

CHAPTER EIGHT

SPECIALIST INTERVIEW FINDINGS

8.1 INTRODUCTION

As mentioned in detail in chapter six, the methodology chapter, the interviewees whose findings will be analysed in this chapter consist of individuals from the South African Police Service, chosen according to their competencies in answering pertinent elements of the research question, ex-police members including an ex-provincial police commissioner, a commander of the erstwhile Murder and Robbery Unit and the ex-commander of the now defunct Anti-corruption Unit. The remainder of the local specialists consist of criminal justice and policing researchers, members of a police union, a journalist, an advocate with the National Prosecuting Authority, a criminologist and the Executive Director of the Independent Complaints Directorate, an autonomous policing oversight and investigative body.

The findings are presented according to the pertinent **themes** as per the interview guides. These include the extent of police criminality (perceived or otherwise), illustrations of the different types of crimes committed by police members and risk factors that contribute to crime causation, both individual and organisational (including managerial contributors). Personal experiences are shared and other important themes such as recruitment, training, consequences of police criminality, interventions, policies and procedures, investigative/oversight bodies and complaints are explored.

*The comments made by interviewees in this chapter are not linked to specific individuals because they were **guaranteed anonymity** in this regard. The researcher wishes to reiterate that the contents of this chapter relating to the findings consist entirely of the **interviewee's opinions, thoughts and experiences**. Only the conclusion of this chapter will feature any kind of input from the researcher. Direct quotations by interviewees are presented within quotation marks or quotation marks and italics. **If the input is particularly pertinent or it explains a specific theme, it will be presented within a shaded box or in italics.***

The researcher wishes to add that if the style of writing detracts occasionally from scientific requirements, it is in order to reflect the general communication methods of some interviewees. For many interviewees, Afrikaans is their primary language, and as this is a very expressive language, the researcher does not wish to lose any of its nuances.

8.2 SPECIALIST INTERVIEW FINDINGS

8.2.1 EXTENT OF POLICE CRIMINALITY

Interviewees were asked to comment on the **extent** of police criminality in the South African Police Service (SAPS), perceived or otherwise. Police crime is considered to be a significant problem by interviewees (in South Africa). It is difficult to get an accurate sense of this phenomenon because any statistics in this regard cannot be released. Statistics are always a problem because many cases of crime and corruption are not reported in South Africa. A recent victim survey revealed perceptions that 5.6% of the population has experienced public sector corruption including the police, and 55% of SAPS members said they have a problem at their station. Police in the provinces of Kwa Zulu Natal, Gauteng, the Western Cape and the Eastern Cape are more predisposed to criminality because these regions are more urbanised.

Dockets received pertaining to police crime by the National Prosecuting Authority (NPA) in the Western Cape for 2004 (until September) amounted to 459, this constitutes **2.4%** of 19 000 police members in this province. **Estimates of the volume of corrupt police members in the SAPS range from 10% to between 1 and 2%.** Some interviewees felt that the extent of corruption and criminality in the police was “**chronic**” and it was occurring in every unit and in every police station. Corruption and criminality is **entrenched** and **systemic** in police stations in areas with high levels of **gang activity** (this will be graphically illustrated when relating offender interviews). Communities on the Cape Flats (Cape Town) perceive the police as corrupt because of their experiences when dealing with them (about 90% of the Cape Flats residents feel this way). The latter know that there are police members on the gangsters’ payroll.

It was mentioned there is generally much more corruption than is shown to the public and the situation is far worse than we think it is. There are definitely more cases committed than reported, investigated and solved. An interviewee was recently approached by a SAPS member who was requesting an investigative position outside the police service. The member felt that corruption had got so big that it was making him feel uncomfortable. The interviewee also mentioned that the SAPS management were a “bunch of idiots” where addressing police corruption is concerned. Another interviewee mentioned that most police stations do not report their incidents to Crime Intelligence. All transgressions should be reported monthly. In July 2005 only 41 cases were reported, this represents the “tip of the

iceberg.” Some interviewees mentioned that they perceived police deviance to be on the increase, especially when dealing with grievance and discipline management where the subject keeps “popping up” at meetings and during discussions. *A lot of criminality is dealt with through disciplinary procedures where members are either fined or punished according to the internal disciplinary code instead of being prosecuted in a court of law.*

Police corruption and criminality tends to be underreported because of aspects of **police culture** such as the acceptability of this behaviour and protecting a corrupt colleague. Also, the majority of corrupt members are not punished equally and this is evident in the large number of corrupt members still in operation.

An *opposing view* was presented by a few interviewees who believed that the problem was not as big as people believe it to be and that there is a perception that the problem is more common than it actually is. They added that the SAPS are not experiencing more corruption because they are more focused on combating it. The risk of not addressing the problem is a greater concern than its actual prevalence. The problem is not rife or out of control, but members are more exposed to crime generally because of the nature of their job, this contributes to their own criminality. Police officials are also made examples of when they are convicted for petty crime compared to the general public.

Another interviewee mentioned that corruption in the SAPS is sensationalised and overexposed (as opposed to corruption in private companies), for example, a headline will read: “top cop” involved in corruption when it actually involves a lower rank member. “There are also instances where an ex-police officer who has left the police long ago is involved in a crime and his connection to the police will always be dragged into it. Groups in the police tend to be stigmatised, for example when a detective in a particular unit or station has transgressed, all detectives are perceived to be ‘rotten,’ they are all tarred with the same brush. Even if a small group of cops are involved in crime, their behaviour has a major impact.”

One interviewee believes that the SAPS have a much bigger problem with **service levels** than actual police deviance. There are often complaints from the public in this regard especially if they have reported a case and told the police who the suspects are and nothing happens. *The SAPS has lost experienced members. Some members are not doing their job, this is not intentional but as a result of a lack of experience. The public then accuse the police of being corrupt because they cannot solve their particular case. This is a serious problem*

and it is evident in the vast number of private security companies that have sprung up. There are many ex- murder and robbery detectives working for these companies and many other ex-members are doing private work. "There was a case recently where a private investigations company staffed with ex-SAPS members was called in to investigate the murder of a university student. The police had done a slipshod investigation and a senior director in the SAPS eventually had to sort out the mess. People lose faith in the police because they are inept, largely because of a loss of skills."

"It is problematic when members are arrested because as SAPS we serve all the people, and we are the custodians of the Constitution of the country. We are supposed to provide safety and security to the people of this country, therefore we have to be honest and diligent in the job we do. There are individuals in the police who are not conducting themselves in the manner that qualifies them as policemen. The SAPS does have a problem with dishonesty, like any other organisation."

8.2.2 ILLUSTRATING POLICE CRIME

8.2.2.1 Drug-related Criminality

This section includes the **use** of drugs by South African Police Service members as well as other drug-related crime. Concerning drug abuse in the SAPS, interviewees are aware that it is happening and that it is a significant problem, but they believe that it is not endemic. There are members who use crack-cocaine, cocaine, "tik" (crystal methamphetamine) and "dagga" (cannabis). The use of crack-cocaine and cocaine, which are stimulants, could be related to the type of work police officers do. The SAPS are investigating cases at present where some of the corrupt members involved are also users. Some members get "used because they are users." Members who abuse drugs are vulnerable because of their addiction and they are vulnerable in terms of their own safety. There have been incidents where members have been killed in shebeens (illegal taverns) for their weapons or for other reasons.

In the Strand area of the Western Cape, eight police members have been identified for abusing "tik" and "dagga." There was an incident in a specialist unit in the Western Cape where three investigators used as agents in drug operations developed a dependency. They did not report their dependency and they started stealing drug exhibits. This became an embarrassment for the police and the members were redeployed. One member attempted suicide. The commander of this unit had a problem with the fact that his members did not

report their dependency.

Involvement in drug-related criminality has been graphically illustrated by the interviewees, also mentioning that it is easy to become a corrupt police member because there is a lot of illegal activity in the Western Cape, particularly pertaining to drugs. Some interviewees believe that officers do not become dealers because they tend to get more involved in low-risk crimes, but most interviewees believe they do deal drugs to some extent. Corrupt members “shakedown” peddlers for drugs, which they sell to rival peddlers. There have been instances where members have been investigated and prosecuted for stealing and dealing drugs, for example, when there is a drug bust and the suspects flee, discarding the drugs. The officers then decide to make themselves some money by selling the drugs or only handing in a portion of the drugs recovered. There are instances where they do not hand in any confiscated drugs because obviously the suspect cannot come to the police station and demand his drugs back.

Robbing of drug dealers is very common, for example in the Western Cape, detectives receive information that a shipment of drugs is coming in, drug dealer B splits on dealer A, the police raid the shipment, steal all the drugs and sell them to their contacts, including dealer A. Some corrupt members do illegal search and seizure operations to obtain drugs, not to arrest individuals for possession or dealing, but to use the drugs themselves or to offer them for sale to drug lords. SAPS are investigating search and seizure cases involving drugs and money, where during the “raid” certain signals are given (amongst police), to call the suspect to one side so that he does not witness them taking his cash. Any police member who is found in unauthorised possession of drugs is prosecuted. If a sting operation is planned, permission must be granted in terms of certain regulations and the members involved must register their purpose in order to prevent any unnecessary problems from arising.

One interviewee mentioned that “drug dealers walk around with loads of cash. When an officer finds a dealer in possession of drugs and cash, the dealer has a choice; the officer can confiscate the drugs and charge the dealer or the officer could be interested in the cash and the drugs, or the officer could ignore the drugs and keep the cash – nobody’s lost anything.” Dealers identify certain police members to assist them, sometimes indirectly by acquainting themselves with those particular members and then offering them gifts etcetera. Some members go as far as actually assisting the drug dealer with his activities, for example by transporting drugs, by managing the dealers operation and by giving him advice. When

dealers are arrested, these members visit them in the police cells and provide them with further “treats” such as special food, blankets and even drugs. This amounts to **defeating the ends of justice**. There was a member arrested recently in Khayelitsha (Cape Town) for providing individuals in the police cells with drugs.

Police members are used to move drugs, as couriers. Members are not necessarily involved in drug syndicates but they do get paid to “turn a blind eye” or to facilitate the passage of drugs out of an airport (for example). Police officials do transport drugs for drug lords in official police vehicles especially if the dealers know there is a roadblock en-route. If the member gets caught with the drugs in the police vehicle, he says he has confiscated them and he is transporting them to the police station. Police members who courier drugs for gangs often get involved with abalone smuggling as well. Abalone is exchanged for drugs or cash and vice versa. During 2003, 80 tons of abalone was smuggled out of the Western Cape by syndicates and gangs.

There have also been instances of police laboratory assistants who are exposed to drugs who start manufacturing drugs at home to sell on the street. It is important to effectively screen individuals hired for these functions. The **most common form of corruption** committed by police members concerning drugs is when they know there is going to be an operation against a particular drug dealer, they inform the dealer for a fee. SAPS estimates that only 5% of the market value of drugs is ever confiscated by authorities.

8.2.2.2 Noble-cause Corruption

Most interviewees were not sure about the extent of noble-cause corruption in the SAPS. One interviewee stated that this phenomenon is not common in the SAPS today, but it did happen pre 1990 policing. For example, *police would find a stolen vehicle with no fingerprints on it and they would find someone who they wanted to set-up, asking him to push the vehicle. It would then have the target's fingerprints on the vehicle and he would be arrested.* Another interviewee mentioned that he had heard allegations of firearms and knives being planted at crime scenes. There was an incident where a case was withdrawn against two brothers implicated in an attempted bombing of a pub because the police had committed perjury. Nobody actually saw the suspects on the scene. They were picked-up by the police on the N1 highway. Police members on the case claimed they was forced to say they had seen the suspects on the scene and admitted to lying when interviewed by managers.

One interviewee mentioned that the SAPS organised crime environment was not that creative. Noble-cause corruption demands creativity. Members are not under that much pressure to succeed that they have to plant evidence. In the organised crime environment the planting of evidence is almost expected but it does not happen.

Planting of fingerprints at crime scenes has also happened, but the fingerprint system has been revised which makes this practice almost impossible. Today the fingerprint expert is supposed to get someone to co-sign that he was at the crime scene and that he found fingerprints at a specific spot. There is an example of a certain policeman who was not following procedure and he would give the excuse that there was nobody else on the scene that could co-sign with him.

8.2.2.3 Assault

Varied responses to the prevalence of assaults committed by police members ranged from **pervasive** to a **less common** feature of policing post 1994 (post-apartheid). Assaults by police members are the most common crime dockets the Independent Complaints Directorate (ICD) receives to investigate. It is also the most common docket received by the National Prosecuting Authority.

Assaults by police members can be attributed to the nature of the job as well as to human factors such as frustration. Police officers are far more aggressive than they need to be and often assaults are a show of force. Assaults have been ascribed to a combination of the abuse of power and the nature of policing. For example, “a cop has worked hard, needs to connect to the suspect, the suspect is not talking, cop becomes agitated and ‘klaps’ (smacks) him. A good cop who did the proper interrogation, can still be convicted for assault.”

Police often target certain types of people, for example they will beat up young males in Hillbrow but would not be able to do the same thing in upmarket Sandton (Johannesburg). There are instances today where drunken off-duty police members go around beating up people in clubs. This is an abuse of power.

Assaults often happen when individuals resist arrest, for example, when police are called upon to break up a fight and get assaulted by the “scufflers.” Gangs respect violence. They do not respect female police members in their areas, purely because they are female. A gangster will say to a male officer; “do you know who I am?” The officer can back off or he

can say; “I am arresting you.” This is where the trouble begins, as the gangster would usually lash out physically at the officer. This contributes to aggression by police officers because they are not going to allow bad things to happen to them. Do they wait for something to happen, like a criminal taking their firearm off them? Police make judgement calls and experience makes it easier to make these calls. Assaults are also related to *crimen injuria* and attempted murder.

*Many people lay **false charges of assault** against the police because criminals want to get out of their predicament. One interviewee mentioned that this is exacerbated by the fact that police management tends to give the complainant the benefit of the doubt, rather than their own members.*

Two interviewees *differed*, saying they thought that assaults were negligible compared to the past because SAPS management was not tolerating this behaviour anymore. Death in custody was not always a result of police action. Investigations today are more crime-scene driven, not dependent on interrogations anymore. Suspects are remanded until DNA evidence is provided which takes eight to twelve weeks. Investigators have to prove admissibility of evidence in court, they have to prove how the evidence was obtained therefore there is less violence in policing today. If evidence was obtained through torture, that evidence is thrown out of court, unlike the “old days.”

8.2.2.4 Police Involvement in Syndicates

Police members’ involvement in crime syndicates appears to be a less common feature of police crime but there have been many incidents of complicity. One interviewee mentioned that syndicates prefer to work with higher ranks in order to obtain information on raids, fresh crackdowns etcetera. Syndicates feel higher ranks can assist them more effectively with this information. It would appear from examples offered by interviewees that police members are largely involved with **vehicle-related syndicates**. This includes vehicle theft, cash-in-transit heists, hijackings and the minibus taxi industry. They also collude with **drug syndicates** and **abalone poaching syndicates**. Police involvement in syndicates has been ascribed to the habit of many police members of socialising with criminals.

One interviewee suggested that police members were definitely involved in cash-in-transit heists because the robbers must be privy to inside information. Off-duty members get involved in cash-in-transit heists. “These heists are believed to be orchestrated by ex-MK (the

armed wing of the African National Congress) soldiers and there were many MK soldiers in the police's lower ranks in 1996/1997. High profile MK soldiers also got good positions in the police. Members supply heist robbers with information concerning the location of roadblocks. Corrupt members also clear the way for hijackers to flee the scene of a vehicle hijacking by telling them which route to use because a corrupt colleague is patrolling that specific route. *This information was given to the interviewee's colleagues by convicted hijackers.* Some police members have an interest in "chop-shops" (this will also be illustrated in the offender interviews) as well as vested interests in the taxi industry to the extent where they turn a blind eye to the violence evident in this industry.

Corrupt police involvement in registering stolen vehicles and issuing clearance certificates without seeing the car is RIFE. There is one police member in every police station designated to this function and in order to get a stolen car off the police computer system the member must be paid a corrupt fee. The changing of vehicle chassis/engine numbers is a part of this practice.

One interviewee mentioned that he does not believe officers are actively involved in syndicates but merely assist the syndicate, for example, policeman A works with computers and one particular syndicate has policeman A in their pocket. A clears stolen vehicles and another syndicate also makes use of him for this purpose. Policeman A is a free agent, not part of the syndicate hierarchy and structure, just a contact person, a facilitator. There were specific incidents where a member facilitated the movement of stolen vehicles through the Beit Bridge border post into Zimbabwe for a fee of R5000 per vehicle. This officer was not part of any syndicate but merely the contact person for numerous syndicates. In the criminal world, syndicates actually help each other, for example; "I have this particular cop that you can use." Some criminals are involved in two or three syndicates. A member of the SAPS will say to a friend; "my car needs tyres, have you got a contact?" Syndicates work in the same way.

Syndicate B needs vehicles, they approach a contact at Stikland (SAPS car pound, Cape Town), the contact arranges for a vehicle that should be crushed not to be crushed. The correct procedure requires an officer to photograph a vehicle prior to its crushing and to photograph the block (the remains of the vehicle). In this **scam**, the vehicle does not get crushed and a different block is photographed. Everyone involved in this scam is corrupt, from the police officer to the crusher, to the photographer. Excuses are also provided that the photograph could not be developed therefore there is no proof of the crushing. If a syndicate

needs a clearance certificate for a stolen vehicle, they buy “bulkheads” (smashed vehicles) and they now have the chassis. Members of the syndicate then go and hijack similar vehicles and they are in possession of chassis numbers to put on the hijacked car. The syndicate uses their police contact to issue them with a clearance certificate. One sergeant at Stikland charged R500 per clearance certificate.

There are many ex-Vehicle Theft Unit members in the insurance industry. A Stikland police contact gets paid R10 000 for providing information to the insurance agent about cars that have been recovered. *These scams are all occurring on a large scale.*

Concerning **abalone poaching syndicates**, there have been incidents where members have hijacked abalone smugglers and sold the abalone to rival organised crime figures. Police members in small towns are very involved with these syndicates as divers and couriers transporting abalone in police vehicles. *The motivation behind this behaviour is financial reward.* There have been members arrested for this. One interviewee mentioned that he had heard that members are sent from their police stations to “Operation Neptune” (anti-abalone poaching operation). The result of this is that the member’s behaviour changes when he is out of his normal environment. In this instance, abalone poachers know new officers have been deployed and they make a point of meeting them in the pub. The poachers’ start “softening up” the newcomers and eventually the officers are compromised as a result of socialising with these individuals. Chinese triads take officers with them when they burgle homes and steal drugs, money or abalone. The victim reports an ordinary housebreaking to the police because he cannot demand his drugs or abalone back.

