

Strengthening Democratic Policing in South Africa: Enhancing and Coordinating the Internal and External Accountability Systems of the South African Police Service



by

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Research report written for the Centre for the Study of Violence and Reconciliation, July 2005.

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Acknowledgements

Thanks must go to the Ford Foundation for generously providing the funding for the research project that went into this report.

The concept of this research project, the supervision and editing of the final report was undertaken by Gareth Newham who is a Project Manager in the Criminal Justice Programme at the Centre for the Study of Violence and Reconciliation (CSV R).

Appreciation must also go to the former national portfolio for Safety and Security

Chairperson Mr. Mluleki George for allowing me to attend some of the debates in parliament and showing eagerness towards strengthening accountability mechanisms within the Safety and Security sector.

Thanks must also be given to the various South African Police Service officials at National, Provincial, Area and Station levels for showing interest in this research and agreeing to be interviewed. Appreciation must also go to the Independence Complaints Directorate staff for their willingness and eagerness to share their experiences of their oversight role of the police.

Thanks also to those in the National Secretariat for providing useful insight into their oversight role and experiences. Thanks also to several of CSVR staff and associates who provided feedback and editorial guidance: Janine Rauch, David Bruce and Amanda Dissel.

Executive Summary

The primary aim of this report is to promote insight and debate into the issue of strengthening democratic policing in South Africa. This is done through exploring the importance and functioning of various police accountability mechanisms in South Africa.

Amongst the key differences between police agencies in democracies as opposed to autocratic systems of governance is the nature and extent of their accountability. In democracies, governments and their institutions (including policing agencies) require legitimacy amongst the citizenry. Typically, governments and citizens are concerned that their police agencies are using their powers to combat and prevent crime and that they do so respectfully and within the law. To enhance the legitimacy of police organisations, the performance and conduct of their officers has to occur at three levels namely through internal police systems, through state structures, and through civil society institutions. Recent international literature argues that improving police legitimacy through accountability requires strengthening and coordinating the work of the oversight structures at all three levels of police control. Countries undergoing a democratic transition however, need to quickly ensure that strong internal police systems and civilian state oversight structures are established and sustained to ensure the effectiveness of the police reform process. This report therefore explores these two areas of police oversight and accountability in greater depth.

Effective internal police systems are necessary for promoting performance and limiting abuses of power because they can have an immediate effect on individual police officials at local level. Similarly, if systems are effective, they should provide accurate and reliable data that if analysed would reveal trends and patterns that could be used to identify shortcomings that may require specific management interventions or broader policy changes. The extent to which internal systems are effective will have a direct impact on the effectiveness of external civilian oversight structures to monitor police reform. This is because if external oversight bodies identify problems, empirical data can be used as a basis to urge police managers to take the necessary action to address the problems who can then use the data to clearly demonstrate the result. If however, internal systems are inadequate police accountability will generally be undermined and poor service delivery and abuses of power will more likely occur.

The South African Police Service (SAPS) has an internal disciplinary system which is the primary management tool for correcting problematic conduct or removing police officials who abuse their powers and positions. Consequently the report focuses primarily on the SAPS disciplinary system. The findings of the research suggest that the disciplinary system is not operating as effectively as it should. This study presents information that supports this suggestion and explores a few reasons as to why this could be the case. Broad recommendations are presented as to how the system could be improved.

In South Africa there are a number of independent, civilian-led oversight bodies that have a specific role to play in holding the police accountable. These include executive secretariats, parliamentary portfolio committee's and the Independent Complaints Directorate (ICD). This report presents some of the perspectives of officials working in these structures as to the challenges facing them in their oversight role. It becomes apparent that they generally see the issue of police discipline as being an internal management matter as such more effort is often put on maintaining good relationships with the police. Whereas the ICD directly investigates complaints of criminality and misconduct against individual police officials it does not have the capacity to develop policy recommendations relating to the system nor the authority to ensure that recommendations relating to discipline are enforced. The views of police officials on the external oversight structures are also briefly touched on.

The report concludes by presenting four key recommendations that it is argued will strengthen democratic police accountability in South Africa. These recommendations include:

- Improving the relationships between the SAPS and external oversight bodies;
- Enhancing the coordination of the various external oversight structures so as to share information and increase their collective impact on promoting democratic policing.
- A greater focus from external police oversight bodies on the functioning and effectiveness of the internal SAPS police disciplinary system.
- A review of the SAPS public complaints system so it becomes a more effective management tool to identify performance and conduct challenges facing the organisation.
- A review of the SAPS disciplinary system so as to identify its current shortcomings and ensure targeted interventions towards improved effectiveness.

1. Introduction

Police accountability systems are particularly relevant in the democratic South Africa, because of the historical practices of unaccountable and brutal policing. During apartheid the police were central to the enforcement of inequitable and racist laws, and, therefore, had poor relationships with most South African communities. The institutionalised nature of police brutality and the lack of transparency or accountability prior to South Africa's transition to democracy were some of the critical factors that shaped the country's violent transition. The apartheid police were prone to unnecessary use of force and discipline related problems. Gavin Cawthra (1993:22) pointed out that 'the South African Police (SAP) culture was characterised by their readiness to revert to the power of guns in dealing with protests and those labelled "enemies" of the state'. According to Brogden and Shearing

(1993), police brutality had become a central feature of black peoples' experience of policing in South Africa.

The advent of democracy in South Africa saw the demise of apartheid institutions and ushered in democratic structures built around explicit values of good governance, transparency and accountability. These values are seen as critical in the process of reforming public institutions to improve service delivery, efficiency, and relations with the community. Police transformation in South Africa was therefore more than about changing the laws, demography, policies, and structure of the South African Police Service (SAPS). It was also about dramatically improving the system of police oversight and accountability to ensure that the organisation adhered to the constitution and policies of the democratically elected government. In doing so it could truly become a public service and therefore gain legitimacy amongst all South Africans.

The challenge of effective police accountability however, is universal and confronts all democracies around the world. Given the complexities of police work, the difficult conditions in which police officers have to work and the huge powers which they wield, it is necessary to have both internal and external accountability systems. Internal accountability mechanisms should form part of the day-to-day management and functioning of the police organisation, while external oversight bodies are critical for ensuring transparency and public legitimacy through ensuring that the police act in accordance with social norms and legal frameworks.

One of the reasons why police accountability is so critical is because police officers have substantial discretion about when to use a range of specific police powers. This means that they will be in a position to decide when to use lethal force (i.e. using their firearms against an individual), when to enter private homes or buildings, and when to stop, search, arrest and detain people. Therefore accountability mechanisms are essential to protect civilian liberties against police abuses and to ensure that the police use their powers to enforce the law in a fair and just manner. In a democracy the way in which the discretionary powers of the police are used should be monitored to ensure that no one, not even the law enforcers, is beyond the reach of the law.

Ensuring effective police accountability however, is a complex and challenging undertaking. Even in well developed democracies where police agencies are seen as professional structures subservient to elected governments, serious incidents of police abuse take place and poor service can occur. In recognising this as a global challenge, analysts have attempted to develop theoretical frameworks that highlight the key characteristics of an effective police accountability system in democratic states.

Much of the contemporary international literature on democratic policing is in agreement that police accountability is a complex phenomenon requiring a multi-faceted approach. Bayley (2001), highlighted that given the complexity of public policing, police organisations should be accountable to multiple audiences through multiple mechanisms. Not only do police officers have to be held accountable to their senior commanders who are then accountable to democratically elected governments, but they also have to be accountable to the communities that they serve.

Stone and Ward (2000) point out that there are three key levels of control against which

police accountability should be assessed in any democracy, namely:

- internal control by police organisation;
- state or governmental control over the police;
- social control or control by civil society.

All of the levels are important and effective police accountability cannot take place if there are serious weaknesses at any level. Stone and Ward (2000:15) argue further that if you, 'Strengthen these mechanisms, and you have strengthened democracy. Coordinate these mechanisms and you have helped police deliver safety with respect for the rights for all.' They therefore highlight the importance of ensuring that the various mechanisms found at each level are able to work in tandem to ensure effective police accountability.

Simply put, police accountability in a democracy requires structures and systems to operate both internally (within the police) and externally (from outside of the police). Ultimately however, it has been recognised that civilian run police accountability structures can never be the primary source of police accountability (Walker, 2001). To ensure that policing within communities is effective and that police abuses are kept to a minimum, the responsibility has to remain primarily with police managers. It is they who are involved in the day to day challenges of policing and who will ultimately have the greatest impact on the performance and conduct of their subordinates. It has more recently been argued that, 'It is clear that [external mechanisms of police accountability] can only be effective if they complement well developed internal forms of control' (Jones, 2003: 603).

External oversight of the police relies not so much on direct interaction with the organisation, but more on secondary information obtained from police records, or from complaints from the public. Therefore effective oversight of the police requires the establishment of systems that collect reliable information on a number of indicators. It is critical that police agencies keep high-quality data management systems in place, in order to produce data that is objective, valid and reliable. In large police agencies managers need to identify where problem areas are and develop strategic interventions to address shortcomings. This is particularly important where the police agency is undergoing a reform initiative and new policies and practices have to be implemented. Without such systems and the data they produce, police managers will not be able to clearly identify challenges. Therefore internal control will be undermined and police reform hindered.

This in turn will undermine external accountability as civilian oversight structures will have little objective data against which to assess police performance or conduct, nor will they be able to have confidence in the leadership of the police agency to effectively manage the reform process.

