Code of Conduct or other internal regulations. It is therefore important that the SAPS has an effective internal disciplinary system.

A notable challenge facing the SAPS is the inadequacy of its internal accountability mechanisms. The following data on the functioning of the SAPS disciplinary system is instructive in this regards (See the SAPS Annual Report for 2014/14):

* In 2013/14, out of the 6 053 hearings that were held, 2 294 cases (39%) were withdrawn or ended in a not guilty verdict
* The single biggest outcome of a disciplinary hearing was a “not guilty verdict” – 1 467 hearings (24%).
* While 39 per cent of disciplinary hearings ends with no sanction, only 9 per cent end in a dismissal. There were an additional 664 ‘suspended dismissals.’
* Out of 537 disciplinary hearings that recommended dismissals only 126 (23.5%) were confirmed in 2013/14.
* It is important that the disciplinary system is improved so that police officers who undermine public trust in the SAPS can be removed. Unfortunately, the criminal justice system performs worse against officers facing criminal cases. In 2013/14 the IPID received 4 585 criminal cases against police officials. A total of 950 (20.7%) cases were before the courts and there were only 84 convictions (1.8%).

**Recommendations:**

**A rigorous independent evaluation of the SAPS internal disciplinary system must be undertaken as a matter of urgency. This must include a focus on as to why the available evidence of misconduct that results in the decision to hold a disciplinary hearing is so frequently inadequate to uphold findings of guilt. Also, what are the reasons for the high number of cases being withdrawn? For this reason the White Paper should refer specifically for the development of a clear plan of action to strengthen the SAPS internal disciplinary system based on the findings of the assessment. Annual assessments must then by undertaken by the CSP to monitor the functioning of the SAPS disciplinary system and report on this to the Minister of Police and Parliament.**

**Adopting a punitive approach on its own will not be adequate to promote a professional police ethos governed by the SAPS Code of Conduct and ethics. For this reason, steps should also be taken to ensure that there is an effective and supportive performance management system of the SAPS. In particular, where police officers are doing good work, they should be prioritised for promotions and rewards.**

**4.4 Strengthening Training**

The White Paper states that the SAPS should be “highly skilled, innovative and able to understand and respond to intricately linked and complex crimes while displaying a strong commitment to ensuring a citizen-centered approach to policing.” (p.23) This partly speaks to the training that police officers receive.

There are ongoing bad practices in the SAPS with regards to training and it is important for the White Paper to specifically present an approach that will ensure that there are improvements in the way that training is provided and the impact that it has on officers skills and conduct.

**Recommendations:**

* **Independent assessments of training must be undertaken of all courses by an agency that is external to the SAPS. The assessments should independently establish whether random samples of trainees of all courses are proficient in the material that was trained. The assessments must be presented to the Minister and to parliament.**
* **All trainers should be subjected to random and unannounced assessments by independent external assessors to ascertain whether they are training the curriculum correctly and applying the appropriate standards when “passing” police learners.**
* **The curriculum should include a variety of methodologies that are orientated to adult learning**
* **No one should be deployed to a particular post until they have completed and passed the relevant skills training for that post.**
* **No one should be promoted to a more senior rank until they have completed and passed the relevant training for that rank.**

# 5. Improving Police Officer Safety and Use of Force

The use of force is an inherent characteristic of police work everywhere in the world. Consequently, both the deaths of police members on duty, and police brutality are well known occupational hazards. It is therefore not surprising that the measures required to reduce threats to the lives of police officers are, in many instances, the same as those required to prevent police brutality. Certainly, both challenges require police leaders to improve the overall management of the use of force by police members. This can be done if the underlying factors that result in the killing of police officials, and the use of brutal force (including torture) by the police are properly identified. Only then can effective measures can be taken to address both problems simultaneously.

This is not a uniquely South African problem and there are both international and local precedents for what can be done to effectively improve the management of the use of force in policing. South Africa has already made good strides in this regards.