Interviewees provided examples of two **police criminal syndicates**, one was a vehicle-related syndicate and the other was involved in housebreaking and robbery. During 2004 a syndicate of policemen were operating out of Khayelitsha (Cape Town) where they identified expensive vehicles and at night they would go to the houses where the vehicles were and steal them or they would hijack the vehicle on the road. *They would use the police computer system to obtain the details of the number plates of these vehicles as well as addresses.* The other police syndicate would identify a wealthy individual, with a safe containing expensive jewellery etcetera, they would go to the house, identify themselves as policemen, (with the police vehicle parked outside) and do the robbery.

There have been cases in the Western Cape where investigating officers were getting too close to colleagues involved in syndicates. These crooked members arranged for the good members to “be taken out” by syndicate members. This phenomenon is responsible for 5% of police deaths every year.

8.2.2.5 Police and Gangs.

In the Western Cape gangs permeate society. Young children are forced into gangs. They are used to break into houses because they are small. The boy gets caught, takes the blame, gets released and becomes a member of a gang. The gangster’s criminal career escalates from here. *Some SAPS members come from these gang-soaked communities, this does not make them gangsters but collusion between members and gangsters does occur. For example, police do not act against gangsters operating drug dens and shebeens where illegal activities occur.* In gang areas, some members get drawn into some kind of sympathy with the gangs and when this happens they end up being supportive of the gangs, one way or another. Police officers do sympathise with gangs, for example to benefit a particular gang, they target a rival gang with search and seizure operations. This is happening predominantly at station level. Members **socialising with criminals** is common because of the fact that some members grow up in disadvantaged communities and they also have relatives in gangs. This is a serious issue in the Western Cape and there is major pressure on the members who come from these communities.

One interviewee stated that the **relationship between cops and gangs is a system**, not the handing over of an envelope in a dark corner. Gangs recruit members similarly to the way police members are recruited, for example, gangs identify someone as having leadership potential, they put that individual in a car and his friend sits next to him (the friend is a gangster but the targeted individual does not know this). The occupants of the car do a drive-by shooting and the individual is incriminated, he cannot talk about the incident either. In the Faure (Cape Town) firearms case, firearms were stolen by gangsters from a police store with the assistance of a policeman. The policeman involved was identified and targeted by the leader of the particular gang because he was useful for the robbery. It appeared as though the member’s part in the robbery was coincidental, but he was specifically targeted by the gang boss.

A high profile gang boss would invoke a unique scheme to “hook” police members that he had identified as useful. In one instance the gang boss noticed that a particular officer was building an extension onto his house and after two years this was still not complete. One day the policeman discovered R25 000 in his bank account, upon enquiring, he was told by the bank that someone had given him a gift anonymously. The policeman used the money to complete his extension. A month or two later, he receives a call from the gang boss who tells him that he noticed the house needed repairs and thought he might need the money. By the second call, the policeman is in big trouble and gives the gang boss the information he required. This resulted in a witness being killed.

Gang bosses also target officers working with firearm licences. The most common types of “assistance” given to gangsters by corrupt officers include firearm licence fraud, committed by certain policemen who arrange firearm licences for gangsters with criminal records. Selling gangsters classified information, selling them dockets, selling them information from dockets (such as the names of witnesses) and making dockets “disappear.” Corrupt members have also been known to do route clearance with their private cars. These members act as “spotters” for the gangs, they will drive in front of and behind a car carrying a shipment of drugs. If they see a police car they will inform the car carrying the shipment to divert. *One interviewee mentioned that the **ultimate type of corruption** committed is “tipping-off” gangsters about impending raids. It is difficult to identify the culprits because they use their own phones and the police cannot confine an operation to two or three people. These operations against gangs are usually unsuccessful, only yielding a few illegal firearms because of this practise.*

There was an incident recently in Oudtshoorn (Southern Cape) where fighting had broken out between two gangs and the police were driving up and down the affected area waving the USA flag. This was the symbol of the “Americans” gang, one of the gangs involved in the altercation. There is also the example of a police official working at a court and whose unofficial responsibility was to pay bail on behalf of gangsters (not with his own funds but as a facilitator).

*Many members collude with gangsters because of **greed**, but there are those who collude out of **fear**. The gangsters know who the officers are, where they live and their families are often threatened with harm if they do not co-operate.*

One interviewee mentioned that the gang structure itself will know that; “that’s our man,” referring to a specific policeman on the gangs payroll. Also in gang structures, everyone has their area of specialisation, for example stealing car radios, housebreaking, whatever there is a demand for. They trade their illicit goods for drugs and the drugs are used to pay for abalone or weapons. The reason gang leaders are rarely convicted is because they will tell one of the gang ranks to take responsibility for what someone from the gang’s senior ranks has done or they will be killed.

SAPS’s Organised Crime Unit is driving an anti-gang initiative called “Gangs Issie Annie” (GIA) meaning “gangs aren’t on.” This initiative is focusing on utilising the *Prevention of Organised Crime Act*. Gang members will be charged with engaging in any illegal activities that benefit the gang.

Interviewees were asked what the gangs’ contribution was to crime in the Western Cape, 70% or 20%? One interviewees responded by saying he thought their contribution was 90%. “Show me any day of the week where there is no gang-related case before the courts.” Another interviewee mentioned that gangs are responsible for most of the crime in “ganglands,” and they have substantial input in crime in the Western Cape generally. Most murders in the province are not committed by gangs but by people who are acquainted, but gangs are responsible for most attempted murder cases, for example pointing a firearm at someone. Another interviewee mentioned that gangs do not kill or attract police attention if they want to conduct business. “The whole peninsula is saturated with gangs, I will accept 70% because you will find that whether it is theft, housebreaking, prostitution or extortion, these gangs are involved. They each have their territory whether they are Cape Flats gangs or Nigerians etcetera.” Gangs dictate where the police will work, they will divert police manpower to one area while the “stuff” is coming in from another area. If gangsters want “good” officers removed from a particular case or police station, they approached his corrupt superior who has him removed.

One interviewee’s *opinion differed*, believing that 70% involvement by gangs in crime in the Western Cape was totally overstated. This percentage is too high. Gangs are involved in many crimes but it is difficult to scientifically calculate percentage. The interviewee added that there were more organised groups involved in crime than gangs.

8.2.2.6 Police-Informer Relationship

According to an interviewee, *there are different types of informers, **professional informers** who inform for a living are encouraged to provide information and they often make more money than their handler. There are **genuine informers** who feel they must make a contribution, these are scarce, and there is the **informer who has ulterior motives** such as eliminating his opposition.* Informers are not all reliable. The budget for informers is R32 or R34 million per annum. By October this amount is exhausted. *A lot of crime is solved due to good informers rather than good investigations. "There is a lot of egotism involved in this relationship because a good informer can boost a cop's career substantially."*

The informer system is open to abuse and it is abused. Informers will often exploit the system by for example, giving information to a handler in Johannesburg and to a handler in Pretoria (the two do not know about each other) and collects two payments. If two handlers share one informer and they are colluding, they will both apply for payment for the informer, one handler will pay the informer and they split the fee supposed to be paid out by the second handler. Checks, balances and controls are not in place.

Another interviewee added that informer's work closely with their handler and there definitely is "**skimming**" taking place, where a handler takes a percentage of the informer's reward. If the informer's reward is R50 000 it is probably more than his handlers annual wage. An inexperienced officer would take a risk "skimming," the informer would want more and more money, accusing the handler of not claiming enough and then reporting him for not paying over the entire reward. Sometimes a reward is offered publicly for information pertaining to a specific case and the moment the amount is announced then the police say; "there is progress in the case." the money gets paid out and the informer pays the member a kickback. Put a different way, an officer closes a case successfully and because the information that closed the case came from "John," the officer wants R50 000 for "John," takes R40 000 and gives R10 000 to "John." This is very common.

There have been examples of informers who have committed a crime being protected by their handler from other officers who are investigating them. It happens that an officer needs to catch a gangster and he obtains information from another gangster, (such as a shebeen owner or a drug dealer), this officer's career becomes linked with the criminal informer. *"A crooked informer will always have a hold on a crooked cop. The relationship extends beyond this because the cop will not be able to arrest his informer. Information provided by this*

informer boosts the cops' career but the informer is a crook, they are dependent on each other."

In the "old days" (pre 1994) the best informers were drug dealers. For example if a criminal broke into a house, murdered someone and stole goods, where does he sell the goods? He sells them at the shebeen. Detectives would visit the shebeens legitimately (make entries in their diaries to say they had visited). They would approach the shebeen owner and tell him there was a murder committed down the road and they have reason to believe stolen goods were sold at his shebeen. The detectives would give the owner a week to tell them who was selling the stolen goods or else they would confiscate all his liquor "because he was operating illegally." They would force his hand. If the shebeen owner did not co-operate in the stipulated time period, the detectives would arrange for the nearest police station to raid the premises and confiscate the liquor, under the pretext that the community was complaining about the establishment. Most of the time the shebeen owner would co-operate. Eventually the detectives would develop a working relationship with the shebeen owner because he was co-operating and giving them vital information.

Another interviewee reiterated that in the "old days" Murder and Robbery Unit detectives used drug lords as their main informers. This is not the case today because drug lords are targeted and detectives cannot investigate the target and use him as a source of information. Detectives cannot socialise with these individuals either. There was an Organised Crime Unit detective arrested recently because of his involvement with a specific syndicate. Years ago this detective used a specific criminal as an informer, eventually the detective was working for the criminal and his syndicate mainly doing illegal search and seizure operations.

Interviewees mentioned that there are also instances where **informers take revenge on their handlers**. For example an informer takes revenge on his handler after the informer has been arrested and convicted on certain charges, he makes allegations that the handler bribed him or accused him of taking money from the handler; "just to put me in a bad light." Sometimes the handler is unable to protect the informer and the latter makes false allegations against the handler. Also, sometimes an informer gets involved in criminality that he does not tell his handler about and when he is arrested for these crimes he expects the handler to protect him and when he does not protect him he makes false allegations against the handler.

More experienced officers generally do not trust informers, they cannot afford to turn a blind eye or to engage in anything criminal with the informers knowledge. The informer would turn on that officer.

One interviewee disagreed that there were no checks in place. The interviewee mentioned that there have been very few incidents of **informer fraud** in the last few years because there are panels that control payouts and there are checks and balances in place. It is a good system because it is easy to pick-up if someone is stealing. There are *National Standards* in the SAPS guiding police/informer relationships and in terms of the instructions there must be a counter-signature with a payment to confirm that the full amount has been paid to the informer. The unit commander must also check to see if the full amount has been paid to the informer. If officers and informers are colluding they can fool the commander. In the past, only the informer's signature was necessary to receive his payment, today the informer has to write out the amount received in his own handwriting.

8.2.2.7 Sabotaging Prosecutions

The most common examples of police members sabotaging prosecutions given by the interviewees pertain to **police dockets**. There have been numerous incidents of police members "losing" dockets or stealing and selling dockets to accused individuals. Corrupt police members are not the only ones responsible for this phenomenon, justice officials have also been implicated in this. There are cases where members simply do not take dockets to court. Technically the branch commander is supposed to ensure that dockets get to court and reconcile at the end of the days business. *This is a management problem as well.* Prosecutions are also sabotaged by shoddy police investigative work, intentional or otherwise.

Another common practice amongst corrupt members is **tampering with evidence**. Evidence goes missing or it is contaminated. A common example of the latter is tampering with blood samples taken from drunken drivers. A police friend breaks the seal on the vial of blood. It is contaminated and cannot be presented as evidence in court. Police steal exhibits such as Mandrax tablets, which they resell. There was a case recently where four or five members were arrested for selling dagga to prisoners at courts. One of the suspects was so organised he had a false bottom in a bag in which he kept the dagga. Tampering with evidence has been limited through the design of the "tamper-proof" evidence bag.

Interviewees added that there have also been many instances of prosecutions being thwarted because of elements pertaining to **witnesses**. Witnesses are not warned by investigating officers to appear in court, with officers giving the excuse that they forgot to subpoena a witness, or they are warned to appear but they are given incorrect dates. In one specific housebreaking case, the investigating officer did not warn the witnesses to appear in court and the case was withdrawn due to the lack of witnesses. This was blatant negligence in this case. The victims of the housebreaking will never have a good word for the police. "This is inexcusable." It does happen that when someone lays a charge a corrupt member informs the defendant of the identity of the witnesses and they get intimidated or "taken out." Witnesses often get "leaned on" and threatened. Sometimes officers also hide the fact that they have witnesses to testify in a particular case.

One suspect belonging to a vehicle syndicate that was being investigated bribed witnesses by buying them a house, so that on the day the subpoena was delivered to the address where the witnesses were known to reside, the witnesses weren't there, they were living at their "new" home. After an extended period of time they moved back to their original residence. The case was withdrawn because the witnesses could not be traced.

There have been instances of the intimidation of police witnesses by their corrupt colleagues in a courtroom's public gallery. Members have also been found to be spectators in hijacking trials and many other criminal trials where they have no official involvement. *Interviewees also mentioned that there were occasions where a detective was not involved in a specific case but he has links to the suspect and requests to be on the case or to take over the case. This detective interferes in such a manner that the case is squashed (he has achieved the desired outcome). This is more relevant to drugs, weapons and rape cases.*

One particular member was always involved in the cases of a specific gang boss even though he was not assigned to any of the cases. This member ended up establishing a corrupt relationship with this gang boss. "If a cop takes once, he will take forever." They get enticed and fall into the crime trap. There is a recent example of seven police members with links to a security company whose personnel were involved in housebreakings. These members would specifically sign for the docket, get the docket and proceed to arrest any innocent person off the street to show that a suspect has been arrested. The members would then close the case due to insufficient evidence.

8.2.2.8 General Illustrations

- Bribery

*Interviewees' reactions to the incidence of bribery by police members ranged from very common to only 1% of cases against police members. The vast majority of specialist interviewees seemed to concur that bribery was indeed common in the SAPS. One interviewee added that bribery and **extortion** were extremely common in areas with high levels of crime. In some areas it is the norm. "If you are not corrupt then there is something wrong with you." Members demand bribes for a myriad of "services", such as "losing" dockets and selling confidential information to criminals. Although **bribery is a constant** in the police, not many members are caught. Additional examples of bribery include corrupt cops who regularly visit foreign boats in the harbour and demand bribes from sailors to allow prostitutes on board. Arresting illegal immigrants and demanding bribes is also a very common past time for many corrupt members. Police members' working in courts, are paid small bribes by members of the public to do small favours for suspects. Other members see that "if you do something you are not supposed to do, you can get R20, can buy lunch with this money." One interviewee, an Advocate was asked outright for R20 by a policeman in court to buy a cold drink. "This is unacceptable."*

One interviewee explained that crooked members even have names for their scams, such as "**cho-cho**", a Xhosa word, which pertains to receiving money for favours. A big source of revenue for corrupt members is a drunk driver, usually caught at roadblocks. Officers make an average of R2000 per drunk driver. These are SAPS members not traffic police. If the driver appears to be wealthy, the officer demands a bigger bribe. These officers use people who would never report them to make money from, such as drug dealers and drunk drivers. This is also an **abuse of power**. With the crime rate in South Africa being so high, there are many **opportunities** for police crime, for example the issuing of fines. If the fine is R300, the corrupt officer will say: "give me R100 and I will make the fine go away." Another favourite amongst corrupt members is to stop a minibus taxi, tell the driver that the minibus is stolen (even if this is not the case) and the driver must pay a R500 bribe to "sort out the problem."

There are **several systems operating amongst corrupt police officers** because people do not want to go to jail. One system concerned maintenance payments. The real system works as follows: when a warrant comes to a police office, a police official can give the defendant a warning or he can be arrested. The corrupt member would warn the maintenance defaulter

that there is a warrant out for his arrest and the defendant would therefore not be home when police went to arrest him. The corrupt member charges a fee of R600 for keeping the defaulter out of jail. The offender does usually give himself up. This system is very difficult to detect. Some corrupt members demand bribes as small as R10 to allow detainees to take cellular phones into the cell with them.

Bribery and extortion in the detective ranks include officers **delaying the arrest of a suspect**. Officers work the docket up to the level where they have a warrant for arrest. If the accused is a big drug dealer he pays the detective approximately R20 000 per month to stay out of jail. Eventually it gets to the point where the criminal must be arrested, by this time he is thoroughly prepared and some witnesses have “disappeared.” This practice is quite common. There have also been incidents where members extort money from individuals for not arresting them. The corrupt member keeps going back for more money, embellishes by saying someone from the prosecuting authority needs money to keep him out (officer keeps the money for himself). There was also an incident recently where an accused had a rape case against him withdrawn many years ago, but the investigating officer is still extorting money from him under the pretext of the individual being re-charged.

- Theft

Interviewees provided many illustrations of theft committed by police members. Perhaps the most disturbing form of theft occurs from police mortuaries where members steal anything from a Rolex watch to body parts. Common types of theft also include members stealing from crime scenes such as burglaries, where the owner will not know if goods were stolen by the burglars or by the police. One interviewee provided the example of officers who responded to a burglary at a shoe shop where they stole four pairs of shoes from the scene. A sergeant wanted to report the inspector involved in the theft and the inspector offered to share the shoes with him. The sergeant did eventually report the inspector and the latter was suspended. There are also incidents where police respond to alarms in the early hours of the morning, perhaps a clothing store. They would find a window smashed and they would then steal goods from the scene before alerting the key holder. Drugs and liquor are the items of choice stolen by corrupt members during police raids.

During the 1980's, some policemen would work in pairs using two police vans. One would drive up to a shop, for example a photographic shop, break the window, steal cameras and drive off. The second policeman would stand outside the shop quite innocently waiting for the

key holder. He tells the key holder that he happened to be driving past and saw the broken window. These officers were also committing housebreakings. They were all convicted eventually. This gang of errant policemen were referred to as the “blockbusters.”

Theft committed by police members range from the theft of cellular phones to the theft of vehicles. A policeman in Athlone (Cape Town) was using a stolen vehicle as his own. This was discovered when his father-in-law enquired from the police member’s colleagues where he had found the money to purchase this vehicle. Police radios are stolen from police stations and sold to tow-truck operators. Also common is if there has been a vehicle accident and the damaged vehicle is towed into police station grounds, members strip the vehicle for “mag” wheels, “louvres”, car radios etcetera. When the owner demands the car radio back, members reply that they do not know what happened to it. Petty theft includes stealing petrol out of police vehicles to put into private vehicles.

