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**SAPU PRESENTATION TO THE PORTFOLIO COMMITTEE OF POLICE**

**11 OCTOBER 2016**

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**INPUTS BYTHE SOUTH AFRICAN POLICING UNIONON THE 2015/2016 ANNUAL REPORT OF THE SOUTH AFRICAN POLICE SERVICE**

The Honourable Chair Person and Honourable Members of this August House,

I greet you in the name of the South African Policing Union (SAPU).

May I once more, start by appreciating the fact that we have been invited to participate on the review of the Annual Report of the South African Police Service (SAPS).

As an organisation, SAPU supports the endeavours by the authoritiesto provide an ever needed leadership 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 themon the issues that requires their attention in order to elicit the necessary corrections.

Honourable members, we appreciate your response to our call of last year when we indicated that availing an Annual Report to assist in ensuring an informed engagement. Having studied the report, we would like to invite the Honourable members to the following observations:

**PROGRAMME 1: ADMINISTRATION:**

We would like tocommend SAPS management for speeding the processes of filling up vacant and funded posts on the level of Top Management. This is a courageous improvement as compared to the recent past where we had to raise a delay in filling a vacant criticalChief Financial Officer (CFO) postwith this August house.

However, we observe that the posts of Deputy National Commissioner: Crime Detection; National Head: Management Advisory Services; and Divisional Commissioner Counter-Intelligence are left vacant. We have noted the SAPS’s submission to Parliament on **7 April 2016** that the vacancy of DNC, Crime Detection is left so deliberately. We are observing that the Acting National Commissioner has decided to take the responsibility of this post upon himself [P16]. This is the same argument raised by the now suspended National Commissioner with regard to Crime Intelligence that we said to be still in incubation. This could be interpreted as lack of confidence in all other senior managers.

The reasons advanced suggest that the Acting National Commissioner (Acting NatComm) is concerned about Detective Service and not **Crime Detection**. He is not saying anything about Forensic Services and Crime Intelligence that forms part of Crime Detection. There are serious problems in Crime Intelligence that need not be concealed any further. He argues that in 2014/2015 the environment has achieved 5/12 and that in 2015/2016 it achieved 10/15. This is for Crime Investigationsfor Detective Service, a post that is not vacant. Such credit should go to the Divisional Commissioner of Detective Service.Acting NatComm’s own portfolio of Forensic Services division has moved from ½ in 2014/2015 to a mere **3/7**in 2015/2016 [**P166 and 168**] which is a deterioration from 50% to 42%. The least that the Acting Nat Comm can do is to focus on improving Forensic Servicesfrom 42% to at least **60**% instead of wanting to sit on Crime Detection but insinuating to be sitting on Detective Service.

Honourable members, in our view, Crime Detection post, which oversee performance of Crime Intelligence, Detective Service and Forensic Services divisions is so critical to be left vacant. Honestly, Crime Detection is not at its best. Praises should be left to the observers. Even after an unexplained refusal to place the previous incumbentin the post, there aresenior managers on salary level 15 who are seasoned detectives who have police diplomas and law degrees, that can be placed.The post must not be reserved for filling after settlement of National Commissioner’s post. If that is not the case, we encourage the authorities to fill this post as a matter of urgency.

With regard to the post of Divisional Commissioner, Counter Intelligence, we are concerned that the structure may not comply with Intelligence Services prescripts. This is the environment regulated and overseen by Inspector General of Intelligence. There are Forums and Oversight bodies that have interest in regulating intelligence. We are not convinced that these processes have been consulted with the intelligence community and that they have sanctioned the creation thereof. If that has not been done, then we are repeating the errors where the law has to follow irregular actions to try and legitimise them. I speak of the appointment of senior managers as Regional Commissioners ahead of the passing of the Regulations creating the ranks. Attempts to legitimise the irregularity in a pseudo-retrospectivity way is still irregular.

As for the National Head: Management Advisory Services; we wonder why it is on salary level 15 and not 14, which is where Heads are located. This raises the question of ranks and seniority. There should be no confusion in ranks as this affect discipline.Management has also agreed with the Labour Court that there is no rank of Lieutenant General. However, there are posts that are still considered to be held by Lieutenant Generals. Leadership has missed an opportunity to align the ranks of the National Head and Deputy National Head of the Directorate for Priority Crimes Investigation (DPCI). Their ranks do not exist in the Regulations and their seniority statuses are blurred.The Minister should have at least applied Regulation (8)(2) of the SAPS Regulations, 1964. Attention is needed on this.

