

**SINGLE PUBLIC SERVICE *VERSUS* SINGLE POLICE SERVICE: A CASE FOR
THE SOUTH AFRICAN POLICE SERVICE**

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INTRODUCTION

Uppermost on government's agenda for the ongoing social and economic upliftment and transformation of our society is improvement in the delivery of basic and other services to the people of South Africa. Currently service delivery is hampered by weaknesses in numerous areas, including amongst others, national frameworks and policies that do not extend to local government in the areas of service delivery and public administration and management and marked differences in remuneration, conditions of service and local government which make mobility and transfer of functions difficult.

The Single Public Service (SPS) therefore, seeks to create a more cohesive workforce, consisting of all spheres of government. More important, the approach of the proposed Draft Public Administration Management Bill of 2008 seeks to build a multi-skilled and mobile workforce and to deliver integrated services where the need exists. The idea is to harmonise the conditions under which government employees work, in whatever department, or whatever sphere of government.

Through the Single Public Service it will be much easier to move skills from other spheres into local government, and between different local government structures. One of the aims of the SPS is to align the conditions of service within the three spheres of government, where appropriate, to ensure mobility of employees and to promote stability in employment. Employees transferred within the Single Public Service will not suffer any reduction in salary and their service will be regarded as continuous, in line with the Labour Relations Act 66 of 1995 principle that the conditions of service of transferring staff may not become less favourable.

However, the African National Congress (ANC) 52nd Conference Resolution of 2007 on Peace and Stability propagates a Single Police Service without elaborating on what it entails. This puts a question on the future of policing agencies such as the Metropolitan, Municipal, Provincial Traffic Police and Local Traffic Police.

This uncertainty therefore, needs to be debated so that South Africans do not find themselves in the same situation with regards to the dissolution of the Directorate of Special Operations (DSO).

METHODOLOGY

A qualitative research method was undertaken to compile this article. Focus is on a literature study due to the fact that the aim of the study is to analyse the proposed legislation intended to establish a single police agency in South Africa as well as the ruling party's Conference Resolution. It is worth noting that little exists as far as single public and single police service. Therefore, this has been the challenge that the author faced while compiling this paper.

BASIC VALUES AND PRINCIPLES GOVERNING PUBLIC ADMINISTRATION

Section 195 of the Constitution Act 108 of 1996 states that the basic values and principles governing public administration are as follows: “Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

- a. A high standard of professional ethics must be promoted and maintained.
 - b. Efficient, economic and effective use of resources must be promoted.
 - c. Public administration must be development-oriented.
 - d. Services must be provided impartially, fairly, equitably and without bias.
 - e. People's needs must be responded to, and the public must be encouraged to participate in policy-making.
 - f. Public administration must be accountable.
 - g. Transparency must be fostered by providing the public with timely, accessible and accurate information.
 - h. Good human-resource management and career-development practices, to maximise human potential, must be cultivated.
 - i. Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.
2. The above principles apply to
- a. administration in every sphere of government;
 - b. organs of state; and
 - c. public enterprises”

This means that policing at all levels is also included.

BACKGROUND TO THE SINGLE PUBLIC SERVICE (SPS)

During 2002, a comparative study was undertaken by the Department of Public Service and Administration to identify impediments to the transfer of staff and functions across the three spheres of government (DPSA, 2008). In 2007, the former president, Mr T Mbeki, in his state of the nation address emphasized the creation of a Single Public Service in order to improve service delivery. In addition, the ANC 52nd Conference that took place in Polokwane in 2007 also emphasized the need for a Single Public Service as well as a Single Police Service.

FOCUS AREAS OF THE SINGLE PUBLIC SERVICE (SPS)

According to the Annexure “C” to the Draft Public Administration Management Bill of 2008, the following are some of the focus areas to be covered by the Single Public Service:

- Facilitation and transformation of systems and mechanisms for service delivery to ensure smooth and seamless service delivery at and between all institutions of government
- Integrated service delivery platforms and front offices

- Clearly defined employment practice framework, including remuneration and conditions of service covering all employees
- Integrated performance monitoring and measurement

Surprisingly these focus areas do not specifically outline what actually needs to be done with regards to duplication of functions, training and realignment of bargaining structures.