Often, when a suspect is stopped and searched, the police officer will find something in the suspect’s possession such as a camera or a cellular phone. The officer asks the suspect if he has proof of ownership, the suspect does not have proof. The officer takes the goods and the suspect is told to collect them when he has proof of ownership or else the officer is keeping the goods. The suspect obviously does not return, as these were stolen items. The interviewee referred to the latter as “**conning.**”

- Misconduct and Corruption

Misconduct includes both criminal and non-criminal misconduct. An example of criminal misconduct is assault, which is more common and also the result of the nature of the job. Non-criminal misconduct refers to the non-compliance with instructions, insubordination, absenteeism, arriving late for work and alcohol-related misconduct. *One interviewee mentioned that 98% of misconduct cases involve neglect to perform a duty or refusal to perform a duty.*

The misuse of police vehicles is a common problem in the SAPS. Police members use official vehicles to go and pay private bills. A detective has the use of an official vehicle because he is on standby and he uses this vehicle for family matters/private use. Much of this misuse is discovered after members have been involved in accidents with police vehicles.

*Most interviewees believe that **misconduct is more prevalent than criminality**. They add that members are not always aware of what is acceptable behaviour and what is not. Police members are lazy, they do not want to do their work, they take shortcuts and this backfires on them. Misconduct is common at station level. This behaviour is often ignored by middle managers at police stations. As time goes by members become more robust and eventually they get involved in criminality. One interviewee maintains that “normal” crimes such as defeating the ends of justice, theft, sexual offences, assaults and even organised robberies are very high in the police (as opposed to corruption as stated in the anti-corruption Act). The Western Cape has recently only had two or three recorded cases of **corruption** as a crime, including bribery and extortion. Corruption cases take a long time to investigate, it is obscure and takes place largely behind closed doors.*

Negative favour occurs when for example, an individual has been a particular detective’s informer for 20 years, he goes to the detective and asks him to please organise bail for his son who has been arrested for assault. The detective goes to the investigating officer and says: “I can vouch for this guy, his son will appear in court.” The investigating officer gives the accused bail because he trusts the detective, even though he may not have been planning to grant the accused bail. Two weeks later the informer gives his handler a gift to say thank-you. “Is this corruption? If the gift was of a monetary nature it would definitely be construed as corruption, but this scenario depicts a favour. It is a grey area, justice was not defeated and there was no crime committed but according to the new *Prevention and Combating of Corrupt Activities Act, 2004* it is corruption.”

- Assisting Escapes

One interviewee asks: “if there is one court orderly and seven accused and the latter all run away, who is going to chase them”? Escapes from cells happen because members are not following procedures and they are not taught to handcuff a person at all times. Police members are also handling large numbers of prisoners simultaneously.

In the Western Cape, the Provincial Commissioner has been very strict regarding escapes. There is a strict policy on investigating escapes, if any collusion is found the member is charged with aiding and abetting. Statistics in this regard have dropped drastically in the last year.

- Additional Illustrations

Procurement (handled by the SAPS Logistics Department) is a source of abuse by corrupt police officials. For example, paint was ordered to repaint Booyens police station (Johannesburg). The paint was double-invoiced and the station ended up with enough paint, to paint three stations. **Kickbacks** from this double invoicing went to the police members at Logistics who sourced the paint.

One interviewee explained that if a tender exceeds R100 000, it must go to the tender board, so what members do, they divide this into smaller amounts such as R30 000, R30 000 and R40 000. If the amount is under R50 000 the decision is made at local level and does not have to go through the tender board. The amounts are also staggered so that a “friend” can get the job. The friend submits a tender for R50 000, then a few weeks later another R50 000, so that the tender does not go to the tender board for approval.

One interviewee expressed his concern regarding the amount of **rapes** committed by police members, of civilians. “Sometimes rape is as easy to commit as corruption. For example, a female is stranded outside a nightclub and she may be a bit tipsy, cops take advantage.” There are many complaints of **indecent assault** against police members including women who object to being searched by male officers. **Domestic violence** and **femicide** does occur. Domestic violence often relates to the stress experienced by police members as a consequence of their job. **Drinking** is part of police culture and when drunk, a member could take it out on his partner and family. There have also been incidents of **sexual harassment** of female colleagues. The SAPS’s Employee Assistance Programme assists victims in this regard.

An interviewee mentioned that **fraud** is another feature of police criminality. For example, suspects get caught at Beaufort West and two detectives are sent from Cape Town to investigate. The detectives’ leave for Beaufort West on Thursday morning, they are paid a certain tariff per hour while on the road. They return on Sunday night and when they get in on Monday morning they say they only got back at 6am Monday morning, “they claim an additional six hours and think they can get away with it.”

Crimen injuria complaints are regularly made against police members by members of the public who claim police swore at them. Police are involved in **attempted murder** incidents as well as **shooting incidents** both on and off duty. *Police negligently lose their firearms as well as using their firearms while under the influence of alcohol.*

There is a high incidence of **detainees dying in police custody**. This is not always as a result of police action. In one case however, a detainee died in custody and it was considered to be a suicide by the police. "Speculation was that this was not the case as the cell had a cement ceiling and it was two storeys high, there was no way the detainee could have hung himself from that ceiling. Also, police members produced a tie, which was not among the detainee's possessions when he was processed."

*One interviewee lamented the occurrence of a fairly new phenomenon in the SAPS today, **slandering and character assassination** amongst police members. If a detective is successful and good at his work, jealous colleagues will start spreading rumours about him; "he is actually corrupt", etcetera. An example of this occurred in the Serious and Violent Crime Unit where one member was a really good detective. Jealous colleagues kept saying this particular detective was corrupt. The detective who was targeted was from the erstwhile Taxi Unit and jealous colleagues alleged that taxi companies were paying his cellular phone account (he is a non-commissioned officer so he is not entitled to a police phone). This detective was arresting suspects from all taxi companies, without fear or favour, so the allegations did not make sense. This phenomenon has only been happening since 1994, today there are faceless voices, pre-1994 a member would put pen to paper saying; "this person has made false allegations against me, I want him to prove it."*

A few interviewees mentioned that there has not been a crime in South Africa that a police member has not been involved in.

8.2.3 ADDITIONAL QUESTIONS

8.2.3.1 Susceptibility

*Interviewees were asked which **ranks and units** in the SAPS were the most susceptible to police criminality and corruption. The vast majority of interviewees agreed that the lower **ranks**, the ranks below commissioned officer were the most susceptible to temptation and more easily intimidated. They also have the greatest number of members. These ranks include constable, sergeant and inspector. These junior ranks (uniform members) are always in contact with the public and they have opportunities to commit crimes, for example during searches. There must be opportunity otherwise they cannot commit the crime. One interviewee believes **inspectors** experience the most deviance because there is a glut of this*

rank in the SAPS all waiting to become commissioned officers. Promotion is passing them by and they have been members for a number of years. They are familiar with the system and how to beat it. One interviewee mentioned that the SAPS has experienced a lot of corruption in the past two years and this seems to coincide with a big recruitment drive resulting in a large intake of constables.

Some interviewees felt that although the lower ranks were responsible for most of the deviance in the SAPS, corruption and crime happens across the board, for example commissioned officers have been known to steal cellular phones. By the time officers' get into specialised units or they are promoted to senior ranks they will not risk being corrupt. "There have also been incidents involving very high ranks because at this level they have all the contacts certain criminals need."

The **units** most susceptible include Crime Prevention, which is the uniform branch of the police, especially those working in low-income areas and where the drug trade is more prevalent. Most interviewees agreed that detectives are also extremely susceptible to corruption and crime. *"Certain detectives are good officers. They have a good reputation and their commander allows them to do as they please. Corruption creeps in and nobody is checking. The commander is missing the signs. Detectives largely have free reign and as a result are very difficult to supervise. Detectives are taking dockets to court and they are affecting arrests. Detectives also investigate cases and they have the proverbial "sword" over the suspect's head."* One interviewee was horrified to hear of the existence of a slush fund for corrupt members used to pay for lawyers. "It works as follows: a detective was found guilty on a charge and the case was withdrawn because a witness was allowed unsupervised access to police tapes. The defence heard about this and claimed the evidence could have been manipulated."

The Serious and Violent Crime Unit and the Organised Crime Unit are also susceptible to deviance. *Detectives working in Organised Crime Units are targeted by syndicates and other organised crime groups. Any detectives responsible for investigating assaults, theft, robberies, vehicle-related crimes, firearms and murder are susceptible.* "Often when there has been an armed robbery and R1 million has been stolen, the police will say only R500 000 has been recovered, where is the rest of the money?" members working in the following areas are also vulnerable to corruption: prostitution, drugs and liquor. Police members who work at night are at risk. "Strange things happen at night."

8.2.3.2 Rotation

Rotation of police members does not happen. Some members have been at the same station for fourteen years or longer. There are pros and cons involved in keeping members where they are. The **pros** for keeping them in a particular station are that they have built good relationships with the community and they are familiar with their policing environment. "They won't get to know the crooks if they keep moving." The **cons** could be that members have formed bad relationships with members of the community such as gangsters. Bad officers who have been in the same place for an extended period of time, are also protected by fellow officers and the community. Before 1994 police management did not place members in the area they grew up in. After 1994 members were placed in the communities they grew up in. "This makes it difficult for many members not to be compromised, especially those in gang areas, they do not have a choice, they cannot turn back. If they do, criminals blackmail them."

One interviewee mentioned that there are rumours that Western Cape police management is closing down the Organised Crime Unit. "The unit is not closing down, but some members are being rotated. Members get addicted, especially to drugs as a result of constant exposure. This makes them very vulnerable to corruption. Rotation cannot be done across the board because members have established their families in certain areas etcetera. Rotation also has financial implications, but it is happening where management has identified a need for this kind of intervention."

8.2.4 CONTRIBUTING RISK FACTORS

8.2.4.1 Individual Contributors

- Individual Variables

Interviewees mentioned that **individual variables**, including **personality flaws**, contribute significantly towards the corruptibility of a police member. Some members have a strong moral code, others do not. Some members are guided by religious principles while others are not religious but they are moral. Another interviewee believes that it all boils down to integrity, if there is no **integrity** at home or an individual lacks integrity and **values**, they will not acquire these when they are thirty or forty years old. If a member has no **self-discipline** and they lack an **ethical** code, he/she will also be predisposed to criminality.

*The police service is a microcosm of South African society and to this end it reflects the general breakdown of **morality** in South Africa today.* “Some individuals are just bad, they are bad when they join the Service. On the other hand, good members go bad as a result of **personal problems** such as financial need or unhappiness with the police.” Members have low days and high days. “Most members are well disciplined but those that are ill disciplined fall into two categories: a) those individuals with criminal tendencies but good discipline and b) individuals who are not criminal but are prone to misconduct.”

Temptation may come their way on a low day and they succumb. Police members have said: “once you have tasted that lifestyle it is difficult to walk away. You only know yourself once you have been tested, for example if someone put R1 million in front of you, do you walk away? There is no proof that being ‘broke’ before the end of the month is connected to taking bribes but reality says that if I have no money and the **opportunity** presents itself, what do I do?” For example, a member goes into a shebeen to close it but he/she is provided with the opportunity of taking a bribe in return for keeping the facility open. This is definitely happening. As a result of the parlous state of South Africa’s job market, many individuals are joining the police purely as a means to earn money. Individuals are no longer drawn to policing as a calling to serve the community but join merely for a source of income. “This calls into question the **quality of individual** joining the SAPS, are they recruiting the best?”

Many interviewees mention that **greed** is a major contributing factor to police criminality. One interviewee believes it is the primary reason for deviance because “when you want to live a life you are unable to support, you end up being vulnerable.” Greed, **avarice** and **gullibility** all contribute to deviance. **Peer group pressure** influences the individuals’ behaviour because they also want to wear brand name clothing, they want to drive nice cars and have expensive material possessions. Greed and **envy** play a part because junior members see managers with nice cars and big packages. There is an enormous gap between lower ranks and higher ranks, even between a senior superintendent and a director. If there are benefits to be had, the higher ranks benefit first, for example, if the benefit is a car, higher ranks will get the car first and lower ranks must share vehicles or use public transport. The foot soldiers, the frontline of the organisation should be getting these benefits.

Police members have become **cynical**, they see flaws in the system and they feel alienated. Unless the organisation gears towards promoting ethics, nothing will change. Police members see other members making lots of money. Some corrupt members believe they will never get caught, they believe they are **invincible**. Every member of the SAPS has **power**

and every member is a prospect for a corruptor. SAPS members are in a position of trust, they have information criminals want, they are custodians of sensitive information and should be more vigilant.

- Personal Problems

*One interviewee mentioned that the SAPS have a significant problem with members' whose **personal lives are a mess**, including members who go through a divorce or any other traumatic experience and subsequently undergo a personality change. Circumstances often change an individual's behaviour to the extent where they start **drinking heavily or take drugs**, even indulging in **theft**. Another interviewee mentioned that he was aware of one member, at present under suspicion of being corrupt, who had recently gone through a divorce. An individual may have been kicked out of his house and he shacks up with a woman who has a shady past, or he may struggle to pay the rent in new accommodation. These are all contributors.*

One interviewee believes the SAPS are experiencing a high level of **alcohol abuse** and **drug dependency**. This could have an impact on behaviour by making these police members targets for bribes. Another interviewee is of the opinion that the main reason members become corrupt is because they have a drinking problem, "weakness for woman and booze." In order to satisfy these habits they need money. *Members are not readily dismissed for being drunk on duty*, if they have a problem they are sent for rehabilitation (this pertains to drug abuse as well).

"In my component, if I see one member has been involved in heavy drinking two or three times a week and he is not in a good condition when he gets to work. I will take him on because at the end of the day he is impacting on my performance." The interviewee was asked what happens to a member eventually if he has a problem and his manager protects him? The interviewee related an incident that he experienced. When he took up his new position in the Western Cape he immediately identified one member as being an alcoholic. This policeman had been for rehabilitation but not through advice from the Service – he eventually killed someone while he was drunk and told somebody this while he was drinking again. The alcoholism was not dealt with. This was very sad because in terms of policing he was a very good worker, but while he was working he was waiting for a chance to go drinking, he was eventually drinking on the job. *This problem was clearly ignored by management.*

Statistics pertaining to individuals who made use of the SAPS Psychological and Social Services reveal the highest occupational problems as being **alcohol abuse, relationship problems, depression, stress-related problems and family and marital violence**. These problems do not necessarily evolve into criminality. **Domestic abuse** as a result of alcoholism is fairly common amongst SAPS members. One interviewee added that domestic abuse does happen.

“Being a cop is very hard on a family because of the nature of the job. This places a heavy burden on a wife/mother. A cop has two personas, one at work and one at home. It is very difficult to separate the two and they usually blow off steam at home. Constant exposure to violence must affect you, it does desensitise you, this is very hard on the cohesiveness of families.”

- Financial Considerations

*Many corrupt officers use financial problems as a **justification** for deviant behaviour. Members take out financial loans, which they cannot repay and many of them have very **poor financial management skills**. If someone has financial problems they tend to be vulnerable to anything.* One interviewee related a story of how a young officer justified his corrupt activities by saying that it was an easy way to make money. This individual worked in a department dealing with motor vehicle licences and he had one favoured client. This client would bring the policeman pies, goats and money etcetera. The client was flamboyant and “likeable like most crooks are.” The policeman was slowly being “bought” by the crook. Even the perpetrator became a victim because he too could not get out of it. The young policeman was eventually convicted and received a twelve-year sentence. The policeman said to the interviewee; “Sir, I have been liberated now, I am free because I am out of it.”

- General

*Interviewees were asked why **assaults** are so common, why some members are so aggressive?* Interviewees felt that many members **lack self-esteem and confidence**, particularly pertaining to how they do their work. Some members have a “**macho**” attitude as in “we are above the law.” One interviewee even mentioned that police members were **unsure of their powers**.

Social risk factors also play a significant role in police criminality. For example police members who grow up with certain individuals, such as gangsters have ties that bind them. It is extremely difficult for these members to say no to their friends, especially in poorer communities.

Police members who work in drug and firearm units are not corrupt cops but once they start working in these fields they learn corrupt behaviour from their colleagues.

8.2.4.2 Organisational Contributors

- Salary

*Interviewees were fairly **divided** when asked whether the usually contentious issue of police salaries contributed significantly to police criminality. Responses ranged from blaming all the police's ills on poor wages to an interviewee saying that police members are actually **overpaid**. One interviewee mentioned that greed could not be a contributing factor purely because the police do not get paid properly therefore it is **need**. **Salary is a problem in the lower ranks**, if an inspector has been in this rank for 20 years he only qualifies for a nominal increase every year. The interviewee knew an inspector who had been in the SAPS for 29 years and he was taking home R4000 per month. One interviewee felt that members were not earning enough in relation to their responsibilities. "A cop must really love his job to take home R7000 a month as a superintendent." A few interviewees felt that police have always been badly paid and that this was no justification for being corrupt.*

"Police salaries were not bad, but not good either." Lower rank members are paid more than for example, security guards or entry-level bank clerks. One interviewee stressed that low wages were a fallacy/"bullshit." A recruit starts at level 4 (constable) with a salary of R52 917 per annum, plus medical aid, plus R1600. The state pays 15% towards his/her pension and he/she pays 7%. They get picked up by police van and dropped off at home by police van (to and from work) and pay R28 per month for this. Entry-level members can live in police barracks for R100 per month and pay R100 for food per month. Within three years he/she goes to sergeant. The latter earn R78 738 per annum excluding extras. An inspector's annual package is R100 000 after six years. If the latter's wife earns R180 000 per annum, "can't come out on that?" Police are getting a 7% increment and then the normal increment after July, "no way we can say our people are vulnerable because of salaries."

*One interviewee offered a totally different opinion, believing that members are **overpaid**, even the lower ranks when compared with people with the same level of education and their outputs at work, “based on this, cops should be fired.” This interviewee said to his staff that if they did three hours of hard work a day they will achieve triple the outputs they are achieving at present. Each member of his component was bound to this principle and they were the best performing area in his province.*

Police are a function of the state therefore they are bound by the same financial Act as other state departments. This Act is applied very rigidly in the police. There are attempts to reduce the salary gaps between ranks but if there is a 7% increase for everyone, that 7% for a higher rank (per month) would be equal to the wage for the lowest rank for an entire year. The difference is glaring.