In South Africa, very little is generally known about the SAPS data management systems which produce data on police misconduct and discipline. It is not publicly known how this data is generated, where it is generated from, where it is kept; and how it is managed, analysed and used within the police. It is also not publicly known what systems are used to communicate this data internally and to external oversight bodies. However, this is not a uniquely South African situation. Adams (1999:2) argued that often in policing, 'the most critical information is not always available to senior managers, policy makers and the public'. Nevertheless, given the importance of successfully reducing crime and promoting

the rule of law so as to consolidate democracy in South Africa, a collective effort is needed from within and outside of the police to ensure that the organisation can deliver on its constitutional mandate as effectively as possible.

The primary aim of this report is to highlight the importance of data systems for ensuring high levels of police performance and conduct and to promote internal and external accountability. Moreover, this report starts to explore the current internal SAPS accountability system and the interface with particular external civilian oversight structures. The primary internal system of control that is considered in this report is the SAPS internal disciplinary system. This report undertakes an exploratory analysis as to how police data from the internal disciplinary system is communicated between different accountability levels and structures within and outside of the SAPS.

The report is structured in the following manner: Firstly, the literature on police accountability with regards to internal and external structures is further explored. Key dimensions for enhancing police accountability are presented with some international examples. The current South African external police accountability architecture is briefly presented.

Secondly, the report explores the findings of the research that was undertaken into the data management system related to the SAPS internal disciplinary system. The manner in which this system operates between the various administrative levels in the SAPS is explained and key challenges and strengths highlighted.

Thirdly, this report presents the findings of the research into the key external structures for police accountability in South Africa. Particular attention was paid to the Independent Complaints Directorate (ICD), the national and provincial secretariats and the parliamentary portfolio committee on safety and security. This section further explores the nature of the relationship between the police and oversight institutions, and also establishes what governs that relationship. It includes an assessment of how the oversight bodies perform their function.

Finally, and in conclusion, this report presents a number of recommendations that emerged both from the international literature and the interviews with the various role-players. The aim of this final section is to stimulate thought and debate as to how police accountability could be enhanced in South Africa.

1.1 Research Methodology

This was an exploratory, qualitative research project, seeking to explore how police data relating to misconduct and discipline is managed, used and communicated internally and to external oversight bodies. The research examined police practice, in order to understand the police organisation's accountability systems and how they interface with other accountability mechanisms. This was done through examining official documents from the SAPS and relevant oversight bodies. An analysis of contemporary theory on police accountability is used to critique the current SAPS practice.

The primary data for this research was gathered through in-depth, interviews with, senior police managers based at the SAPS national head office in Pretoria, the Gauteng provincial

office, and the Johannesburg and Northern Free State policing area. Police officers responsible for investigating disciplinary complaints at station level were also interviewed from three police stations in the Johannesburg Area. In all, twelve SAPS officials were interviewed for this project. In-depth interviews were also conducted with three senior managers from the Independent Complaints Directorate (ICD), two managers from the National Secretariat, and a member of the National Parliamentary Oversight Committee on Safety and Security.

The selective purposive sampling method was used to ensure that only people with the requisite knowledge and insight into the relevant accountability systems and structures were interviewed. At the commencement of each interview, the purpose of the research was reiterated to participants, and they were given an opportunity to ask further questions of clarity. All interviews were voluntarily given and the anonymity of participants was guaranteed to facilitate openness. The researcher observed a number of official meetings within the SAPS (at different locations and times) where discipline issues were under discussion, and participated in a meeting on related issues with the Parliamentary Oversight Committee for Safety and Security.

Secondary data was obtained from docket analysis – a small sample of 20 finalised discipline dockets from different police stations in Johannesburg Area were analysed to understand how police disciplinary systems function in practice, and how data is generated, reported to other levels and used by senior police officers at national level.

Once the fieldwork was completed, the interviews were transcribed and analysis then followed. This report does not engage with every issue that was raised in the interviews or meetings, but attempts to explore the key issues that were identified as impacting on accountability within the police. The report presents issues that emerged repeatedly in the interviews with both the police managers and oversight bodies.

The recommendations include those from interviewees, as well as ideas that emerged out of the literature on police practice in other parts of the world. The recommendations were designed to provoke creative thinking as to how some of the shortcomings identified by interviewees could be addressed.

2. Police Accountability in a Democracy

There is broad agreement in the literature about the importance of holding the police accountable for how they perform their duties in democracies. It has been long argued that, without proper and adequate accountability mechanisms in place, the police may be used as an arm of oppression by the state, or may behave antisocially and illegally for their own ends (Bent, 1974). While there is agreement that police should be held accountable, there is less common understanding as to what precisely the police should be held accountable for and how. Defining police accountability is a complex undertaking, partly because it means different things in different contexts and also because its meaning can change over time depending on who is defining it.

Much of the earlier writing about police accountability emerged from a concern with limiting the police abuse of powers. For instance, there was a focus on processes and

methods used in the everyday work of policing (Goldstein, 1977). This approach has continued to dominate the literature on police accountability as it cuts to the heart of the exercise of state power to act in the best interests of society as a whole while protecting the rights of individual citizens. Brogden and Shearing (1988), suggest that accountability is about seeking to legitimate the conferring of extraordinary powers upon the police service, while at the same time reassuring citizens that police are not above the law, or that their actions are not free from scrutiny. It has also been argued that police accountability is more complex than only looking at how police organisations evaluate their personnel and hold them accountable when they act against regulations (Trojanowicz, 1998). This is because the police are there to reduce crime and to enhance public safety through enforcing the law. Consequently, the police should also be held accountable for how they use their powers and resources proactively to achieve crime reduction and ultimately increased public safety.

More recently, a number of important underlying elements in understanding police accountability have been identified to include risk management, clarifying direction and providing assurance (Kettl, 2000). It is generally agreed that the amount of power and the discretion police exercise in the execution of their duties makes policing a high-risk and hazardous occupation, with potential for high levels of abuse of power. Therefore, police accountability systems need to balance those risks (of abuse) against the need for uniformity of practice, standard procedures and compliance with regulations (Ibid). Clarifying direction relates to the monitoring of the 'core businesses' of police organisations. This means that the legal and policy frameworks must provide the police with sufficient direction and guidance about the way they are expected to behave. In modern democracies, the powers given to the police are not punitive, which means that police do not have powers to arrest suspected offenders merely for the purpose of punishment. Police officials are expected to arrest criminal suspects so that their innocence or guilt can be assessed in a court of law, which will then determine the appropriate sanction, if necessary. Any punitive exercise of power by the police would be regarded as a serious abuse as in a democracy where all are presumed innocent until proven guilty.

On the issue of 'providing assurance', Kettl (2000), argues that police accountability provides a level of transparency to communities and also gives them a sense that no-one is above the law, including those who apply and enforce it.

Kettl argues that accountability systems ensure that police account for their actions, and also ensure that they obey the law. Thus the primary method of 'providing assurance' is by regulating police conduct and performance. Accordingly, police accountability should also result in providing clarity to communities on expected standards for police performance. If standards are clear, then it will enable the police to better monitor, measure and account for positive 'results'. Similarly, this will assist civilian oversight bodies in accurately assessing levels of service delivery and public satisfaction with policing.

2.1 The Importance of Internal Police Accountability Mechanisms

It has been highlighted that the public do not only care about whether the police tackle crime but also their conduct while achieving this (Stone, 2004). This is referred to as the 'double demand' on policing in democracy and forms the basis against which to recognise the importance of police conduct as being central to police service delivery and therefore their overall accountability.

The internal capacity to manage police discipline and conduct is important if the police's integrity and community relationship is to be improved. Szikinger (2000) argues that police organisations in emerging democracies are faced with critical challenges of police reform and operating within a human rights framework. Szikinger also argued that without proper vigilance, the police will continue serve as a bridge between totalitarianism and democracy.

Internal accountability requires that the police organisation establishes systems to adequately detect and effectively respond to any problematic conduct or performance on the part of individual police officials. Bayley (1985) argues that effective internal disciplinary measures are an indispensable mechanism of police accountability because they provide the police organisation with the capacity to swiftly gather evidence and punish those involved in misconduct.

Bayley (1985) also suggested three other reasons why internal accountability systems are crucial. He argues that:

- It is generally very difficult to investigate the police from outside of the organisation, because subject officers can hide useful information, and not co-operate with investigations. Typically, police organisational culture is resistant to what are perceived as 'outsiders'.
- Internal investigations can be more thorough and extensive as they might not just focus on the most dramatic and visible problem, but also on other factors that contribute to the problem.
- Internal accountability methods can be more varied, using both formal and informal control mechanisms.

Strict internal discipline is an indispensable mechanism for police accountability, because it enables internal systems to swiftly gather evidence and punish police involved in misconduct. Bayley (1985) makes the point that effective internal systems will have immediate impact on police officers in that any problems of misconduct that occurs can be identified and dealt immediately.

As a result, data systems are becoming an integral part of policing in advanced societies, especially since information is the currency of policing (Department of Justice, USA, 2001). However, internal police control mechanisms are often distrusted by the public because of suspected bias in favour of police officials. Therefore, external control mechanisms (such as civilian oversight bodies) are generally preferred by the public, because they are more likely to be perceived as neutral or independent from the police and therefore more likely to properly hold police accountable irrespective of whether this is actually the case or not.