SINGLE PUBLIC SERVICE *VERSUS* SINGLE POLICE SERVICE

The Interim Constitution Act 200 of 1993

Section 214 of the Interim Constitution Act 200 of 1993 made provision for the establishment of the Police Service in terms of an Act of parliament which shall be structured at both national and provincial levels and shall function under the direction of the national government as well as the various provincial governments.

In addition, section 214 also made provision for the establishment and maintenance of uniform standards of policing at all levels regarding:

- the exercise of police powers
- the recruitment, appointment, promotion and transfer of members of the Service
- suspension, dismissal, disciplinary and grievance procedures
- the training, conduct and conditions of service of members of the Service
- the general management, control, maintenance and provisioning of the Service
- returns, registers, records, documents, forms and correspondence

Section 215 of the Interim Constitution Act 200 of 1993 created the powers and functions of the Service as follows:

- the prevention of crime
- the investigation of any offence or alleged offence
- the maintenance of law and order and
- the preservation of the internal security of the Republic

From these two sections it is clear that the Constitution created an impression that only one policing agency, namely, the SAPS should exist because there is no indication of any other policing agencies.

The Constitution Act 108 of 1996

Section 205 (1) of Act 108 of 1996 states that the “national police service must be structured to function in the national, provincial and, where appropriate, local spheres of government”. Section 205 (2) states that “National legislation must establish the powers and functions of the police service and must enable the police to discharge its responsibilities effectively, taking into account the requirements of the provinces”.

Section 205 (3) makes provision for the duties of the police as follows: “to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law”. It is clear from the two Constitutions that no policing agencies are mentioned, such as the provincial traffic, municipal and metropolitan police agencies.

The Act 200 clearly recognizes the police service as the national police although this is vaguely outlined in section 205 of Act 108 of 1996 with reference of the national police service instead of police service.

The ANC's 52nd Conference Resolution on Peace and Stability

Before the ANC's Conference took place in Polokwane during December 2007, an ANC Policy Conference took place on 27-30 June 2007, at Gallagher Estate and a decision was taken that in order to defeat crime in the best interests of the National Democratic Revolution, "the constitutional imperative that there be a Single Police Service under the command and control of the National Commissioner of the South African Police Service be implemented so that the traffic, municipal/metro police, and the Directorate Special Operations (Scorpions) be located within the South African Police Service".

This recommendation was adopted by the conference under the resolution on Peace and Stability which reiterated what was decided during the policy conference by adding that "by establishing a single police service the traffic, municipal and metro police shall be placed under the command and control of the National Commissioner of the South African Police Service as a force multiplier" (ANC, 2007).

The relevant legislative changes are to be effected as a matter of urgency to give effect to the foregoing. However, so far only the Scorpions have been disbanded and nothing is said about the traffic, municipal and metro police. The author is of the opinion that this could be confusing to other agencies because of the uncertainty of what will happen to them.

THE EVOLUTION OF POLICING IN SOUTH AFRICA

The South African Police /South African Police Service

Although the character, composition and functions of the SAPS have been strongly influenced by the British system, the service does differ in some respects from the British police, and does have a distinctive character of its own. By 1652 the first police official was appointed by the Dutch in the Cape. In 1799 Major General Francois Dundas divided Cape Town into a number of wards under the control of a ward master (Van Heerden, 1994:29).

By 1806, the British occupied the Cape and the existing policing format was retained and the field cornets, field watch masters or burger cornets were established to police the country districts. As South Africa was being colonized by both the British and the Dutch, various police institutions were also established. The differentiated provincial police systems (Transvaal, Cape Colony, Natal and Orange Free State) were not centralized until after the Union Republic in 1910. Colonel Sir J.G. Truter was charged with the task of welding these various police units into a single, united police force. In concept, the Police Act, based on the Transvaal Police Act 5 of 1908 was accepted in principle on 15 October 1912 (Van Heerden, 1994:33).