- Police Culture

*Interviewees were also divided on the strength of the **blue code of silence** and other elements of police culture in the SAPS today. Some interviewees felt that police colleagues still do not “rat” on each other, that it is very rare that one member will split on another. Officer’s who are investigating colleagues break cases themselves, usually by obtaining information from partners (girlfriends or wives). One interviewee emphasised that the philosophy of protecting your friend is very much alive and well in the SAPS today. There was a recent incident where a journalist was so badly assaulted by police that he lost an eye. All the officers involved in this incident protected each other. *This phenomenon is prevalent when trying to investigate accidents with police vehicles for example, “I sneezed at that moment so I didn’t see how the accident happened.”**

Additional examples of officers protecting one another include an incident in a minibus taxi in which a politician’s wife was travelling. A police superintendent was travelling in the same taxi and he was using racial slurs against the politician’s wife. A police inspector was also in the minibus. They protected each other when questioned about the incident. In another incident, ten members from the Khayelitsha (Cape Town) police station were recovering many stolen vehicles and they would return the vehicles for a fee. Sometimes they would catch an individual sitting inside a stolen vehicle and they would demand a bribe for not arresting the occupant. Ten members, ten or twelve vehicles and they all protected each other.

One interviewee said that elements of police culture were still strong today but they were not an organisational problem, rather, certain groupings within the Service operating together, doing everything together, "one groups culture may not be another groups culture." This is evident in the outcome of many disciplinary hearings. In the past, police were instilled with a discipline of fear. SAPS is trying to turn this around, to replace a discipline of fear with "conscious discipline," *so that members can develop a sense of responsibility and be able to get rid of the old thinking of the police not to report corrupt colleagues because they could be fired.*

Alternatively, some interviewees felt that the blue code existed until 1995, before this it was very strong. Today, members are reporting their corrupt colleagues, for example if their boss is corrupt, they will report him. Police today are more willing to talk because they are protected by whistle-blowing laws and managers look after them. One interviewee added that 95% of witnesses against police are colleagues. In the "old days" this would never have happened. *There is not that much loyalty in the police anymore, today they are willing to "impimp" (inform) on each other, there is no trust anymore.* Police members will "rat" on each other especially if his/her career is threatened. Another interviewee asked; "how many knives can your back take?" Race is a factor in that different races will not stand up for each other. Also, the word "racist" is constantly used when investigations include members of different races.

According to another interviewee, police culture is not as strong as it was in the past because there are not many opportunities for promotion. Today it is a case of everyone for him or herself. Before 1994 it was different because the promotion policy guaranteed promotion. Today this is not the case. *Members will still protect each other in certain units or where there is generally less transparency.* Police culture has changed because they do not socialise together anymore. Police culture has lost impetus since 1994 because of the new human rights culture and the introduction of a Code of Conduct. "Guy who is willing to stand up for his corrupt mate is stupid."

One interviewee mentioned that police do not readily accept corrupt colleagues anymore because there is a certain degree of pride. He also mentioned that if it should be proven that a colleague/friend is corrupt, he would "nail" him, conceding that not everyone has this attitude. "There is different breed of cop now." Policing has become a profession. The "good buddy" system does not exist anymore and colleagues would rather sell you than protect you. *"There is no longer a code of silence in the SAPS, people are seeing new management, the*

right people in the right position at the right time. Management speaks with one voice one stance, there is a shared value system evidenced in police management.”

*Police culture creates an **enabling environment**. It allows individuals to cross the line because colleagues don't talk about it. Junior members are recruited into corruption by older members (all in it together). **Members are socialised into corruption very quickly**, they are drawn into a culture where they see it happening. Generally, if members of SAPS are not involved in corruption, they turn a blind eye, they don't get involved. Police culture also dictates that they must be tough and many members cannot cope, **cynicism** sets in and they start losing control. Also, police see terrible things on duty, they get **traumatised**, exhausted.*

Heavy drinking, as part of police culture, is still happening but the culture is changing. Fifteen years ago a members would have a “braai” (barbecue) with colleagues at least once a week, drunk driving was nothing to worry about then, today there is too much at stake. The Provincial Commissioner has said there are instances where he will fire people immediately concerning incidents of fraud, theft and drunken driving with a police vehicle. “In the ‘old days’ older members had drinking problems but the difference was they knew their jobs.” Police come from a culture where a canteen is provided for members. It is an ugly combination where they are sick and tired of work and then the organisation is telling them that when they have finished work they can come and drink cheap alcohol. This was seen as an accepted method of coping.

Police are **distrustful** and **suspicious** of outsiders. The police are an enclosed type of community. This culture encourages the inability to interact with the public. The “**Us versus Them**” mentality still exists.

8.2.4.3 Managerial Factors

Managerial denial: SAPS management has the attitude that they do not have a problem. “There is no corruption problem so there are no corrupt members.” Not all corruption incidents are being reported, only those “making a noise” come to someone’s attention. One interviewee held a press conference in 2001 to announce how serious the Western Cape police were about addressing corruption in their ranks. This did not go down very well with the SAPS top management because the interviewee was admitting to corruption in the SAPS. Denial happens because management wants to **protect the image** of the SAPS. No managers want to know that the people who work for them are corrupt. **As long as SAPS**

are in denial the problem will grow. Also, some managers have the attitude that as long as the job gets done, they will turn a blind eye to the odd misadventure. Management does make a difference. There are some commanders who demonstrate leadership and make it quite clear that they will not tolerate corruption. A few interviewees disagreed with some of these comments and stressed that management **did not deny** the existence of corruption in the Service.

Untrained managers: poorly trained managers **cannot provide good guidance.** Members may become resentful of this and it could lead to problems. Untrained managers are a big problem in the SAPS and it has become worse. There are examples of captains, superintendents and senior superintendents all receiving promotions without ever attending an officer's course. In the "old days," one attended an officer's course before becoming an officer. Today it works back to front. There is **no holistic approach to corruption prevention**, not aware of any member of management having attended an integrity or anti-corruption course. This is definitely a management problem, **no one is trained to recognise corruption signs.** "Other government departments such as Home Affairs have gone the other way and strengthened anti-corruption programmes or they have at least taken steps to combat the problem. "

Inexperienced managers: experience versus knowledge. SAPS aims to develop managers who have the ability to develop the organisation irrespective of age. Must balance experience and knowledge. SAPS must start empowering people and one way of doing this is by providing knowledge, taking them through courses, keeping them informed and making them understand how to run an organisation.

Incompetent managers: there have been a few television programmes recently exposing widespread corruption in some police stations in Johannesburg. In one police station, members working the night shift were "shaking down" prostitutes and their clients over an extended period of time until it came to the media's attention. These police members were each earning an illicit R20 000 a month. At another police station the night shift staff were arresting illegal immigrants and releasing them for a bribe of approximately R300 (legal immigrants were also summarily arrested). One interviewee mentions that if these members had good managers they may have been able to do this for one week only before they were "sorted out." **If nothing is done, this behaviour becomes the norm.** In the case of these two police stations this behaviour was the norm. "You go there and they will tell you this has been going on for years, it is how it is." *This is a management problem.* Incompetent

managers cannot manage and this leads to other problems. Junior members are left in charge of police stations at night and this **creates opportunities** for corruption. For example, if officers make a big drug arrest and a drug dealer offers them R30 000, they will take it.

SAPS is addressing the management problem through the Performance Enhancement Process (PEP) and a skills audit which is mandatory for any emerging leadership to train them and to get a better pool of equipped managers. The SAPS also considers sector policing as a way of making managers accountable. The way managers are chosen is also a very important consideration.

Management style: there is a problem with the general management style in the police today. *If people are treated with disrespect they will react by being ill disciplined.* Police in the Western Cape are under enormous pressure to perform. It is important to look at the way management in the province treats its staff. *If this is improved a lot of misconduct will disappear.* There is no **support culture** in the SAPS. Managers do not care about their staff. This is evident amongst detectives where the average detective has to handle 80 or more dockets per month - the international average is 24. The SAPS is **understaffed** and **under-resourced**. "The Minister for Safety and Security and the National Commissioner are not policemen, they do not understand the police. Money is not spent in the correct way."

Poor supervision and lack of control: poor supervision is a problem in the SAPS. The Provincial Commissioner has taken a firm stance on "basking in the sun" while on duty as well as drinking on duty. "Ask people at station level now what they have done today? They will say they have been patrolling, but anyone can drive - they drive past the commission of crimes, they drive past a murder. This is a management issue because managers are supposed to check member's pocket books and diaries and check results, references. If someone is arrested there have to be references. If something is recovered there must be references - where are the goods? Complaints must be followed up. This is not happening."

The high incidents of misconduct and police complicity with criminals are influenced by the lack of managerial systems able to take control of members. For example, managers ignore what time people come to work and what time they leave. Managers are not monitoring staff out on patrol in terms of hourly report backs to the station. This interviewee added that he would sometimes see members drinking coffee at a certain garage. This is an irregularity. If they continue to do this they might develop friendships with certain people, possibly culminating in a criminal relationship as a result of this socialisation. Similar hazards can be

eliminated by tight controls and stricter supervision “day in and day out.” Also, organisational loopholes make it possible for people to become involved in crime.

The SAPS should have managers who are effective and efficient in dealing with specific problems, particularly members’ conduct. The interviewee was asked if the SAPS had these managers and the response was; “yes, definitely.” Members are attending management courses including station commanders who are attending relevant courses to understand what type of management and leadership they must provide at station level.

There is a general concern amongst interviewees regarding the **lack of a clearly defined anti-corruption policy** and the lack of implementation of the *South African Police Service Corruption and Fraud Prevention Strategy*.

- Police Morale

*Some interviewees felt that morale in the SAPS is very low at present and this impacts hugely on corruption. Many members feel “what is my future here?” They see members constantly being promoted ahead of them. Many members in certain age groups are “prisoners” of the organisation (between 40 and 60) because they are too old to leave and they will struggle to find employment outside the Service. The SAPS can manipulate these individuals who will get fed up and **frustrated**. The South African Police Service’s Affirmative Action policies and racial quota systems have resulted in a lot of resentment amongst members, particularly pertaining to the resultant **lack of promotion** amongst some race groups. There appears to be a **lack of pride** in being a policeman/woman as a result of people being overlooked because of their race. One interviewee felt that there was a lot of discrimination by those in charge against others who are not in power.*

One interviewee added that low morale goes back to people’s perceptions of their career. If that perception is negative they become **cynical** because of the uncertainty. **Lack of promotion can cause corruption**. There are problems with promotions and the **lack of a merit system**. Another interviewee mentioned that in the Western Cape the bulk of police offenders are coloured male inspectors. This group is frustrated because of the lack of promotion. They have been in their ranks for years and they are unhappy. This influences their behaviour. It is very dangerous if a members stops caring, “because nobody cares about me.” One interviewee got the impression that there are many **de-motivated** members because of what he had been hearing and as the result of grievance procedures.

If the organisation is creating unhappy, de-motivated individuals, they could become criminal. For example, if a member is transferred too often it could become problematic because he might feel “why should I be loyal?” *The prevalence of misconduct is related to all the changes occurring in the SAPS at present. There is a lot of **uncertainty**.* The closure of many specialised units has contributed to the uncertainty amongst members and the **cohesion** of the Service has been negatively affected. There are too many organisational rules, which are unenforceable. There is also **defiance**, which is an attitude, and underlying this attitude is **racism**.

*In many instances corrupt behaviour is **tolerated**. There was an incident recently where a member was not dismissed for soliciting a R100 bribe because his commander felt it was not serious enough.* Bribery and aspects such as the misuse of police vehicles are tolerated. **Insubordination** is also tolerated, “it is shocking to hear how some subordinates speak to their seniors.” **Familiarity** is also a problem, especially between commanders and junior staff.

An interviewee felt that the biggest indictment concerning misconduct, corruption and criminality is against **middle management at station level**. This refers to new members arriving at a police station, they are not **mentored** positively and they get drawn into criminality. Middle management is well aware of this but they are either not interested or they are scared. The interviewee believes that action should be taken from the beginning in terms of **increasing integrity**.

An *opposing view* was taken by one interviewee who mentioned that factors such as poor supervision, untrained managers etcetera were not management problems.

The provisional results of a recent **internal climate survey** in the SAPS revealed that members have indicated that the police are generally functioning effectively. Some members felt that in certain cases commanders do listen when members talk to them. One interviewee added that he would not say that morale was down, but there was “great room for improvement.” If the bottom line (financially) was improved for members this would be a boost to morale.

- Incentive Scheme

The incentive and reward scheme the SAPS have recently introduced is a **bad exercise**. The carrot is put before noses and only certain people get it. This is very demoralising. Only 30% of staff will receive incentive bonuses even if an entire unit is performing very well. This is very divisive and silly. This incentive scheme is based on the outcome of the Performance Enhancement Process (PEP), which is not a foolproof system. There is favouritism in the PEP, for example “if I as a manager like a particular individual more than another I will rate him/her a four or a five, but another individual who is a good worker but who I do not like, will receive a three on their PEP and he/she will not qualify for an incentive.” There is also no recourse for members who are unhappy with this system. An annual incentive is equal to one month’s salary and a member must have been employed for at least the previous financial year to qualify.

8.2.4.4 General Risk Factors

SAPS members can grant **bail** for minor offences, for example shoplifting can be granted R50 bail. This is also conducive to corruption. Bail rules allow for hearsay in the bail application, but facts can be stacked against an accused to have him held in custody. For example in a drug case, an officer can present assumptions (this applies when an officer does not want the accused to be granted bail for whatever reason).

Work-related problems and work pressure culminates in excessive **stress** and **trauma** and this can result in devious behaviour. Everyone handles stress differently, some may take it out on his wife and family, some may turn to substance abuse while others will book off sick. *There are instances where members are **not debriefed properly** after experiencing trauma. This could result in corrupt behaviour if the member feels that management does not care about him.*

There is a problem in SAPS concerning **absenteeism** and abuse of the **sick leave** system. Absenteeism puts more pressure on the members at work.

One interviewee believes that the current sick leave system is not working. In a three- year cycle members are entitled to thirty-six working days sick leave. The SAPS have brought out an addition to the system that if a member has exhausted their sick leave (which happens) and they need additional sick leave they must apply for special **incapacity leave** with a

medical certificate. A commander has to refer someone on this system to the Employee Assistance Programme. The interviewee suggests that members should rather be given unpaid leave if they have used up their sick leave because the system is being abused.

*One interviewee attributed the **lack of discipline** generally in the SAPS to its move away from a police force to a police service. In terms of the organisation's disciplinary procedure, some cases take two years to resolve and problem officers do not get followed up. Another interviewee mentioned that **race** is a barrier when instilling discipline. People working at Nyanga and Gugulethu police stations "get away with murder." The same standards would not apply at Cape Town Central.*

One interviewee who had spoken to various police members ascertained that the erstwhile **Anti Corruption Unit** of the SAPS **was definitely a deterrent to corrupt behaviour.**

*The lack of capability shown by many police members when doing their jobs is directly related to **training**. "I do not think the training gives us confidence when we walk out into the street and it has worsened over the years. The police are not sure of their powers." There is also no thorough **screening** system in place at the moment, people know this and take advantage of it to get into the police.*

*Interviewees were asked if they thought criminality and corruption was a result of organisational shortcomings or if it was only a few "bad apples." The response was equally divided. Those who said it was as a result of organisational weakness mentioned that people learn by assimilation, they see the negative behaviour happening and they accept that it is an easy way to make money. "**Cops don't join to be corrupt – they become corrupt because of their environment.**" Another interviewee believed the organisational weakness that encouraged deviance was **neglect by management.***

8.2.4.5 Descent into Crime

One interviewee highlighted the practice of "**magunia**," which refers to the starter level of corruption. A young constable enters the service and learns that he can get things free, for example a packet of cigarettes from specific shops. This escalates (for example, the community gives him a bottle of whiskey every month). Social habits develop. Knows where he can get his car fixed free of charge. This all seems innocent enough and the young constable reflects on his first year in the Service, notices that what other people are paying

for, he is getting free. Then, organised criminal knows to target this specific constable because he is for sale.

Personal Glimpse

When one of the interviewees was a young sergeant (he had been in the Service for three years), he was exposed to a drug-related crime but he turned a blind eye. The young officer was in need of transport and there was one individual who was willing to provide him with free transport. This individual removed four packets of mandrax tablets from the cubbyhole of the vehicle in front of the policeman. This put the latter in a difficult position, he had to make a choice, he could either report it or ignore it. He chose to ignore it because he needed the transport. In another incident the young policeman needed accommodation and eventually ended up renting accommodation in a house where the owner was a “dagga” smoker. The homeowner would smoke in the policeman’s presence. The policeman felt he could not act against him because he would have no roof over his head. Sometimes police members get caught up in situations where they have no choice but to act in the manner they chose. It is also important to understand the **difference between turning a blind eye and collusion**.

Another general example provided by the interviewee concerning a member’s lack of choice is where they have extended family members who are drug lords. One member actually requested a transfer because his uncle was a prominent drug lord in the area and he was supporting the policeman’s family financially (put the member through school etcetera). It was payback time. The member had to tell his uncle about impending raids and give him any information he required. By being transferred the policeman did not have to be involved in searching his uncle’s house.

8.2.5 RECRUITMENT AND TRAINING

Many *diverse comments* were made by interviewees, pertaining to the SAPS’s recruitment and vetting procedures, the efficacy of the police’s training programmes and the **professionalism** of police members. In order to apply for a job in the SAPS, a candidate must have his/her grade 12 certificate, be 21-years of age and they must be in possession of a valid drivers licence. One interviewee believes that the quality of recruits has improved and that the SAPS are being more selective in their choice of candidates. Another interviewee mentioned that the level of expertise on management level has improved because many highly qualified individuals were being brought in at this level (lateral entry).

The SAPS is **recruiting** job specific individuals (they are not recruiting just anyone). Career Management Division ensures the “right recruitment of the right people at the right time.” This interviewee mentioned that management had come a long way in eroding negative perceptions of the SAPS amongst the public and amongst SAPS members. There is a broad choice of careers available in the SAPS and members are encouraged to have a holistic experience rather than remaining in one particular unit. The SAPS are becoming an employer of choice, becoming more professional. The organisation is geared at recruiting a better, more functional police member.

There were various inputs concerning how recruiting and vetting was actually carried out. **Recruiting** is done through Personnel Services at Provincial level and appointments are done at National level. Provincial screens the applicant and National do a total quality check on them. Candidates undergo **vetting** for criminal records and outstanding cases against them. This is done by the National Intelligence Agency. Recruits undergo psychometric tests and a physical assessment. One interviewee mentioned that there is a national department for vetting, but that it does not happen often and not everyone is vetted, “it is chaotic at the moment, the department is not adequately capacitated. The SAPS head office has 6500 employees and as a result, nothing gets attention.” Another interviewee mentioned that vetting only occurs when members apply for specialised jobs. Security vetting was adequate but the psychometric tests were not up to scratch, as this was evident in the quality of work of many members.