Following the killings of 265 police members in 1998, the highest number of police killings since the advent of democracy, then Minister of Safety and Security, Sidney Mufamadi, established a National Multi-Disciplinary Committee to improve the safety of police officials. This committee examined the nature of attacks on police officials and found most surprisingly that almost two thirds of those who were killed were off-duty at the time and a little over a third were on duty. This pattern remains to this day.

Police on duty were most at danger when trying to make an arrest and as a result of premeditated attacks such as when criminals ambushed police officials to steal their firearms or to assist in the escape of a person while in police custody. Worryingly, the perpetrator in almost one in ten police killings was another police official.

By examining the circumstances of attacks on police officials, the committee identified a number of managerial and organisational shortcomings that contributed to, or at the very least, failed to prevent deaths and injuries of many police victims. For example, it was found that plans for promoting police safety were not being implemented, required training was non-existent or inadequate, there were not enough bullet-proof vests and probably most importantly, there was poor managerial supervision and accountability at station and unit level. As a result police officials did not follow proper procedures when responding to complaints, searching suspects or making arrests, did not use their equipment effectively and were not “safety conscious”. This made them vulnerable to attack during which they could be injured or killed.

The solutions included short-term interventions, such as offering a R250 000 reward to anyone who provided information leading to the arrest and conviction of a person responsible for killing a police officer; and longer-term interventions such as improving police tactical training, purchasing more bullet-proof vests and launching an internal and external awareness campaign to promote police safety. A new directorate for police safety was established at SAPS Head Quarters to drive the implementation of the recommendations. Subsequently, by 2005 the number of deaths of police officials fell to a low of 94 cases. Last year, a total of 68 police officers were killed while on duty (not all were murdered as this figure includes motor vehicle accidents.)

The research undertaken in 1999 is well over a decade old and there is an need to update it to identify remedies appropriate for todays’ circumstances. Simply threatening harsh sanctions against police murderers, and encouraging police to focus on using *more* force in their interactions with criminal suspects is unlikely to improve officer safety. Rather, it will play into systemic police brutality, which will cause civilians to become fearful and less cooperative with police. Criminals will not stop committing crime. Rather they will arm themselves more heavily and shoot at police more quickly if they believe they are more likely to be killed than arrested. This will make the job of policing South Africa *more* dangerous and may in fact contribute to *more* police killings. Such was the situation in the last two years of apartheid when an average of 266 police officials were murdered each year.

Police leadership need as a matter of urgency to start focusing on improving the strategic, management and internal accountability capacity and systems that will support professional policing. The success of this will be seen in two crucial ways.

Firstly, police members will be better able to confront dangerous criminals and defend themselves and others using lethal force. They will have the necessary skills and confidence to handle the complexities that they will confront in their daily engagement with members of the public and while enforcing the law against dangerous criminals. Secondly, police corruption and brutality will decrease substantially and consequently, public trust in police will improve.

Communities will increasingly start to respect and support police members because they will be seen to be public servants who are well trained and behave according to much higher standards than ordinary civilians. Professional police officers will have the skills to avoid using force in their interactions will members of the public and will use only when absolutely necessary. When force is used, it will be the minimum amount required and proportional to the task at hand.

South Africa is very fortunate to have a civil society that seeks to support government in building a better country for all. The White Paper should encourage the SAPS leadership to work with civil society organisations such as universities, research and policy institutes, unions and others with appropriate skills and insights to address challenges facing the police.

# 6. Improving Police Response to Priority Crimes

There is a vast amount of evidence that the SAPS is currently not able to mobilise its considerable resources to adequately tackle highly organised crime (as evidenced by the substantial increases in mall robberies, and truck and vehicle hijacking in the past two years) or relatively organised crime (as evidenced by the substantial increases in street, residential and business robberies over the past decade).

Moreover, there is substantial evidence that they are not able to undertaken adequate investigations with regards to murders (as evidenced therising increase in the murder rate over the past two years), and are not providing adequate services to victims of sexual assault (as evidenced by the 21% decrease in the proportion of victims willing to report their attack to the police between 2011 and 2014, NVCS 2014).

