

# GOOD COPS? BAD COPS?

## Assessing the South African Police Service

David Bruce

Centre for the Study of Violence and Reconciliation

dbruce@csvr.org.za

The South African Police Service is often a target of criticism, more often than not stemming from heightened public emotions regarding the high levels of crime in South Africa. Using the concept of democratic policing as its basis, a recent assessment attempts to evaluate the SAPS against a set of 39 measures. Providing an organisation-wide view of the SAPS, the assessment highlights both positive and negative aspects of the SAPS, and provides a detailed set of recommendations. The assessment is intended to support democratic oversight of the police by directing attention towards the main issues that should be addressed by oversight bodies.

**A**fter examining the police reform processes in four countries in transition (Bosnia-Herzegovina, El Salvador, Ukraine and South Africa), the policing analyst David Bayley (2006:115) observed that, when compared to the examples of other countries, 'South Africa is generally considered a heartening success'.

But at home it often appears that the South African Police Service (SAPS) is at the receiving end of a constant stream of criticism.

How do we account for these disparities? Should we elevate the views of a respected analyst such as Bayley above that of ordinary South Africans, or should public opinion be key to any assessments of the SAPS? And, given such significant differences in opinion on the SAPS, is there a need for a more balanced view?

### Origins of the assessment

A recent assessment of the SAPS, undertaken by the Centre for the Study of Violence (CSV),<sup>1</sup> attempts

to provide such a fair and balanced view. The assessment has a long history. It dates back to a 2002 project focused on strengthening police accountability in South Africa; jointly initiated and funded by the Open Society Foundation for South Africa (OSFA) and the Open Society Justice Initiative (OSJI).

One of the initial products from the 'strengthening police accountability' project is a handbook titled *The police that we want* (Bruce and Neild 2005), produced by CSV in conjunction with OSFA and OSJI in 2005. The handbook is built around the concept of democratic policing and is intended to assist oversight bodies in subjecting the SAPS to scrutiny. Based on a review of indicators proposed by other writers, or those used in other countries, the handbook defines democratic policing in terms of 39 main measures distributed across five key areas. These five areas are defined in the handbook as:

- 1) Protecting and supporting democratic political life itself

A widespread assumption is that democratic reform is concerned with 'de-politicising' the police. Arguably it is more correct to think of this process in terms of a 're-politicisation' (Gordon 2006:124) of the police, in terms of which the police are obliged to protect the exercise of democratic political rights, such as rights to freedom of assembly, but have to refrain from interfering with politics conducted within the parameters of democratic norms.

2) *Governance, accountability and transparency*

The standards applied in relation to management of the police organisation in complying with the exercise of authority by components of government or the courts; in relationships with the public or other agencies; and in attending to internal management and supervision.

3) *Service delivery for safety, justice and security*

The nature of the basic services that police provide in a democracy, and how these are delivered.

4) *Proper police conduct*

The principles of integrity, fairness and respect for human rights and dignity that guide the conduct of democratic police, and how police services support and ensure adherence by police officers to these principles.

5) *Police as citizens*

The rights of police officers themselves, as part of a democratic society, to non-discriminatory recruitment and promotion practices, to decent conditions of service, to collective bargaining, to fair disciplinary procedures, and to a high level of support in attending to issues of safety.

By applying the framework contained in the *The police that we want*, the assessment aimed to deepen the scrutiny that the SAPS is subjected to. In so doing it aimed to improve the ability of civil society and government to hold police in South Africa accountable. The assessment was initiated in 2005 but mostly carried out and completed during the course of 2006. Minor updates were undertaken in April 2007, and the report published the following month.

#### **Methodology of the assessment**

With a staff of 155 532 as of 31 March 2006 (and with a total of 192 000 envisaged for 2010) the

SAPS is an extremely large organisation. In most countries police services are organised on a provincial or local basis, so although many countries have a greater number of police officers, it is relatively rare to find police organisations that are comparable in size to the SAPS. The task of assessing such a large organisation presents formidable challenges, particularly if the framework for assessment, as in this case, is a set of 39 discrete measures.