When one interviewee joined the SAPS in the mid-1980’s they did a proper background check including talking to the parents and siblings of the candidate and finding out what their occupations were. The candidate’s financial records were also scrutinised. “Today its only fingerprints and your word.” Everything in the SAPS has changed in line with the new human rights culture, including the screening of candidates. In terms of this culture, screening is considered to be prying into someone’s personal life. It is a bit sensitive because some really uncomfortable questions could be asked. Management has no plans to change this. There have been examples of individuals joining the police after qualifying for, or buying a reprieve (an individual is cleared of their conviction after a certain time). This will not show up as having a criminal record and this is not addressed in the SAPS’s recruitment policy.

Candidates should be vetted from the beginning. *A few interviewees mentioned that recruitment at the moment is purely a matter of **quantity** and not **quality**.* The SAPS have

huge numbers coming in that are not necessarily the best. Race is also a major consideration for recruitment today. On the one hand the organisation is getting rid of experienced people and on the other they need more members.

One interviewee mentioned that recruiting in the SAPS was a farce because although they are getting candidates who genuinely want to be police members they are also consciously recruiting members who do not particularly want to join the police, for example through a poverty relief programme. In the Northern Cape, police were instructed to recruit from a particular economically deprived area, regardless of whether these individuals wanted to be police members. This was the wrong way to go, they should rather have advertised. (As mentioned earlier) because of the labour market at the moment, people cannot get jobs and many see an opportunity by joining the police. Some of these candidates do become excellent police officials, but for many others it is just a job, they are marking time while looking for something else.

A panel of interviewees mentioned that **psychological tests** were done on each and every applicant and these include:

- Testing cognitive ability. Personality profiles are constructed to identify certain factors such as faking – good or bad, honesty and integrity (how to measure it).
- C factor which is used to ascertain if someone is an emotionally stable person, ego strength and maturity.
- G factor is used to judge reliability and how individuals react to responsibility. Also shows if individuals are capable of following rules and regulations. The superego. Anxiety and high stress levels are measured by posing certain questions.
- O factor measures how suspicious a candidate is and whether they can trust people.

This is a *National Standard*, all candidates answer the same questionnaire and all the results are sent to head office in Pretoria where they are verified and sent back to the Provincial office of the Employee Assistance Programme (which includes Psychological, Social and Pastoral Services) with the acceptance or rejection of the application. The EAP then provides the Recruitment Unit with the names of people who have passed their psychometric evaluation and they proceed with the application. The psychological test battery that

applicants go through is very comprehensive, it is a reliable and valid battery that has been updated and the new battery has been in use since January 2005.

There are three main criteria applied when deciding on hiring new recruits, these are:

- Hard criteria, such as checking identity documents, valid drivers licences and grade 12 certificates, as well as ascertaining if the applicant has a criminal record.
- Psychometric tests.
- Fitness tests (different from a medical examination).

If a candidate passes all these tests only then may they join as a new recruit. Unfortunately the SAPS have older people who came into the organisation many years ago without undergoing any assessment. *Also, the National Commissioner (or delegated to the Provincial Commissioner) can condone certain applications despite Psychological Services having said that the individual did not pass the psychometric tests or the personality profile. The Provincial Commissioner can accept certain results when considering aspects such as equity (Affirmative Action).*

Specialised assessment is done on new recruits and assessment centres are used for the selection of senior management. A specialised psychometric battery of tests are done on members who wish to join specialist units such as the Dog Unit, police divers and units dealing with crimes against children. The results of these tests will determine whether the applicant can join these units or not. A personality profile would also be done on these specialist applicants but they would differ from the entry-level profiles. Here they look for a specific profile. Due to the requirement of specific job competencies within a particular unit, the competency based interview and questionnaires are selected specifically to measure relevance.

*During the 1990's the SAPS had problems with **illiterate** police members and the **falsification of education certificates** by individuals who wished to join the police.* The problem of illiteracy arose as a result of the recruitment of "kitskonstabels" (special constables) during the 1980's, with no screening and no prerequisites for joining. The problem of illiteracy amongst these individuals who are still in the organisation is being addressed through the Adult Basic Education Training (ABET) system. Another interviewee felt that illiteracy was still a problem because of the refusal of some of these special

constables to attend literacy courses. “This again boils down to managers who aren’t managing.”

The problem of the falsification of certificates appears to have lessened because if this fraud is discovered the member is dismissed instantly. The occurrence of this phenomenon can be blamed on inadequate screening. Forged grade 12 certificates keep out genuine grade 12’s.

The SAPS have introduced learnership programmes where recruits sign a contract, earn R1500 per month and get trained for twelve months. They have to pass examinations and are then sent to a police station for a year. Their salary is raised to R2500. This is an adaptation of a Swedish model: Swedish International Donor Board Internship project.

- Training

The overwhelming majority of interviewees were negative about the quality and content of the SAPS training today. It also transpired that to all the interviewees knowledge there was **no ethics and integrity training** in the curriculum for new recruits at all. One interviewee mentioned that the police created more training than any other government department, but of major concern was the **quality** of training. For example, the working background of the person who draws up a module on the *Prevention of Organised Crime Act* must be looked at, what do they know about organised crime?

The training courses used at present have been redesigned. Recruit training has been extended from three to six months. It consists of six months training at a police college. Six months field training (at police stations) and one year on probation. This interviewee felt that the training was effective as the theory prepared the recruits for their job. Success is evident in the period of field training. Is what is taught, learnt? This must be determined through field training. There is still an opportunity to turn back trainees who do not make the grade during field training.

One interviewee was concerned about the level of knowledge recruits leave college with, pertaining specifically to their knowledge of the law. “They don’t know the law.” The interviewee provided an example of an individual who was arrested unlawfully for domestic violence. To arrest someone for domestic violence there must be imminent danger or harm to the complainant. A woman in Rondebosch (Cape Town’s southern suburbs) complained to the police that a man in Durbanville (Cape Town’s northern suburbs) was harassing her on

the telephone. The police went to arrest the man at his home and locked him up, despite the fact that there was no imminent danger to the complainant. This is totally incorrect. The man should have been warned by the police to appear in court the next day. “Cannot teach someone law in a few weeks, primarily the police’s knowledge of law is lacking – can’t be an effective cop if you don’t have a working knowledge of the law.”

One interviewee questioned what trainees were actually learning? This interviewee went to different police colleges during 2004 to recruit new members for his component and the recruits did not even know the different units in the Service and this was in the last two weeks of their six-months training. They do not know what they are learning. It would appear that the trainers are either the “same old guys” who have been retrained in accordance with the new curriculum or it is someone fresh out of college with no field experience. *This interviewee believes the SAPS are creating victims (police victims). A good example of this was a recent incident in Sea Point (Cape Town) where a police constable was disarmed and fatally wounded with her own gun. This would not have happened had she been properly trained.* Another interviewee is concerned about a new two-week training course at the Philippi Police College (Cape Town), where detectives are taught a lot of theory by lecturers who have no experience in the field. They should **rather use members with many years detective experience** particularly to tell them about pitfalls and to provide genuine examples of actual cases investigated and where things went wrong.

Training has been changed in line with the new focus on community policing. One interviewee mentioned that he felt sorry for instructors at police colleges because their hands are tied. **The police are supposed to be a paramilitary organisation.** This has changed as the police today are referred to as a Service as opposed to a Force. The reason for this decision was to try and remove the harsh stigma attached to the pre-1994 South African Police as a result of apartheid. Another interviewee added that training today was ineffective because it was based on service as opposed to force. *Training is not up to standard because it is producing “incompetent, inefficient cops led by incompetent, inefficient management. This is as a result of equity and transformation, which looks good on paper but can’t do the work. Those who can do the work are so demoralised that they do only the minimal – feel, why must they do it?”*

“It has been proven that there are a small percentage of individuals who are un-trainable – can’t do anything with them.” *There are plenty of people studying and getting good qualifications in the SAPS, for example law degrees, “but it’s not taking these members*

anywhere.” These degrees do not influence promotion at the moment. Official policy states that an individual cannot be an officer in the SAPS unless they have a degree. This has been put on hold until Affirmative Action has been sorted out.

Individuals are being promoted to commissioned officers (such as a captain) without undergoing the necessary officers training, just a paper exercise again. If these individuals do eventually go on an officer’s course and it appears that they are not officer material, it is too late. Police recruits need to undergo training in culture and community relationships, they must understand the community they work in. Any ethics training that does exist relates to the SAPS’s Code of Conduct. The latter is however, very abstract.

That the quality of recruit training is substandard is evident in People Oriented Sustainable Strategy (POSS) police stations (these include police stations where contact crimes are high). Police management announced that these particular police stations were currently staffed at 110%, so there was no excuse not to solve crimes. *Management has subsequently realised that at a station such as Khayelitsha there is only one superintendent, one captain and two inspectors. The remaining police members are all constables. There is no capacity for investigations.* In 2004 there were 1600 detectives (in the Western Cape) **who had no formal detective training**. Detective constables are doing murder investigations. *There is crisis management in this regard at the moment.* Existing experienced detectives are presenting four-day crash courses to these new detectives. Detectives have already trained 1500 on this four-day course. The contents of this course includes how to write up a police docket, what to look for when investigating a case, how to write formal letters, how to conduct an identity parade and legalities. The trainers also go through the *Inquest Act* with the detectives. The majority of cases go to the Inquest Court and detectives do not know how to investigate and finalise the inquest properly. *The interviewee was asked how all of this got to crisis level?* “There is a vacuum because from 1994 until recently there was a moratorium on recruitment in the SAPS until staff levels reached a critical point.”

This is how it should work: the **detective course** is presented at Hammanskraal police college for three months and the training is only theory-based. After this the detective goes to station level and he is given a task in the form of a case to investigate. The facilitators then give him a mark for his work. This result is sent to Pretoria and based on his test results during his three months training and his final mark for investigating the case at station level, he is given a diploma. This is a National Qualification level 5 (equal to a three year degree). Members are encouraged to attend investigation courses at Universities of Technology, but

they have to pay for this themselves. This led the interviewee to remark that, “the SAPS management have no vision – they are not strategists.”

*One interviewee mentioned that he learnt everything about policing at station level. This interviewee felt that his seniors were committed to their work and they were good mentors. They constantly emphasised the issue of “living within your means.” spoken about every day, as was morality, cleanliness in the station and how people should be treated. At college he only learnt discipline. In terms of instilling discipline in the SAPS today, the organisation should have maintained the military style of training, including theoretical training. Basic training should be extended to one year: six months **paramilitary training**, six months theoretical training followed by practical training. **If the SAPS enforced discipline training in college it will come naturally after that.** Also, discipline in the SAPS today defers from the manager, if the latter is a disciplinarian, staff will respect him/her, if the manager is “pals” with his/her staff this will create disciplinary problems.*

The SAPS have dedicated, identified **Field Training Officers** (FTO's) whose primary task is to skill trainees. “Only the streets can prepare you for the streets.” Ten officers per station are allocated to field training, they do not get paid any extra for this function and they are not keen to do it because of a lack of time due to heavy workloads. *There are up to fifteen recruits to one mentor, this ratio is too big.* A few interviewees responded to the question of the efficacy of the Field Training Officer system by saying that this depended on the training officer. One interviewee mentioned that if the station commissioner did not make responsible choices concerning FTO's, *the latter often co-opt recruits into corruption. The interviewee added that there were presently mentors at a Cape Flats police station under investigation for doing this.* The recruits had joined the police eager to make a difference and keen to work, but they were forced to participate in corruption by their mentors. The rookies were forced to deliver drugs, hide firearms and transport firearms etcetera for their mentors.

*Interviewees were asked to comment on the level of **professionalism** in the SAPS. One interviewee mentioned that when he joined the police, members were not allowed to eat in front of the public and no swearing. They received a R20 to R50 fine if they were found not to be wearing their police cap. They were not even allowed to carry supermarket packets or push a supermarket trolley whilst in uniform. They were always perfectly turned out, especially officers. Today, members are nonchalant. They smoke, eat in front of the public and walk around without their caps. This is often as a result of the example set by their superiors. Another interviewee added that some 30% of members are “slapgat” (slap-dash).*

This is evident when prosecutors struggle to get information out of them to prepare for a trial. There is definitely a **lack of discipline** in the SAPS today, a “couldn’t care” attitude. “The Provincial Commissioner is tough on corruption but because of the poor salary the police will never attract quality individuals.”

One interviewee said the interviewer should rather be asking: how unprofessional are the police? Specialised units are professional because they receive special training, but some units have been derailed through misconduct as a result of people working together for too long. “Generally at station level the un-professionalism is gross.” The interviewee blames middle management for this. To change the situation the Station Commissioner needs to implement processes and enforce them, as simple as that.

The interviewee was asked why he thought middle management in the SAPS was in such disarray? The response was that these managers have been promoted according to years of service and not performance. The Performance Enhancement Process (PEP) is used when promoting these individuals but it is a farce because some managers’ just sign the PEP, instead of making sure that the manager knows the individual being promoted. More positively, another interviewee mentioned that he was sometimes surprised at the SAPS’s achievements. The latter varies from place to place, for example members at Sea Point, Gugulethu and Cape Town Central police stations make an effort to assist the public, but in other stations staff “tend to just stare at you.” The level of service given to the public is the level expected by managers. It is a reflection on management.

8.2.6 CONSEQUENCES OF POLICE CRIMINALITY

8.2.6.1 Community Consequences

Communities **mistrust** the police if they perceive them to be corrupt. Crime reporting levels are low and it is very difficult for the community to co-operate with their local police. Many communities especially in the poorer areas of Cape Town have lost faith in, and respect for the police. Members of these communities do not report crimes anymore because they know there will be little or no follow-up, this is compounded by inadequate response times and shoddy police work. The public are very affected by corrupt police members because crimes are not detected and nobody is convicted. Communities do not see bad members as the individual but as the Service as a whole. There have been instances where dereliction of duty

and idleness by detectives are so serious that it almost results in **defeating the ends of justice**. For example not warning witnesses to appear in court. Cases fall through and this is often the result of a manager's inexperience or lack of control. **Vigilantism** develops when the public feel they cannot trust the police to do their job.

Police criminality also results in the **impunity of criminals**. The latter commit crimes knowing they can pay off corrupt officers to avoid arrest. In Hillbrow (Johannesburg), members are given **arrest targets**, for example they must arrest two people for crime A and one for crime B, "this is totally outrageous!" After they have achieved their quota of arrests they go out onto the streets and "shakedown" illegal immigrants, or they arrest a particular number of "illegals" to fill their quota of arrests. The members let them go in exchange for a bribe and the arrest ratio looks good on the individuals file. *This behaviour is a consequence of arrest targets.* Illegal immigrants are referred to by corrupt members as ATM's (automated teller machines).

Another consequence mentioned by an interviewee is that **resources are diverted**, for example, officers spend their time at shops and garages that offer them free coffee, meals etcetera. Also, when members act as security guards for shop-owners, transporting money for them in official police vehicles and a call comes in for an armed robbery, the officers pretend the radio is not working so that they can finish the job for the shop-owner and collect their reward. *The consequence of this behaviour is that resources are taken away from the community to the officers and to the shop-owner.* Innocent members of the community can be harmed as a result of the actions of corrupt members, for example assisting a dangerous prisoner to escape. *Police criminality impacts on the economy of South Africa. The SAPS determine if the economy will succeed and whether foreign investment comes in to the country or not because of the high incidence of crime.*

8.2.6.2 Colleague Consequences

The consequence of criminality on the police perpetrator is a **loss of integrity**. The affects corrupt members have on their colleagues are numerous. There is a lack of trust and this negatively affects the morale of the team. **Morale is affected** to such an extent that some members breakdown or go into a depression because they do not know how to handle the situation. Good members also **lose pride** in their unit if corruption has occurred. "Many cops don't mind earning R4000 but they want **respect** from the community. This is not happening. "A unit can do ten wonderful things then one guy undoes everything." Colleagues become

de-motivated. “**Socially**, cops are always on the defensive when asked about their career, this is not a good head space to be in.”

A **consequence of the lack of screening** was apparent recently when a “special constable” walked into his police station and opened fire on his colleagues. In another incident a policeman from radio control executed a number of petrol attendants at his local garage. Police criminality also has **financial implications** in the form of civil claims.

Criminal police members cannot be tolerated because if officers go into a dangerous situation they must be able to trust their “buddy” and not get ambushed. Honest officers get killed because of corrupt colleagues. For example, the corrupt officer knows the good officer is suspicious of him, he starts asking uncomfortable questions and he becomes a threat to the corrupt officer’s activities. The corrupt officer will set up an ambush carried out by his criminal associates and the good officer gets taken out. *One interviewee mentioned that he knew quite a few members who had been shot as a result of their criminal colleagues.* The mere fact that corrupt members expose pending operations sets everyone up for an ambush by criminals. Good members want corruption and criminality eradicated from the Service because it blemishes their name.

8.3 INTERVENTIONS

8.3.1 RANDOM DRUG TESTING

*One interviewee mentioned that the SAPS are doing **environmental scanning** where they are attempting to determine the root causes of corruption as well as substance abuse. “The police should not be a microcosm of greater society, we do not want crooks in the Service.” Another interviewee mentioned that random drug testing would be an effective deterrent and that the employer has the right to implement whatever is beneficial to the public and to the employer. People entering the Service must be made aware of their conditions of service, for example if random drug tests are part of the conditions of employment, this should be written into official SAPS policy.* Random drug testing is essential especially for members who work in drug-related policing.

Most interviewees concurred that random drug testing must be done but the likelihood of this practice being *implemented in the SAPS was slim because this would interfere with the individual’s constitutional rights.* South Africa would need special legislation authorising drug

testing if it were to be implemented. Some interviewees felt that there would be resistance from Police Unions to this practice. Some units are using **polygraph testing** *but if individuals refuse to undergo these tests they cannot be forced to do so*. Regular **ballistics testing** should also be carried out on members' service firearms. One interviewee believed that the organisation should also have compulsory **HIV/AIDS testing** because some members may realise they have a limited life and they need to acquire as much money as possible for their families.

8.3.2 LIFESTYLE SURVEILLANCE

Only when colleagues "impimp" on each other is lifestyle surveillance initiated. *The suspect's bank accounts are scrutinised and investigators look at how they managed to acquire expensive goods, where they got the cash, was it a donation, etcetera. If answers are not clear then a thorough investigation is done. Suspect member's bank accounts can be accessed during an investigation in terms of an existing Act. Lifestyle audits are vital, for example observing how a suspect member dresses, the house he lives in, expensive furniture, jewellery and the vehicle he drives (outer observation).* "How many commanders actually visit their staff's homes?" A manager is entitled to ask questions if they are suspicious of a person's lifestyle. They can also request the individual to undergo a polygraph test, which is an indication of the member's integrity (although he can refuse to do the test).

