

THE SOUTH AFRICAN POLICE SERVICE

AN ORGANISATION ON THE BRINK OF COLLAPSE

IVAN MYERS (B-TECH: POLICING, B-TECH: SECURITY MANAGEMENT,
NAT. DIP: SAFETY MANAGEMENT,
ADVANCED HIGHER DIP: PUBLIC MANAGEMENT)

1. BACKGROUND

The South African Police Service (SAPS) has undergone three extensive restructuring processes since 1995. The result of these processes has been an exodus of skill and experience from the SAPS at all levels impairing its ability to deliver a professional and sustainable service. The SAPS is once again embarking on a fourth process, this time under the guise of aligning the Service in accordance with the Constitutional spheres of governance. The results of this current process, which has already commenced under the ambit of Agreement 3/2006 which was aimed at reducing crime, will be catastrophic for the organisation as a law enforcement agency taking the previous restructuring attempts into account.

2. INTRODUCTION

The SAPS has over the last 9 years drastically lost its ability in the fight against crime due to various factors that include restructuring, loss of expertise and incorrect appointments. The current restructuring process promises to hurl the organisation into an abyss from which it will never be able to free itself. The top structure of the Service is to say the least oblivious to the effects of their actions and can aptly be compared to alcoholics who are constantly in denial.

This document will attempt to highlight many of the real problems facing the Service and particularly the Western Cape.

3. STRUCTURE

The S A Police prior to amalgamation in 1995 was the predominant law enforcement agency with a strong organisational culture, high level of professionalism and associated esprit de corps shared across the racial divide. The SAP was run according to stringent policy guidelines in the form of legislation, regulations and standing orders. The system had been adopted from the British and had been in effect, with amendments, since the inception of the S A Police in 1913.

The Police was divided into divisions, regions, districts and stations with competent career police personnel in command. In 1994 for example there were 52 generals and approximately 250 brigadiers in the SAP which numbered 68 000. That equates to 1 high ranking officer for every 270 members. Currently there are approximately 3000 high ranking officers (Director up) for the complement of 163 000 members which equates to 1 for every 53 members. The Annual Report of the SAPS does not reflect the true totals and conceals the **actual** number of high ranking officers. This figure is totally out of proportion to international norms and the cost of having such an excessive amount of high ranking officers is astronomical to say the least. Many

of them are in support positions that could be filled by more junior ranking officers and more effectively at that. There are some 25 000 commissioned officers in the SAPS which equates to 1 for every 6.5 members; the international norm is at least 1 for every 50.

In 1995 with the amalgamation of the TBVC homeland agencies the newly formed SAPS had about 110 000 members with a General staff of at most 100 with 300 Brigadiers. This ratio of high ranking officers to every subordinate was more or less constant with 1 to 270. There was a clear line of command and sound leadership prevailed during this period of transition.

It is important to note that the S A Police Service has the infrastructure, i.e. office accommodation, single quarters, married quarters etcetera to accommodate at most 120 000 members. The Service has grown to its current complement of 163 000 leading to a loss of control and leadership ability as there are not enough competent individuals left in the Service to afford guidance at ground level. Senior officers who leave the Service due to retirement or resignation are replaced with members who possess on average 12 years of total service, many of whom emanated from the ranks of the liberation struggle who further possess no policing knowledge or ability. This fact can be substantiated with the Provincial Commissioner of the Western Cape who was a school teacher by profession prior to being incorporated into the SAPS. Mr Selebi himself had absolutely no police training or experience as is the case with many individuals holding key positions within the SAPS. Other examples are Commissioners Nchwe, De Witt, Kruser and the now acting national commissioner of police Williams to name but a few.

Head office components for example the Division: Training has 4 Commissioners and 6 Directors situated at head Office alone. Many posts in the SAPS are either unnecessary to begin with or are a duplication of existing jobs ably performed by more junior officials.

4. SELECTION AND TRAINING

Selection for employment in the S A Police has become a farce. The majority of those selected to become members of the SAPS do so out of desperation for employment and not because they have the ideals of being a policeman at heart. Nepotism is the order of the day and in some instances, as was recently reported, incumbents pay recruiting officers a fee to enable them to get a job as members of the SAPS.

A critical issue that must be considered regarding the current predicament of the SAPS is the mindset of the top structure of the Service. Prior to the appointment of Mr Selebi as Commissioner the post of National Commissioner was occupied by a career policeman. Before the appointment of Commissioner Fivaz National Commissioners would alternate between uniform and detective branch officers thereby ensuring continuity and expertise from the top down.

As we move on to 2008 the top structure at Head Office and components thereof such as Human Resources, Training and Border Policing and Protection Services are predominantly lateral entries from the struggle with no police experience at all.

The Provincial Office in the Western Cape is no different as previously mentioned. This transformation from professional career policemen, who were schooled on order and policy, to the current individuals whose mindset is of a revolutionary nature; devoid of order or accountability does not bode well for the Service. Their mindset is evident when one views the drastic changes made to the Service with their restructuring endeavours, closure of effective specialized units and use of the Service to achieve their political ends such as is being demonstrated in the Western Cape with the so called spy scandal.

Essential attributes such as physique, age and literacy are not considered and many of these obese and illiterate individuals are employed by the SAPS and sent to training institutions where they are permitted, due to adopted policy, to become fully fledged members of the SAPS.

The average age of a police recruit is in the region of 25 to 30 years old and these individuals are already set in their approach to life. The average age in the past was 21 years and such youthful candidates could be moulded into disciplined and effective members of the police.

There is a rule at the Division: Training that no individual is un-trainable. Thus where a trainee fails tests, which are rudimentary by past standards, s/he is afforded every opportunity to pass the test. If the student still does not make the grade then the instructor is held accountable. The failures of the national education system are also now becoming prevalent in the Service where members show signs of difficulty in literacy.

In specialised fields such as explosives the standard has dropped over the years from 90% for theory to 60% and the principles listed in the previous paragraph apply.