The amalgamation was finally completed on 1 April 1913 when the new Police Act was formally accepted. On 1 December 1995, the South African Police Service Act 68 of 1995 was promulgated and the South African Police Service was born after the amalgamation of the former homeland policing agencies and the former non statutory forces of the ANC and the Pan Africanist Congress (PAC).

The South African Railway Police

The South African Railway Police was established because of the need to protect the property of Railways Administration (Van Heerden, 1994:34). From 1916 up to 1934, the Railway Police was a unit within the South African Police. In 1934 the South African Railway Police as a new independent agency was established separated from the South African Police but incorporated back into the South African Police in 1986. At the moment the South African Police Service (Security and Protection Service Division) has re-established a Railway Police Unit. The author is of the opinion that the new arrangement is a clear indication that the government intends centralizing the police.

The Traffic Police

Originally, the traffic policing functions were included in the duties of the South African Police, but they were gradually transferred to Provincial Administrations and Municipalities. The South African Police were finally relieved of the responsibility for city traffic control in 1934 (Van Heerden, 1994:34). By 1965, all traffic policing on provincial roads outside municipal boundaries had been taken over by the four provincial authorities of the Cape Province, Orange Free State, Transvaal and Natal. After 1994, nine provincial traffic police agencies were established. These agencies report to various Members of Executive Councils (MEC). The mandate and powers of the traffic police in South Africa are found in section 1 of the National Road Traffic Act 93 of 1996. The functions of the traffic police in this regard include road safety, crime prevention and the general regulation of traffic flow. The author believes that the crime prevention function of the traffic police overlaps with that of the SAPS.

Apartheid Municipal Police

The term “municipal police” still holds negative connotations for many South Africans, given that it was first used to describe the poorly trained and often violent policemen deployed by the apartheid government in townships in the 1980’s (Marais, 2003:9). Originally the Durban Borough Police formed in 1895 and not incorporated into the South African Police in 1913, attended to all police duties within the Durban City limits. After 1936 their main functions were to enforce the municipal by-laws and to control traffic. This policing system was extended to black townships and some of their functions included protective services in beer halls and hostels, bus terminals and marketplaces. These police agencies were amalgamated into the South African Police in 1986 (Marais, 2003:9).

THE RE-EMERGENCE OF MUNICIPAL/ METROPOLITAN POLICE

The idea of establishing Metropolitan/Municipal Police is not new in South Africa. According to Rauch, Shaw and Louw (2001:8) during the discussions that led to the establishment of the police service, there were some unlikely meeting of minds between

African National Congress (ANC) negotiators and representatives of the then South African Police (SAP). All the role players wanted a single national police. Then the South African Police Service Amendment Act 83 of 1998 was finally promulgated and created the Metropolitan/Municipal Police Service in terms of section 64E. The statutory functions of Metropolitan/Municipal Police Service are road traffic, the policing of municipal by-laws and regulations which are the responsibility of the municipality in question, and the prevention of crime. As a result of the promulgation of the South African Police Service Amendment Act, a number of Metropolitan and Municipal Police Services have been established with varying mandates including public order policing and crime intelligence gathering among others. Currently, cities such as Cape Town, Ethekwini, Tshwane, Johannesburg, Ekurhuleni and other towns have established their own metro police as well as municipal police agencies.

CHALLENGES FACING POLICE AGENCIES IN SOUTH AFRICA

Legislative ambiguities

Section 205 (1) of Act 108 of 1996, “the National Police Service must be structured to function in the National, Provincial, and where appropriate, local spheres of government”. Subsection 2 states that “National legislation must establish the powers and functions of the police service and must enable the police service to discharge its responsibilities effectively, taking into account the requirements of the provinces”.

Subsection 2 has been effected by the promulgation of the South African Police Service Act 68 of 1995. However, the author is of the view that the promulgation of the South African Police Service Amendment Act 83 of 1998 has caused more confusion by making provision for the establishment of municipal/metro police agencies. Subsection 3 states that “the objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law”.