Choosing the best mix of internal systems is critical for accountability mechanisms to be effective and successful, especially because inappropriately rigid accountability systems can reinforce a 'police culture which is notoriously impervious to change, (Stone and Ward, 2000:19). Therefore, for internal controls to be effective they need to be supported by management at all levels, prescribe expected standards of behaviour and be clearly communicated both within and outside of the police organisation. Furthermore, there must be clear accountability lines and processes applied to police managers so that they can be held accountable for supervising the conduct of their members. Most critically, the system

must be seen to be fair and equitable if it is to be effectively used by police managers (ibid).

Types of Internal Police Accountability Systems

Reliable data on critical indicators on what police do is critical in any democratic police organisation. Although a lot of progress has been made in modernising police organisations, many are still faced with the challenges of creating measuring instruments and indicators to measure how well their members or units are doing. These indicators are critical in enabling police organisations to clearly demonstrate what police do and how they do their work (Trojanowicz, 1998). Thus, the bulk of data that should be used in evaluating police conduct and discipline must relate to their behaviour when they are in the 'line of duty interacting with communities and arresting alleged offenders' (Bayley, 1985). He also argues that police must have a well-defined evaluation system which will ensure that data generated is reliable and credible. Such evaluation requires finding ways to express both quality and quantity, thus 'making quality an accountable commodity' (Trojanowicz, 1998).

Both internal and external oversight bodies rely largely on the secondary data produced by police organisations. Official police documents are considered critical in understanding what police do and ensuring that police can be held accountable. Adams (1999:65) has suggested several reasons why official records are crucial and a major source of useful information, even though they provide less-than-perfect data.

Police records can or should usefully provide:

- Information on a wide geographic coverage;
- Detailed information on critical indicators;
- Links between various record systems, for a more comprehensive and up-to-date picture;
- Sharing of the burden of data collection across the police organization (rather than making it the responsibility of, say, one team) because data collection can take place at the local level;
- A more prompt and efficient policing service, informed by the local community's needs.

To this end, police departments in modern democracies have taken steps to generate more data of the sort that will enable senior managers and policy makers make useful decisions. For example, in many USA police departments, police members are required to complete a 'use of force report' and to file it every time an officer uses force against a civilian during the course of their work. This report provides a great deal of information about the circumstances and the nature of the force that was used, and can be used by senior police managers to monitor the conduct of their members and the extent to which they use force.

However, as Adams (1999:2) observed:

As is often the case the information that we are most confident of is limited value because it does not tell us what we really need to know ... the most critical information is not always available to senior managers, policy makers and the public. Conversely, the information that is most critical for policy decisions often is not available, or is very difficult to obtain. Such is the case

with police use of force. The issues that most concern the public and policy makers lack the kinds of reliable and solid information that advance debate ...

Clearly, there are limitations associated with the use of official police records. Some of the problems are associated with the lack of standardisation of management systems to record data across different police stations, and the problems associated with poor data quality. Some of these problems are exacerbated by lack of data management systems in all police stations, making it difficult to generalise results in a way that will inform policy. Therefore, easy-to-use data collection procedures are preferable (Adams 1999:65).

Internal Disciplinary Units

In modern police organisations, police managers play a central role in the management of conduct and discipline of the people under their command. However, it has been recognised that police managers are generally unable to directly oversee the street work of their subordinates and, therefore, may not be in a position to personally identify problematic behaviour (Bayley, 1994). As a result, many police organisations create independent units, which have properly trained and skilled members, to investigate complaints against police members.

For example, the New South Wales (NSW) Police Service in Australia has an internal unit which handles complaints against police officials, and is also responsible for monitoring compliance, competence and efficiency within the force. This involves using performance measures charts and control charts detailing the performance of each patrol unit, public complaints, police output and staff absenteeism. This information is analysed and disseminated through computerised information systems to police executives and local and regional commanders, ensuring a fast and efficient monitoring of police conduct (Chan, 2000).

In these contexts, failure by managers to effectively enforce discipline is often viewed in a serious light and is punishable. For example, police commanders may be sanctioned or dismissed for 'incompetence or failure to exercise control over their men' (ibid).

Early Warning Systems (EWS)

Early Warning Systems are one of the many systems that police organisations use to understand the conduct and discipline of their members. An early warning system (EWS), for example, is used by police managers to provide them with a range of information on the activities of their members.¹ Data produced by this system is then analysed to identify police members exhibiting problematic conduct and behaviour. This system produces an alert to that official's supervisor whenever an official has accumulated a certain number of points on a set of defined variables. The system enables police managers to identify problematic conduct of their members earlier, and intervene accordingly to prevent or reduce problems.

One argument for the use of EWS is the argument that only a small number of police officers account for the majority of problems in the police organisations (Walter and Alpert 2000:2). Because EWS tracks and identifies those police officers displaying behaviour which is problematic, it enables managers to intervene immediately (formally or

informally²) when there is a problem. The United States Department of Justice (2001) has pointed out that the long-term objective of using these systems is to create a culture of accountability in police agencies.

Early warning systems tend to include information that reflects on the police official's performance and conduct while performing his/her policing duties. This includes variables such as:

- Shootings by the police official;
- searches and seizures;
- citizen complaints against the official;
- criminal charges against the official;
- civil claims against the official
- alleged misconduct by the official;
- disciplinary actions taken against the official;
- remedial actions taken against the official;
- resisting arrest incidents;
- high-speed pursuits;
- vehicle damage incurred by this official;
- his/her arrest rate;
- reprimands;
- awards.

The EWS uses a methodology which allocates 'points' to the police official in respect of certain indicators; when s/he accumulates a certain number or combination of points, the system will warn the supervisor, indicating problematic conduct of units or individuals. In that way, police managers are able to intervene rapidly and ensure that appropriate interventions are made.

'StopTracker' technology is one such product that has been introduced to enable police commanders to track the conduct and performance of their members.³ The data generated is used to identify areas in the police organisation that require particular monitoring, in order to track and audit the conduct of their members. As a result police managers are also able to spot problematic trends and conduct much earlier. The 'Stop Tracker' system is also used to evaluate discipline systems that are in place and the extent to which they are able to effectively monitor police conduct and discipline, and hence can play a broader role in organisational performance and reform.

2.2 External Oversight and Accountability

In modern and emerging democracies countries such as South Africa, the police are overseen by a number of different external structures. According to Maguire, Vagg and Morgan (1985) if basic democracy is to be achieved, then the directors of state agencies must be accountable to outside bodies for the running of their departments. This includes providing satisfactory answers to questions about the use of public funds and the implementation of policies required by the legislature'.

The police are typically held directly accountable to the state executive and legislative

structures which are headed by representatives that have been given a mandate by the majority of the citizens.

The key function of the state executives and legislatures in respect of police is to ensure that there are adequate policies and legislation in place governing the conduct and functioning of the police agencies. However, Stenning (1995:253) highlights that the extent to which the state executive and legislative structures are able to hold police agencies accountable 'depends not on the nature of the police organisations, but on a number of factors including the way in which government is formed and the rules which determine what is and is not permissible'. The police are the most public manifestation of governmental authority and represent the front line in enforcing the law. The extent to which police agencies will be accountable also depends on the extent to which their governments respect the principles of accountability, transparency and democracy.

The role of the judiciary is to determine whether people are guilty or innocent of crimes they are alleged to have committed. As indicated above, in modern democracies, it is not for the police to punish people who have broken the law, but theirs is to effect arrests and ensure that suspected offenders are tried in a court of law. The judiciary also ensures that police do not abuse their power, and that officials are held accountable (and punished) if they act outside of the law or administrative regulations. Pike (1985:169) points out that, 'police are subjected to the same legal constraints as any other person and criminal conduct by a police officer is rightly viewed as a serious matter which may result in criminal proceedings'.

Outside of the state there are a wide range of institutions, organisations and structures that also contribute to the oversight of the police. These include:

- Non-Governmental Organisations (NGO's) particularly those that work in crime prevention, victim empowerment and related fields
- Academic and research organisations
- The media (state and privately controlled press, radio and television)
- Organised business
- Community based organisations (including community policing forums and related structures).

While it is positive feature of democracies that a wide ranging variety of structures exist to keep the police accountable to the public, their effectiveness in performing their oversight role on the police is often diluted. This is because these structures focus on different aspects of policing and often do not work in a coordinated manner.

Pike (1985) pointed out some of the difficulties in overseeing police agencies. These include a lack of a standardised understanding of how less serious complaints should be dealt with, especially considering the lack of adequate resources that most external oversight bodies are faced with. Oversight bodies often face criticisms from the police, who are anxious to maintain public confidence, yet find themselves being investigated by external oversight bodies for comparatively trivial complaints. Furthermore, while it appears good for oversight structures to be seen to taking public complaints seriously, very often as more complaints get reported, these bodies are often over-extended, and then fail to investigate all cases reported to them within a reasonable period.

It is for this reason that it is important for those structures to work in a coordinated manner to achieve maximum impact. Analysts such as Stone and Ward (2000: 11) argue that while there may be no single correct approach to democratic police reform and oversight, better coordination and stronger linkages of the different oversight structures will assure more 'robust and effective accountability'.