The dog section is no different and where trainees do not make the grade blame is apportioned to the dog which is ridiculous as the human trains the dog and not vice versa. Prior to passing out unsuccessful trainees are given trained dogs and the handlers are pushed through. A female in the Western Cape for example who has limited motor skills is now on her fourth dog and has managed to “un-train” two. Despite being recommended to return to her station from the outset, Head Office: Division Training insisted that she qualifies as a dog handler. These members pose a risk to the public at large as they do not have the skill to utilise the tools required and they then advance to specialised courses such as explosive detection.

The individual at Head Office Training responsible for police dogs is a Senior Superintendent Van Der Berg who was promoted into his post after spending his entire career as a fingerprint expert. Since the Division Training gained control over police dog training from the Division Crime Prevention there has been a marked drop in the standards of training.

Discipline is also a problem at training institutions as in the past colleges were paramilitary institutions where discipline was a way of life and those that did not adapt to the way of life elected alternative career paths. Nowadays training institutions are run like schools and instruction is afforded by teachers and not policemen/women

who can offer advice on what the conscript can expect when leaving the institution. This lack of discipline is conveyed to the unit or station where the member is eventually placed and endeavours to rectify the situation are usually met with allegations of racism, victimisation, etcetera and experienced and disciplined members opt to let the problem fester rather than become an accused and have to sacrifice their careers and livelihood in order to rectify the situation.

5. **EDUCATION**

The S A Police used to be a learning organisation where members were encouraged to study for promotion. The tendency to obtain tertiary qualifications relevant to policing has declined due to members perceptions that qualifications are not worth the paper they are printed on.

Promotions are afforded to those who have no qualifications.

The cost of studying further burdens their financial resources.

Those that do further their education enrol into fields that will assist them to obtain employment out of the SAPS.

Many a wise and educated officer and member for that matter has had to contend with superiors of all races who lack the necessary intellect to make and apply sound decisions as the top structure it would appear makes an effort to surround itself with like minded individuals who share such shortcomings to the frustration and detriment of the intelligentsia of the Service. "Intelligent" officers are singled out for preferential treatment and are either subjected to vexatious disciplinary measures or out of frustration resign.

6. **LEADERSHIP**

Sound leadership in a police environment can only be attained if those in control possess the knowledge and competency to make decisions based on logic within the parameters of the law.

Whereas the SAPS has spent millions on emerging leadership programmes the funds have been wasted as most do not have the capacity of comprehending police policy and interpreting the laws governing the land. Decisions, when they are made are in conflict with the law, whether they are made relevant to crime or internal matters such as labour relations. A trend that has emerged due to the ignorance and associated arrogance of senior officers is that they perceive themselves to be above the law and they disguise their incompetence by adopting an arrogant and belligerent attitude when attempts are made to reason with them regarding their erroneous methods and decisions.

Leadership is closely associated with respect and respect for seniors has been on the wane over the past 10 years due to factors that include:

- a dysfunctional promotion policy where individuals are promoted into posts beyond their level of competence resulting in junior members with superior

knowledge and skill struggling to recognise the authority of their incompetent superiors.

- nepotism, where lateral entries have occurred based on the individuals allegiance to the ruling political party.
- where members of the liberation struggle were propelled into senior posts over a 10 year period (from Inspector to Commissioner), at the expense of experienced members, even those experienced members of colour.
- the lack of leadership experience by senior officers of the struggle, many who were part thereof only towards the end during the late eighties to 1993 and who merely had control over three to five people in a “cell”.
- superiors mask their ignorance by being arrogant and bombastic towards juniors, a trait that started with Mr Selebi and that has filtered throughout the organisation.
- lack of guidance and sound decision making ability. This is understandable taking into account that few officers have experience, knowledge of the law or police policy or academic qualifications suited for the job.
- no theoretical or practical police training and experience by many senior officers in top management positions.

Few remaining Commissioners and Directors in the Service possess the skills of policemen/women. They have never been formally trained as law enforcement officers and rely on rule of thumb to make decisions which are usually destructive by nature when they are made.

7. COMMUNITY POLICING/SECTOR POLICING

This is a concept that is doomed from the outset based upon the following:

- community trust and confidence in the police is lacking due to a lack of interpersonal communication abilities between the community and the police members deployed to serve the respective communities;
- corruption;
- lack of respect;
- the perception that the public has to conduct policing themselves;
- the public are not seeing a service being delivered for their tax rands and those who can afford to prefer to opt for private security.
- many a community police forum has been infiltrated by individuals with hidden agendas, albeit political or criminal.

What is interesting to note is that the concept of community policing was tried and tested in many a first world environment, i.e. the United Kingdom and policing had to revert to tried and tested methods of delivering a professional service that meets the general public's safety demands and not only to those who participate in CPF's.

One cannot expect and even demand the public to get involved in fighting crime in South Africa with the violent nature of criminals who do not hesitate in taking life for an individual's meagre possessions. It is therefore ludicrous of the SAPS, who daily lose more confidence in the eyes of the public, to demand the public to become more involved in fighting crime. The public's loss of faith and perception (often warranted) that the police themselves are involved in crime is resulting in vigilantism occurring.

The latest strategy that the police are embarking upon is to deploy thousands of men and women into police areas divided up into sectors. Each sector falls under the command of a sector commander (Captain or Supt.) who will be responsible for that particular sector.

These commissioned officers (and the writer comments on experience) are now responsible for small areas where they were previously in charge of units or were in support posts such as finances. They now find their career growth in turmoil with no prospect of advancement having to conduct duties suitable for inspectors at most. Many relish this situation as does many a Commissioner and Director who also now find themselves in junior posts as they do not have to have the added responsibilities and be held accountable for matters relevant to their rank and pay. Others do however rightfully find it demeaning of their rank and status and the question arises as to how the SAPS can equate such high ranks for the **job worth** of a glorified patrol official, charge office commander or shift commander. SAPS management will undoubtedly state that the pilot project is a huge success and will even quote individual stations such as Sunnyside. However if crime was high at certain stations due to problems with station commissioners of the rank of Superintendent or Senior Superintendent then why were they appointed in the first place and why were they not replaced with more competent people of equal rank when problems were identified. At some stations such as Atteridgeville there are two Commissioners situated together with two Directors. Bellville has a Commissioner as well as a Director in command, a station that was exceptionally well run by a Senior Superintendent as was Somerset West, which is a Superintendent station and now has a Commissioner as station commissioner on a salary of R650 000-00 per annum as opposed to a Superintendent who earns R238 000-00.