Although we are not basing our view on any research, we suggest that the posts of National Head: Management Advisory Services and Divisional Commissioner: Counter Intelligence should be retained as Component Heads on a level of Major General.

Honourable members, there has been an outcry on Top Heavy Structure. The Top is now heavier than ever. It has moved from **27** in 2013/2014, to **24** in 2014/2015 and now to **30** in 2015/2016. Our comfort seems to question our consistency. Is restructuring a must for each incumbent that comes? This organisation was restructured in 2013 which resulted in discharge of two Deputy National Commissioners. The very structure has been resuscitated but the pair were not accommodated.We urge management not to repeat the mistake but allow Organisational Development (OD) to conduct an unfettered feasibility study that is not restrained to produce predetermined structure which will ensure that the product is scientifically informed.

To ensure that every member understand seniority, we encourage this August house to require, under Administration Programme, a list of seniority of the Top Management Structure, that is salary level **15 and 16.**That will alleviate any confusion that will also help authorities in making acting appointments. Surely, we do not expect a subordinate to be appointed in a senior position above his/her senior and when the acting tour is over, he/she resume junior role. How does one account to officials that he/she appointed on the rank above his/hers, just because one acted in a senior post. Must one’s superiors still comply with the orders a subordinate made even when the subordinate reverted to his/her ordinary junior position?As an example, Lieutenant General Mkhwanazi appointed Lieutenant General Masemola as the Deputy National Commissioner. He reverted back to Divisional Commissioner level and takes instructions from Masemola. It is unprofessional. The Acting NatComm has appointed Lieutenant General Kruser as DNC, if he is not confirmed as National Commissioner, he will revert to Forensic Services and take instructions from Kruser.The SAPS should 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. This indictment does not exclude this August house. The part of National Development Plan (NDP) that relates to SAPS can only be implemented if it is driven from this house, otherwise it will remain a wish. One has to ask a question, how ready are we towards selecting the National Commissioner, if the current one’s term is not extended next year? We call for urgent implementation of the NDP.

Last year, this house was informed about the detection of a trend of closing dockets while detectives are still carrying them. 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. This August house has been misled about the status of Kemptonpark CAS 186/01/2012 which was said to have been closed as unfounded on 29 March 2012. That misrepresentation remains and it covers up irregularities. When some mangers lied in the past, they were made to account. This begs for similar treatment. A picture that dockets are closed as unfounded when it is evident from investigation that no offence has been committed, is contrasted in practice [P16]. This house is urged to follow the whole list of **15 cases** and beyond. In his two months old book, *Blood on their Hands*, Major General Booysen of KZN Page 74 says:

“*Midway through his investigation, Madonsela was told by HQ to hand in his dockets, all 15 of them. He said,he had been told it was no longer apolice investigation but Inspector General of Crime Intelligence would dealwith it. I suspected that they realised that shit was on the way and they needed to rein in the investigators before they found out too much*.”[[1]](#footnote-2)

Be informed that in the underworld that we want it to remain unreachable, a seventeen years old girl was enlisted. At **19** years she had already been impregnated twice by managers and the pregnancies terminated through the actions of the underworld employers. Unless something is done about that, our mandate remains unfulfilled.

Discipline is not consistently maintained across the board. If junior members are seriously visited when they faulted, the same should apply to senior managers. The issue of fifteen (15) case dockets that were opened against persons who misled the police about their criminal records remains unresolved. **Section 68(2)** of the South African Police Service Act 68 of 1995 is clear on these acts.We advise that remedial steps are taken. Disciplinary actions of some senior managers are dragged until retirement while the disliked ones are speeded up with denial of basic rights.

While commending the termination of the services of **194** with criminal records **[P128**], we are worried that management continue to discriminately elevate permanent members with criminal records. The 15 cases mentioned above, which were not included in the **1448** convicts, remains a thorn as the discovery of convictions prompted management to abandon logic and condone the misrepresentation against the prescripts.