There are various levels of detail and complexity at which such an assessment can be carried out, but available resources determine what is practically possible. By some standards, therefore, the research basis for this assessment was relatively modest. It included:

- Use of a wide variety of documentary information in the public domain, including SAPS annual reports, research reports from various sources, press reports and other documents.
- Seventeen interviews with 23 SAPS officials, mostly at the SAPS head office in Pretoria.
- Fifteen formal interviews and two focus groups (comprising 20 individuals in total) with role-players in policing and police oversight, including representatives of national and provincial secretariats, the Independent Complaints Directorate at national and provincial level, police unions, political parties and civil society organisations.
- Informal telephonic discussions on specific issues with a range of other people with relevant expertise.
- A number of requests for written information were also made directly to the SAPS.

Considering the size of the SAPS, the level of research that formed the basis for this assessment was limited, and the assessment cannot claim to be a meticulously scientific assessment of the SAPS. Compensating for the modest level of research involved, however, was a depth of insight related to the fact that the report was written by a team of researchers who between them combined over 20 years of experience in the policing field in South Africa.

Notwithstanding the limitations of the research, the final report that emerged from the assessment process

may reasonably be regarded as the most rigorous and thorough overall analysis of the state of the SAPS and of policing in South Africa produced thus far, and the framework of recommendations provided can be seen as an important contribution to the debate about the future of police reform in South Africa.

### **Findings**

This article highlights some of the findings of the report, focusing on particular areas of interest.

Overall there is reason to be very positive in relation to the progress made in the first area, that of 'Policing democratic political life'. This is most notable in relation to the turnaround achieved in public order policing since the early 1990s, the contribution of the SAPS to the policing of elections, the priority attention of the SAPS to political violence in KwaZulu-Natal, and the effectiveness of the SAPS in tackling the threat of armed insurrection posed by the right-wing Boeremag. However, the positive change was tempered by some instances of heavy-handed policing of demonstrations, allegations of continuing partisanship among elements of the police in KwaZulu-Natal, and abuses committed against members of 'social movements' involved in political activities opposed to the government.

With regard to the other four areas, the overall assessment was more mixed. In relation to 'Governance, accountability and transparency' the SAPS has a consistently good record in complying with the accountability requirements imposed by government, and in subjecting itself to the authority of the courts. But the reluctance of the SAPS to make crime statistics available, other than by means of the annual report, undermined the SAPS's own strategy of devolving responsibility to the local level and of strengthening local level partnerships with communities. Participants in partnership structures need access to crime statistics in order to interpret the local crime situation.<sup>2</sup>

In addition, the handling of the crime statistics issue has contributed to a climate of anxiety in the SAPS regarding the provision of information. This is counterproductive to such a large organisation; and

one that needs to place a premium on effective communication. There are also serious questions about internal systems of management and control, the impression being that supervisory structures function in a haphazard way. There have been extensive efforts to improve cooperation with municipal police agencies, but there have been ongoing unresolved tensions with the Directorate of Special Operations (Scorpions), and relationships with private security companies are ad hoc.

Rather than service delivery being primarily good or bad, the principal problem appears to be one of unevenness. This is reflected in key dimensions of police service delivery, such as the response to emergency calls and crime investigation, with numerous examples of dedicated high quality police work continually off-set by incompetence or disinterest. The SAPS suffers from a lack of clarity about the role of policing, a problem exacerbated by confusion about the meaning of the term 'crime prevention'. It may be helpful to define the principal role of the police as one of 'police crime prevention', which would generally involve crime prevention activities that have a law enforcement component.