2.2.1 External Oversight Structures in South Africa

As part of the development of institutions for democratic governance in South Africa, a number of police accountability structures were established. Consequently, state oversight and control is exercised through the separate executive, legislative and judicial arms of government. A civilian run executive Ministry of Safety and Security⁴ has the power to influence and monitor the implementation of the policies of the SAPS. The national parliament has a multi-party Portfolio Committee on Safety and Security that can summons the SAPS leadership to address it on various issues and has to receive an annual report from the SAPS National Commissioner detailing the performance and expenditure of the SAPS. Moreover, this committee is responsible for drafting police legislation that is then passed by the two legislative institutions the National Assembly and the National Council of Provinces. Similar executive and legislative structures are replicated at provincial level and although they have no direct power over the SAPS, they are tasked with the responsibility and authority to monitor the organisation at a provincial and local level. The judiciary has the authority to hear cases against the SAPS as an organisation through the National Minister, or against individual officers who are charged with breaking the law.

The Independent Complaints Directorate (ICD) is a specific civilian run state structure independent of the SAPS that is responsible for investigating all cases of deaths that occur as a result of police action or while in police custody. Moreover, it may investigate any other allegation of criminality or misconduct against individual police official brought to it by a member of the public, or at its own discretion. The ICD is funded by the national Department of Safety and Security and therefore also presents an annual report on its performance to the Minister of Safety and Security.

Furthermore, there are a number of other state structures that are tasked with upholding the Bill of Rights contained in the constitution that can play an indirect oversight role of the police. These include institutions such as the Human Rights Commission, the commission of gender equality, and the Public Protector all of whom can receive complaints and information about problematic police conduct. A further state structure called the Public Service Commission conducts research and evaluates the adherence of the SAPS to key government policies.

At an early stage of this broad process of transforming state institutions, the police adopted the philosophy of community policing. The first formal reference to community policing, as the prescribed approach to policing in democratic South Africa, is found in the Interim Constitution, Act 200 of 1993. In Sections 221 (1) and (2), the Interim Constitution prescribes that an Act of Parliament should 'provide for the establishment of community-police forums in respect of police stations', with the view of improving police-community relations and ensuring a system of local-level accountability of police activities. As a result of this provision, community policing has become an integral part of policing in South

Africa, and in many areas has contributed to dramatic improvements in police-community relations, as compared with the pre-democracy period.

Furthermore, a range of civil society institutions and structures contribute to police accountability. The media plays a crucial role in informing the public about the work undertaken by the police. It does this through reporting on the crime statistics released by the SAPS and covering police operations against crime. It also plays an important role in exposing poor service delivery, and cases of abuses of police power such as corruption. There are also a number of other civil society organisations that, in an indirect way, contribute to police oversight. These include academic and Non-Governmental Organisations (NGO's), who conduct work on police reform, human rights, crime prevention, victim empowerment and related fields. There is private business association (Business Against Crime) which has played a role through conducting research and mobilising resources and training for the SAPS. There are also many community-based organisations (CBOs) who can play a role in highlighting concerns with relation to policing through political structures and community policing forums.

2.1.2 Policy and Legislative Frameworks

It is also important to briefly reflect on the broader transformation of the public service as a whole as this has also had an impact on police accountability. A number of laws were introduced since 1994 to facilitate transformation of the public and private employment environment.⁵ In an attempt to improve service delivery by public institutions the government introduced what it referred to as 'Batho Pele' principles, which are concerned with 'putting people first'. The Government's White Paper (No. 18340) on 'Batho Pele' published by the Department of Public Service and Administration identified key principles which had to inform all services provided by all public institutions. These included principles such as consultation, having clear service standards, ensuring access to service, courtesy, and providing accurate information. These principles are also meant to improve 'customer service' provided by public service institutions.

State institutions have put in place mechanisms to monitor compliance by their employees to the principles of 'Batho Pele'. The SAPS have created a number of public reporting mechanisms (such as public complaints and corruption hotlines) to enable the public to report any misconduct, corruption and poor service delivery by SAPS members. The police have also indicated that 'all levels of management can be contacted by telephone. Alternatively, letters of complaint can be sent to commanders of stations or units' (SAPS Annual Report, 2002/2003:121).

Public reporting by government institutions is governed by a number of pieces of legislation. The Public Finance Management Act (PFMA) of 2000 is a key piece of legislation that has set reporting guidelines and standards for all public institutions. For instance, Section 27(4) of the PFMA requires all public institutions to report on their performance and to set out measurable, deliverable objectives.

In defining performance measures, the Treasury points out that, departments need to address the following questions:

- What should be measured?
- On what basis should performance be measured?
- What should be used as the indicator of performance?

The PFMA also provides that the information on performance provided in the annual reports must be useful for purposes of assessing the performance and activities of public institutions. Thus, the Act provides that 'the information in the annual reports must be comparable; consistent; explained; analysed; range of measures; verifiable; objective; relevant; comprehensive and understandable'.

A number of institutions were also created to ensure that the government's principles of good governance, accountability and transparency in all public institutions were realised. The Public Service Commission and the public service policy framework were aimed at facilitating the transformation process in all government institutions, including the police. The PSC has argued that as much as accurate information has to be reported to parliament, it is equally important for public institutions to keep and disseminate accurate information to the public. Accurate information is critical for senior managers who will then be able to identify problematic trends, patterns and then develop appropriate management interventions to correct the situation.

3. Key Police Accountability Systems in South Africa

In terms of the South African Police Act of 1995, the National Commissioner is accountable for the entire police service. Politically, the National Commissioner is accountable to the Minister of Safety and Security and to Parliament. In terms of the Public Finance Management Act, the National Commissioner is the 'accounting officer' for the police and for the National Secretariat for Safety and Security. He is responsible for the police budget and annual financial reporting to parliament. The National Commissioner is also responsible for the setting of standards and must strive for the highest possible standard of discipline and service delivery within the Police Service (SAPS Act 68 of 1995). The Provincial Commissioners are accountable to the National Commissioner for policing in their provinces. Area Commissioners are accountable to Provincial Commissioners and Station Commissioner to Area commissioners. As such, the internal reporting mechanisms in the SAPS largely follow the organisation's hierarchical structure, although - in some cases - information can be passed directly from Area level to the National Head Office when requested.

The national level of the SAPS is responsible for policy design and formulation of policy (Section 206 (2) of Act 108, 1996), and this includes policies that relate to accountability. However, the understanding among national-level police managers is that disciplinary and related problems within the police service are heavily dependent on the ability of lower-level structures to properly record, manage and communicate this data upwards to them.

Therefore it becomes critical to ensure that there are adequate data management systems in place, to produce data that is useful and reliable. It is also critical to ensure that the discipline and data systems are standardised across the country, so as to measure performance in one area with performance in another. The national level is largely responsible for the strategic direction of the organisation, policy formulation, norms and standards of the police and establishing the appropriate management information systems.

The police unions also contribute to accountability within the police organisation. In fact, in modern police organisations police unions are seen as critical partners to police management and as such are consulted in decision making processes. Police unions in South Africa are structured in branches, regions and have offices at the national level. The national executive committee of each is comprised of members from their different regions. The role of the national executives of police unions involves providing strategic direction to their organisations, and engaging the government and senior Police Commissioners on policy and strategic issues that might impact on the working conditions of their members. Issues that are commonly discussed by police unions are inter alia, salaries, working conditions, disciplinary procedures, promotions – the issues that have immediate impact on their members. Police union representatives or 'shop stewards' participate in police management meetings on an ad-hoc basis and in disciplinary processes when they are representing their members.

3.1 SAPS Disciplinary System and Internal Accountability

The regulations on the internal disciplinary system were gazetted in December 1996, in order to comply with labour legislation establishing fair dismissal procedures. The internal SAPS disciplinary system was designed to ensure that ill-disciplined, abusive or misbehaving members of the SAPS are investigated and charged internally through an internal disciplinary process. Newham (2000) argues that International studies on public security reform in newly democratised states emphasise the need for the establishment of well functioning internal controls. This is seen as particularly important where a large number of personnel are retained from the former police. The SAPS internal disciplinary system has transformed over time. The disciplinary system has transformed from a highly punitive system, specifically referred to as 'negative discipline' to a system modelled under the new labour regulatory framework, described as 'positive' discipline. The new philosophy of discipline is to correct official's behaviour to acceptable standards, rather than primarily to punish them.

Earlier research has highlighted that there were a variety of challenges facing the SAPS with the implementation of the new disciplinary system. Newham (2000) reveals that many police commanders were uncomfortable with the new system at first and thought that the overall level of discipline had worsened in the SAPS as a result. Part of the problem was that enhancing the effectiveness of the disciplinary system had never been identified as an official SAPS priority. Consequently, this system has not received the type of attention and resources as other initiatives to improve service delivery in the SAPS. Further research at station level has highlighted that a number of challenges were still being experienced five years after the new system was introduced (Newham et al, 2003).

These station level challenges included:

- A reluctance by supervisors and commanders to take disciplinary steps against members;
- Disciplinary procedures take too long to finalise;
- Inconsistent or inappropriate application of disciplinary procedures;
- Inadequate recording and reporting of minor disciplinary offences;
- Inadequate experience of station based presiding officers;
- Inadequate training of police managers in the practical application of the

- disciplinary system;
- A general perception from lower level supervisors that discipline is largely the responsibility of senior officers.

Area-level police management is responsible for managing internal disciplinary procedures and prosecuting offenders on serious misconduct cases, while the role of station managers is largely administrative in respect to such cases. The station's disciplinary investigating officers are responsible for receiving complaints, conducting investigations and reporting to the Station Commissioner who reviews the discipline dockets before they are sent to the Area office.

