

PC Police
12 April 2016



SAPU PRESENTATION TO THE PORTFOLIO COMMITTEE OF POLICE

5 April 2016

**Oscar Skommere
General Secretary**

SUBMISSION BY THE SOUTH AFRICAN POLICING UNION

Honourable Chairperson and members, I greet you in the name of the South African Policing Union (SAPU).

Let me start by appreciating the invitation to appear before this august house and make our submission on the budget debate concerning the South African Police Service (SAPS).

As an organisation, SAPU supports the endeavours by the authorities to provide the ever needed resources to enable the SAPS to fulfil its mandate of fighting crime.

Our principle is that, where there are challenges, we raise them with the relevant authorities. We strive to constructively engage them on the issues that requires their attention in order to elicit the necessary corrections.

Within the parameters of the programmes, our submission is zoomed on vacant funded posts, top structure of the SAPS, restructuring, ranks, the National Development Plan (NDP), closed docket, discipline, crime scenes, specialised investigations, and intelligence products.

PROGRAMME 1: ADMINISTRATION:

Honourable Chairperson and members, we would like to commend the Acting National Commissioner for speeding up the filling of vacant and funded posts on the level of senior management. This is a courageous improvement as compared to the previous year where we had to raise a delay in filling a vacant critical post of Divisional Commissioner of Finance for over a year.

During the past nine financial years, 2007/2008 to 2015/2016, the Top Structure of the SAPS (General, Lieutenant Generals appointed as Deputy National Commissioners, Divisional Commissioners and Provincial Commissioners) consisted

of 27, 26, 27, 30, 33, 30, 32, 34 and 35 posts respectively.¹ This expansion continues to occur despite a submission to this august house in 2012 about a possible top heavy structure. While we may raise our perceptions of top heavy or top light structure, we call upon management to follow protocols and be informed by the structured results. In this regard, management should allow Organisational Development (OD) to conduct an unfettered feasibility study that is not restrained to produce an already implemented structure.

Honourable members, the reason for this chronic mobility of the structure is that the changes are not informed by a feasibility study. As an example, a structure that was implemented on 1 September 2013 without work study, was only approved on 24 September 2014. This anomaly is curable by following the protocols regarding the changes of the structures.

We have observed that the latest structure has improvised posts of National Head: Management Advisory Services and three Regional Commissioners for regions **A**, **B** and **C** respectively. Even though the previous ranks of the incumbents were clear, we are not aware as to what ranks they are going to hold and the regulation on which such ranks are based. When seniority is confused, discipline is eroded. Once more, the confusion is exacerbated by the appointment of senior managers as Lieutenant General when such rank was abolished.² If the leadership wants the rank of Lieutenant General, a proper approach is to advice the Minister to amend the regulations and create same.

Furthermore, in the process of these movements, some senior managers are promoted while others get demoted. We congratulate those who have been elevated and condemns the unprocedural demotion of others. The fact that others are quietly accepting demotions, does not legitimise such practices, but hatches unhappiness. Correcting this practice is not unsurmountable.

¹ SAPS Annual Report 2012/2013 pages 10-11; 2013/2014 pages 28 and 29; 2014/2015 pages, and Media briefing by Acting National Commissioner of 1 February 2016 slide 12.

² See Regulation 8(1) as amended in 1992 as compared to the 2010 version.

The Punjab Police in India compiles a legislated list of seniority.³ Regulation 804 of the Western Australian Police Force Regulations, 1979 requires seniority list of all its members.⁴ In our situation, Regulation 8(1) of the South African Police Service Regulations, 1964 is the foundation for seniority. Seniority numbers can be inserted in the organisational structure that forms part of the Annual Report with the National Commissioner carrying (1), followed by the most senior Lieutenant General (appointed as Deputy National Commissioner) to the most junior Lieutenant General (appointed as Provincial Commissioner).

Over and above, officials with authority to appoint members in acting positions, must understand seniority and its implications. In the same way as it will be odd to appoint a Minister to act as State President while the Deputy State President is available, the same applies in the SAPS. It is unhealthy for subordinates to act above their superiors, instruct them, appoint them in positions senior to their own, and when the acting period lapses, they revert to their positions and take instructions from the very same persons that they appointed. We can apply the wisdom reflected in section **17CA(12)(a-e)** of the South African Police Service Act 68 of 1995 in relation to appointments in the DPCI. The same clarity reigns supreme amongst our judges. Paramount amongst these, is an outcry to amend the police act that is long overdue.

The fact that appointments includes the positions highlighted in the NDP, indicts the authorities for inaction towards implementation thereof. The appointment of the National Commissioner and the Deputies can only be standardised if Chapter 11 of the NDP is implemented. In the interim, a National Instruction that is designed to guide for the selection of National Commissioner and Deputies, could be helpful. A question to be answered is, what process will be followed to fill the position of the National Commissioner in case the current incumbent's contract is not renewed on 30 June 2017 or if she vacates the office earlier. The fingers are inclined to point more on law makers than implementers.