One interviewee suggested that *bank records were not always a good indicator of deviousness because corrupt members tend to spend the money*. The interviewee mentioned that he investigated a case in the early 1990's where a policeman had R88 000 in his bank account from selling gun licences. **Most police criminals believe they will not get caught.** The SAPS investigators do not have the capacity to do big financial investigations and they lack the expertise. All allegations of corruption must go to counter-intelligence and they decide where investigators must be deployed. Another interviewee mentions that crime intelligence does have the capacity to do undercover operations on suspect members, and it is happening, particularly concerning drugs. SAPS have made arrests at police car depots as well.

8.3.3 INTEGRITY TESTS

Most interviewees believed that integrity testing should be implemented in the SAPS, and that the organisation was in need of anti-corruption programmes. The SAPS are doing **sting**

operations and arresting most of the corrupt members this way. One interviewee mentioned that the SAPS do not have the capacity for the implementation of random or targeted integrity tests although the latter were necessary on clerks who work in the SAPS 13 exhibits stores, for example. Another interviewee suggested that management were too incompetent to apply integrity tests correctly and if these were ever considered they should be outsourced to a company like KPMG (audit firm) and done professionally. The SAPS would not be too keen to introduce these proactive tests because the **culture in the organisation is to get evidence first and then investigate**. “Members moaned about the erstwhile Anti-corruption Unit because they thought they were being victimised and ‘nailed,’ imagine the complaints if integrity tests were introduced.” Counter intelligence does not act on rumours or even observations (although there is room for this). At the moment they **only act on hard evidence**.

8.3.4 EARLY WARNING SYSTEM

One interviewee mentioned that an early warning system where problematic behaviour and complaints against members are monitored to prevent future deviance is very far off, “not even on the cards.” The SAPS cannot even get their vetting in order and there is a special unit for this. Station managers should be monitoring complaints against members but what is happening is complaints of misconduct are being referred to counter-intelligence for investigation by the commander instead of doing it himself. The commander wants to remain popular with all his/her staff.

8.3.5 MANAGEMENT INTERVENTIONS

Station commanders should not be kept at one station for more than three years. They must be **rotated** as this results in favouritism at the station. Also, if the commander is not a good manager this creates an enabling environment for corruption. Once an officer has been promoted it is better for him/her to leave the station otherwise it will be difficult to exercise control over “mates.” One interviewee felt that station commanders and management have it too easy. In the NYPD for example, if a commander is not performing he/she gets put on leave and their deputy is put in their place. The SAPS **can dismiss members for incapacity** but managers are not up to addressing capacity, there have been a few successful dismissals however. There must be experienced people in charge who are able to identify things that are wrong and to be able to adequately supervise their staff and enforce corruption controls.

Employee attitudes are determined by management attitudes and example. One interviewee mentioned that SAPS management do not care about their staff, they are just a number. The National Commissioner and a few others have done a lot to improve this situation but it is not filtering down to station level. The problem appears to be at station level especially the relationship between the station manager and staff.

The choice of managers in the SAPS and their training are very important considerations. Management training should move away from memorising policies to include conflict resolution and discipline training, for example the Internal Affairs Bureau of the NYPD looks at a commanders discipline record (of his staff) before promoting them. This does not happen in the SAPS.

One interviewee explains that **leadership** is not a position, it is an act and the **qualities of leaders** must be looked at. If leaders have no backbone it filters down to juniors. Members have lost pride and this needs to be rectified as follows: when people join they need to see this as a career, not just a job. It is difficult for some members today to pass through the ranks because certain race groups are disregarded, such as whites. Also, instead of promoting good officers to commissioner level, the SAPS are bringing in political loyalists into top positions. Members get disillusioned which affects morale. Certain commanders do not make it a secret that they have political support to “make or break,” or to do as they please. “They are not policemen, they are politicians. The SAPS are getting political direction, not operational direction. The latter is evident in the Affirmative Action policy decision where the emphasis is on quantity not quality of recruits. This must be addressed. The SAPS management has no regard for the competencies of other race groups.”

8.3.5.1 Performance Management

A good performance management system needs to be put in place in the SAPS. Members need to be rated for handling different policing scenarios. The transfer of corrupt members as punishment must be stopped. Suspended members must be removed. Photographs of members convicted for crimes should be displayed on police station walls.

The SAPS does have a performance evaluation system that has been around for some time. They are at present focusing on the contents of this system, because it was substandard. If a member has a specific job function they must be evaluated according to their achievements.

In the case of a detective commander for example, targets were set for the finalisation of dockets, convictions etcetera. The evaluation process must highlight what he/she had done to achieve these targets, and whether these targets were actually achieved. Branch commanders must look at every dynamic within their area of responsibility and spell these out in their performance appraisals.

Some interviewees felt that if police **salaries** were improved this would assist in attracting better quality officers. "Everything boils down to money, it affects loyalty and quality." There is a big difference in salary between the SAPS and the Scorpions (Ministry of Justice). One interviewee mentioned the example of a police captain earning about R96 000 per annum who joined the Scorpions for about R160 000 per annum. "Pay peanuts, get monkeys." The SAPS also needs to rid itself of the stigma that "dom mense gaan polisie toe," (people who are not very clever join the police).

8.3.6 RECRUITMENT, VETTING AND TRAINING

Every time someone gets promoted they should be vetted again. "Because there was no intake of recruits for five years, getting in a lot of cops now won't help because of the quality. Can do as good a job with 20 good cops than 200 mediocre cops." The SAPS do **security clearances** on individuals who have access to sensitive information. *Security clearances should be done on new recruits as well. There must be a specialised unit with capacity to do this. The standard of screening and vetting must be improved and psychometric tests must be done on everyone, not just specialised units.* Comparative studies should be done with other countries, for example Canada, to ascertain what criteria is needed to identify a good police officer.

Many interviewees stressed the urgency of introducing **ethics and integrity training** into the curriculum. There was also a suggestion that there should be **polygraph testing** done in specialised units and at station level. *Ethics and integrity must be inculcated into the minds of all members including self-discipline, organisational discipline, self-confidence and respect. "These are the keys to the success of the job that we are doing."*

The SAPS basic training curriculum must be changed in order to better prepare recruits for their work and eventualities. Experienced members should be used to give recruits practical training. During basic training recruits should be shown videos of members who resist temptations and those who fall into the trap, sending the message that if the latter happens

their entire career is ruined. The NYPD uses videos during recruit training depicting actual incidents of officers committing a crime and being filmed by the IAB. **The SAPS training also has to revert to paramilitary style training particularly if the SAPS want to instill discipline in the organisation.** Training should also be an ongoing process across the board. There should be a requirement that during the first five years as a police official, the latter must get additional police qualifications and this must be linked to promotion. The organisation must pay for this qualification and claim the money back from their particular SETA (Sector Education and Training Authority). “The SAPS needs visionaries.”

8.3.6.1 Professionalism

Management should make sure that members are rewarded for doing the right thing, for displaying professionalism. The police must be more professional. Management has started the process by making the minimum requirement for entry Grade 12. To become an officer a member must have a degree. There should be a professional police body such as the **Police Professions Council** that looks at making improvements in this organisation. The SAPS should also allow for more lateral entrance into the organisation of individuals who are multifunctional, such as criminologists. “Outside functions should be allowed inside the SAPS and a forensic investigator should be the head of the Detective Services.”

8.3.7 COMPLAINTS

Control and accountability needs to be enhanced by strengthening the receiving of complaints against police members. This complaints mechanism must be adequately resourced and staffed with experienced, specially trained members. The community must also get involved in reporting corrupt members and they must follow up their complaints against SAPS members.

8.3.8 INVESTIGATIVE CAPACITY

Interviewees suggested the following: the SAPS must provide adequate resources for doing sting operations and they need effective investigative capacity to deal with corruption. Investigators in the police must be identified to deal solely with corruption. Certain units or stations cannot investigate their colleagues. Investigators must be independent. They must be removed from the environment where corruption is taking place. **“The SAPS needs this more than any other specialised unit, an Internal Affairs Bureau style unit.”**

Many interviewees reiterated the sentiment that there was a need for a **dedicated anti-corruption unit** (along the lines of the NYPD's Internal Affairs Bureau), particularly for investigating more serious offences committed by members. **Police corruption can be controlled but it can never be eradicated.** Managers must take immediate administrative action to get rid of corrupt members. They must get rid of them immediately, for example in Australia these members are presented with a "loss of confidence in you letter by the Commissioner." This is a good idea. members must also repay any money stolen by them. One interviewee mentioned that the police cannot investigate themselves. They need an **independent unit** that is well resourced. This unit should consist of justice officials, members of the Scorpions, members of the Revenue Services and forensic auditors.

One interviewee mentioned that deviance could not be dealt with only through investigation as this will end up with everyone being investigated. Management should rather get closer to members and speak to them about these issues. Also, civil society should be engaged as an integral part of the solution to the problem. For example if the public see the police doing something wrong they must report it. The SAPS have started to engage the communities in the Western Cape through programmes such as "Bambanani."

8.3.9 GENERAL INTERVENTIONS

- Need unbiased management and a fair promotional system that is determined only on merit.
- A reward system should be implemented so that whistleblowers can come forward.
- Whistle-blowing must be seen to be acceptable.
- An anonymous telephone line must be implemented. There are no systems in place to report corrupt colleagues.
- The SAPS needs to respond to calls to debrief and counsel staff with problems, they are still reactive.
- Each shift must have an officer on it to curb deviance and the occurrence of "drunk on duty."
- To minimise the practice of "tipping-off" gangsters, for example if the operation is in Philippi, members must assemble in Cape Town and use must be made of members from other areas. This is more effective.

Another interviewee mentioned that five basic things needed to be done to combat crime and corruption amongst police members:

- 1 – Investigate.
- 2 – Prosecute.
- 3 – Raise Awareness.
- 4 – Educate through communication.
- 5 – Implement a framework of good governance/ethics.

*The SAPS must be very cautious when they take the decision to **suspend** someone because some members come back and they are officers again after they have been shown sympathy by criminals. The latter happens when members are suspended without salary and they become targets for drug dealers and gangsters who start paying their bills because the officer has no money. “This is a huge threat to the SAPS.” The member feels the Service hurt him and his family and he was shown more sympathy by criminals. “Where is this officer’s loyalty going to be?” The SAPS can prevent this.*

*Another interviewee suggested that negative elements of **police culture** needed to change. An example was provided of an incident where an individual applied for a clerical position at a police station. It was later discovered that this person had a previous conviction for possession (drugs). They hired him anyway and put him in charge of exhibits, which included drugs. Colleagues had to arrest him a few months later because he had either stolen, smoked or sold the drug exhibits. An officer at the station warned management not to employ this individual, but they ignored him. *There was no “come-back” for these managers because the officer would not have reported them for making this decision. The officer felt that had he “ratted” on his superiors he would have been **ostracised** and targeted.**

Interviewees were asked what deterrent value the SAPS’s **Code of Conduct** had? Some said that it could only be effective if provincial management visits the police stations to ascertain if it is being implemented and there must be feedback meetings. There are systems in place to measure Code of Conduct compliance such as the Service Improvement Plan. The trainer is the decider of how best they can get the message across. Members need to be educated on the contents of the Code of Conduct. *Most interviewees felt that the Code of Conduct was not an effective deterrent because it had no effect on police behaviour and there were no consequences for breaching it.* If the SAPS fail to discipline members who do not adhere to the code then it is a useless document. Members were not taking ownership of this pledge, particularly the part that encourages them to actively work towards eradicating

corruption and bringing the perpetrators to justice. The Code of Conduct is too vague to be effective and “it is nice against the wall,” not sure if it is taken seriously.

8.3.9.1 Psychological Assistance

SAPS has an Employee Assistance Programme with two main referral processes:

- Mandatory referrals where the commander refers the member to police psychologists due to either misconduct or another problem, or
- Self-referral where members approach Employee Management Services on their own accord, similar to consulting a private practitioner.

There are limitations on the benefits paid out for this type of service by the SAPS’s medical aid (POLMED), so members cannot always afford to go to a private practitioner. For example, the medical aid will pay R1200 for private psychological consultations for a family, per annum. A private psychiatrist’s fees vary from R400 to R800 per session and a private psychologist’s fees are approximately R354 per hour.

One interviewee felt that in any environment psychological and social services will never be enough, “it’s what you do with what you’ve got.” For example there should be more diverse programmes such as a fifteen-minute group session as opposed to forty-five minute private sessions. There were 664 individual sessions in November 2004 alone, which reached 489 employees in the Western Cape.

Many interviewees felt that members do not want to be seen as being weak. They have a “cowboys don’t cry” attitude. Some members feel stigmatised if they go for psychological assistance. “Sy koppie raas,” (his head is making a noise). One interviewee’s view was he would not use internal help precisely because it was internal. “I wouldn’t like to see a colleague in the passage everyday after I have ‘spilled my guts’ to him/her.” Members who feel they need help usually go for private psychological assistance. One interviewee felt that it is not only police members that are reluctant to visit psychologists, but the public at large, especially men in general. SAPS must create an environment conducive to disclosing problems. Commanders must be able to pick up signs of depression (for example) and encourage the member to get help. Members should empower each other and de-stigmatise seeking psychological help.

A *different view* was given by other interviewees who felt that the culture of reluctance to seek psychological help was changing, to the extent that some members were actually “over-dependent.” There is a clear distinction between individuals who joined the police in the last two to three years and “older” police members. The more recent members do not have a problem seeking help. Members do not have a choice if commanders refer them to Employee Assistance Programme, they must go. Also, if police psychologists advertise their services to a greater extent, they will not be able to cope because they have resource limitations.

Some interviewees felt that members did not trust these services because they divulged confidential information to managers who were requesting this information. *This was however disputed by most of the interviewees.* Managers cannot access any member’s file because psychologists are bound by their own rules of confidentiality. All psychologists are registered with the Health Professions Council, which lays down strict rules regarding ethics and the confidential handling of information. Although police psychologists are employed under the *Police Service Act*, they are psychologists under the *Health Professions Act*. Concerning police psychologists the *Health Professions Act* supersedes the *Police Service Act* in terms of primarily being a psychologist and then being an employee of the South African Police Service. No report will be written or provided to a commander if the member has not seen or approved the report. The member will always be consulted first. The commander does not have access to the file and he/she cannot demand access. If it is a mandatory referral by a commander, the psychologist will only give pertinent feedback, depending on what the referral problem was. For example alcohol abuse, will give process detail back on the problem (“not whether the member was a bottle or a breast baby”).

In one illustration provided by an interviewee, three members were abusing drugs and their commander requested information from psychologists to be able to deal with this incident. The psychologists could not co-operate because of professional privacy. The interviewee perceives this to be problematic for psychologists because of the member’s right to confidentiality and the bosses “need to know” when they need information for a hearing.

The debriefing of members after shooting incidents or traumatic incidents in the course of their duty is not compulsory, unlike the United States where debriefing is compulsory if a shooting is involved. Members have a right to refuse to be debriefed. It is compulsory for commanders to report the incident to the Employee Assistance Programme and the commander must tell the member that they have the option of going for debriefing. It is still the member’s decision. If the commander was doing his job properly he would fill out a form for the member to sign to say he/she was not willing to go for counselling so that they cannot

accuse the Service of not doing anything to help them. **It will become a mandatory referral if trauma manifests in negative behaviour.** The organisation should be stricter but an interviewee felt that if they became stricter on debriefings it would become more costly.

Counselling and therapy are re-active services but SAPS is also concentrating on pro-active programmes. The aim is to place many people on these programmes to prevent them from acting re-actively to problems (such as commanders). There is a module in basic training on self-management done by recruits after their third week of college. This module includes life-skills, stress management, financial management, positive living and substance dependency. Police colleges also have Employee Assistance Programme structures so that recruits are encouraged into a culture of acceptance of psychological support.

Research has shown that it is the commanders who do not attend ad hoc programmes presented by Employee Assistance throughout the year. In the last three years of training, psychologists and social workers can count on one hand the amount of times officers attended these programmes. They would rather send a constable, a typist or a cleaner, under the pretext that they are too busy to attend. One interviewee mentioned that the services provided by the SAPS's Employee Assistant staff, are effective. *The interviewee experienced this in one policing area where members were receiving good care and when these professionals left the area these particular members performance deteriorated again. The interviewee believed management does not take care of psychologists and social workers because they are not impacting directly on crime statistics. The SAPs's core function is the focus on crime statistics.*

Some interviewees mentioned that the lack of counselling does not necessarily lead to criminal behaviour but it may manifest in other negative behaviour such as alcohol or drug abuse. It could also lead to PTSD (Post Traumatic Stress Disorder) and high levels of stress that could manifest in a multitude of problems, including domestic violence.

8.4 POLICIES AND PROCEDURES

8.4.1 DISCIPLINARY PROCEDURES

“Bad discipline lowers accountability, heightens impunity.” A few interviewees mentioned that discipline in the SAPS is **fair in terms of procedure, but not in implementation.** There are too many people involved in the system. Implementation is inconsistent because some

members are punished too harshly and others too leniently for the same transgression. Also, some members who have committed a crime have a hearing but they are not fired. The organisation has an appeals authority, if a member is fired and he appeals successfully, he can return to the Service. *The SAPS needs guidelines for equitable disciplinary application.* There needs to be a standardised code, for example, “if you do this, this is your punishment” and it must be applied across the board. One interviewee mentioned that inconsistent implementation occurs because “blue-eyed boys get away with murder.” This is linked to favouritism and familiarity. Familiarity is a problem because it is human nature. One interviewee mentioned that unfair implementation was determined by the following factors:

- the individual instituting the disciplinary action,
- the nature of the interview between commander and subordinate,
- the effect the commander wants it to have on the member,
- whether the member has had disciplinary/misconduct issues before and the commander feels a written warning will be sufficient or the latter may not be sufficient but a fine is, etcetera.

Race is also brought into discipline, members cry foul because they believe they are being discriminated against which affects disciplinary implementation. *Another interviewee mentioned that there is a link between disciplinary procedures, criminality and corruption because of bad implementation and a lack of compliance. This is linked to individual management style if procedures are not adhered to.* One interviewee mentioned that at a recent National SAPS Human Resources Management meeting the Western Cape was commended as the province with the best discipline management. “The SAPS is starting to do disciplinary training from the top down, leaving little room for inconsistent discipline.”

*The implementation and application of discipline should be **expeditious** and effective. “This is not happening.” The moment a commander realises a member is on the wrong track the member must be counselled or subjected to remedial interventions.* Another interviewee mentioned that there is no urgency on the side of management, the latter needs to be decisive and to remove or deal with the problem immediately. When the disciplinary process is dragged on it causes frustration, the member is stressed and sometimes it turns out that he is innocent.