So as to acquire additional people on the ground the SAPS has embarked on a programme of recruiting 30 000 reservists. These individuals, most of whom are unemployed, now get paid for their "voluntary" service. They are poorly trained and are recruited from one community only to be deployed into communities that are alien to them. It is the writer's belief that these reservists will be absorbed into the SAPS as fully fledged members in 2010 thereby creating another "kitskonstabel" fiasco.

8. POLICE STRATEGIES

Whereas many scholars and academics have designed countless crime prevention strategies which have been tried and tested, most have come to nought due to the fact that they have lost the primary objective of policing which is actually conducting crime prevention in a pro-active manner. There is but one tried and tested means of effective policing and that is pro-active patrolling with an associated zero tolerance towards all forms of crime, performed by professionally trained and skilled personnel who have the capacity of associating unlawful conduct with the definition of a crime. The population will gain respect for the police and will be more inclined to afford them the cooperation that they so dearly seek.

Alas police strategies has all but divorced itself from the aforementioned and it is evident that demands are constantly being made upon the public to police themselves and use the SAPS as a reporting mechanism with the police adopting a predominantly reactive role.

Many communities are not very cooperative with the police in the first instance as they perceive the police as a joke when they view the physical attributes of some police men and women, their inability to exercise literacy skills and the polices general reluctance to respond to complaints.

It is interesting to note that Ask Afrika's Orange Index gave the S A Police Service a 0% rating whilst private security companies achieved a 60.71% rating. What is even more disturbing is that Chicken Licken outlets achieved a service rating of 53.57% which, if it was feasible would make it appropriate to report crime at your nearest Chicken Licken outlet.

By placing thousands of additional ill-trained members on the streets in so called sectors will not resolve the problem as these members merely drive around aimlessly without the communities' interests at heart. A solution to the problem would be to recruit people from the communities that they are meant to serve who are of good character and standing in the respective community. This will entail members of the Service having a vested interest in the well being of their own communities as well as being known by the community who will in turn be more cooperative with the members.

Headlines such as "Crime Down, Arrests Up" and "300 Arrested In Crime Swoop" are also misleading as they never refer to the actual number of successful convictions that are associated with the arrests made. Most cases are shoddily investigated from the outset and suspects are released due to lack of evidence associated with the poor investigation techniques of the police. The courts continually criticize the Service for the manner in which they conduct their investigations, yet nothing is done. The reason is quite simple; the Service has lost the capacity to do anything about it as all the skilled detectives have left the Service or have been placed out of their fields of expertise leaving the blind to lead the blind.

9. MEETINGS/ TIME MANAGEMENT

At least 60% of a Commanders time is utilised in preparation and attending meetings. Station meetings usually occur daily and the duration thereof can vary between 1 to 2 hours. In the Western Cape Station Commissioners with key staff attend cluster meetings once a week usually on a Tuesday that last for 3 to 4 hours. An issue that is discussed at length at these meetings are crime statistics in preparation for the Provincial Crime Combating Forum (PCCF) which is held on Thursdays and commence at 08:00. It is not uncommon for PCCF meetings to go on until 18:00 or even 22:00 with all Station Commissioners summoned thereto having to remain in attendance.

Station Commissioners also attend community meetings and have to avail themselves for community projects, some which do not concern the functions of policing, i.e. AIDS awareness campaigns, Refugee Day etc.

In days gone past Station Commanders would attend one meeting at the District Commandants office once a month where all issues would be addressed and decisions would be made in a constructive manner. Commanders would be left alone to conduct policing activities in their areas and would cooperate with one another in crime prevention operations, borrowing vehicles if there was a shortage and addressing crime was their key objective. They were treated as professionals as each commander had the skill and capability to perform their functions independently and there was an open door policy at higher level if problems were encountered.

Currently meetings are counter productive, demoralising and constructive decisions are rarely made. The whole objective of meetings is to protect the image of the Service and to deny the realities on the ground. Any individual who dares to broach the reality of the situation is summarily victimised and removed. Thus the art of attending meetings is to be in agreement and pervert the true situation by giving the type of feedback that will exonerate one from ridicule or indignation.

10. STATISTICS

Statistics, especially in the Western Cape are the be-all and end-all of policing. The SAPS has adopted the New York City Police Department's method of measuring crime and uses the model to ridicule and belittle commanders whose crime is in the red.

Statistics are easily manipulated on the computer system. Where a station has a high rate of Robberies for example then the charges are altered to theft off person. Attempted rape is recorded as indecent assault etc. In many instances crimes are recorded in the occurrence book for those seeking a reference number for insurance in lieu of a criminal CAS number relieving the need to capture the crime on the system. In other instances the public are turned away from reporting serious crimes thereby no record of the crime is on the system and a reduction is shown. Another problem with statistics is the inability of members to associate the crime being reported by the member of the public with a crime according to the definition thereof. This in itself results in faulty information being fed into the system.

11. **CORRUPTION AND MORALE**

With the National Commissioner acknowledging his relationship with a known high flying gang lord and using the SAPS to thwart the NPA in prosecuting him, it is no wonder that elements within the SAPS consider themselves above the law and partake in corrupt activities.

Commissioner Selebi as well as many of his political appointees do not have the respect of many a committed and dedicated policeman and woman. Those that do display their undying respect for him are his political allies and sycophants of all races who share his views on eroding the Services ability to deliver a professional service and agree with every suggestion he proposes, no matter how destructive they may be. Corruption in South Africa and in particular the SAPS has become a cultural norm that is prevalent across the African continent. Endeavours to curb corruption or report malpractices by conscientious members of the Service are met with scorn and claims of racism at best.

When malpractices are reported the individual making the report can expect a future of misery and endless departmental charges and eventual dismissal.

The National Commissioner in the form of Selebi serves as a shining example of what a model police official should not be to the rest of the Service. Whereas corruption statistics are not available due to the cases being part of the general statistics on crime and apathy in reporting corruption it would be safe to say that corruption in the SAPS is rife. The practise of promoting someone into a post and retaining that individual in the post despite their inability to perform can also respectfully be deemed as a corrupt act as the individual is receiving a reward in the form of pay for not being able to perform.