While discipline for functional members at police stations is ultimately administered at Area-level, Station Commissioners are responsible for managing minor disciplinary problems and maintaining proper daily conduct and discipline of police officials. However, Station Commissioners have limited sanctioning powers over members. They impose a sanction of either a verbal or a written warning, or they can recommend to the Area Commissioner that further disciplinary sanctions be imposed against a member. Station Commissioners can impose sanctions on members for such minor infractions as reporting late, leaving their 'posts' without the consent of their commander, or being drunk on duty. Serious offences described to the researcher during interviews included murder, torture, theft, corruption, escape from custody and negligent loss of firearm. These offences are expected to be reported to the Area-level immediately after they have been reported at station level.

In respect of minor offences, the record of the sanctions imposed by Station Commissioners is kept at the station and does not necessarily get reported to the Area disciplinary office. However, when a member repeatedly commits the same (minor) offence, Station Commissioners can recommend to the Area's disciplinary official that further action should be taken against that member in the form of a formal disciplinary hearing. The quote below, from a disciplinary official at Area level, clearly differentiates the levels of accountability in the management of discipline between the Station level and Area level:

If it is basically a small misconduct – for instance, as per our procedures, the Station Commissioner is limited to issuing a written or a verbal warning - and if for the second time the Station Commissioner has the same charge against you, he or she must give you a written warning. But for something very serious there is a whole list of regulations that say you cannot give a member a written warning, but you need to report to Area. Otherwise, failure to do so might be regarded as defeating the ends of justice and the Station Commissioner may be charged.

Station Commissioners are regarded as an integral part of the management of discipline at police stations. Their functions include managing station level disciplinary records, supervising investigations by disciplinary investigating officers, and the inspection of disciplinary dockets before they are sent to the Area level.

During this research, a number of challenges were identified in the management of internal disciplinary systems at Station level. For example, there were concerns raised by some respondents about the quality of disciplinary records kept at Station level. In some cases

these are incomplete, resulting in persistent behaviour not being properly detected, and therefore sanctions for subsequent misbehaviour may be inappropriately too lenient. Importantly, poor record keeping at station level could hinder the ability of the Area level office from understanding the full extent of the disciplinary problems in their Areas.

Other problems identified included Station Commissioners not properly inspecting discipline case dockets, and not properly managing disciplinary investigations to ensure that proper procedures were followed, or that thorough investigations were not made and concluded within a reasonable time. Some of these problems are attributed to inadequate investigative training of the disciplinary investigating official. The other view was that station commissioners are busy with a large number of line functions that some supervisory functions are compromised. The quotes below highlight some of these arguments:

As a result disciplinary investigating officers are not following proper procedures in their investigations. For instance, disciplinary officers are not conducting interviews with members suspected of misconduct. As a result members are being investigated without knowing that they are being investigated until they are asked to come for trials. Cases get thrown away in the police if one fails to follow proper procedures; besides, unions will try everything to protect their members.

Proper protocol has to be observed all the time to ensure a smooth and effective administration process of discipline, but it is not always the case. Station Commissioners were also required to check all dockets and motivate the way forward or take appropriate remedial actions against their members, but we have problems in ensuring that this was done consistently. Observing protocol is important in avoiding backlogs and ensuring that cases are dealt with on their merits Investigating disciplinary officers do not always follow proper guidelines by conducting interviews in order to ensure that alleged culprits understand all processes involved and comply with regulations.

There were mixed feelings from respondents about the effectiveness of internal disciplinary processes as an accountability mechanism. Some thought that the disciplinary system worked as both proactive and reactive accountability tool, while others thought that it was not effective.

As the quote below highlights, there was some sense that disciplinary information was being used as a means of internal reporting and was also analysed so as to identify problematic stations.

At Area level we are concerned with ensuring that we update the information in the system as quickly as possible and send reports to the Provincial Commissioner's office. The same information is also updated in the centralised database in which the Provincial and National offices can assess and decide on appropriate steps. Information in the mainframe is used to identify hot spot police stations and problematic conduct of members. We then compile monthly reports for the office of the Provincial Commissioner who in turn reports to the National office. At Provincial level the monthly reports are used mostly to establish how discipline is managed at Area level; and at National level [the

reports are used] to give instructions and policies for the organisation.

Some respondents were critical about the disciplinary management system of the police, especially because some of the National Instructions and strategies to deal with disciplinary problems were not seen as always compatible with Area needs. The hierarchy governing accountability arrangements was considered particularly problematic, as regards how decisions are made, where they are made and by whom. The bulk of policing and operational decision-making takes place at police stations, yet the management of discipline takes place at Area levels; and policies, strategies and instructions come from the National level. Some Area-level managers did not feel empowered by the disciplinary management system because Area-level strategies have to align with National strategies and they do not have an opportunity to make inputs nor are they aware of the rationale that informs national level policies.

The role of this office is to give monthly reports to the Provincial and National Commissioner's office. We generate information and send it to them but we do not know how the National Commissioner's office uses this information. At this level, we do administrative stuff but we also try to identify problematic trends and try to address them, but policies are done at the Head Office The main task at this level is to get the workload down and finalise disciplinary cases quickly, maybe if that is accomplished, we may start to look at analysing our data.

There was some sense that disciplinary information from station level was being used to assess challenges facing the organisation and inform policies at a national level. However, those most directly involved in managing the disciplinary system at Area level were not aware of how this was achieved, nor were they directly involved in analysing disciplinary data to establish the specific trends or challenges.

A number of improvements were also mentioned. Firstly, this Area level had created a special unit to deal with disciplinary matters. Experienced officers were appointed to the unit and dedicated to ensuring that all disciplinary matters were managed according to the procedures laid out by the regulations. This had generally led to the speedier conclusion of disciplinary cases received by the area office. These improvements were bolstered by the Legal Services Unit which operates at Area, Provincial and National levels. Some of its responsibilities include monitoring disciplinary processes and progress of cases. Part of this monitoring includes ensuring that disciplinary practices comply with regulations, looking at consistency in the administration of sanctions by trial officers, and assessing disciplinary records.

Secondly, improvements in the system were also indicated by action having been taken against commanders who had failed to exercise discipline where necessary. This was done in terms of police regulations whereby a police official's failure to report misconduct committed by a colleague is considered as defeating the ends of justice.

Thirdly, improvements in the overall management of data relating to misconduct and discipline within the SAPS were evidenced by the organisation being able to report to parliament on the number of disciplinary trials, various categories of misconduct, outcomes of disciplinary proceedings, and cases still pending. The appointment of dedicated officers

at station and area level, coupled with investment in technology whereby the discipline manager is able to update information immediately, were cited as the reasons behind this particular improvement.

Future improvements are also likely with the signing of an agreement during the early part of 2005, by the parties to the national Safety and Security Sectoral Bargaining Council (SSSBC) towards improving the disciplinary code and application. The SAPS disciplinary code and procedure has been written more clearly and a number of aspects clarified for insertion into a police manual on 'Labour Relations.' This should go some way towards assisting station level commanders in understanding and applying the SAPS disciplinary regulations.

3.2 The SAPS and External Accountability

Given the importance of effective internal systems of control for police accountability, it could be assumed that the external oversight structures would be interested in monitoring the disciplinary system. Particularly, as it has been argued that with regards to the transformation of the SAPS, '... much of what the police are hoping to achieve in terms of their organisational priorities and objectives requires a high level of skill and discipline amongst its members. An effective disciplinary system is, therefore, an important part of the foundation upon which the achievement of policing objectives will rely' (Newham, 2000). However, as the SAPS have not identified improving the internal disciplinary system as key priority, it has not featured significantly as a priority area for most of the external oversight structures either.

The Secretariats for Safety and Security at national and provincial levels were created in order to provide government with civilian policy-making capacity, independent of the vested occupational interest of the South African Police Service. The National Secretariat is responsible for advising the (national) Minister of Safety and Security in the exercise of his or her powers and the performance of his or her duties and functions.

The respondent from the National Secretariat indicated that part of their function includes 'monitoring police conduct; promoting democracy, accountability and transparency within the police; investigating complaints against the police; and evaluating the functioning of the SAPS'.

In addition, the respondent indicated that, in order to properly advise the Minister, the Secretariat's monitoring of the police needed to include:

[E]xamining the extent to which organisational arrangements impact on the capacity of the SAPS to deliver quality services; and whether services provided are in line with expectations of communities in compliance with governance issues. Our function is also largely to ensure that the SAPS do not abuse their power as they did during the apartheid era, where the police were only accountable to themselves and their political masters.

The national secretariat indicated that their monitoring was limited only to complaints brought to their attention. Part of the reason for this approach was that the Secretariat did not want to be seen to be 'interfering' with internal management systems in the police.

The Secretariat prefers not to be involved in the day-to-day disciplinary problems of the SAPS, or to follow such cases. Those are internal matters within the SAPS; as such they must be left to the SAPS management to deal with them. The SAPS has internal mechanisms to deal with issues around their member's misconduct or discipline. However when there is glaring evidence of the SAPS management abuse of power then we can intervene. For example, when there is evidence that a senior manager is abusing his/her power by firing members without giving them a fair disciplinary hearing, then we can intervene because that is a very serious allegation and the Minister might be sued when that happens.