In *Minister of Defence v Potsane 2002 (1) SA 1 (CC)* the Constitutional Court held that the meaning of a single police service as contained in section 205 of Act 108 of 1996 “conveys no more than the fact that various police forces that used to form part of the independent homelands would be amalgamated into one single police force” and therefore the word “single” connotes “exclusive”.

The author is of the view that the judgment in this case was wrong because the facts of the matter were not related to a challenge on the interpretation of a single police service but a single prosecution service. Furthermore, in *State v Botha and others (1) 1995(2) SARC 598 (W)* the presiding judge ruled that “crime investigation is not the sole mandate of the South African Police Service (SAPS)”. The judge also said that the fact that a corporation’s internal investigation unit (ESKOM) had conducted an investigation was not improper. This judgment paved the way for the mushrooming of law enforcement agencies, including the Scorpions, Special Investigating Unit and others. From the analysis of the two judgements, the author is of the opinion that it is clear that the courts have interpreted the Constitution not from the literal meaning of section 205 (1), (2) and (3).

Therefore the author believes that section 205 can be interpreted in the following ways:

- There shall be one national police service, namely the SAPS, which shall be structured at national, provincial, and local level. This is currently taking place because the national level of the SAPS is the Head Office, the provincial level refers to the nine provincial commissioners and the local level refers to the police station or cluster level.
- The second meaning could be that the SAPS shall be regarded as the national police service and at provincial level the provincial traffic police whilst the local level could be the metro/municipal as well as the local traffic police.

It is clear to the author that the wording of this section is ambiguous because it does not explicitly indicate which agency shall function where and how. This does not indicate that in addition, the government shall establish municipal/metropolitan police services to supplement the SAPS. This may indicate that the provincial traffic police, local traffic police, metropolitan/municipal police services are unconstitutional. Ideally, one would have expected the mandate of provincial traffic police, local traffic police, and metropolitan/municipal police services to flow from the Constitution through to the South African Police Service Amendment Act and the National Road Traffic Act.

Apart from the Constitutional ambiguity, the following pieces of legislation add more confusion to the current state of affairs:

- Section 107 of the Firearms Control Act 60 of 2000 stipulates that “any person who carries with him/her a firearm must, after a police official has identified himself/herself to such a person, and requested to produce the license, permit/authorization for inspection. If such a person fails to do so, the police official may seize the firearm without a warrant and keep the firearm in custody until the license, permit is produced”. Who is the police official here? Does this term refer to the members of the SAPS or does it refer to all policing agencies?
- Section 41 of the Immigration Act 13 of 2002, allows police officials to verify the identity of persons to determine whether they are entitled to be in the Republic. Furthermore, the section stipulates that “the South African Police Service is responsible for investigating the criminal offences created by the Act”. If this is the intention of the Act, does this mean that Traffic Officers and Metro/Municipal Police Officers are not supposed to arrest people who are illegal in the Republic?
- Section 3I of the National Road Traffic Act 93 of 1996 stipulates that “the powers and duties of Traffic and Police officers include – when in uniform, requiring the driver of any vehicle on a public road to stop such a vehicle”. There is a difference between a police official and a police officer. The South African Police Service Act 68 of 1995 indicates that an officer is an officer because of the authority that has been bestowed upon him/her by the president. This term is used to members with the rank of Captain up to the National Commissioner. As for police official, the term is used to describe any fully fledged police official irrespective of rank. Therefore the Act seems to exclude members of Metro/Municipal Police Service and the rest of SAPS who are not officers.

- Section 9 of the Regulation of Gatherings Act 205 of 1993 state that “if a gathering or a demonstration is to take place, whether or not in compliance with the provision of this Act, a member of the Police may if he/she has reasonable grounds to believe that the police will not be able to provide adequate protection for the people participating in such a gathering or demonstration, notify the convener and such people accordingly. The author is concerned about the agency referred to in this section. Who is referred as the police? Does this refer to members of the SAPS? If so, why are other agencies been excluded by such an important legislation? The author believes that the exclusion of other agencies is unjustifiable.