Junior ranks have a free reign to conduct their corrupt activities as many of their supervisors who have over the past five years progressed to the rank of Captain or Superintendent were also part of graft schemes and turn a blind eye or conceal the activities of their subordinates. Other supervisors are too ignorant to identify corruption or to take appropriate measures to curb it.

Commanders are also reluctant to take appropriate steps due to the stigma that may be attached to their having corrupt individuals under their command and rather elect to take rudimentary measures such as warning the corrupt officials not to partake in the corrupt activities again in the hope that they cease their activities.

In the Western Cape corrupt acts against certain groups are to a large degree overlooked and when steps have to be taken the investigations are not as intensive as those reserved for other groups accused of minor departmental infringements.

Members are transferred away from their places of residence where they were able to survive on their pay living with family members. In order to address equity targets many a member has been afforded promotion to other provinces where they realise that their living costs far outweigh their income and they adopt corrupt practices to survive. The Western Cape has imported many a member from the Eastern Cape

where these members are unable not only to survive on their salaries but also in the communities that they are meant to serve.

Mr Selebi's statement that the Scorpions investigation into his corrupt activities has demoralised the members of the Service is a blatant lie as morale has been waning over the past five years to its current all time low.

The closure of the Anti – Corruption Units also aggravated the situation as there is now no established means of reporting corrupt activities.

12. **LABOUR RELATIONS**

Labour Relations in the SAPS is a charade at best. Police management regard those individuals who dare exercise their rights in terms of the Labour Relations Act and police policy itself as the enemy and SAPS has spent and is willing to spend millions of rand in defending themselves against members who have legitimate cause for complaint.

Members who challenge the Service regarding decisions made that adversely affect the member are victimised and in the event that relief is granted to the member SAPS has a rule to take every decision made against it on review at additional expense to the taxpayer.

Most grievances can be amicably settled from the outset. SAPS however considers itself above the law and makes every endeavour to frustrate members by not adhering to procedures as stipulated in its own grievance procedure and in some instances even go as far as to institute disciplinary action against the grievant. This is especially the case where members have legitimate cause for complaint.

An audit by the Auditor General's office will reveal the vast sums of money that the Service squanders in appointing senior counsel to defend the Service against grievances instituted by individual members alone. This in itself is an admission on the part of SAPS that firstly, they have incompetent officials in their legal services department and secondly, that they are willing to pursue every route to defend themselves against erroneous decisions that they have made. In the writer's instance issues relating to grievances have cost the taxpayer at least R650 000-00 over the past year with the issues having become personal on the side of SAPS management. What initially started as a report to the Provincial Commissioner detailing the shortcomings of a senior officer has snowballed into the eventual dishonourable discharge of the writer for communicating with the media which was in defence of the Service.

The Afriforum paper on racism in the SAPS is but the tip of the iceberg. In one instance a Commander who despite having assaulted a member under his command and who has had countless complaints made against him and who has even been found to be civilly liable for defamation regarding racist comments directed towards white members, has for two years running in the Western Cape been honoured as the commander of the year in the Western Cape. This was done despite him having been found to be incompetent to hold the original post into which he was promoted into during 2004.

Labour organisations enter into agreements with management unilaterally without ever consulting members who would never consider entering into the agreements such as 3 of 2006 as their careers are invariably affected thereby. It is unfortunate that the top structures of labour organisations have serving members of the Service in their midst's and these members are afforded promises of promotion if they tow the SAPS line and proceed overseas with police management to attend seminars etcetera. Thus the restructuring process will merely be rubberstamped by Labour to the detriment of thousands of its members.

Labour organisations have also become part and parcel of the problem as there is no denying that they, especially the COSATU aligned POPCRU tow the line of SAPS who have ANC cadres in control of the broader organisation.

13. **RESTRUCTURING**

The issue of restructuring has been a contentious one for some time. Whilst every organisation must adapt to its environment the SAPS has done everything but adapt to its environment and remain an effective organisation in the field of law enforcement and has in effect lost touch with its environment. This can be substantiated by the fact that there are no dedicated units to deal exclusively with corruption, the illicit drug problem, hijackings and other forms of organised violent crime as these specialised units were the first victims of the Selebi purge. Restructuring strategies have all but eroded the Services capacity to conduct even the most rudimentary of policing functions. Police management has spent millions in portraying the SAPS as an effective agency by means of glossy annual police reports, strategies and road shows at the same time quantifying the need for restructuring. Initially the public paid the cost of previous restructuring processes and strategies in tax funds, alas we are now paying with the blood of innocent citizens as well as the frustrated and demoralised members who are by now absolutely frustrated with the path that the Service has elected to choose affecting their careers and lives. This has resulted in an increase of members utilising their firearms against themselves and their families out of pure despair and frustration. The SAPS has due to the restructuring endeavours in effect become a totally dysfunctional law enforcement agency unable to meet the future needs of the nation let alone the present needs and many a member has adopted a "go with the flow" attitude.

The motives for restructuring have at best always been vague and have had the opposite effect of that which was intended. This can be substantiated by citing previous attempts:

13.1. **1995 RATIONALISATION OF THE S A POLICE SERVICE**

This was aimed at integrating the SA Police with the TBVC police agencies of the country and placing them, as well as ex-liberation movement cadres under one Act. Voluntary severance packages were offered and predominately white members were encouraged to make use of the opportunity. Many white members with experience took advantage of the opportunity at hand and left, mainly for political

reasons. Due to the amount of experienced members still in the Service it managed to function and mentorship programmes were introduced so as to enable experienced officers to train potential candidates of colour to assume senior roles in the future. The mentorship programme was to a large degree a failure as many under the programme did not have the will and desire to learn under the mentorship, some even bragging that they would be promoted in any event. Those that were keen on learning were affected by the subsequent restructuring process in 1998 called the en-masse as they were placed out of the field that they had been mentored in.