Another issue that calls for attention is the need for the SAPS to sophisticate its use of crime reduction strategies that are targeted at specific types of crime, possibly based on research that reveals which police stations are having the best results in tackling crime. On the positive side, the SAPS appears to have taken seriously the challenge of extending services to all sectors of the South African population, so that access to police services has improved overall. However, this is unfortunately not reflected in a consistent quality of services provided, reflecting the problem of unevenness mentioned above.

Of the five areas that form the focus of this assessment, the area of 'Proper police conduct' perhaps reveals the greatest shortcomings of the SAPS. The SAPS has a good statement of values, but commitment to these values is not consistently carried through in its organisational practice. There is evidence of a pervasive problem of corruption, and anti-corruption measures are weak. While the

SAPS introduced a comprehensive anti-torture policy in 1998, commitment to the policy has not been sustained, and reports of the most serious types of torture continue. The use of force is addressed through training, but there is not consistent attention to questions relating to the use of force by police managers.

One of the issues addressed in the 'Police as citizens' area is the focus on employment equity and the strong emphasis placed by the SAPS on issues of representivity. While employment equity and affirmative action policies are necessary, it appears that the SAPS has been somewhat overzealous in adhering to them. Particularly where implementation of these policies is combined with other factors, such as nepotism or favouritism, it is likely to contribute negatively to staff morale.

The last decade has seen a substantial overall reduction in the number of police killed. While this may partly be credited to efforts by the SAPS to improve police safety, there is no ongoing monitoring of the circumstances in which these deaths take place.<sup>3</sup> As a result, SAPS efforts to address police safety reflect a lack of insight into the key circumstances where police are at risk. Beyond this, however, it is reasonable to be fairly positive about the treatment of SAPS members, with pay and benefits being reasonably good, while SAPS members also enjoy rights to collective bargaining and recognition of their rights in disciplinary procedures.

### **Recommendations**

Even though the assessment drew attention to the continuation of problems such as torture, which may be seen as partly a legacy of the widespread human rights violations under apartheid, there can be little doubt that the SAPS is a profoundly different organisation from its Apartheid-era predecessors, the South African Police (SAP) and homeland police forces.

In fact, it appears that turbulence, related to the level of change that the SAPS has been through, has had a destabilising impact on the organisation. In pursuit of transformation and increased efficiency, the SAPS has, since 1994, gone through a number

of restructuring processes. In addition to various processes of restructuring, the recent focus on rapid recruitment and the vigorous implementation of employment equity policies, there have been various other sources of turbulence in the SAPS. These include changes in the skills, knowledge and values required of police officers in their work, related to the emphasis on crime prevention, community policing, and human rights, and changes in the demographics of South Africa, with a major influx of would-be immigrants into South Africa in the post-apartheid period. Not only has the SAPS been compelled to expand its service delivery capacity to meet the needs of all South Africans for policing services, but the demands for service from its primary Apartheid-era constituency (white South Africans) have also become more extensive and more urgent as a result of rising crime. It is therefore not surprising that the process of reform has achieved mixed results.

The latest wave of restructuring, involving the dissolution of the SAPS area level, has been controversial, partly because of its disruptive effect on the Family Violence, Child Abuse and Sexual Offences Units. However, though it may be valid to ask questions about the process by which the restructuring is being implemented, this restructuring may be regarded as a necessary measure, given that the SAPS had too many levels of management, which detracts from its ability to put skilled personnel in operational roles on the ground.

But while the latest round of restructuring should be supported, it is recommended that the SAPS avoids further restructuring in the coming period, and focuses on building stability and consistency in the organisation through in-service training, strengthening the quality of promotions, and improving management and control.

This recommendation is also informed by a concern about the current emphasis on rapid recruitment to expand SAPS numbers, which in 1996 alone involved training roughly 11 000 new personnel. It is likely to be associated with a loss of rigour and quality in both selection and training processes.