It appeared from these interviews that some of the recent work of the national secretariat was primarily focused on ensuring that interventions took place on behalf of police officials who thought that they were subjected to unfair disciplinary procedures. In this sense the secretariat appeared to be replicating the role of police unions in relation to the disciplinary system. It did not appear to be concerned with whether or not the disciplinary system was being used effectively to promote internal discipline by tackling gross misconduct or abuses of police power on members of the public. This is but one symptom of what has been described as a structure that according to officials and parliamentarians, '... has become so marginalised and understaffed that it cannot do its job properly' (Honey, 2005). This echoes other research which found that the provincial secretariats generally tend to hold a "negative view of the overall functioning and effectiveness of the national secretariat." (Mistry and Klipin, 2004: 10). In spite of this, during the early part of 2005 the Head of the National Secretariat had been recruited into the SAPS and was rewarded with the post of the Divisional Commissioner of Evaluations.

In contrast, the Independent Complaints Directorate (ICD) has grown from strength to strength since its inception in 1997. Tasked with investigating all cases of deaths as a result of police action or while in custody, as well as, any other complaints of police criminality or misconduct, the ICD has seen a consistent increase in the number of cases that it receives. For example, the 2004 annual report revealed that the ICD had received an increase of 47% in complaints of criminal conduct by police officers and an increase of 26.7% in cases of misconduct (ICD, 2004).

Where ICD investigations uncover evidence of criminality, these are referred to the National Prosecuting Authority (NPA) for prosecution. However, while the ICD may refer other cases back to the police where evidence of misconduct is collected, it does not have the authority to ensure that the SAPS implement the necessary disciplinary action.

Participants from various oversight bodies indicated that there was a lot of 'gate-keeping' by the police, which makes it difficult to conduct thorough investigations against police members. The quote below suggests that one of the difficulties relates to the police not supplying sufficient information:

Despite the provisions in the Act of Parliament, (Chapter 10 of the SAPS Act. 68 of 1995) which require the police to immediately report to us any death that occurs in custody or as a result of police action, very often the police do not provide all necessary information about the police official involved. As such, this makes investigations very long and difficult. For example, very often you

receive a police report without the surname, the rank, the police station service number, the useful information to start any investigation. This makes the ICD work very difficult; because before we even start our investigations, we need to request information, and often it takes time before that is supplied to us.

There were also suggestions that police accountability is still relatively new in South Africa, and that the police are often sceptical and resistant to accounting to civilian structures. The quote below clearly demonstrates some of the challenges:

There are a lot of dynamics that exist in trying to gain access to police systems and conducting investigations against police members. Studies internationally show that some civilian oversight bodies have unconditional access to police and their systems, which is not the case in South Africa. The idea of an oversight is still new, and the police are still trying to get to grips this notion of accountability. There are still huge problems with issues of trust between the police and oversight bodies, and such problems are hampering the oversight work in this country.

Some of the respondents interviewed for this research indicated that their interaction with the police was limited to issues directly related to their mandates. For example, the participants from the ICD indicated that the only time there was communication with police was when there was a death in custody or death caused by police action, and hence an obligation on the police to compile a report on the incident for submission to the ICD. The participant from the Secretariat also indicated that despite their oversight role, they regarded the police as an independent organisation whose management must be accountable to its members, communities (customers) and to Parliament. As a result, the Secretariat has an ad-hoc relationship with the police. One interviewee argued that 'oversight bodies in South Africa have this idea that they can order the police around and expect the police to report to them. The police are extremely hesitant to work with us, because they believe that we were just created to criticise their work.'

Another respondent indicated that it is difficult to conduct proper oversight work because from his personnel experience the police were often 'uncooperative, arrogant and resistant to the new governance culture of transparency and accountability'. Respondents from the ICD reported that the police have resisted proposals to link oversight bodies to the centralised SAPS data base, in order to ensure effective monitoring of police conduct and discipline. The quote below highlights how in some instances the police disregard the advice of the ICD which is indicative of the nature of the relationship between the two agencies.

The relationship with the police is a very technical issue because at times while we are still investigating a member goes through the internal disciplinary system and gets sentenced, that sentence will not be revoked, even if we had recommended otherwise. For example in one case, a member who was alleged to have been using his gun recklessly while under the influence of alcohol was given a verbal warning and we had problems with that sentence. Firstly because the member was drunk in a public place and secondly was using his weapon recklessly while under the influence of alcohol. This in our view was a serious crime and needed tougher sentencing. You must also note that police are not

obliged to accept our recommendations, and we have no right to force our recommendation on the police.

This suggests that oversight bodies need to find new strategies of gaining confidence of the SAPS senior managers so as to improve their cooperation with the police and make positive contribution towards improving discipline in the SAPS. This has to be balanced with the equally important task of such bodies to clearly demonstrate their independence and gain the trust of the police and society at large. It may be useful for the SAPS and oversight structures to work out an agreed protocol that could be circulated amongst all police stations that clearly explained what rights and duties the various oversight bodies had and how cooperation should be handled.

Respondents from the ICD further indicated a need for oversight bodies to start doing more proactive oversight work; which will enable them to make meaningful input to the police. They argued that more proactive monitoring and investigation of police conduct and discipline could change the relationship between the police and oversight bodies. The quote below suggests that such proactive oversight work could be a useful resource to the police:

We probably need to think carefully about what our function is, and mandate, and why we were created in the first place. We need to start to request data from the police in order to have a broader understanding of the extent of problems in the police, and whether there are adequate mechanisms to deal with those problems. This will enable us to be more proactive in our monitoring role, which includes holding police to account for the behaviour of the members. At the moment, we do not have data to know what is going on.

Right now, if we receive a complaint, we deal with that complaint; but we do not know the extent of the problem because all we will do is to investigate that case, and make some recommendation, but we have no idea whether those recommendations get to be implemented or not. We also have no idea whether the cases that get reported to us are isolated cases or not; or the extent of misconduct in the police.

This quote also reflects the view that the reactive oversight approach used to date (which relies mostly on complaints reported to the agencies, rather than on identifying problems and trends from proactive research and monitoring) has resulted in a limited understanding of the problems with policing in South Africa. Fortunately, as of 2005, the ICD was in the process of establishing a Proactive Research Unit (PRU). The aim of this unit was to analyse the national data kept by the ICD so as to identify trends and patterns of the different types of public complaints against the police. From there the unit aims to undertake research that could explore the various underlying factors as to why certain stations, units or police officials engage in misconduct or attract complaints. This would assist in the development of policy recommendations for the SAPS that could prevent such problems from occurring in the first place.

3.3 Annual Reporting as an Accountability Mechanism

The National Commissioner is required to report to Parliament annually, indicating the strategies and activities of the police that are planned for the year. The Annual Plan and

Annual Report are therefore important documents which could be used by Parliament to measure the performance of the police. The SAPS Annual report is also an important document for other oversight bodies. However, respondents indicated that the police annual report was less than helpful in providing information required by all the oversight agencies. In fact, some participants indicated they had never read the police annual report because they considered it to be irrelevant as a potential source of information. Another participant suggested that information in the police annual report would not enhance his oversight work.

Those participants who had read the SAPS annual report indicated satisfaction with its coverage of the internal disciplinary management system which indicated that 'more ill-disciplined police members were being prosecuted'. They were also satisfied with the report that there were hotlines available to communities and members of the police to report corruption and complaints about poor service delivery. While these participants (who had read the SAPS Annual Reports) thought that management systems within the police had improved, these assertions were based primarily on the point that figures were provided in recent reports that were absent before.

The absence of meaningful information in previous Annual reports was previously highlighted by the South African Public Service Commission (PSC). This statutory body was created primarily to conduct research and evaluate the adherence of public institutions (such as state departments) to key government policies. Other key performance areas of the PSC include developing grievance procedures, handling complaints from public servants and from the public, and ensuring that public institutions provide adequate reporting. The Public Service Commission's 2002 Report (2002:5) argued that annual reporting of public institutions should be 'detailed with information relating to the activities of that department in a manner that is informative. The report should also inspire confidence to the public in the departments' abilities to fulfil its mandates'.

In 2002, the PSC report criticised the SAPS 2001/2002 Annual Report 'for its lack of information on critical issues on what police do' (PSC, 2002:12). The PSC argued that the police annual report was not informative in terms of what the department is doing, how it had performed its constitutional duties and whether there were improvement made from the previous financial year. It also argued that transparency within the police department must be fostered, by providing the public and parliament with comprehensive, timely and accurate information. In its 2002 assessment, the PSC concluded that the SAPS annual report did not meet some of the key objectives of facilitating transparency and accountability, because it did not address important human resource issues as well as performance issues.

Since the PSC 2002 report, the subsequent SAPS annual report (2002/2003) demonstrated improvements. In that report, the SAPS indicated that a database will be created to assist the SAPS management in ensuring that they can account in more detail for what is happening 'on the ground' (SAPS Annual Report 2002/2003:9). It is also envisaged that this database will improve the recording and analysis of complaints against police members, disciplinary investigations, hearings and dismissals, all critical aspects of accountability (ibid).

While SAPS annual reports present national figures on the numbers of disciplinary hearings

conducted by the SAPS annually and their outcomes, it will be important for oversight structures to track trends and patterns that may suggest shortcomings or positive changes. For instance, the total number of SAPS disciplinary hearings almost doubled between 2003 and 2004 according to the SAPS annual reports. This suggests that overall use of the disciplinary system has improved and that the backlogs experienced in previous years are being attended to. However, further analysis of the statistics reveals that 44% of the hearings held in 2003 resulted in no sanction what-so-ever against the subject officer and that this number increased to 47% in 2004 (Newham, 2005). The high level of case withdrawals or acquittals suggests that in too many instances, disciplinary procedures are not being followed properly or that investigations are not happening so that sufficient evidence is collected to allow the hearing to continue to completion.