13.2. THE EN-MASSE RESTRUCTURING OF 1998

This process was the actual precursor to the situation that the Service now finds itself in. The objective of the en-masse process was to audit all personnel on the payroll of the Service so as to identify ghost employees within the amalgamated S A Police Service and to evenly distribute skills around the Provinces. All positions within the Service would be post bound and members were to be placed into posts according to their skills.

The process was flawed from the outset due to many members who were highly skilled in their functions being placed out of their field of expertise.

Individual Commanders used the opportunity to rid themselves of problem members thus it was also used as a punitive exercise by some.

District Offices were closed down and Area Offices were opened. The en-masse process again resulted in members leaving the Service out of frustration and the top management of the organisation deemed it fit to exploit this exodus by upgrading vacated posts as well as creating new senior posts. Around this time lateral entries started to occur which culminated with the appointment of Mr Selebi in 2000. After his appointment cadres who had been accommodated in the SAPS since 1995 were propelled through the ranks some 5 years on at the expense of more experienced members of colour who also became despondent. The Area offices however sustained a semblance of normality affording guidance to inexperienced officers as by now training had also been sacrificed for the benefit of promoting individuals who were perceived to have the ability of acquiring the skills required and not of actually possessing the required skills before being promoted.

Mr Selebi shortly after assuming Command of the SAPS embarked on a further restructuring process of the specialised units such as the Narcotic Branch, Vehicle Theft Unit, Murder and Robbery Units and Gold and Diamond Branches. The logic behind this, according to Mr Selebi on page 10 of his affidavit presented in his recent attempt at averting prosecution under the heading DSO Fight for Survival he is quoted as stating,

“The DSO was founded at a stage when commissioner Fivaz was the National Commissioner of SAPS. When I was appointed as the National Commissioner of SAPS I implemented a structure in terms whereof the specialist units in SAPS were disbanded and the expertise were distributed to the various police stations to ensure the availability of experts at grass route (sic) level in the police and to enhance

training and the availability of proper policing and investigations to all citizens of the country”.

The result of this endeavour was catastrophic to policing in South Africa and Selebis objective was never achieved due to:

- Members of the specialised criminal investigation units were specialists in their respective fields, most having years of experience and training to their names. They were extremely proud of their achievements and an esprit-de-corps was maintained. Due to the technical nature of their job they could concentrate on their workload of between 30 to 60 dockets and thus had a high conviction rate. When they were disbanded and scattered to police stations they were absorbed in the system and engulfed with dockets that had absolutely no bearing on their specialised skills. They did not have an opportunity to train, let alone guide others in investigating dockets relevant to their knowledge as they did not have the time to do so due to their now excessive workload of general case dockets.
- Members in some instances were placed totally out of their fields. The two commanders of the Narcotic Bureau's of the Cape Peninsula, with their extensive knowledge of the narcotics trade for example were initially deployed to Area offices and with the third restructuring process (Resolution 7 of 2002), found themselves as liaison officers at Magistrates Courts.
- Each specialised unit had their own informer network. Informers are known to trust individual policemen due to the inherent dangers that are associated with revealing criminal activities. The informer networks collapsed and criminal elements started to exploit the vacuum left with the closure of the specialised units. This is evident when one sees the influx of narcotics, and the impact it is making at every level of our society. Murders, robberies and rapes have increased and the rate of murder can only be equated with a third world nation engulfed in civil strife.

With the closure of the specialised units Mr Selebis advisors then elected to form Organised Crime Units in each province made up of a few members of the erstwhile specialised units. The bulk of these units is made up of members with limited investigative experience. These OCU's have had limited success and in the Western Cape have been used to pursue party political agendas such as the spy scandal as well as to investigate trumped up charges against a Director who dared to challenge the Provincial Commissioner at a meeting.

Suffice to say in light of recent events surrounding Mr Selebi one is left to ponder at his actual motive for disbanding the specialised units taking into account that his "special friendly relationship" with a convicted gangster was conceived around this time.

Many top investigators left the Service for the private sector as a result of the disbanding of the specialised units.

13.3. RESOLUTION 7 OF 2002

The decline in standards and loss of expertise was further exacerbated by the Resolution 7 of 2002 restructuring process where once again employees had to be matched and placed (members termed it "spoeg en plak"- spit and paste), into positions according to their skills in an attempt to transform the public service. The SAPS had embarked on such a process some 2 years prior with the en-masse process but found the wisdom to participate in this process as well. What is ironic is that the principle of 7 of 2002 was to "*protect and create quality employment within the public service*". Once again members were moved around and in many instances members were again mismatched and placed in the process. Labour attempted to intervene but to no avail and the Service once again lost many skilled and experienced members to the private sector at the time as they were sick and tired of the continuous uncertainty and lack of career pathing. These employees left an immense vacuum and at the time the ship was holed to say the least.

We now arrive at the current situation where SAPS intends pursuing a fourth restructuring process. Whilst many believe that this is a decision made in 2006 and is intended to bring the service in line with the Constitution, this is most definitely not the case. The Constitution was promulgated in 1996 and two restructuring processes were embarked upon thereafter where every opportunity could have been used to align the Service in terms of the Constitution. The three tier system of the Constitution is but an excuse to further destroy the ability of the SAPS and its capacity to address crime; Section 205 of the Constitution states'

*"The national police service must be structured to function in the national, provincial and, **where appropriate, local spheres of government**".* It would not be appropriate for the police to restructure to a local sphere of government as their will be a further loss of control.

13.4. RESTRUCTURING 2007/8

In addressing the issue of restructuring it is also important to note issues that will affect the latest restructuring process thus a broad aspect of the restructuring will be looked at.