Duplication of functions

Currently, the SAPS, provincial traffic police and metropolitan police services have the following units: accident/collision units and highway patrol units. In addition, the provincial traffic police, metropolitan/municipal police services have the following units: bylaw enforcement units and traffic enforcement units (Rauch *et al* 2001:8). Traffic policing is enforced by provincial traffic police, local traffic police and metropolitan/municipal police services. Section 3I of the National Road Traffic Act 93 of 1996 extends traffic law enforcement function to the SAPS. The author is convinced that this is a clear duplication of functions and a waste of resources.

Training

Training in South Africa is governed by the South African Qualifications Act 58 of 1995, Skills Development Act 97 of 1998, Skills Development Levies Act 9 of 1999, National Qualification Framework, National Skills Authority, just to mention a few. In terms of section 64L of the South African Police Service Amendment Act 83 of 1998, the National Commissioner of the SAPS “may determine standards of policing for municipal police services and, in addition to the training prescribed for traffic officers in terms of the Road Traffic Act 29 of 1989, determine the standards with regard to the training of members of municipal police services”. The author is convinced that there is a gap in this section because nothing is said about the metropolitan police service. In addition, the author believes that section 64L of the South African Police Service Amendment Act 83 of 1998, makes no provision for the National Road Traffic Act 93 of 1996 which amended most of the provisions contained in the Road Traffic Act 29 of 1989. On the other hand, the Safety and Security Sector Education and Training Authority (SASSETA) accredits training for the SAPS, South African National Defence Force (SANDF), Correctional Service, National Intelligence Agency (NIA), the South African Secret Service (SASS) and Private Security.

This means that the metro/municipal police, local and provincial traffic police are excluded from this SETA. The provincial traffic police fall under the provincial government and are accountable to various MECs. The fact that they deal with traffic policing they are covered by the Transport Sector Education Training Authority (TETA). On the other hand the Municipal and Metro Police Services are covered by the Local Government Sector Education Training Authority (LGSETA). This state of affairs therefore is confusing and embarrassing.

The author is convinced that the failure to bring all law enforcement agencies into one SETA is a violation of section 64L of the South African Police Amendment Act. The author believes that this is a total waste of resources. Clause 31 to 34 of the Draft Public Administration Management Bill of 2008 make provision for minimum requirements regarding compliance with the Skills Development Act 97 of 1998 but it does not address the roles of the SETAs especially those that deal with the training matters affecting law enforcement agencies.

Bargaining structures

Bargaining structures or councils are institutions that have been established by parts C, D, E and F of the Labour Relations Act 66 of 1995 to conclude collective agreements, enforce those collective agreements, prevent and resolve labour disputes and perform the dispute resolution functions referred to in terms of section 51. The bargaining council for the SAPS is called the Safety and Security Sectoral Coordinating Bargaining Council (SSSBC). This is the chamber where the SAPS management and the organized labour negotiate, settle their disputes and sign agreements. The provincial traffic police fall under the General Public Service Sectoral Bargaining Council (GPSSBC).

On the other hand, the metropolitan/municipal and local traffic police services are covered by the South African Local Government Bargaining Council (SALGBC). The author believes that this arrangement does not make any sense. It is suggested that all law enforcement agencies should belong to one bargaining council. The author believes that this is the reason why there are so many salary disparities and conditions of service within policing agencies. Clause 29 and 30 of the Draft Public Administration Bill of 2008 “envisages the continuation of the current structure of collective bargaining in the public administration. The existing bargaining councils in public administration will remain as separate entities, each with its own jurisdiction. Negotiations on terms and conditions of service will be negotiated in the respective bargaining councils in accordance with their constitutions”. The author sees this as problematic because the current system has failed to address the imbalances and the proposed legislation does not propose a solution to the problem.

