

On the record...

Interview with the Minister of Police, Nathi Mthethwa

The Minister of Police, Nathi Mthethwa, has held this portfolio since May 2009 and is quietly building a reputation as a minister who puts his words into action. Johan Burger spoke to him on 2 November 2010.

Johan Burger (JB): One of the many outstanding successes of the FIFA World Cup was the security of the event. What, in your view, are the most important lessons from this event that we can integrate into policing more broadly moving forward?

Minister Nathi Mthethwa (NM): The World Cup for us was an outstanding event, especially because it was an international event and because some people doubted our capacity as a country, and we pulled it off. This was the result of proper planning. We emphasised this throughout the coordination and the communication of the event. It informed how we worked with other police organisations and how we interacted. We also maintained regular communication with South Africans and with the world, assuring them that they would be safe. We will be taking that with us, as well as some of the spin-offs of the FIFA World Cup, for example, the focused training of our public order police units and how people were secured by the visibility of the police. We now also have additional equipment and together with the training and the planning, these form an arsenal in the fight against crime and making certain that people are and feel safe. But I must single out the fundamental job done by our intelligence community in interacting and networking with others the world over. It provided us with timely answers to our questions and intelligence as a whole became very practical during the World Cup.

JB: The new administration elected in 2009 has announced a number of bold policy changes in relation to the South African Police Service.

Amongst these include referring to the police as a 'force' rather than a 'service', changing the rank system to a more militarised style, amending section 49 of the Criminal Procedure Act that governs the legal use of deadly force to effect an arrest, and strengthening civilian oversight. Please can you tell us where these policy changes came from and what is behind them?

NM: The President said to all of us from day one we must do things faster and smarter, and differently. We then had to assess the kind of beast we are faced with, which is the scourge of crime in our country. And your question is a clear model of that – how to fight crime toughly. That is why we needed to be unambiguous about our message out there: whether we are talking about the police; whether we are talking about the ranks and the department. We wanted people to know that those who find themselves on the other side of the law – we will be acting, and acting toughly. But at the same time we came up with a way of working smartly. For example, if you take the concept of war rooms, which is a combination of intelligence work, police visibility and the application of a communication strategy, it tells you that this is the best way of dealing with policing in South Africa. In it there is a very significant presence of detective capacity of the South African Police Service.

We did not seek to change the Constitution. We remain the South African Police Service in our Constitution and our laws and so on; but for matters of emphasis, and in particular of command and control, we felt that there is an obvious lack of discipline within the force. We saw

for example how the marshalling of their forces by commanders, who were station commissioners at police stations, left much to be desired. You found people running police stations from offices at their homes, not taking the police through a parade in the morning, not knowing who is and who isn't there, and whether people are ready to execute their jobs. This emphasised the issue of command and control as an operational mechanism and added to what we saw as the decay from that point of view. I will be visiting a few police stations myself to see whether there is an improvement.

What I call my management does not constitute the militarisation of the police per se, because the very fact that we are balancing this with a civilian secretariat for oversight and the IPID – the Independent Police Investigative Directorate – which was the ICD (the Independent Complaints Directorate), says that within the law and within the human rights culture, away from the 'skop, skiet en donner' of the past, police have to move this way in the fight against crime. And we believe that somehow there has been a lack of focus in the fight against crime in the police. People have been involved in other things and that is why it is not surprising that some police from different areas are being arrested almost on a daily basis, and as we begin to clean up the force we are finding some of the people who are not supposed to be here in the first place.

We need a strong arm as far as command and control is concerned so that not everybody does as he or she pleases. If you don't have clear command, everybody becomes a commander and you end up with anarchy and you can't have that. And we emphasise the issue of the force, because the police remain a force, whether you call it a service or anything else. They are responsible to ensure that the law is upheld in the country and that people are safe. They are given tools of trade that are there to enforce the law and to ensure everything is happening within the law itself. So for us it is a matter of emphasis. That includes the amendment of section 49 of the Criminal Procedure Act, because there are areas in the section with ambiguities that may be technical in

nature, but must be simplified so that everyone will know what is expected of him or her.

JB: Although the transformation of the SAPS has been successful in many respects, we continue to experience problems with ill-discipline and corruption, which international experience and research have linked directly to weaknesses in internal command and control. How do you see changing the ranks as a step towards addressing these challenges and what else is being considered to strengthen police management at all levels?