13.4.1 The Drop in Standards

Mr Selebi in 2006 re-appointed on contract some 14 ex-commissioners to evaluate the Service. Whilst the outcome of their exercise is unknown and is a closely guarded secret it would be safe to say that:

- general administration at police stations is in a shambles. The disposal of dockets, archives and property in police custody has not occurred for many years at the majority of police stations in terms of policy due to the total lack of knowledge about correct procedures in disposing thereof associated with the ruling parties belief that records at police stations may conceal apartheid atrocities.
- the continual deployment of commanders out of their appointed posts has resulted in no accountability at police stations and units for government property and assets under police control. No handing over procedures now occurs in terms of standing orders and treasury instructions. Such orders are foreign to many officers who blame subordinates for their failure. In one instance inspecting officers noticed discrepancies at a police station and when this was reported they were departmentally charged and not the station commissioner who is a Director.
- there is an absolute lack of continuity in command positions where officers are constantly being transferred haphazardly from one station to the next, in many instances out of their field with limited to no experience. In the past officers were promoted into posts and would remain as station commanders for at least five years until they were promoted or unless they were totally incompetent to fulfil their obligations in which case a board of fitness would have been held against them.

Besides the aforementioned it is safe to say that the last three processes have had an adverse effect on the standards of policing in South Africa and have not realised the objectives of the intended restructuring.

13.4.2. **Run up to 2007/2008 Restructuring**

From the outset it should be borne in mind that for some reason Mr Selebi favours Mr Petros from the Western Cape. Petros can do nothing wrong in the eyes of Natcom and they are fearful to intervene when he embarks on programmes that are against existing instructions or policy.

In September 2004 the Provincial Commissioner of the Western Cape Mzwandile Petros embarked on a pilot project whereby Areas would be divided into Zones and these zones would resort under the command of a Director. Their role was to monitor and control crime within their respective zones. Station Commissioners would report weekly to the Zone Directors who in turn would report weekly to the Area Commissioner who in their turn would attend the Provincial Commissioners Crime Combating Forum (PCCF). Around this time the Democratic Alliance gained a foothold in the Province.

The Directors were relieved of their post bound duties which in the Western Cape included amongst others, the Provincial Head Logistics, Provincial Head Crime Prevention and Provincial Head Evaluation Services. There were 23 in all and besides the provincial heads the rest emanated from Directors who had been appointed as station commissioners or who had held posts at Area Offices. Their

duties were delegated to Senior Superintendents and their new job title was Zone Commander/Deputy Area Commissioner.

Initially (first six months) the system worked relatively well as station commissioners could concentrate on running their stations whilst the zone directors could coordinate anti crime operations within their respective zone which had on average five stations per zone and at last these high ranking officers were going to be held accountable for something.

Cracks however started to appear when zone directors who were physically located at police stations started to assume the roles and responsibilities of the station commissioners resulting in conflicting instructions being given to members. Nothing was done to alleviate the problem and in July 2006 the Provincial Commissioner, despite having received a directive from the National Commissioner not to commence any restructuring, elected to phase out the Area Offices and placed Commissioners and Directors at stations that had the post equivalent of a Senior Superintendent or Director and closed the Area offices.

In the writers instance a Senior Superintendent whose incompetence was renowned was deployed to take command of the Dog Unit. This appointment was disputed and after a lengthy departmental trial for amongst others insubordination the appeals authority set the conviction and sanction aside as he was legally entitled to retain the post. Despite having an agreement from the Provincial Commissioner that he was the Commander of the Dog Unit the writer was nevertheless transferred to a police station as a Sector Manager, a position that had been occupied by a female Inspector.

In September 2006 the Unions were coerced into signing agreement 3 of 2006 which had as its title "Performance and Reduction of Crime". Had labour not signed the agreement management would have stated that labour does not hold the public interest at heart and are not committed to combating crime. Alas labour signed and 11000 members of the Service were immediately and directly affected by the agreement as Area offices around the country were closed and the Petros model was implemented in all the Provinces. Subsequently the majority of members of the Service have now been affected as chaos has ensued as will be elicited hereunder.

Personnel attached to the Area offices were redeployed to stations. The intention was to capacitate stations and employ people with skills in their respective fields. This however did not occur. At the West Metropole in the Western Cape alone where 12 people were employed at the finance office, six immediately resigned, 2 were placed out of their field of expertise at stations and the remaining four remained in their field. Thus the notion that members would be placed at so called accounting or cluster stations does not hold water as there are not enough personnel with the knowledge and expertise to place at "cluster" or accounting stations. The creation of so called "clusters" is in any event a replacement of the Areas and therefore their remains four levels of policing, albeit more fragmented as opposed to the so called reasoning for restructuring namely to align the SAPS in terms of the Constitution.

Where there was a source of skilled employees at a central point close to stations (the Areas), this has now gone and there never were enough skilled personnel to distribute to all the so called cluster stations in the first place when 3/2006 was introduced. Areas were in a position to train members in various functions and afford immediate advice and guidance. This has now disappeared and it has become a case of the blind leading the blind and if they do advertise posts for people to fill at cluster stations they will not have the skills or knowledge that is required to do the job. Fraud and other corrupt practices will rise to the fore as there are a limited number of people to ensure that malpractices are not being committed. Parties committing these malpractices will quite rightly plea ignorance. At least with the Areas there was a semblance of accountability and control whereas with a broader structure at grassroots level mayhem will ensue and station commissioners will not be held accountable as they will plead ignorance.

The effect of the redeployment has been devastating to the morale and efficiency of the Service which since the redeployment commenced in 2006 has resulted in absolute chaos. The Provincial Office at the Western Cape inherited some 300 additional personnel. Stations where the additional personnel were deployed do not have the infrastructure to accommodate the additional personnel and 4 to 5 members are packed into offices that were designed to accommodate 2. Stations do not have the additional resources such as computers. Alternative arrangements are being made where members are being accommodated in containers. The aforementioned is a health risk and contravenes the National Buildings Standards Act. As stated previously if the SAPS are unable to accommodate its current complement of personnel how does it expect to accommodate an additional 30 000 plus members.

What is also interesting to note is that in some instances the posts that were originally advertised and filled in 1998 by Directors, i.e. Provincial Head: Logistics, Provincial Head: Inspectorate and Serious and Violent Crimes for example have been re-advertised and filled despite these officers having been redeployed "temporarily" to stations as station commissioners, this is a duplication of these posts. Other promotions have also occurred during this so called restructuring period which does not make sense as it is evident that the SAPS ;

(a) is top heavy with high ranking officers who consume its budget and

(b) does not have a clear view of how it is to restructure.

Any right minded organisation would immediately terminate recruitments as well as promotions whilst undergoing a restructuring process.