Discipline or misconduct management

In terms Clause 1 of the South African Police Service Discipline Regulations of 2006, misconduct means a wrongful, improper, or unlawful conduct motivated by premeditated or intentional purpose or by obstinate indifference to the consequences of one's acts. The SAPS has two sets of discipline regulations. The SAPS Act personnel (functional police officials) are dealt with in terms of the SAPS Discipline Regulations of 2006. As for civilians, the Public Service Coordinating Bargaining Council Agreement 4 of 2000 is applied. This is done because although the two sets of employees are employed by the same employer, they are not doing the same job and they have not been given the same training. As for the provincial traffic police, the General Public Service Coordinating Bargaining Council Resolution 4 of 2000 (Public Service Disciplinary Code) is applied to both civilians and traffic officers.

The author is of the opinion that this is wrong. On the other hand, the metro/municipal and local traffic police services use discipline regulations that are applicable to all the employees of the municipality. This is not fair because one cannot equate the duties of a traffic officer with those of an ordinary clerk/cashier.

Civilian oversight

Goldsmith and Colleen (2000:14) describe civilian oversight as an investigation by civilian staff of complaints, and civilian supervision of police-staffed investigations as aspects of the mechanisms which were established outside police departments in order to process individual complaints. In South Africa, section 50 of the South African Police Service Act 68 of 1995 makes provision for the establishment the Independent Complaints Directorate (ICD) as an oversight body for the SAPS and section 64J of the South African Police Service Amendment Act 83 of 1998 states that “a municipal council shall appoint a committee consisting of members of the council and such other persons as may be determined by the municipal council to ensure civilian oversight of the municipal police service”. Strangely, the very same section does not mention the metropolitan, local traffic and provincial traffic police services. On the other hand, all four agencies do carry firearms and are authorized by section 49 of the Criminal Procedure Act of 1977 to use them whenever a need arises. The author believes that the exclusion of the ICD from exercising its authority over the other agencies is a serious flaw in the law. In addition, the author believes that the oversight as outlined in section 64J is not sufficient because section 54(e) of the South African Police Service Act explicitly states that the functions of the ICD are to investigate deaths in police custody or as a result of police action. The author therefore, believes that civilian oversight over law enforcement agencies in South Africa is selective and insufficient.

Accountability

Goldsmith and Colleen (2000:18), accountability is the acknowledgment and assumption of responsibility for actions, decisions, and policies including the administration, governance and implementation within the scope of the role or employment position and encompassing the obligation to report, explain and be answerable for resulting consequences. According to section 207 of the Constitution, the SAPS shall be accountable to the National Commissioner who in turn is accountable to the Minister of Safety and Security. The provincial traffic police is accountable to the head of Traffic Inspectorate who in turn is accountable to the responsible Member of Executive Council (MEC). In one province, the Traffic Inspectorate is located within the office of the MEC for Community Safety and in another province the MEC for Public Works and Transport and in some provinces the MEC for Safety and Liaison. This differs from province to province.

As for the municipal/metropolitan police service, they are accountable to the Chief of the Police who in turn is accountable to the Member of the Mayoral Committee (MMC) of the respective municipalities. The author believes that the level of authority and accountability within the municipal/metropolitan and local traffic police as stipulated in the Act is confusing.

The South African Police Service Act as well as the South African Police Service Amendment Act do not explicitly outline the level of accountability exercised by the City manager, MMC, the Mayor and the National Commissioner. The author is therefore of the opinion that the lack of proper structured chain of command is a direct result of decentralized system of policing in South Africa.

A SINGLE POLICE SERVICE: THE WAY FORWARD FOR SOUTH AFRICA

From the above discussion, the author believes that there are no compelling reasons that justify autonomous regional police agencies in South Africa. The danger of establishing autonomous police agencies is that such agencies tend to behave like “militias”. The challenges that led to the dissolution of Directorate of Special Operations (DSO) on 1 March 2009 should be a lesson to lawmakers. One should also bear in mind that according to the *Mail & Guardian* (7 May 2007), the former Minister of Safety and Security, Mr. Charles Nqakula said at a media briefing in Parliament that “no one will stop the incorporation of metro/municipal police into the SAPS and that we are putting together an amendment to our law that will deal with this issue”. According to *Mail & Guardian* (13 July 2008), the recent shooting incidents between the Johannesburg Metro Police Department and the SAPS and the shooting of a peaceful march of the South African Municipal Workers Union (SAMWU) by the Ekurhuleni Metropolitan Police Department as well as the stand-off between the SAPS and the members of the City of Cape Town Metropolitan Police bear testimony for the need of a single police service in South Africa. From the above discussion there are a number of reasons to oppose the regionalization of policing in South Africa. The following are some of the reasons why South Africa should build a single police service:

- It is certainly arguable that available resources in South Africa do not permit the huge duplication of functions, units and expenses incurred in replicating nine training and other support institutions for the nine regional police services plus the national police service and numerous metro/municipal police services.
- The experience in the USA and elsewhere suggests that where policing agencies are fragmented the standard of training and other support services are likely to diminish on account of the lack of resources (Hayson, 1992:12).
- There is no evidence to suggest that regional police services are more human rights conscious or non-discriminatory than national police service (Hayson, 1992:12). The fact that the ICD has no jurisdiction over the provincial traffic and the local traffic police agencies justify this argument. It is critical in South Africa that national effort be undertaken to retrain and create an appropriate police service in line with the values in the Constitution, more specifically, respect for human rights and dignity, appropriate restraints in the use of service and violence, the institution of a culture of public service, non-racialism, gender sensitivity, and to ensure that policing resources be reallocated on a fairer and more equitable basis.
- Regional and local police agencies are particularly susceptible to the persecution of regional 'outsiders'. Such police services have no national perspective and can accordingly replicate the prejudices of the communities in which they work. In addition, in South Africa, such regional police services would necessarily have a

predominantly ethnic exclusive composition (e.g. Eastern Cape, Kwazulu/Natal and North West) (Hayson, 1992:12). This does not bode well for outsiders living in those regions.

- The most compelling concern regarding regional police service is that such agencies may become regional militias.
- In South Africa we already have the experience of the Bantustan police system. There has been very little to commend it, and a lot from which we can draw only the most adverse conclusions.
- It can certainly be argued that corruption in the police service is as likely, and indeed more likely, to occur amongst regional police services as it is in a national police service.
- There are good policing reasons to avoid the construction of artificial boundaries and barriers (geographical or legal) between police agencies. It makes the task of policing more difficult and raises serious problems with regard to the jurisdiction of various police agencies. A good example in South Africa is the demarcation of sectors for the SAPS at station level *versus* zone/regional structures of metropolitan/municipal agencies within a municipality which results in cross-boundary policing problems.
- The existence of regional police services in other countries arises out of distinct historical conditions and, if anything, the tendency throughout the world is for greater centralisation and co-ordination of policing agencies in the interests of crime-prevention.
- A single police agency is easy to manage because it consists of one set of rules and regulations, single command and control, methods and procedures. In short, there are no compelling reasons to opt for regional autonomous police service in South Africa. Although the proposed Draft Bill seeks to address some of the concerns outlined in this paper, more deliberations are needed.

In principle, a Single Public Service approach could be the answer to the challenges facing law enforcement agencies in South Africa.

CONCLUSION

Road traffic policing and municipal/metropolitan policing should not be divorced from the national crime prevention approaches. It is clear that there are various areas of concern, which need to be addressed as a matter of urgency. In the wake of the ANC's Polokwane conference, it is certain that road traffic and municipal policing shall fall under the command of the National Police Commissioner, thereby abolishing the current devolution of powers. One should also not be myopic when dealing with policing in South Africa. The incidents in Johannesburg where the SAPS exchanged gunfire with their Johannesburg Metro Police Department as well as the recent stand-off between Cape Town Metro Police and the SAPS are good examples associated with the current decentralized policing approach. There is therefore no doubt in my mind that the only solution to all these challenges in South Africa is to establish a single unified National Police Service. The author is of the opinion that municipal and traffic policing should be placed within Visible Policing Division of the SAPS. Such an arrangement shall address both administrative and operational challenges.

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