**6.1 The Need for Detailed &Crime Specific Policing Strategies**

The White Paper should require the SAPS to develop specific strategies for tackling clearly identified emerging crime trends each year. This should be based on a multi-sectoral analysis of all available crime data.

Good example of such strategies include Operation Ngena launched in 2003 in Gauteng which reduced hijacking by 36% and more recently, the Gauteng Aggravated Robbery strategy that was a combined initiative between the provincial SAPS and the Gauteng Department of Community Safety which was implemented from January 2009 to January 2011. Primarily focused on the so called “Trio Crimes” it contributed to the 32% reduction of hijacking, 21% reduction in residential burglaries and 20% reduction in business robberies between 2009/10 and 2011/12. Since the abandonment of this strategy, the Gauteng province has seen an increase in all forms of armed robbery over the past two years.

**Recommendation:**

**Crime specific strategies and the progress in implementing them should be presented to parliament annually and assessments undertaken by the Civilian Secretariat of Police with the support of independent organisations.**

**6.2 Police Planning in a Democracy**

The White Paper refers to a “continuous process of transformation must position the SAPS to adapt to constantly evolving environment” (p.9). However, one of the greatest causes of instability in the SAPS (and indeed most organisation), is continuous reform or restructuring. As the restructuring process undertaken in 2006 that resulted in the closure of ‘Area offices’ and many specialised units revealed, poorly thought out restructuring processes can severely weaken the capacity of the police.

It is therefore important that the SAPS undertaken carefully considered planning processes, that are well consulted and that any large reform or restructuring process is first piloted to establish the viability of the initiative and possible consequences on organisation effectiveness and efficiency.

**Recommendation:**

**The White Paper should therefore encourage the SAPS and metropolitan police services to include other government departments, the public, civil society and the private sector in its strategic and annual planning and prioritization processes.**

# 7. Enhancing Public legitimacy and Partnerships

The White Paper correctly argues that “An exchange of quality and timely information is at the core of joint problem identification and problem solving, and collective planning for sustainable safety delivery. Communities are entitled to the release of comprehensive and timely information by local police station management. (p.22)

The crime statistics simply reflect the numbers of criminal cases reported to the South African Police Service (SAPS), categorised and added up over a period of time . The problem with the way that police crime statistics are released is that they are completely out of date when shared with the public and have no relation to current or emerging crime threats. The crime statistics released by the police in September every year are only relevant for the previous financial year which ended six months prior on 31 March 2013.

This is not because the SAPS is unable to provide up to date crime statistic and information to the public. In fact, South Africa is fortunate to have a relatively well-developed system for gathering statistics on crime across the country. Many tens of millions of Rands have been spent over the years developing the Crime Analysis System (CAS) used by the SAPS to provide reports on the crime statistics. This system is linked into just about every one of the approximately 1 130 police stations across the country.

Each time a person goes to a police station and reports an incident of crime, a docket is opened and the information about the crime is uploaded onto this electronic system. Every 24 hours, all the criminal cases opened across the police stations are updated on the CAS. This means that the police always have access to detailed and updated information on reported crime.

The information is also geographically tagged so it is possible for the police to track exactly where crimes are taking place and how this pattern changes over time. For example, they also know what times of the day and different types of crime are most likely to take place. They also know a fair amount about the *modus operandi* of different crime types and the profiles of the likely perpetrator and victims. It is for this reason that they are able to identify crime ‘hot-spots’, which they use to plan their policing operations and to direct their targeted patrols.

During the time when Nelson Mandela was the president, his Minister of Safety and Security Sydney Mufamadi appointed a committee of inquiry to investigate the collection, processing, analysis and dissemination of crime statistics. The committee was headed by Dr Mark Orkin who was the head of the then Central Statistical Services and consisted of local and international experts including police and civilians. Their recommendations, which were released to Mufamadi on 31 March 1998 largely implemented leading to the sophisticated crime analysis system that is in use today.