Unions are oblivious to the actions of SAPS management and it would appear even condones it despite the immense damage it is causing to members and their households. The conduct of SAPS also amounts to unfair labour practices where many a commander now finds himself in a junior position which is a demotion in status. In other instances where station commissioners retained their title and were moved to command other stations so as to make way for Directors and Commissioners it is a unilateral upgrading of their posts.

The SAPS quite obviously has too many high ranking officials that were occupying cosmetic posts that did not require individuals of their rank standing in the first place and who merely frustrated the system with their presence. The figures reflected in the Annual Police Report **are not** a true reflection of the amount of Directors and up. So as to retain them on the payroll they have elected to push them down to station level at the expense of those who have the experience and ability to conduct the tasks so as to validate the existence on the payroll of these high ranking officers.

Labour requested an audit of the personnel and skills of those affected by the restructuring and the report submitted by both Labour and SAPS is a joke in itself. Actual numbers are not reflected the PERSAL system is also not able to reflect who is where and doing what and some posts have more than one individual in them whilst others are vacant. In extreme cases there are members conducting, or attempting to conduct duties in posts that have never existed on the structure. The only saving grace for this shambles would be for the SAPS to acquire the Services of KPMG to sort out the mess as well as other external organisations such as the Institute of Security Studies. Alas the SAPS has over 350 so called Work Study Officials on its fixed payroll who are attached to Efficiency Services and who squander many an hour thinking up bright ideas as to restructuring without a notion of what they are actually doing or the consequences of their actions.

13.4.5. **World Cup 2010 and 2009 General Elections**

There are justified concerns regarding the levels of Crime and the ability of the SAPS to ensure the safety and security of the FIFA world Cup. These concerns emanate from the local as well as international community and SAPS response, as well as the S A Soccer Federation is one of “We have hosted numerous big events without incident such as the 1995 Rugby World Cup, the 2003 Cricket World Cup and the World Summit on Sustainable Development so we can handle 2010”.

Whilst the aforementioned may be true and a reflection on the countries ability to have hosted such events at the time important issues are being conveniently overlooked such as:

- That previous events that attracted international attention were hosted in the past at a time when there was a form of normality in the Service. Thus; that was then, this is now.
- events such as the World Summit were hosted in one location where it is easier to “lock down” a particular area. The United Nations secured the inner perimeter where the conference was held and the SAPS were responsible for the outer perimeter.
- Most of those officers that ensured the success of the previous events and for the implementation of the operational plans have subsequently left the Service, been redeployed out of the environment where they could be in a position to make a meaningful contribution or as in the case of ex-director Van Deventer, murdered.

The Soccer World Cup is a colossal event on the international sporting calendar. It will not make a difference to pump in thousands of additional members to police the event when the Service does not even have the capacity at present to adequately train and deploy its current workforce who are anything but professional and not capable of performing the most rudimentary (mundane) of tasks.

Party political influences will also result in the Service losing its focus on adequately training the members to a required standard where quantity rather than quality will prevail. By having a large number of police members for 2010 will in actual fact be more of a burden than a relief as these ill-trained members will need constant monitoring and control by the few well trained and disciplined members who may or may not be in the SAPS at the time.

Furthermore there are two critical issues that SAPS have chosen to ignore which has been exacerbated by the closure of the ACCU's around the country and amalgamation of two dog units in the Cape Peninsula, these issues being terrorism and soccer hooliganism.

13.4.5.1. **International Terrorism**

This is a real threat to the international community. South Africa is not immune to fundamentalist terror and whilst organisations such as PAGAD may be dormant it would be naive to deny their continued existence and any links between it and other major terrorist organisations. During the struggle Qibla after all had operatives in the Western Cape who were never identified or arrested.

The primary motive of every act of terror is two fold, fear and propaganda. It is a given that high profile nations that are proclaimed as sworn enemies of fundamentalist organisations such as Al Qaeda will be partaking in the 2010 event. Israel that has already suffered from an attack on its sporting heroes at the 1973 Munich Olympics travels abroad with its own security contingent. Nations such as the United States and Britain will inevitably follow suite. However every nation that is part of the coalition against terror is a potential target. For every official visiting the nation at least two security personnel will have to be permanently assigned to the individual. This will place an immense burden on the limited accommodation that will be available for the 500 000 visiting supporters who are also inclined to congregate in groups at certain venues that will also require protection. The 2010 FIFA event is therefore a terrorists dream and taking into account the ease in which our borders can be penetrated with only 50 (fifty) police members on patrol at any given time, it will not be surprising if acts of terror are already in the planning phase. Terrorism after all is a factor of society that will remain for many years to come. Endeavours made and warnings issued about the need for additional explosive dogs were made as early as 2004 by the writer but were ignored up and till March 2006 and a campaign to obtain dogs was only launched in July 2007 where the SAPS acknowledged that it requires 2150 dogs and handlers. Alas they will never be able to meet the shortfall as trained instructors and handlers are leaving the service at a phenomenal rate, extending the gap. Some 11 handlers have resigned from the Cape Provincial Dog Units over the past year alone. It is common knowledge that at Roodeplaat Dog School members who otherwise would not be dog handlers are recruited straight from college and trained as specialised dog handlers. Many of

them do not have the temperament or compassion of being dog handlers and who are forced through. Those that fail demand to be issued with certificates qualifying them as explosive handlers and these demands are acceded to.

13.4.5.2. **Soccer Hooliganism**

The South African Soccer fraternity has not been immune to the influences of unruly crowds and the effective management thereof. The Ngoepe Commission of Inquiry into the events at the Ellis Park Stadium disaster on 11 April 2001 bears testimony thereto.

Unruly behaviour at football matches usually occur in and around the actual stadiums. Overseas however soccer hooliganism is viewed as a sport all on its own. Hooliganism is the form of destruction of property, assaults and unruly behaviour between supporters of national and local sides, is common practise and has even resulted in the deaths of police personnel. The majority of European police agencies have a close relationship with one another in identifying and restraining travel of hooligans. Whereas these agencies will invariably attempt to curb the migration of potential troublemakers prior to the event, the strength of foreign currency will allow many hooligans, most who are sustained on the proceeds of unemployment benefits, to enter the country and neighbouring states as "tourists" months prior to the event. They will invariably mobilise the local soccer community and trouble can be expected. It can also be expected that the SAPS will appeal to those countries with a database on hooligans to curb their travel, however it is an international phenomenon and many nations, especially on the South American continent do not have a database and their supporters are amongst the most passionate and unruly in the world.