**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 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.

The number of murder on police officials, 79 is still a serious concern [**P128**]. However, the number of murders in the country has increased from **17805** to **18673**. We doubt if we are any closer to a mark of declaring that all the people are and feel safe.

**PROGRAMME 3: DETECTIVE SERVICES**

The performance of the Programme is a concern. All four sub-programmes Crime Investigations, Specialised Investigations, Criminal Record Center, Forensic Science Laboratory have failed. They have achieved 10/15, 3/6, ½ and 2/5 respectively. A combined performance of the Forensic Services Division which produced ½ in 2014/2015 is 3/7.

In tracing the wanted suspects, we were less effective and our arrest declined by **9 284** [**P177**]. The overall arrest has also declined. The figures are conflicting. They are paraded as 1 638 466 from 1 707 654 [**P107]** but changed into 1 556 794 from 1660 833 [**P115**and **116**]. This places the tabled statistics in doubt.

Although the conviction rate has improved by less than a percent, the number of charges has dwindled by **17 717 [P161]**. It is something we can’t pat ourselves on the shoulders when we have arrested 1 023 334 criminals for serious offences. [**P107**].

The recovery of stolen/robbed vehicles has declined by 7.16 % [**P114**] which reflects negatively on police action. We note the return of 166 vehicles confiscated outside the borders. We should be told as to how many are left in the pounds outside the borders[**P195 table 49**].

The 542 life sentences secured by FCS is commendable [**P185**].

The **DPCI** is a closed shop. It is supposed to be having its own Programme. The DPCI has lowered its focus on the Prevention and Combating of Organised Crime (POCA). It does not show how many prosecutions were instituted in terms of POCA. We call upon this August house to show direction.

While the commercial Crime has achieved 3/5 of its target, the Organised Crime achieved **0/1**. This is a dismal failure. It has declined from terminating **31** OCPI in 2014/2015 to **5** OCPI in 2015/2016. The number of arrest has dwindled to **217**. It has combined the years in convictions **1699**, instead of revealing the number of convictions. May I remind this August house that in 2008/2009 the Organised Crime had arrested **7060** suspects and convicted **868**. In 2010/2011 the DPCI arrested **14793** and convicted **7037** persons. In 2014/2015 there was an outcry. This year, it is so bad that the DPCI is even hiding the number of convictions. This is unacceptable. The Component has lost focus. Management confesses that it has not monitored projects [**P197]**. The number of Clandestine Laboratory has declined from 57 to 23 [**P198]**. The report is silent about the number of prosecutions and convictions in terms of POCA. The Committee should reject the report until it is transparent and revealing information to allow proper assessment.

**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.

The covert part of Crime Intelligence is still reeling from the maladministration that was started in 2009. Those whose hands have not been cleared from the jar, must not be allowed to harbour the environment under the guise of sensitivity. It is exactly thissecret card that has concealednepotism in appointment of family members and appointment of 15 criminals that we are misleading the public about today. [**P14-15**]

**PROGRAMME 5: PROTECTION AND SECURITY SERVICES**

We are satisfied with the programme of the Protection and Security Services (PSS). There is a need to minimise the endangering of officials and VIPs by improving defensive driving skills.

**CONCLUSION**

Honourable Chairperson and Honourable 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.

We also want to point out that the report which is published for public consumption must be professional. We remind this August house that we have previously asked that our Constitution not be referred to by Act 108 of 1996. The SAPS has relapsed, suggesting that we are ignorant about the 2005 amendment [**P224**]. We must help the public by refraining to refer the DPCI as Directorate for Priority Crime **Investigations** instead of legislated name of Directorate for Priority Crime **Investigation[P31**]. We should not confuse an original Act with an Amendment Act [**P197**]. This report is not a Departmental report; it is an report of the SAPS as an entity in the Department of Police [**Pi**]. The report speaks of charges of bribery **[P247**] which was repealed in 1992. We no longer have DoJ&CD [**P2, 86 and 141**] but Department of Justice and Correctional Services. Programme 3 is Detective Services and not Detective Service**[Piii ].**

I thank you

1. Page 74 paragraph 2 of the book Blood on their Hands by Jessica Pitchford. “… *Now, no one can say, we didn’t know*” McBride. [↑](#footnote-ref-2)