NM: Well, we'll continue to address these areas in a multi-faceted fashion because they are systemic issues and if you want to address them you can't address them in isolation. You have to look at the entire system and how it operates. As a result people today talk openly about police who are ill-disciplined and police who are involved in corruption, because there is confidence that if they report these things something will happen to these people, there will be consequences. So we will continue along those lines together with what we want to achieve with command and control.

JB: Many people will welcome an approach that sees the police taking a more aggressive approach towards tackling criminals, but there is concern that without first strengthening internal controls, we will see increased levels of police abuse. You have stated that a more forceful approach by the police is balanced by strengthening the civilian oversight structures in your ministry, as well as by strengthening partnerships with communities. Could you please elaborate on how you see this working?

NM: It works well, because our human rights culture is central, and the police are reminded of this. Whilst this is the case, you still find some excesses within the force. Every member should know what is acceptable and what is not, so that when someone is dealt with he does not take it personally. If police become aggressive in a non-aggressive situation where a law-abiding citizen has become involved in some misdemeanour, they should know that that is not acceptable and that they, as the police, would themselves face the wrath of the law.

And as for the oversight, we have strengthened the oversight structures, as I have said, with the IPID and the Secretariat, but also from the Minister's office, through certain programmes. We have over the last few months dealt with a couple of challenges, one of which was in the ICT section of the SAPS where a number of changes were made and people were relieved of their duties. We are now dealing with the Firearm Control Registry and as we do that it tells you that we are concerned with the internal situation. At the same time there is a huge amount of enthusiasm of people who want to participate. We meet with communities on an ongoing basis. The public are with us. They have taken a stance against crime, and any side that has the support of the people will win the war.

Now, having done that, we must look at ourselves and the kind of people we have to fight this war and see if they are the right people. We also want to do these things speedily so that that the confidence grows. There is a growing level of confidence in our communities, but I would like to see it grow even more so that when they talk to us, we act. For example, people have been raising issues with us around the Firearms Control Act and we took task with those issues, and I announced the results of our interventions at the press conference earlier today. We will continue in other areas to ensure that things are where they are supposed to be and that those who feel that this is not for them should move before we get to them and before they are booted out.

JB: In May this year, in your budget vote speech in Parliament, you referred to a 'new kind of police officer.' Please tell us a bit more about your vision for this new type of police officer and how this will be achieved?

NM: In any society, the police are one section of society that is very much empowered. You can imagine the powers of a person that can stop and search any person anywhere. And because of the magnitude of the powers they have, the human factor creeps in and it's bound to be abused. The kind of officer we want is first and foremost the kind of person that will know that we are involved

in a war against crime and in this war he has already taken sides, the side of the weaker in our society, those whose homes are broken into, whose businesses are destroyed, and who are hijacked and so on. The first thing is that you (the police officer) are here to serve the community – that's the policemen we have. You have some who do not have that kind of quality.

We want the kind of police officer that can serve as an example to our society, an upright policeman, and because of that we decided to review how we recruit these police officers. One of the ways of doing this is to move the process of recruitment away from an individual recruitment officer to a broader kind of a forum or formation that will involve other stakeholders representing communities, such as Community Policing Forums. For example, when communities know someone in a village or township with the right kind of capabilities to become a police officer, it is not left to the prerogative of one police individual whether that person should be allowed to join the police. We want to ensure that whatever the police do they do as police officers, as law enforcement officers, and that they are upright and there to protect everybody in society without fear or favour. We want the kind of policeman who will not be bound to some form of administrative process when, for example, people report something and the policeman would say 'I'm sorry, I'm now off duty now.' Because the kind of officer we are looking for has a love for people at heart and puts people first, and as government has stated in its policy: people first or batho pele. We then find that, without any supervision, such a police officer consciously finds it within himself or herself to take that up.

The six months' training is also being changed to one year and part of what we want to introduce is civic education and the civic duties (inclusive of training in aspects of constitutional and batho pele principles) of the police officers we have.

JB: In Parliament you also referred to 2010 as the 'year of action' and the fact that you had to sign a performance contract with the President on behalf of the Ministry that you will ensure that 'all

people in South Africa are and feel safe'. Can you give an indication of what performance indicators you will be held accountable for and how these will be measured?

NM: Well, in the main we believe as the Ministry and as the Cluster [Justice, Crime Prevention and Security Cluster] that people have felt safe during the World Cup and that we have done part of our job. Going forward we need to ensure that everybody feels safe. The levels of what we refer to as the trio crimes (house robbery, business robbery and car hijacking) is a priority area for us, and making a dent in that says to us that we have done much but that we still have to do more in ensuring that we live up to what we are expected to do. We will be accountable too, of course, for the levels of crime in the country. Besides the feelings of being safe and feeling safe, practically there are some things such as street and other robbery where people expect a difference. And where they may compliment some of the things they think we are doing better and point to others where they think we are not doing okay, we seek to correct those that have been pointed out to us as areas of concern or defect, and continue to strengthen ourselves in the areas where we are complimented.