The issue of crowd control was put to a Director Gibson of the SAPS on 01 November 2007 at a conference hosted by the ISS. The Director in response to the closure of the ACCU's, who were trained in crowd management and who have been deployed to stations responded by stating that all members will be trained in crowd management whilst undergoing basic police training and reservists will also be trained therein.

Basic crowd management for police trainees is just that, basic. It involves baton or tonfa drill and formations. Nothing however can prepare the recruits for an actual riot where discipline and command and control are essential. ACCU's work as a team and it will not help having a group of policemen thrown together to stop an unruly crowd as their will be no functional coordination. This has been evident during unrest action over service delivery where both sides have incurred injuries over the past months.

Suffice to say the ACCU's should be realigned as they were prior to the Area's and should be permitted to perform their dual role of pro-actively combating crime and managing crowds.

It will be a grey day for the nation if the World Cup event is marred by incidents of criminal activity or the Services inability to professionally manage large congregations of supporters.

What is totally ironic is that whilst the Service has disbanded the ACCU's it has created three units that basically perform the same task. One now finds the existence of the Special Task Force, the National Intervention Unit and the recent creation of the Counter Assault Team. Whereas the Special Task Force was the Unit entrusted to perform high risk operations over a broad spectrum each Division of the Service has now got its own little force which is a duplication of roles.

It is the writers contention that the Service, in its endeavour of restructuring the Service and sidelining officers and members with the knowledge and ability to make a success of the World Cup have in fact the intention of making it a wholly African event even if entails having to sacrifice fundamental factors such as safety and security.

Many of the officers who have travelled to Germany and Brazil to observe their methods of securing soccer events have never been involved in big events and cannot comprehend what they were observing. The South African situation in any event is far removed from other nations and our soccer fraternity whilst passive can become volatile in a flash.

If recent political events are an indication of the political climate in South Africa then it will be safe to assume that the 2009 General Election will be anything but peaceful. The disbandment of the ACCU's at such a crucial and volatile time in history is a decision that should never have been made unless there were ulterior motives for doing so especially in the Cape Peninsula where the Democratic Alliance has the majority vote of the electorate. The same can be said of the Peninsula Dog Units who instead of having a combined total of 210 has a mere 45 active dog handlers at present which equates to 11 per shift or 5 vehicles to cover the whole Peninsula as opposed to 11 vehicles some 12 years ago.

The writer foresees an escalation of political intolerance commencing in September 2008 and culminating in 2009. The electorate has already started to voice their dissatisfaction embarking on protest action against poor service delivery and lack of housing. Some murders of councillors have occurrence and the hostilities within the ruling party may result in a violent face-off.

14. **THE SCORPIONS**

Recent events have highlighted the envisaged "amalgamation" of the Scorpions with the Organised Crime Units of the SAPS. This is an obvious purge on the part of government to finally rid itself of those individuals in law enforcement who pose a threat to their corrupt activities. Provincial Commissioner Petros at a meeting on 14 February 2008 (sports club meeting) stated that the Scorpions were a third force comprised of members of the apartheid security structures who are hell bent at destabilising the country. He went on to state that they have targeted people like Zuma and Selebi who have done nothing wrong and went on to say that Selebi was merely the recipient of gifts.

Mr Sipiwe Nyanda has been quoted as saying that Scorpions would be audited to remove "bad apples" linked to apartheid's dirty tricks - or those who worked for

"foreign services". This confirms the writer's belief that the new order is out to rid the Service of all white members who served with distinction under the old order.

Those members of the Scorpions who left the SAPS would now have absolutely no reason to return as the specialised units that they had left in 1998-2000 have all been closed. The Organised Crime Units of the SAPS are made up of mostly incompetent individuals and it will be impossible for the Scorpion members to even try and build up a working relationship with these members. The competent colleagues that the Scorpions left behind in the SAPS have either resigned or have been placed at stations.

The notion that the new Organised Crime Unit will make use of in house legal advisors instead of trained and experienced prosecutors is already an indication of the failure of this envisaged new amalgamated unit. The aforementioned is based on the fact that legal advisors within the police Legal Services are unable to formulate basic legal opinions and as stated previously scurry to senior counsel in the private sector to rectify their mistakes at great cost to the tax payer. Many legal advisors in the SAPS in any event follow instructions from senior police managers and are unable to formulate their own opinions out of fear of retribution for going against the will of their masters.

14. **CONCLUSION**

It is an undeniable fact that the SAPS is following the same destructive path as other government departments and para-statal such as Eskom have and unfortunately the long term affects on the nation will be far worse than the electricity crisis as the nation will have succumbed itself to crime and violence within 12 months if the restructuring is permitted and the situation is allowed to proceed unchecked.

The S A Police Service should **realign** itself as opposed to restructuring. The only way this can be done effectively is to review each individuals job according to its worth and actual need. This must be done from the top down and the funds saved in ridding the Service of those in unnecessary positions and those not qualified to be in the Service can be used to narrow the wage gap between the lower ranks thereby attracting a more professional individual into the Service. The second leg pay scale that was in effect in the past whereby Inspectors could proceed on pension on the salary of a Superintendent can then again be accommodated and the officer subordinate ratio can again be attained.

By expanding the service to 185 000 will only exacerbate the problem, the SAPS can do with 140 000 fully trained and professional able bodied and minded functional members who abide by the rule of law and who are committed to the fight against crime.

It is most unfortunate that the conduct of the SAPS management has all but destroyed the hope and optimism of many a member of the Service of all races that embraced democracy in 1994 and were willing to assist in building the Service as a leader in law enforcement on the African continent. Alas their voices have been stifled and their dreams for a better future for all the inhabitants of the country have been shattered due to the political and greedy aims of those in charge.

27 February 2008