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**STATEMENT BY DIANNE KOHLER BARNARD
DA SHADOW MINISTER OF POLICE
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Enough is enough: Let's stop talking about empowering the ICD, and start doing it

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Last week the SAPS annual report revealed that outstanding civil legal claims against police officers stand at R7.6-billion – an average of R50,000 per officer. This constitutes a 31% year-on-year increase in civil legal claims, and mirrors the 16% increase in complaints against police officers received by the Independent Complaints Directorate (ICD) since 2005/06. At the same time, just 333 of the 573 recommendations made by the ICD last year, following investigations, were complied with and implemented by the SAPS. In other words, we are seeing a definite trend of increasing errant behaviour, but only about half of the recommendations made by the police watchdog on these matters are being complied with.

For these reasons, I will, tomorrow, present a series of proposals to empower the ICD, by amending section 53 of the South African Police Service Act, to the Committee on Private Members' Legislative Proposals and Special Petitions. If enacted, this legislation would compel the Police Service to act upon recommendations put forward by the ICD, or, where recommendations cannot be complied with, would require the Police to release publicly an explanation for the failure to comply. This would have the effect of ratcheting up police oversight by ensuring that, where officers have violated the law, they are held to account just like any other citizen.

These proposals come at a crucial time in our efforts to bring crime and lawlessness under control in South Africa. In recent weeks we have seen what can only be described as a faux-debate about section 49 of the Criminal Procedures Act play out in the media. What is remarkable about this debate is that it is fuelled entirely by hot air. There is not a single substantive policy proposal on the table. Not a single sentence of proposed legislation has been released publicly. What does it say about the place we are in South African politics, that a non-existent policy, manufactured entirely as part of a PR campaign for a new police commissioner, has come to occupy such a central space in our media cycle?

On the other hand, the DA will, tomorrow, be presenting a series of concrete proposals on reforming the South African Police Service Act (Act 68 of 1995). These proposals would go a long way towards better holding errant officers to account. This would not only make our communities safer, and ensure that only honest police officers remain in service, but would also help to bring down the volume of civil claims, and thus help to redirect funds away from civil litigation, and towards resourcing, infrastructure and salaries.

It remains to be seen if Commissioner Cele is genuinely serious about expanding the powers of ordinary police officers, and whether the proposals he has in mind would pass constitutional muster, and would genuinely assist in the fight against crime. If this does, however, turn out to be the case, and Parliament is presented with a reasonable amendment, this would only be all the more reason for ensuring that, where officers do step over the line, a stronger oversight mechanism is in place. Amending section 53 of the SAPS Act would be the best way of achieving that.

Yesterday's *Sunday Independent* editorial hit the nail on the head by pointing out that the situation with respect to holding officers to account has become grave, but rather than actually building a coherent strategy to tackle this problem head on, the ANC dishes out endless 'empty rhetoric'. And the problem is that while the Police Commissioner is spending a great deal of his time trying his best to impersonate John Wayne, the real problems, like the chronic shortfall in qualified detectives, the massive backlog in samples at our forensic science laboratories, serious equipment shortages, and the inability to hold police officers to account, continue to be sidelined.

Enough is enough—we need to stop talking and start acting, beginning with a series of proposals that we will present to the committee tomorrow, and then will hope to see forwarded to the portfolio committee on police in short order.

MEDIA ENQUIRIES:

Dianne Kohler Barnard – 082 823 7047

Ross van der Linde – 076 543 7254