JB: You often refer to the 1998 White Paper on Safety and Security 1999–2004. What are the key policy proposals that you think should be implemented and do you think that it's time to update this policy document?

NM: The White Paper is an omnibus and a basis for gaining perspective on policing policy in South Africa, and as such most of its aspects have been taken on board. It is a 1998 document and it does need to be updated. For instance, if we are going to succeed, as we argue, in doing things faster, smarter and better, we need to look to the introduction at some of the shifts we made in the police. For example, if you talk about the oversight scope, it's there in the White Paper. What is perhaps not forthcoming is the tough stance we have taken in the fight against crime. If anything, we would want to integrate that within the broader framework itself. There is nothing

wrong with the broader framework. I have already tasked the Secretariat of the Police to look into the White Paper itself, based on the fact that it has been there for more than ten years, and to also relate that to the kind of emphasis we have been making in policing in general.

Intelligence is an important component, but we would like to go through the overall process of policing policy because for us we would have done much in fulfilling our obligations in terms of the Constitution if we can prevent crime. If we can prevent crime, then emphasise the combating of crime – for us that would be a success, a good story and a legacy we would want to leave when we move on.

JB: You have stated that the research community has an important role to play to assist government in understanding and addressing violent crime. How do you see such partnerships being practically established with the SAPS, who have the most detailed information and statistics on crime and policing, and how could future partnerships avoid a situation whereby it takes years for government to respond to or engage research reports, as has been the case with the CSV (Centre for the Study of Violence and Reconciliation) report on violence?

NM: In 2007 the Executive took a decision to commission a study on the nature of crime in South Africa, in particular the violent part of it, and the report based on this study will now be tabled in parliament. It has been shared with all the structures, such as Cabinet, the Cluster and the IMSC. We think the research community has a big role to play, including tapping into the information of the police, because I take this study by the CSV as the beginning of the process. We must be conversant with this issue so that we get to the bottom of it, because if we don't we'll be curing the symptoms of the problem. So, this is one area I would want to see continuing, because you'll understand the study we're talking about also had some limitations, and one of those limitations which they have raised upfront with us is the period within which they conducted the study. The second area is the fact that the study

focused only on metropolitan areas, and you have the vast majority of criminal activities happening in the rural areas. That is why we have adopted the Rural Safety Plan, which cover a lot of things such as crimes in villages, farms and the entire rural community. So you can't give a proper comprehensive response to this question if you've not looked into the South African psyche generally, whether they are in urban or rural areas. Then you will have the complete picture of what is happening.

However, the fundamental question still remains, because there are a number of areas which the report is pointing us to, issues that are socio-economic in nature and so on, but you have this uniqueness of crime in South Africa. Why this level of crime, this level of intolerance, and this level of violence? Because some have argued that a country like India is also poor, perhaps even poorer, but you don't have similar levels of violence accompanying their crime activities. That is why I'm saying that to us this study is a beginning and we will on a continuous basis, together with the research community, get to the bottom of the problem. Most of the things we've discussed are things we have discussed before, and that is why I made that call [for more and continuous research into crime, its causes and its violent nature] when I addressed the ISS conference [Policing Conference, 30 September 2010].

I've gone through the report itself. I'm not dismissing it, but I am pointing out that there are gaps because there still is the fundamental question that is outstanding, and that is why crime in South Africa is so violent. And that is a question we must answer so that whatever arsenal we employ and assemble is aimed at dealing with the actual thing. It's no use dealing with the symptoms of the problem and leaving the problem, and coming back tomorrow to complain about the same problem. We must know that this is what we are doing so that whatever plans we are coming up with we know and check, and say that our approach is orderly or not, or we need to make changes. We can't do any of these things if we don't first go to the questions and answer them

correctly. For us it is very critical, within the broader intellectual discourse, that people must start appreciating some philosophical fundamentals of crime, and understand what this ideology is, and what it is that drives people to commit themselves to this kind of ideology. If we fail to get to the bottom of these problems, we will also fail to permanently crack the crime problem in our country.

JB: Minister, thank you very much for your time and for making yourself available for an interview with the *SA Crime Quarterly*.