Considering that new personnel are coming into an organisation where systems of management and control are already inconsistent, the large number of new recruits is likely to place further strain on these systems. In the absence of attentive management and supervision, new recruits are unlikely to get the support they need. Therefore, despite its potential, the current wave of recruitment may lead to limited gains in the quality of policing. As a result it may frustrate efforts to strengthen the contribution of police to fighting crime. Rapid recruitment, combined with the absence of reliable management systems, may be associated with a heightened risk of abuses and other problems, such as unnecessary use of force linked to a lack of experience. Similar problems are also likely to occur among police reservists, who are also being brought into the SAPS at a rapid rate.

### Conclusion

The assessment confirms the view that there has been substantial progress and numerous achievements in the process of police reform, but also draws attention to shortcomings of the SAPS that need to be addressed.

The uneven quality of policing coupled with the disparate views on the state of policing in South Africa (referred to in the introduction to this article), are indeed reflected in South African opinion. For instance, while 45% of respondents to the 2003 National Victims of Crime Survey indicated that they thought the police were doing a bad job, a similar, though slightly greater number (52%) indicated that they thought police were doing a good job (Burton et al 2004:77-78).<sup>4</sup>

One criticism of the assessment may be that it does not adequately engage with the question of an appropriate model for the provision of policing services and is possibly shaped too strongly by assumptions about the type of services conventionally 'expected of powerful Western democracies in a neoliberal era' (Gordon 2006:218).

South Africa is a country characterised by high levels of inequality. Policing is carried out in circumstances that are widely disparate from each

other. More affluent communities are not only able to supplement their reliance on police with the services of private security companies, but bring specific capacities and resources to their participation in structures such as Community Policing Forums. By contrast, poorer communities not only lack these capacities and resources but are frequently also plagued by a more intractable problem of violence, rooted within the day-to-day relationships of many community members. A future assessment should probably give more attention to questions about the adaptability and creativity of the SAPS in responding to these challenges.<sup>5</sup>

### References

- Bayley, D 2006. *Changing the guard: Developing democratic police abroad*. Oxford: Oxford University Press.
- Bruce, D and Neild, R 2005. *The police that we want: A handbook for oversight of police in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation in association with the Open Society Foundation for South Africa and the Open Society Justice Initiative. Available at <http://www.csvr.org.za/papers/papdbrn.pdf>.
- Bruce, D, Newham, G and Masuku, T 2007. *In Service of the People's Democracy – An assessment of the South African Police Service*. Johannesburg: Centre for the Study of Violence and Reconciliation in association with the Open Society Foundation for South Africa. Available at <http://www.csvr.org.za/papers/papsaps.htm>.
- Burton, P, Du Plessis, A, Leggett, T, Louw, A, Mistry, D and Van Vuuren, H 2004. "National victims of crime survey: South Africa 2003". *ISS Monograph 101*. Pretoria: Institute for Security Studies.
- Gordon, D 2006. *Transformation and trouble – Crime, Justice and Participation in Democratic South Africa*. Ann Arbor: University of Michigan Press.
- Harris, M and Radaelli, S 2007. Paralysed by fear – Perceptions of crime and violence in South Africa. *SA Crime Quarterly* (20). Pretoria: Institute for Security Studies. pp1-6.
- Joubert, P 2007. 'Granny's on tik, but not for long'. *Mail & Guardian*, 20 July: 14.

### Endnotes

- 1 The assessment report is available on the CSVR website. See Bruce, Newham and Masuku 2007 in the list of references above.

- 2 In 2007 the SAPS amended this policy by releasing crime statistics in July, separately from the annual report which is released in September. Nevertheless the situation with respect to the authority of station commanders to provide statistics to members of Community Policing Forums, and other local partners, remains ambiguous.
- 3 Note that statistics released by the SAPS in July indicated that the number of police killed had once again increased, supporting the motivation by the report for better information on the circumstances in which these killings take place.
- 4 A more recent survey conducted by Markinor in early 2007 found that 'just under half of South Africans believed that the police are doing enough to combat crime (Harris and Radaelli 2007).
- 5 For an example of what this adaptation might involve see Joubert 2007.