**Recommendation:**

**An important recommendation with regards to the dissemination of the crime statistics was that the crime statistics be released monthly and that the National and Provincial Secretariats of Police assist communities to access, understand and use the statistics effectively to promote community safety through quarterly analytical reports.**

Unfortunately, the decision to limit the information that is released to the public in relation on crime had a number of negative consequences. Indeed, most opinion polls demonstrate that the public have relatively low trust in the police compared to other government agencies. Many people do not trust the crime statistics as a result. While not a scientific measure of the crime challenge, crime statistics can play an important role in assisting communities to identify and effectively respond to emerging crime challenges.

The Columbian city of Bogota provides a good example of how the regular monthly release of crime statistics became a fundamental building block for the reduction of serious violent crime without needing to increase the role of law enforcement. Between 1994 and 2004 Bogota managed to reduce its murder rate by 71% without hiring additional police officials. Their murder rate in 1994 was 13% higher than South Africa’s. By 2010, their murder rate is almost 32% lower than ours at 23 murders per 100 000 people compared to 34 per 100 000 in South Africa.

At the start of his campaign to reduce violent crime in Bogota, the Mayor Antanas Mockus established a task team consisting of police, prosecutors, various government departments and civil society organisations, including universities. The purpose of the task team was to analyse and track the crime statistics and other relevant data on deaths and injuries. This data was released monthly to the public so that local communities could have access to updated information on the crime challenges they were facing.[[1]](#footnote-2)

This allowed local communities to tailor crime prevention initiatives to their specific crimes and to regularly assess the extent to which they were successful or not. The availability of this data allowed for different localities to experiment with different interventions, many of which did not require police involvement. One example that proved to have a significant positive impact on violent crime was aimed at promoting responsible alcohol consumption. The police were left to focus on repeat violent offenders and arrest rates of serious criminals increased dramatically.

This approach improved the partnership between government agencies, civil society organisations and communities. And not only did this approach work to reduce violent crime but it also worked to improve other social challenges. For example traffic fatalities also dropped by 50%.

**Recommendation:**

**The White Paper consider the establishment of an police information sharing structure which could be overseen or recommended by the National Policing Board. The purpose of which is ensure access to non-classified information held by the police to those who are undertaking research into addressing crime and policing challenges. In particular the following information could assist the establishment of partnerships to better understand crime and policing:**

* **Monthly crime statistics per policing precinct**
* **Police Precinct Maps of crime hot-spots per category (see for example,** [**http://www.police.uk/metropolitan/00BK17N/crime/violent-crime/**](http://www.police.uk/metropolitan/00BK17N/crime/violent-crime/)**)**
* **Disaggregated crime statistics for categories such as “other theft, Sexual Offences, Commercial Crimes, etc)**
* **Police station performance chart information per component (Detectives, Visible Policing, etc)**
* **Police activity information per precinct and province (e.g. arrests per crime category, road blocks, etc).**
* **Any other information possessed by the SAPS that could be used by other state or non-state agencies to better understand crime and policing in South Africa.**

# 8. Conclusion

We want to thank the Portfolio Committee on Police for the opportunity to comment on the Draft White Paper on Police. We believe that this is a timely and very necessary initiative that has the potential to promote professionalism in South Africa’s policing agencies. We will continue to support such initiatives given the important oversight and policy development role played by the CSP.

1. The details of how this was done and why it worked were explained to on of the authors of this document, Gareth Newham, during two meetings with the former Mayor of Bogota Antanas Mockus during a visit he made to South Africa in 2007. In fact Mockus said that the infrequently released crime statistics in South Africa “reduce accountability” and “show a lack of trust in the public’s maturity.” Reference to the use of statistics by Mockus appears in some English journal articles such as e. Moncada, 2009, Toward Democratic Policing in Columbia. Institutional Accountability through lateral reform. Comparative Politics. See <http://emoncada.files.wordpress.com/2009/12/cp-moncada-july09.pdf> [↑](#footnote-ref-2)