It is critical for the disciplinary process to be seen to be fair and that officials not convicted as a result of the strength of the evidence that their cases are properly reviewed and presented effectively. This will address the concern why despite substantial increases in numbers of complaints to the ICD and the SAPS of police criminality and misconduct, fewer numbers of officers are dismissed. For example the total numbers and proportion of officers who were dismissed following disciplinary hearings dropped from 362 cases (7.8% of all cases) in 2003 to 260 cases (2.8% of all cases) in 2004. Therefore, what should be of concern to both the ICD and police management is whether the internal police disciplinary system is currently being implemented effectively enough so as to ensure that those officers who are charged with various offences are adequately sanctioned or dismissed (where on the balance of probabilities they are guilty of the charges).

3.4 Police views on oversight and accountability

Police interviewees were generally critical of the various civilian oversight bodies. The primary reason was as result of the perception that civilian oversight bodies were generally antagonistic against the SAPS and rarely made positive public statements about the police. As a result, there was a general feeling that oversight structures were contributing to undermining the image of the police in the eyes of the public. Police interviewees also questioned the reliability of the information used by oversight bodies, as in some cases it was perceived to be different from the data held by the SAPS. As such, police respondents thought that it was irresponsible of the oversight bodies to make public comments based on limited information or particular cases of poor service delivery or police abuse of power. Such issues were said to be making it difficult for police to cooperate with oversight bodies.

While police respondents were not as critical about the various parliamentary committees as they were about other structures, some thought it was generally difficult to work with politicians. One of the reasons was that the police are summoned to appear before political leaders only when there was a crisis. As such, some felt that the politicians only paid attention to them when there was a problem and did not do enough to acknowledge or encourage their successes.

There was also a general feeling amongst the police officers interviewed that there were too many oversight bodies. It was felt that if they were obliged to report to each of them, the workload created for the police might be overwhelming, particularly as different oversight bodies' required different information from the SAPS making it difficult to provide standard report to all of them. Moreover, there were also concerns that in some instances members of

the national and provincial secretariats were inappropriately interfering in police work. This may border on political interference or interference with management responsibilities. For instance, police officials facing disciplinary steps may approach contacts in the secretariats to try and have these withdrawn.

Police also complained that oversight bodies 'demanded' information which they then used to discredit the police. Subsequently, most police respondents thought that generally oversight bodies could not be trusted with police information because they thought that 'some of them [oversight bodies] survive by discrediting police'. The consequences of this are that many police officials end up being unwilling to cooperate with oversight bodies. Furthermore, due to the absence of proper policy development and systems monitoring capacity, oversight bodies were not seen as critical partners towards finding solutions to challenges of police reform.

It must also be mentioned that not all the perceptions from the side of the police were negative. There were those who welcomed the new oversight framework and the role that the oversight structures played. They recognised that if cooperation could be improved that oversight structures could play a valuable role in enhancing the public trust in the SAPS. Furthermore, it was recognised by some commanders that oversight structures could also bring resources to bear to assist the SAPS in solving some of the challenges that they were facing in transforming the organisation.

4. Towards Strengthening Democratic Policing

4.1 Improving Relationships between the SAPS and Oversight Structures

There is a need for improved relationships between the SAPS and external oversight bodies such as Parliament, legislatures, Chapter 9 institutions and the ICD. The police and the oversight structures should engage in activities to find common ground and recognise that their roles are complimentary. It is important for all structures to realise that they want the same thing, a professional police service that effectively combats and prevents crime while treating all people with respect and within the law. Focus should be on how these various structures can work to achieve this end together rather than against each other. Ultimately, both the SAPS and oversight structures can only benefit from supporting and promoting professional policing and removing or correcting the behaviour of problematic officers. It is therefore important that they try and work together to achieve these objectives.

The relationship between external oversight structures and the SAPS remains part of the challenge to transforming policing in South Africa. While there are police officers at various levels that understand and appreciate the need for external oversight structures to promote public trust in the organisation, there is still a general level of resistance amongst police against accounting to external oversight structures. The lack of police cooperation with external oversight agencies suggests that, despite legislative reform, establishing a culture of accountability to external oversight structures in the SAPS remains a challenge. The mistrust that exists between the police and oversight structures makes it difficult to establish transparent and honest relationships which are the foundation for effective accountability.

This may be overcome by ensuring that at the most senior levels of the SAPS, officers

understand and support the need to cooperate with external oversight structures. Where these are absent, protocols should be developed to frame the way in which the SAPS and external oversight bodies cooperate (for instance with the provincial secretariats). Where protocols and regulations do exist (such as between the SAPS and the ICD), these should be adhered to (i.e. the SAPS should provide written reasons to the ICD if they decline to take recommended disciplinary action against police officials), and further instructions should be circulated at all levels throughout the SAPS and external oversight structures so those at grass roots level are aware of what is expected from them. Such protocols should clearly define the boundaries within which external structures engage with the SAPS so as to prevent inappropriate interference from oversight bodies with police management responsibilities. Similarly, all police officers should know in what way they are expected to cooperate with oversight structures within the agreed boundaries and that failure to do so would be seen as misconduct.

4.2 Enhancing Coordination of External Oversight Structures

The various oversight agencies need to be clear about their own respective roles and functions, and how they could or should interact with each other. For example, secretariats and parliamentary committees need to work more closely with the ICD and civil society organisations working on police reform. In doing so they would be able to obtain more information from a variety of different sources as well as having greater input as to the potential solutions to identified challenges.

There needs to be better co-ordination and stronger linkages between the different oversight structures in South Africa, to ensure a more robust and effective police accountability system. In particular, external oversight bodies need to pay greater attention to the internal police systems that have been established to improve performance and conduct. They need to become well versed as to how these systems function (i.e. the SAPS Station Performance Chart and the Performance Enhancement Processes), and then monitor and evaluate their performance and effectiveness. In this way they will have access to information that will allow them to better understand the nature of the challenges facing police reform. They will then be in a better position to use their resources in a manner that will assist police managers to improve internal control and accountability.

Greater coordination of the various structures involved in police accountability would also bring more expertise and capacity to bear on initiatives to review and improve SAPS policy and management systems. Currently the lack of expertise and capacity around systems monitoring and statistical analysis hinders the ability of many the external oversight structures to make empirically based recommendations or assess police management interventions to solve various problems.

4.3 External Oversight Structures and the SAPS Disciplinary System

Although the management of discipline is an internal police management issue, external oversight bodies could play an important role in the monitoring the disciplinary system to ensure that it is working effectively. Careful attention needs to be paid to the number of hearings that are held, the types of misconduct that leads to hearings and the outcomes of these hearings. This will enable the oversight structures to play a more proactive oversight role, informed by better understanding of disciplinary problems that are being experienced

and the extent to which the disciplinary system ensures that these problems are effectively tackled.

The internal investigation and disciplinary systems are the primary mechanism for police management to ensure that problematic police officials are identified and their behaviour corrected or that they are dismissed in cases where they are involved in serious misconduct or criminality. Oversight of these matters would provide external structures with a greater understanding of the challenges facing police commanders and communities in dealing with corrupt, inefficiency or misbehaving police officials. Oversight structures should monitor and assess the policies, procedures and practices for discipline management so that they can develop practical recommendations that can assist police commanders to enhance their control.

In focusing on these internal systems, the oversight bodies may assist the SAPS management structures to improve the effectiveness of the systems which will both improve the integrity of the police institution and consequently, the public perception of policing in general.

4.4 Review the Police Public Complaints System

While the SAPS system for receiving public complaints against police officials was not the focus of this report, it serves as a major source of information on the types of service delivery and misconduct challenges facing the SAPS. The SAPS Annual Report for 2003 – 2004 states that two police telephone hotlines picked up a combined number of 21 283 complaints against police officials for that financial year (SAPS, 2004). There is no other information as to the number of complaints received through other means (e.g. written complaints), nor any breakdown as to the nature of the complaints (e.g. poor service, misconduct, criminality) nor any details about the outcomes of these complaints (i.e. what number were unfounded, or led to investigations, warnings, disciplinary hearings, criminal charges or prosecutions).

Considering that the ICD only received a total of 5 903 complaints during the same time period, it is clear that the SAPS needs to take primary responsibility for receiving and handling public complaints against police officials in a manner that results in public trust and respect for the organisation. However, very few members of the public are aware of how to lay complaints against police officials or what the subsequent procedures are. Moreover, none of the oversight bodies have focused on the police systems used for receiving and handling public complaints so as to establish if they are accessible and operate in an effective manner. Similarly, oversight structures have not monitored the data provided by police systems nor have they analysed the results to establish trends or patterns, or identifying specific stations or areas that appear to be experiencing higher levels of service delivery or conduct related problems.

The data provide by police public complaints systems can be hugely useful for identifying particular problems or tracking trends and patters of police service delivery and conduct over time. Similarly, the data provide by such systems can also be useful for oversight bodies to determine whether or not police management interventions have had the desired result on solving problems identified. It is recommended that oversight bodies undertake a review of the system with the SAPS to establish its effectiveness as a management or police

accountability tool and how this can be improved.