There are instances where disciplinary cases are deliberately delayed by managers so that a particular member cannot be promoted. It is not uncommon in the SAPS for managers to

drag cases on for two years. "How can a member be charged when he has been suspended for two years already?" Sometimes members are suspended for two years without pay and their criminal trial takes another two years to get to court. "This is not fair."

The SAPS official policy states that as soon as a commander becomes aware of any misconduct he/she must act immediately and the disciplinary process must be completed within ninety days, must be able to prove in this time if the member is guilty or not.

There are two types of disciplinary approaches:

- 1 – Public Service application, which does not apply to the SAPS, only applicable to the public service. This is a good procedure.
- 2 – The **legalistic** approach used by the SAPS, which is very formal and it is not backed up with the necessary legal skills.

Commanders are loath to instill disciplinary steps because of the legalistic approach and the procedure is cumbersome. There is loads of paperwork. If the commander cannot take the disciplinary matter any further it goes to Area level and they decide how to continue, *this takes time compared to the public service disciplinary procedure, which is informal, straight forward and easy. SAPS disciplinary regulations came into effect in 1997 and they are still standing. This **disciplinary procedure is changing in the latter part of 2005, based on the public service model.*** One interviewee mentioned that commanders are under extreme pressure to perform, they cannot afford not to discipline non-performers. Another interviewee mentioned that station commanders are responsible for disciplining their members and 70% of cases can be finalised by them, but many of these managers are incompetent or they do not want to look bad. Cases are then referred to Area level. Counselling by a commander is allowed in cases of petty misconduct. The station commissioner can only give verbal and written warnings.

If misconduct by a member is brought to the attention of their commander he/she must decide if it is serious or not. If it is not serious the commander follows the administrative process. If the misconduct is serious it is referred to Area level. The commander is still responsible for the investigation, which is then handed to Area. The area commander decides how to discipline the officer. If a hearing must be done the area commander appoints a presiding officer (superintendent or higher) and a disciplinary official (captain or higher). The member can defend himself, or a colleague, a union representative or a lawyer can

defend the member. If the member committed a crime, the case gets handed to a detective for investigation. Even if a member faces criminal charges, he/she is charged departmentally and a disciplinary hearing is held.

Departmental hearing and criminal case are supposed to run concurrently but this does not happen. The National Prosecuting Authority (NPA) requests the police to delay their disciplinary hearing because of witnesses. If there is only one witness, the criminal case will get preference because of *sub judice* laws. The NPA prefers to do the criminal prosecution first because if witnesses have to testify twice they can never say the same thing twice. Another interviewee mentioned that information revealed in departmental hearings does not jeopardise criminal trials, because the SAPS have witnesses who are prepared to testify at both departmental and criminal hearings. A departmental hearing is done separately from a criminal investigation. If it is a complex fraud and theft case, will use one financial expert and an investigator. This investigation will inform both the criminal and the departmental case. Another interviewee mentioned that evidence is with the investigating officer and they will not release this information for a departmental hearing because it will impact on the criminal trial. In disciplinary hearings the burden of proof is lessened, this procedure is more likely to get a verdict than court.

If the SAPS want to charge a member departmentally at the same time as the criminal case, they do so under a different guise. For example, during 2004 there was a case where a member shot his girlfriend. The policeman was not charged departmentally for murder (as per the criminal charge), he was charged for the negligent handling of a firearm that resulted in a death. This is one way of handling SAPS cases without upsetting the NPA. In another example, if the criminal charge was the theft of firearms, the member will be charged departmentally with failing to comply with standing orders on how to handle firearms.

There is concern in SAPS about the competence of selected officers to handle disciplinary hearings. The playing field is not level because members often have good lawyers representing them. It is the lawyer versus an inadequately trained presiding officer. The presiding officer and the disciplinary official usually receive a three-day crash course before the hearing. An interviewee maintained that the SAPS would not win in a hearing because they do not present their case correctly. They must know how to cross-question and lead a witness. They do not know how to do this. *Most departmental cases end in a plea-bargain agreement and some members escape from dismissible offences because of the SAPS's lack of expertise.* One interviewee added that the SAPS are concentrating on appointing

individuals who are equally capacitated because there is legal capacity in the organisation. *Another interviewee added that the SAPS did not use full-time lawyers because they maintain that discipline is a management function, which is contradictory to the legalistic disciplinary approach.* There are some lawyers who are used full time (contrary to the National Commissioner's instructions). "Discipline should be placed with Legal Services again."

Concerning the **suspension** of members, the National Commissioner issued a *National Instruction* that firstly, in all serious cases the member must be suspended without pay and secondly, departmental cases must be finalised within sixty days. The first instruction is being adhered to but the second one cannot be adhered to. The South African Police Union (SAPU) is planning to challenge the principle of suspension without pay in court. "Innocent until proven guilty." This system is not fair because criminal cases take time and it affects the member's family. Members are suspended without pay but not without benefits.

There are organisational tools to rid the SAPS of problem members, Regulation 64 – **Incapacity code**. *A profile of an under-performer is created and this leads to a board of inquiry to determine competence.* Continued poor performance can be addressed, not only through the PEP mechanism. The board can dismiss members for continued poor performance. Other interviewees believe this should be called an **Incompetence code** as it refers to poor performance and eventually someone is dismissed for this, as opposed to saying: " I lost my eye in an accident while chasing a crook." (This is incapacity). *Management is confusing the two.*

*A few interviewees made suggestions on how the disciplinary function in the SAPS should be handled. One interviewee mentioned that the police used to have **disciplinary trial units** with their own investigators. These were separate units. The SAPS needs to re-introduce this. They can report to the Provincial Commissioner and the units will concentrate solely on the disciplinary function. **Need certain types of people to do disciplinary functions.** They must be able to handle confrontation. It is not pleasant to dismiss someone and people do not want to do this. It is more difficult because they are colleagues. The disciplinary function needs people who will not protect their friends. These individuals must be objective, un-emotive and confident.* Another interviewee mentioned that the SAPS need qualified practitioners who know the labour laws and human resources to conduct disciplinary hearings, so that when someone has been dismissed the organisation knows they have done everything by the book. One interviewee suggested that retired magistrates should be used

as presiding officers. There was also a suggestion that the disciplinary function should be outsourced to retired judges or magistrates who sit as heads of a tribunal.

Lastly, an interviewee mentioned that the **SAPS do not have to be in the same Bargaining Council as the rest of the public service.** The *Police Act* allows for the organisation to be separate. SAPS must move out of this structure if its issues are not sector specific.

8.4.2 GRIEVANCE PROCEDURE

A few interviewees mentioned that most members with grievances go to the police unions who take up the matter on their behalf. The unions are very effective concerning the handling of grievances. There is usually a long wait for resolution and it is a very bureaucratic process. Members get frustrated. This system is abused, particularly when members use it maliciously to get back at their commander. One interviewee mentioned that the SAPS were considering outsourcing the grievance process.

An interviewee commented that *the grievance procedure is good.* The essence of the policy is to deal with any satisfaction between employee and employer. The policy is broad but it cannot be used as an alternative to collective bargaining or discipline. "What members and commanders don't understand is that the applicant must move the process forward."

The **grievance procedure** works as follows:

- Step One: informal, go to commander and say this is the problem and give him/her forty-eight hours to sort it out. If the member does not hear from the commander in this period of time then –
- Step Two: hand the commander a signed form and give him ten days to respond. If nothing happens the applicant must go to the next level,
- Area level/Area Commissioner also gets ten days to respond, if no response, next level,
- Provincial level, also get ten days to respond and if there is no resolution it goes to the National Commissioner,
- the matter is handed to Grievance Management at Head Office. They must make sure an investigation is conducted,
- they have thirty days to investigate, to determine the facts and to decide who must handle the matter,
- after thirty days, ten days notice is given for a conciliation meeting. A certificate of outcome must be issued immediately at the conciliation meeting,

- the union must then decide if they want to arbitrate,
- if they do, they have an additional thirty days to refer the matter to the bargaining council – then arbitrate,
- at arbitration there is a lawyer present for the SAPS,
- postponement because the union must study papers given to it by the SAPS lawyer,
- within fourteen days of arbitration there must be a finding/award,
- if the member is not happy with the outcome, it can go on review.

The union can only assist the member if they are approached at Step One or if the member has “a legal leg to stand on.”

Another interviewee added that the process is fairly quick until it reaches National level. *There is a monthly tracking system in place for outstanding grievances. To improve the situation management have had workshops where they educate commanders on the steps of the grievance procedure.* This interviewee reiterated that it is the responsibility of the applicant to push for the resolution of their grievance, not management. Members are sometimes reluctant to do this because they fear victimisation especially if the grievance is against their commander. Many members do not use the grievance process at all because it will make their commander look bad etcetera.

Another interviewee added that the policy on paper is better than the policy in practice. Practice counts at the end of the day. *The interviewee felt that members, unions and management were all to blame. In practice members use grievance procedures where they could have used other avenues.* Once the grievance procedure has been invoked it must be followed through. There is an unwillingness to resolve grievances in a different manner. Often when a grievance is lodged, affected parties adopt a “you are against me” attitude, which can be very negative. Also find that members who are disciplined regularly are the ones invoking grievances. An interviewee blamed management for not complying with time frames but adds that grievances do eventually get addressed because the unions push for a resolution.

8.4.3 PROMOTIONS POLICY

Most interviewees emphasised the negative aspects and the consequences of the SAPS promotions policy at present.

There is a **quota system** in place at the moment. The SAPS shortlists candidates for certain positions, they then follow a checklist based on “colour.” They have a rating system, for example a black female would get a higher rating than a white male if there is a need for the former (to fill the quota). Applicants for various posts/ranks are either designated or non-designated.

- Designated: for example black, female and physically disabled.
- Non – designated: white male.

There is a lot of frustration at not being promoted and this ties in with stress, trauma and anger at not being looked after. This **facilitates corruption**. Lack of promotion due to transformation results in members feeling they are not going to make progress in their careers (mainly white and coloured members). These members feel it is the “era of the African.” This does impact on their approach to work. It results in high levels of absenteeism and misconduct. Before 1994 members could work for a promotion, they knew that if they studied and performed well they would be promoted. They knew what they had to do. This changed after 1994. Now it is unclear, members try for promotion but they do not see themselves ever becoming a senior manager and they see youngsters catching up and even overtaking them. Members stagnate because they are unhappy, de-motivated and dull. They should have been a “brigadier” by now but they are still an inspector, they feel robbed, even of their dignity.

Another interviewee reiterated that the SAPS promotions policy at the moment is “**not the best person for the job.**” “Sometimes as a cop you sense that the person you are working with is a dodgy cop.” An interviewee added that the priority at the moment is for the SAPS to address imbalances in terms of race and gender, so the issue of the “right man for the job” is secondary now. The promotion policy at present is guided by three variables: **1) Equity. 2) Performance and 3) Qualification**, in this order. “Promotion in the police used to be for the police. Today the police have opened up and brought in people from different careers. These people must make an effort to understand the organisation.”

*“There have been too many unnecessary changes made in the SAPS since 1994. There are things that should have been kept. Changes have brought negatives. This is in line with the National Commissioner of police being a politician. **There is no place for politics in policing** because somewhere along the line someone has to be appeased. It’s wrong”*

An interviewee reiterated that there is a lot of unhappiness concerning promotions. *The interviewee understands that the SAPS does have to “right size” and the need for Affirmative Action, but it has been going on for so long that members are demoralised.* The **impact** of this policy has been very serious. For example, one member of an interviewee’s component was considering taking his own life. The interviewee had to talk to him for a long time. The interviewee had to explain to the member about targets and equity because the member thought he was being passed over for promotion because of race. Lack of promotion manifests more in “hopelessness” than criminality. Before the interviewee had a “chat” with this member, the latter’s work had degenerated and he had started drinking. Things did improve after the policy was explained to him.

Another interviewee mentioned the prevalence of the “**Peter Principle**” in the SAPS working environment. *This is when someone is **promoted to the level of incompetence.*** For example, a sergeant who is a good worker gets promoted to inspector and he still does good work. The member then gets promoted to captain and “his arse falls out.” The member cannot do the job. This is what is happening at the moment, promoting people in order to “right size” and to sort out the “colour” problem. There is also the example of a member who was a court orderly (“not a great job in the police”) who was not a good policeman but he got promoted to captain anyway. On the other hand the interviewee gave an example of the typical case of a good captain, an excellent officer who has been in this rank for ten years and cannot be promoted because he is white. “There is a problem and it applies every time promotions come up. This is why members are demoralised.”

*Another interviewee mentioned that it is not the actual promotions policy that causes resentment because it is a **good policy.** It is the Affirmative Action targets that are problematic. For example, members who have been captains for eight years do not get promoted but their black colleagues who have been captains for two years are promoted. Black members will get a certain position even if a white colleague is better suited for the job. “Excellent police members are overlooked purely because they are white, coloured members are also affected. This is why these members become reluctant and resentful.” Members that have been overlooked do have recourse. They can partake in an arbitration process with decision makers.*

One interviewee mentioned that the Provincial Commissioner in the Western Cape has stated that the “playing field is becoming level,” and people are going to have the chance to be promoted. “The Provincial Commissioner has alleviated some fears and given people

hope by promoting some individuals who did not qualify for promotion because of equity.” Another interviewee added that equity is a legislative requirement. It must be done, this is upholding the law. “There is an appointment and promotion policy. Members are not only promoted because of equity, it is also about competence.” *The SAPS have developed a points system where they look at critical criteria and score individuals according to their Curriculum Vitae’s. This also includes relevant experience, qualifications and previous training etcetera.* Depends on the requirements mentioned in the advertisement.

*“As police we need to get rid of the culture of communicating by memo, we need to talk to people.” Management has explained that they are going to implement the government’s policies, but not to be negligent and reckless in dealing with these issues. It needs to be managed correctly. “When we talk about equity, we are not talking about changing the faces, we are talking about the ability of the organisation to move forward, making sure the SAPS **reflects the demographics** of the country. We have an obligation to address the imbalances of the past. That’s a reality.”* The organisation thinks differently in terms of capacity building. When looking at the realities of the past, “white cops exposure was not the exposure that means they have the ability to manage in this area of policing.” Because the process of getting a promotion in the past was a “Boetie-Boetie” (Brother-Brother) affair, we have put systems in place to say, “this is how people should be promoted, and that is what we are doing.”

Police have a problem with bad communication, they will moan about a problem but they do not go to their managers and speak-up or communicate how they feel in order to find an amicable solution. “There is no way we are going to be held hostage and say people are leaving because they are not getting promoted. We are saying to our people it is cold out there, don’t go out and think you will get a job.”

Many interviewees felt that if members were not being promoted they should at least be **promoted monetarily within their existing rank.** *There is no reward for good work in a rank if a member cannot advance.* A member who has been a superintendent for twenty years only gets an increase if there is an across the board increase. It should happen every year but it does not. In one example a member has been a superintendent for ten years, if the captain in his office gets promoted to superintendent she will earn the same salary as him. “Is this fair?” **There must be monetary promotions.** One interviewee mentioned that he had written a discussion document on this issue for management. *They are looking at this at the moment, also so that they do not lose people to higher ranks. There are people with*

certain expertise who go through the ranks chasing money. This will apply for example to a good street officer who cannot earn more money unless he goes through the ranks.

Another interviewee mentioned that people cannot be promoted (monetarily) outside the promotions policy but they can be rewarded for their performance. “Any member can go further, they must access the SAPS Career Centre and look at alternative career streams – everyone should be a provincial commissioner in waiting. We have promoted a lot of white members. No middle-aged white superintendent (for example) should feel that he would never be promoted.”

An interviewee mentioned that individuals are promoted from example, an inspector to a captain but they **do not do any management courses**. Referring specifically to a management course compatible with the management style in the private sector. Police managers are not taught labour relations, how to do performance appraisals or performance management etcetera.

*The **promotions process** is as follows: promotions up to captain are largely on paper. Captains, superintendents and senior superintendents have face-to-face interviews. Directors and assistant commissioners are confronted with scenarios (during interviews for their positions) such as a telephone ringing along with other problems, to see if they can handle pressure. There is a huge glut of inspectors as a result of a moratorium on inspector promotions a while back. One interviewee mentioned that in the “old days” members appeared before a panel between each rank. They were tested for practical things such as behaviour under pressure, how to manage people, how to interview members etcetera. Members learnt management and leadership skills, for example the sergeants course was very motivational. They had merit interviews. Another interviewee added that all levels have interviews and there is a panel. The individual is scored on their performance during the interview. The SAPS also has an assessment centre: Day One consists of a four-hour exam and on Day Two members do a presentation for management to see how they handle a crisis situation etcetera. The latter depends on the job requirements.*

8.5 INVESTIGATIVE BODIES

There were various opinions concerning the closure of the SAPS **Anti-corruption Unit** in 2003. *The majority of interviewees agreed that a dedicated investigative body needed to be established to solely investigate police criminality and corruption.*

One interviewee discussed the establishment, function and demise of the SAPS's Anti-corruption Unit (ACU) in detail:

"This unit was established in 1995 and the National Commissioner finally closed it in 2003, their primary function was to investigate corrupt members and bring them to justice. Initially the unit had very little information about the extent of the corruption problem in the SAPS because the statistics were sketchy. The unit started gathering and recording statistics. The ACU consisted of one National unit and nine Provincial units. The public did not realise what corruption was, they tended to believe that only incompetent members are corrupt. This is not the case. 'Good cops are corrupted precisely because they are good.' They get targeted. (Most complaints by the public involve police incompetence, for example dereliction of duty, not corruption).

The ACU had a steady increase in cases because they were successful – success breeds success. Initially less than 1% of these cases involved corruption, but this increased steadily. In Limpopo Province the statistics started growing. This indicated that black members were more susceptible to corruption because the public believed they had to pay for the police's services, even to report a case. In one incident, a member of the public reported some of his sheep missing and paid the police R100 for 'services.' Eventually he gave up pursuing the case because the bribes would have cost more than the sheep. In the rural areas the policeman is the 'king of the roost,' he has a gun, knows everybody etcetera. If he is extorting money who is going to report it?

Then the National Commissioner made the 'idiot' decision to close the Anti-corruption Units and corruption had to be reported to the nearest police station. 'How is anybody going to report corruption when that station has the corrupt members in it? They will be reporting corrupt cops to corrupt cops.' When the ACU existed in rural areas there was much better reporting because it was a separate unit.

During the ACU's tenure corruption figures increased annually, then some idiot decided that corruption was a manifestation of organised crime because they found so many members from the Organised Crime Unit involved in corruption. 'This is rubbish!'

The ACU had a very effective technical support unit, which did undercover photography, telephone tapping and surveillance. This was all done legally, no corners cut. Then management removed the technical support unit and amalgamated it with crime intelligence. It then became more difficult for the ACU to get resources/budget. Concerning budget, when doing corruption investigations there should be no limitations to an investigation because of budgetary concerns.