³ <http://punjabpolice.gov.in/Default.aspx>.

⁴ www5.austlii.edu.au/au/legis/wa/consol_reg/pfr1979226/s804.html.

A trend of closing dockets while detectives are still carrying them is unwise. It discounts the work-load and may create a perception of effectiveness whereas the operators are overloaded. Consequently, when questions in Parliament are answered on the basis of information on the Crime Administration System (CAS), Parliament will be unconsciously misled. It will be told that a case is closed when it is in fact still open.⁵ It is therefore important that the basics applied in the detectives, extend to administration.

Management is urged to maintain discipline consistently across the board. If junior members are seriously visited when they faulted, the same should apply to senior managers. Different treatment conveys messages of despair to subordinates.

In the 2014/2015 Annual Report, the SAPS reported fruitless and wasteful expenditure in the amount of R1 441 716 – 64.⁶ The expenditure on licences, accommodation, incorrect payments and travel tickets are a serious concern as they are preventable. We further hope that the irregular expenditure of R279, 9m as relating to SAPS/SITA contracts have been redressed. Such mismanagement is not warranted.⁷

We have noted that section 35 was used to terminate the services of a Top Manager. This is wrong as the said manager's does not fall under the jurisdiction of section 35, but is governed by section 17DA(6)(b) of the South African Police Service Act 68 of 1995.⁸

PROGRAMME 2: VISIBLE POLICING:

Visible Policing is the backbone of policing in South Africa. The success of policing depends mostly on a sound working relationship between the police and the community that they serve. In order to accomplish this ideal, we expect exerted

⁵ Some case dockets against 15 members who were appointed in Covert Units in 2010, have been closed on the system while they have not yet been finalized.

⁶ SAPS Annual Report 2014/2015 page 21. This is an aggregate for fruitless and wasteful expenditure including those of the previous years that were not accounted for which are R140 783-76, R235 852-47 and R1 065 070-41.

⁷ SAPS Annual Report 2014/2015 page 24.

⁸ SAPS Annual Report 2014/2015 page 315.

efforts by police leadership to promote Community Policing Forums (CPFs). Harmonious relationship with the community will isolate criminals and help in reducing attacks on members of the service.

PROGRAMME 3: DETECTIVE SERVICES

In the year of Detectives (2012/2013), computer literacy was one of the priorities. The purchase, distribution and redistribution of the computers has left the Detectives in the same status where they were before the declaration. The implication of this decision is that we are pushing back the realisation of E-docket. To realise this ideal, attention must be given to improve the computer literacy of the detectives.

The Criminal Record Center (CRC) must increase the visitation to the scenes of crime as this will enhance the chances of detection of perpetrators. Although it is expected that all the scenes of crime as reported by the detectives are visited, comparison between the number of scenes visited and the number of reported incidences requiring finger print, is important.

The Directorate for Priority Crimes Investigation (DPCI) should pay more attention to Organised Crime Projects Investigations (OCPI). The number of suspects arrested in projects and prosecutions in terms of the Prevention of Organised Crime Act 121 of 1998 (POCA), should be made visible. We challenge management to ensure that serious organised crime, serious commercial crime and serious corruption feature prominently on the measurements. There should also be clear distinction between corruption handled by the Detective Service and serious corruption handled by the DPCI.

Finality must be reached regarding the separation of DPCI subprogramme into its own programme. If not feasible, let it be so declared so that it does not hang any further.

PROGRAMME 4: CRIME INTELLIGENCE

Crime Intelligence should also have targets whose impact on crime are measurable. Reporting the quantity of products alone does not guarantee the required quality. The programme must indicate the number of Organised Criminal Groups (OCG) that have been identified and the number of OCPI that were registered as a result of its information.

As the number of personnel counted in Crime Intelligence incorporates the Covert and Overt units, the global financial budgeted figure including Secret Service Account must be indicated. This will minimise the chances of over-resourcing which triggers temptations.

The programme must be able to indicate the percentage of successful information as compared with the quantity of products produced. Noting that in 2014/2015, **335 314** operational analysis reports were produced,⁹ it is crucial to measure the success achieved as a result of these products. This measurement will ensure that the products translate into positive results and not bare figures with no bearing to the success of operations.

PROGRAMME 5: PROTECTION AND SECURITY SERVICES

We are satisfied with the programme of the Protection and Security Services (PSS).

CONCLUSION

Honourable Chair and members, let me conclude by saying that our organisation shall continue to constructively engage and support management to ensure that the SAPS does not fail in its constitutional obligation of fighting crime.

I thank you

⁹ SAPS Annual Report 2014/2015 page 242 and 243.