4.5 Review of the SAPS Disciplinary System

While the recent agreement on the SAPS Disciplinary procedures may assist in improving the implementation of the system, it is not clear on what basis the changes were made. The limitation of this is that at the lower levels in the SAPS (i.e. area and station level) where the biggest impact of the disciplinary system needs to be felt, commanders at those levels have no idea what the purpose of the changes is. It is necessary that those responsible for implementing the system throughout the country are very clear as to what the primary shortcomings are. In this way they are not merely following procedures for the sake of it but understand that they are trying to correct specific shortcomings in the application of the disciplinary system.

For example, commanders need to know that nationally, almost half of disciplinary hearings end in no sanction to the subject officer because the cases are withdrawn or end in an acquittal. Different areas and stations can then assess their performance against the national average. Where they find that they are experiencing high levels of withdrawals or acquittals, they must know what the primary reasons for this problem are. They can then focus on ensuring that at their particular locality these problems are overcome. Only if a proper evaluation or review of the disciplinary system has been undertaken can the extent and nature of the problems be accurately identified.

As has been previously argued, police accountability in democracies requires a multi-faceted approach between internal and external accountability systems and structures. Therefore it would enhance the legitimacy and therefore the acceptance of the findings of the review if it were to be conducted by representatives from both the SAPS, police unions, external oversight structures and specialist organisations in civil society.

Such an exercise could also serve to improve the relationships between the external oversight bodies and the SAPS as all would be jointly involved in a problem solving exercise. In turn this would lead to greater transparency of the system and therefore accountability. If this was achieved, public trust and respect for both the SAPS and the various oversight bodies would be substantially enhanced and a greater community-police partnership against crime could be forged.

5. Conclusion

This aim of this paper was to explore the issue of strengthening democratic policing in South Africa through improving systems for police accountability. Police accountability is a challenge facing all countries, but particularly in democracies where governments have to balance their powers to ensure public good with individual rights. In countries undergoing a transition such as South Africa, the police have a history of abuse and public mistrust. Indeed, much has been done to transform the police and the extent and nature of the police abuses experienced in the past has changed significantly. Nevertheless, certain attitudes and challenges persist so that a substantial amount of police abuse persists and there is an ongoing struggle to improve police performance in relation to service delivery.

This paper argues that greater focus needs to be paid to strengthening police accountability.

International literature on police accountability tends to suggest that it is particularly important to focus on improving the internal police systems of control and ensuring that there is better coordination amongst the external oversight bodies. The research was directed at these issues and a number of challenges and strengths were identified. From the findings a few key recommendations were offered that could strengthen democratic policing in South Africa's policing.

It must be acknowledged that a substantial amount of reform has happened in the past decade of democracy in South Africa. The SAPS is nothing like its predecessor and public legitimacy has grown significantly since 1994. However, South Africa is still saddled with a serious crime problem and the police have a critical role to play with regards to establishing the rule of law and ensuring stability in the future. We can not rest on our laurels and only focus on the achievements, but we need to constantly strive to improve the systems so that even greater achievements can be possible in the future. This paper hopes to stimulate debate as to how this can be achieved with regards to democratic policing in South Africa.

Notes:

¹ Generally these systems are non punitive, in that the intervention prompted includes peer reviews, counselling and or additional training and not a formal discipline. Several agencies that have implemented early warning systems or stop tracker technology have experienced significant reductions in complaints against officers and litigation.

² An informal intervention is associated with managers taking immediate action (e.g. a warning) against a police member on a specific incident without taking further steps, whereas a formal intervention is associated with rigorous process which can include observation, evaluation, reporting and a review by the officer's immediate supervisors which might also include counselling.

³ StopTracker is a data-based IT personnel management system (also an early warning system) to identify problematic behaviour and allow early intervention to correct that behaviour.

⁴ There are debates though whether the Secretariat of the Safety and Security is a civilian oversight structure because it is a political body which bears political responsibility for the performance of the police and therefore may be hesitant to attract too much public attention to problems being experienced.

⁵ A few examples include the Administration of Justice Act (No. 3 of 2000), the promotion of Access to Information Act (2000) and the Employment Equity Act (1998).

6. References

Adams, K (1999) What we know about police use of force; published in *Use of Force by Police: Overview of National and Local Data*; Office of Justice Programs, Washington, DC.

Bayley, D. H. (1985) *Patterns of Policing*. New Brunswick, NJ: Rutgers University Press.

Bayley, D. H. (2001) *Democratising the Police Abroad: What to Do and How to Do it. Issues in International Crime*. National Institute of Justice, Office of Justice programmes. US Department of Justice: Washington DC.

Bayley, D.H. (1994) *Policing for the Future*; Oxford University Press.

Bent, A. E. (1974) Police Accountability: Dilemmas of Democratic Control in *The Politics of Law Enforcement*. Toronto: Lexington Books.

Brogden, M., and Shearing, C. (1993) *Policing for a New South Africa*. London: Routledge Press.

Call. C. (1997) *Police Reform, Human Rights and Democratization in Post-Conflict Settings: Lessons from El Salvador*. Department of Political Sciences, Stanford University.

Cawthra, G. (2000) *Security Governance in South Africa*; Paper for the Friedrich Ebert Stiftung Security Governance Project.

Chan, J. B. L. (2000) Governing police practice: limits of the new accountability, in the *British Journal of Sociology* Vol. 50, pp. 251–270.

Fourie, D. (2001) *Annual Reports and the Public Finance Management Act*, School of Public Management and Administration: University of Pretoria.

Gleeson, A. M. (Date Unknown) [Police Accountability and Oversight: An Overview](#) Accessed on the internet, 26 March 2004.

Goldstein, H. (1977) *Policing a Free Society*. Boston: Ballinger.

Honey, P. (2005) Police oversight role arrested. *The Financial Mail*. 25 March, 2005.

Human Rights Watch (1998) *Shielded from Justice Overview: Police Brutality and Accountability in the United States*.

Jones, T. (2003) The governance and accountability of policing in Tim Newburn (ed) *The Handbook of Policing*. United Kingdom: Willan Publishing.

Kettl, D.F (2000) *The Global Public Management Revolution: A Report on the Transformation of Governance*. Washington, DC: The Brookings Institution.

Maguire, M, Vagg, J and Morgan, R (1985) *Accountability and Prisons. Opening up a Closed World*, Tavistock Publications: London & New York.

Mistry, D. and Klipin, J. (2004) *South Africa: Strengthening Civilian Oversight over the police in South Africa: The National and Provincial Secretariats for safety and Security*. Institute for Security Studies, paper 91, September 2004.

Newham, G. (2000) *Transformation and the Internal Disciplinary System of the South*

- African Police Service*. Johannesburg: Centre for the Study of Violence and Reconciliation.
- Newham, G. (2005) *Internal Police Systems for Officer Control: A Strategic Focus Area for Improving Civilian Oversight and Police Accountability in South Africa*. A paper presented at the National Criminal Justice Conference, Western Cape, South Africa, 7 & 8 February 2005.
- Newham, G. Masuku, T., Gomomo, L., and Maroga, M., (2003) *The Police Integrity Management Report*, The Centre for the Study of Violence and Reconciliation, Johannesburg.
- Pike, M.S (1985) *The Principles of Policing*. London: Macmillan.
- Public Service Commission Report (2002) *The Review of Departments' Annual Reports as Accountability Mechanism*. Republic of South Africa: Commission House.
- Rauch, J. (1998) *Police Reform and South Africa's Transition*. A Case study written for the Northern Ireland Programme at the Kennedy School of Government, Harvard University, USA.
- Republic of South Africa (2001) *Public Service Regulations*, Department of Public Service and Administration.
- Republic of South Africa, *Constitution of the Republic of South Africa*, 1996, Act of 1996.
- Republic of South Africa, *Public Finance Management Act*, 1999, Act 1 of 1999.
- Republic of South Africa, *Public Service Act*, 1994, Act of 103 of 1994.
- Republic of South Africa, *South African Police Service Act*, 68 of 1995.
- Republic of South Africa, *South African Police Service Annual report 2002*.
- Republic of South Africa, *South African Police Service Annual report 2003*.
- Republic of South Africa, *South African Police Service Annual report 2004*.
- Samual, W and Alpert L.A (2000) *Police Accountability: Establishing an Early Warning System*. International City/County Management Association (ICMA) inquiry Service, Volume 32, Number 8. August 2000.
- Shaw, M. (2002) *Democracy's Disorder? Crime, Policing and Citizen Responsibilities in Transitional Societies*. Johannesburg: SA Institute for International Affairs. Stenning, J. (1995) *Accountability for Criminal Justice: Selected Essays*. Buffalo: University of Toronto Press.
- Stone, C and Ward, H (2001) Democratic Policing: A framework for Action, in *Policing and Society* Vol. 10 pp. 11-45.

Stone, C. (2004), *The Double Demand on Police and the Role of Police Oversight in Democratic Societies: An International Perspective*. Address to the Conference for Policing Oversight in Africa: Accountability and Transformation, Johannesburg, South Africa, 26 – 29 January 2004.

Szikingier, I. (2000) The Roma in Hungary; in *Policing and Society*, April 2000, Vol. 10 Issue 1, pp. 1-10.

Trojanowicz, R. C. (1998) [Police Accountability](#) Indiana State University Community Policing pages.

United States Department of Justice (2001) *Contact between the Police and the Public; Findings from the 1999 National Service*; Bureau of National Statistics; office of Justice Programs, USA.

Walker, S. (2000) Police Accountability: Establishing Early Warning Systems in *Inquiry* Volume 32, Number 8.

Walker, S. (2001) *Police Accountability: The Role of Civilian Oversight*. Wadsworth: USA.