After the release of the 2000/2001 statistics the decision was made that because corruption was more of an organised crime problem, selected ACU's were to be closed down. Four units were closed down and the National unit lost control of the corruption statistics. After the closure of the four units, the 'National Commissioner gave evidence and misled the Safety and Security Portfolio Committee in Parliament.' The commissioner took the statistics from the five remaining ACU's and compared them to the previous years figures from nine units. 'Of course this showed a dramatic decrease in corruption.' This was how the National Commissioner justified the closure of all the Anti-corruption Units." *The interviewee believed that the primary reason the ACU's were closed down was because they were giving SAPS a bad name by exposing the extent of corruption in the Service.* "Shoot the messenger." The SAPS has no intention of opening another corruption investigation unit.

Another interviewee mentioned that corruption cases increased by 253% in one year because of the closure of the ACU. The types of cases have also changed, not "ordinary" corruption anymore but vehicle hijackings, involvement in crime syndicates etcetera. *SAPS management has said that the closure of the ACU was as a result of the restructuring of specialised units. Expertise has been taken down to the level required.* Syndicated (civilian) crime has been combined with police crime at Organised Crime Units. "Cops investigating colleagues in the same unit is problematic." Some ACU members who joined Internal Investigations Units took dockets with them and when these units were closed down the dockets and the investigations went back to station level. "You are investigating your friend across the table, there is no objectivity around the case." Another interviewee added that many ACU members went to different units and those that went to organised crime were investigating other crimes such as wildlife, gold and diamonds, not police crime. The erstwhile commander of the National ACU was told in 2003 that as a result of the restructuring of the Detective Service there was no post available for him in the SAPS, he left the organisation in July 2003.

After police management had closed the ACU, they realised they had a problem. They made it the Provincial and Area manager's function to fight corruption. Commissioners have to get detectives together to investigate incidents and cases, per incident, per case. This is not coherent, they cannot do crime trends. **Need a dedicated unit.** The SAPS used to have Internal Investigation Units in police stations but these were closed down because they only had a 1% success rate. *The poor results were attributed to these unit's members being intimidated and harassed by corrupt colleagues.* Johannesburg has a **Police Integrity Project** initiated by the Johannesburg Area Manager. "This manager would like to set up an ACU at area level."

In one policing cluster in the Western Cape there are two detectives (a constable and an inspector) who investigate all the "internal affairs" of the cluster. All complaints and allegations against the police go to them and they carry the dockets. The majority of cases in this cluster are departmental not criminal, but they have to be investigated. At present they have over two hundred dockets. An interviewee mentioned that the Counter Intelligence Unit does the intelligence gathering and when the intelligence is ready, they select a detective who they know is competent to do an investigation and take the case to court.

An opposing view given by an interviewee mentions that if a member has committed a crime, that crime is not treated specially. "Why should you have an Anti-corruption Unit in the police? Is it because we want to treat the police differently from other criminals?" In terms of the gravity of a case the SAPS have established capacity at Crime Intelligence. They do an impact analysis. This is privileged information because it involves people who are suspected of being involved in crime. "Investigating another cop is not a big deal."

"We don't want to create units in the police that will be looking for corruption because we will be creating problems for ourselves. If there is no corruption case what will these people be doing? They will be regarded as a 'super-force' and the super-force will end up doing the wrong things so everybody has to take the responsibility of ensuring that corruption is combated. Anybody who commits crime in the police is not a special criminal. The police are afraid because we are so aggressive about this."

Some **recommendations** that interviewees made include the immediate implementation of the **South African Police Service Corruption and Fraud Prevention Strategy**. There should be a unit in each province that investigates police corruption because it requires undercover work. Members who work in this unit should not associate with other police

members, they should not drink at police pubs, they should drive unmarked vehicles etcetera. Another interviewee suggested that a specialised unit was needed to investigate police corruption and crime where members were selected and given special training. There must be a separate component under the Provincial Commissioner or under Counter Intelligence. They would carry all the dockets. There also needs to be a **dedicated phone number** to report corrupt members with adequate resources to manage this.

8.5.1 INDEPENDENT OVERSIGHT

An interviewee stated that the Independent Complaints Directorate (ICD) is the most credible external organisation investigating complaints (both misconduct and criminal) against the police. There is a Secretariat of Safety and Security but nobody seems to know exactly what they are doing. Many researchers have attempted to find out but cannot get a response. One interviewee mentioned that the ICD was not autonomous and definitely not independent because they are in the employ of the Minister for Safety and Security and the National Police Commissioner. The Executive Director of the ICD can only be as effective as the politicians allow her to be.

Some interviewees felt that the ICD was ineffective and it was not getting results. This was exacerbated by investigators who lacked experience. "They are not taking investigators from the police." The ICD takes too long to resolve complaints.

The SAPS is a closed organisation therefore the only way to do corruption investigations successfully is covertly. The ICD cannot do this. They cannot infiltrate groups or create "legends." This is done by making people look bad on paper then transferring them to a different unit or station to infiltrate a group of corrupt officers. The SAPS needs an independent unit, even if it is in the state president's office because they have to report to someone.

Another interviewee mentioned that the relationship between the ICD and the SAPS is high currently. In 1997 there was no co-operation. This was a big problem initially. *Today the SAPS request the ICD to investigate certain issues and to make recommendations.* All ICD reports get a response from the SAPS. If police members do not co-operate with ICD investigations, for example by hiding evidence, they will be charged. If crime scenes have been tampered with the ICD will get experts in and reconstruct the scene, they have had convictions from this.

The ICD also has good co-operation from the National Prosecuting Authority. No single body decides on its own to prosecute and the ICD does not advocate this because power corrupts and it will not work in South Africa. The ICD's findings and evidence go straight to the NPA, not the SAPS if it is a criminal case. If it is a case of misconduct and discipline has been recommended, it goes to the SAPS. The ICD also prioritises the monitoring of domestic violence and deaths in police custody. They investigate most of the SAPS's misconduct cases and interview both the complainant and the suspect.

Police are reporting corrupt colleagues. They usually request to see a member of the ICD privately, away from offices. If a SAPS member is a witness and he/she testifies, he/she could be in danger, the member has the option of being transferred or going into witness protection. *This interviewee recommended that the police should have both internal and external oversight. At the moment it is only external.*

8.5.2 COMPLAINTS

If members of the public want to lay a complaint against a police member they go to the station commissioner or any senior person at the station who will allocate somebody to take down the complaint. The complaint gets forwarded to the Internal Complaints Directorate based at the Evaluations Unit and an investigation is done, this is called a 101 investigation. If it is a criminal complaint the public can open a criminal case at a police station. If they get no joy they can approach the station commissioner, if they are still not assisted, they can phone the Provincial Commissioner. The public can also go directly to the Independent Complaints Directorate with their complaint. A complaint does not have to be made at the police station that the member is from.

If the complaint is misconduct it goes to the disciplinary officer who follows up by asking the member to give his version of events. The officer has approximately two weeks to decide if this is serious. If it is misconduct, a member can be counselled. Managers tend to act only when it is a serious case. If it is serious the disciplinary route is followed. Members of the public are generally hesitant to report corrupt members because police in the past were regarded as the "force," this perception still exists. Communities do not yet have confidence in the police and there is the perception out there that the the police are corrupt.

The SAPS has established a forum that they hope will encourage people to open-up and talk about these problems. The Provincial Commissioner is talking to communities explaining what the police are supposed to do and what the community should do to interact with the police.

There are many unfair and **false complaints** laid against the police. One interviewee mentioned that he had seen cases where members are too scared to do their work because of false complaints. For example youngsters in the community report members for theft if they do not want the police to search their homes. A member may be suspended for this, "it is unfair." Members often back off because of impending false complaints, "the crook doesn't want the officer in his face." "If you are a straight, working cop, you will get complaints. If you don't you aren't policing totally."

One interviewee gives an example of a malicious complaint made against himself and his commander, made by an "unsavoury character." *The complaint was badly investigated by members of the erstwhile Pretoria Anti-corruption Unit. This investigation cost the taxpayer approximately R800 000 and they found nothing. The two policemen had no redress and were told that "mistakes happen." They also believe that if they had followed this incident up, they would have been ostracised.*

8.5.3 GENERAL COMMENTS

- Relationship with the Criminal Justice System

Interviewees commenting on the relationship between the SAPS and the Criminal Justice System mentioned that in certain areas the relationship was excellent, in other areas it was bad. The top structures of the SAPS hold meetings with the National Prosecuting Authority on a monthly basis. *The bad relationship is on the lower level when police do not conduct their investigations adequately, which negatively affects prosecutions.* Police members generally do not like to take instructions from prosecutors. An interviewee added that police and prosecutors do not really work together because each has their own "turf." One will not allow the other to tell him what to do. "It's an ego thing."

Another interviewee added that police members do not trust the justice system because criminals get off too often on technicalities, and the wheels of justice in South Africa turn very slowly. There is also frustration for officers when dealing with young, inexperienced

prosecutors. Some cases have been thoroughly investigated but they get thrown out because of bad prosecuting. This is more common with serious crimes. “It works both ways.” Police and prosecutors workloads are too great.

There was a suggestion made that every detective unit should have their own prosecutor. The uniformed police should be under the command of the SAPS and the detective unit should fall under the prosecuting authorities. Another interviewee *countered* that there was no merit in an arrangement like this. One interviewee suggested that, “seasoned officers would make better prosecutors than prosecutors themselves because of their exposure to the prosecuting environment.”

- Adjudication

There definitely are disparities in sentencing police crimes. For example, a member sentenced in Wynberg (Cape Town) Magistrates Court to fifteen years had it reduced on appeal to seven. Sentencing is inconsistent across the board, this is not confined to the police. One interviewee mentioned that sentencing depended a lot on the “mood” of judges or magistrates, “this is outrageous.” Research needs to be done in South Africa on sentencing disparities generally.

Another interviewee mentioned that sentencing depended on factors such as mitigation and how good the lawyer or advocate are. It also depends on whether the defendant pleaded guilty and showed remorse for their actions. Sentencing also depends on the magistrate or judge because some punish more severely than others.

- Crime Statistics

Because of political pressure many police stations do not record certain crimes. Another interviewee reiterated that **crime statistics are political**. “The SAPS have a way of ignoring complaints so that the organisation does not look bad. When it is time for the Minister for Safety and Security and the National Police Commissioner to have their performance reviewed – they look good.” With some particular crimes, “weight” is allocated. Statistics for these crimes can be manipulated. With problem crimes such as robbery, the statistics will indicate that this particular crime is decreasing. One interviewee recommended that crime statistics be dealt with by an independent organisation such as the Institute for Security

Studies (ISS) or a university. There are approximately 3000 police members who work on crime statistics.

- General

“Can’t get anywhere if you don’t become an officer, when you become an officer you are stuck behind a desk. As a commander, the human resource function kills you. Sorting out staff’s problems and administration. I didn’t join the police to do this all day.” Members force themselves into jobs they do not want to be in, to earn a better salary. “Would rather be ‘out there’ than stuck behind a desk.” One interviewee worked out that he had to submit approximately **sixty-five monthly reports** in different forms to different people. Spends half a week at meetings. There are **too many meetings**. Many of these meetings are purely to “polish somebody else’s balls – proverbially speaking.” An individual calls a meeting, gets relevant input from staff, takes the information to the next meeting and passes it off as his own idea. This is the same with e-mails asking for input. “This guy is paid R600 000 to R700 000 a year for my work!”

The SAPS now has a crime office. When a case gets to court, there is a detective on hand to discuss the merits of the case with the investigating officer. “The detectives who were drawn away from the detective branch to join this crime office each had about 100 cases they were handling. These had to be redistributed amongst other detectives and as a result at least 100 cases were withdrawn for reasons ranging from officers taking too long to book them out to court dates expiring. This is a result of bad management.”

It is important to note how the **lack of forensic capacity** in South Africa impacts on bail decisions. To get DNA results back from the laboratory takes **seventy-eight days**. If it took three days the evidence could be used to prove an individual’s guilt and bail could be denied. At the moment, people are being granted bail because of the lack of this evidence.

8.6 SUMMARY AND CONCLUSION

The essence of this chapter highlights the vast amount of information collected from South African specialists in the field of police criminality. The researcher believes that the quality of the information received is thought provoking and highly informative. This is especially relevant when considering the diversity of opinions and facts offered by the interviewees on the questions put to them.

This chapter addresses the themes set out in the interview guide, including the extent of police corruption and crime in the South African Police Service. Various types of crimes committed by police members are illuminated by interviewees, with the most common crime thread pertaining to illicit drugs and theft. Information on the many risk factors that contribute to police criminality is divided into relevant sections including individual and organisational (especially managerial) contributors and the important elements of recruitment and training are also dealt with.

The consequences of police criminality include the disconcerting rise in vigilante activities in South Africa. Numerous interventions are recommended by the interviewees. Policies and procedures, particularly grievance, disciplinary and promotions policies are discussed at length.

The following table highlights a selection of mostly **structural problems** within the South African Police Service and the **recommendations** made by the interviewees to rectify these. The table has been divided into groups with relevant recommendations pertaining to that group.

Table 8.1 Current Problems and Recommendations

BEHAVIOURAL PROBLEMS	RECOMMENDATIONS
- Drug related crime and substance abuse	- Random drug testing
- Gang related crime	- Lifestyle audits, including financial scrutiny and outer observation
- Complicity with syndicates	- Early Warning System
- Assault/brutality	- Minimise “tipping off” of
- Theft	gangster by changing
- Stress and	assembly points and police
- Heavy drinking	- Polygraph tests
- Financial problems	- Focus on ethics/integrity
- Problematic behaviour	- Integrity tests
- Lack of integrity/dishonest	- Need to be proactive
- Cynicism	when dealing with staffs’
- Abuse of power	psychological needs
	- Proactive investigations
	- Reward ethical behaviour

ORGANISATIONAL PROBLEMS

- Opportunity
- Salary
- Police Culture
- Blue code of silence
- Us vs them

RECOMMENDATIONS

- Must change elements of police culture
- Pay better salaries
- Need to improve whistle blowing capacity
- Anonymous phone lines
- Win community's trust

MANAGERIAL PROBLEMS

- Protecting image of SAPS
- Managerial denial
- Untrained managers
- Inexperienced managers
- Incompetent managers
- Management style – no support culture
- Poor supervision and control
- Stations understaffed/under resourced
- Political direction not operational
- Tolerating corrupt behaviour/familiarity
- Insubordination
- Bad mentoring
- Poor morale/frustration/uncertainty
- Lack of promotion
- Affirmative Action/equity
- Lack of discipline
- No clearly defined anti-corruption policy
- No independent investigation unit

RECOMMENDATIONS

- Improve the quality of leadership
- Must be experienced managers in charge to: recognise problems, TO supervise adequately and enforce corruption controls
- Senior ranks on night shifts
- Keep politics out of policing
- Need good performance management system
- Managers should be rotated to avoid favouritism
- Start caring about staff
- Promotions should be about merit not race
- Revert to paramilitary training to restore discipline
- Strengthen complaints system

RECRUITMENT AND TRAINING PROBLEMS

- Focus is on quantity not quality
- Inadequate screening
- No ethics or integrity training
- Poor quality training –police do not know

- Need to appoint best person for the job
- Must improve standard of recruit screening

<ul style="list-style-type: none"> - their powers or their job - Qualifications do not count - Detectives working with no relevant training 	<ul style="list-style-type: none"> - Ethics and integrity training - Encourage further study - Detectives must do detective course before doing the job - Use police offenders to in recruit training - Need a Police Professions Council to ensure professionalism
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Current problems in the South African Police Service, whether behavioural, organisational or managerial in nature or problems pertaining to recruitment and training, must be seen against the socio-political background of South Africa.

POLITICAL BACKGROUND: the South African Police Service is functioning in a developing country in which significant political transformation has taken place since 1992. As a result of this, the employment of SAPS members from different cultural, ethnic and racial groups reflects the characteristics of the new “rainbow nation.” The subsequent implementation of Affirmative Action has resulted in discontent amongst white and coloured police members concerning issues such as the current promotions system. Individuals are being promoted and employed in positions of seniority without the adequate experience to fulfil the related functions, as a result of equity. The researcher cannot ignore these issues, as they were repeatedly referred to by the interviewees.

SOCIAL ENVIRONMENT: because the primary focus of the empirical study is on the Western Cape, the issue of the gang-soaked environments in this province illuminate the contribution these criminal groupings make to police criminality. Many police members come from these communities and work in police stations in these areas. The high levels of police criminality in this type of social environment, is a cause for concern. Many police members are readily drawn into corruption by the gangsters as a result of the lure of an easy and continuous supply of cash to enable them to continue with their criminal activities unhindered and with protection against arrest. Many of the corrupt police members have friends in gangs and there may be strong bonds between them, making it very difficult to refuse requests (especially concerning the “tipping off” of gangs by police if there is an imminent raid).

ECONOMIC ENVIRONMENT: In developed countries such as Australia, New York and the United Kingdom, policing is a status job and generally a conscious career choice, driven by members with suitable qualifications and a high level of professionalism. In South Africa, which has a high level of unemployment and where job opportunities are scarce, individuals are joining the SAPS merely as a source of employment as opposed to a conscious career choice.

In light of the above factors, one cannot in all respects compare the findings of the international interviews (developed countries) with the findings of the South African specialist interviews (developing country). **The common denominator of all these interviews however, relates to police management.**

The SAPS is still a STRUCTURE within society and this structure has to be managed properly. The issue of police management appears to be pivotal to not only operational policing aspects, but to police deviance as well. It would be unfair to blame all the woes of any police organisation on management, but many of their actions certainly facilitate, enable and perpetuate the phenomenon of police criminality. As mentioned so often in this study, police misconduct, corruption and criminality exist in all police organisations, they only vary in **extent and determination of leaders to deal with the problem.**

It is essential that SAPS management learn from other police organisations such as the Metropolitan Police in London and the NYPD who have been down the very long road of dealing with corruption scandals and the implementation of preventative measures. The management of these organisations have addressed the problem. They have blown the lid off and cleaned the contents. The SAPS urgently need to make a start by implementing an effective anti-corruption strategy. They need to introduce integrity and ethics into training and make it a permanent feature of all subsequent training and they need to thoroughly vet new recruits.

*The SAPS structure (together with the individual), must be taken into consideration when providing a theoretical explanation for police criminality, by taking cognisance of the broader **socio-political environment** within which the SAPS functions.*

The next chapter focuses on the findings of the eight offender interviews. These subjects were all incarcerated at the time of their interview and the researcher feels that the information provided in this chapter is particularly pertinent and will make very interesting reading.