

# Tackling Police Corruption in South Africa

by

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## Introduction

The corruption of police officers is a problem which spans cultures, countries and generations because it is based on human weakness and motivations. Because even the lowest ranking officer can exercise wide power and because there are people who want to take advantage of that power, the threat of corruption is inevitable. This is not meant to be a cynical view of the problem, but a practical one. It is the practical administrator that will be the most successful in combating corruption and keeping its influence to a minimum. (Carter 1997)

In recent years approaches to examining the subject of police corruption have shifted from asking whether or not corruption exists in any given police agency, to asking questions about the size, nature and impact of the problem. Decades of experience suggest that if you look for corruption in any police agency, you will find it. Often likened to a disease, corruption can only be effectively addressed once its existence is recognised. However, just as some diseases are considered taboo, so too is the topic of corruption in many police agencies. Talk of it can make police officials, particularly at senior levels, visibly uncomfortable. This is because it draws attention to the murkier areas of policing which are often out of the sight of the public. It brings to the fore a critical tension between the occupational requirements of police members to combat criminals and the organisational needs of the police agency to be accepted in the eyes of the public. Simply put, police corruption lurks in the arena where a police member's discretion starts and organisational control ends.

As the existence of corruption signifies a critical weakness of senior police officers' ability to exercise control over the police agency, there is a strong temptation in the senior ranks to deny or play down its existence. Although acknowledging its existence is a step in the right direction, it does not follow that the action taken to deal with it will necessarily be useful or effective. The quote at the top of this chapter emphasises the critical role of the 'administrator' in tackling corruption successfully. This insight echoes a theme in literature emphasising the critical role the police commander, manager or supervisor has to play in dealing with corruption.

But what exactly should police management at different levels be doing in this regard? Lists of desired responsibilities and activities are easy to draft, but police managers operate in particular political, social and organisational environments. These circumstances will

determine whether or not such expectations are realistic. Managers themselves may be the beneficiaries of corruption. They may also believe the personal costs they face in tackling it are too high. For a police agency to effectively act against corruption, managers must have the will power, authority and organisational support to do so. Similarly, they must be held accountable where they fail. When a police agency is serious about tackling corruption, its managers must actively share this commitment.

In South Africa, police corruption is an unfortunate continuing challenge facing the police transformation process. While it has remained an official priority concern for the [South African Police Service](#) (SAPS) since 1996, there is little indication that the organisation to date is effectively overcoming the problem.

What is the extent and nature of the problem in South Africa? What are its causes and what should be done to curtail it? Are police managers clear about what they have to do to combat and prevent corruption? This chapter will discuss and attempt to answer these questions. The first section examines the indicators most commonly used to assess the extent and nature of the problem as a way of highlighting the situation in South Africa. Two broad approaches towards understanding police corruption are presented and used to explain why the SAPS has a corruption problem. Finally, a strategic approach to combating corruption in the police is presented. This will be used to evaluate SAPS's approach towards one of the most significant challenges facing police transformation in South Africa today.

### **Police Corruption in South Africa**

The question is often asked, 'What is the extent of corruption in the police service?' Sometimes there are questions about whether corruption is getting better or worse. One of the biggest problems facing any organisation interested in tackling corruption is the lack of information available to answer these questions. For example, an incident of police corruption occurs when a detective accepts money from a criminal suspect who wants to ensure that not enough evidence will be gathered to lead to a conviction in court. In such a case, as in most other incidents of police corruption, neither the corrupt police member nor the criminal suspect will report the incident as both are liable for criminal sanction. The victim of the crime might suspect a problem but would not have any evidence that such a deal had been made. It follows that few incidents of police corruption see the light of day.

Given the clandestine nature of the phenomenon, it is widely accepted that debates about the extent of corruption and its increase or decrease, are almost always bound to be inconclusive (Klitgaard 1984). Klockars et al expand on the problems this can have for policy makers:

Corruption is extremely difficult to study in a direct, quantitative, and empirical manner. Because most incidents of corruption are never reported or recorded, official data on corruption are best regarded as measures of a police agency's anti-corruption activity, not actual level of corruption. (2000: 2)

Whereas it may be almost impossible to ever gauge accurately the amount of corruption taking place in any given police agency, there are certainly indicators that provide insight

into the nature of corruption an organisation is facing. Sherman explains:

Any statement about police corruption by any source—from any newspaper stories to interviews with convicted police officers—can open a window to the organisation of corruption at that point in time to which the statement refers. Some windows will provide a more complete view than others, but all will offer some information of value. (1983: 375)

Although there is little information on the extent of police corruption before 1994, there is no doubt it existed throughout the police force. While for the majority of the population, the organisation in its entirety was corrupt as it had become a tool for brutal political oppression along racial lines, there is sufficient evidence that the abuse of power for personal gain was relatively widespread and occurred at the highest levels under apartheid. The trial of hit squad commander Colonel Eugene de Kock is one important source of the extent of corruption among senior commanders in the police. Throughout the duration of his 18-month trial, De Kock presented a litany of evidence which not only revealed how common fraudulent activities were within his unit, but also how easily these could be perpetuated. A vast majority of the 121 criminal charges that De Kock was faced with were related to fraud. The charges were not brought about by the senior officers of the apartheid police force to whom he reported, but by independent state prosecutors following the revelations of the Goldstone Commission into public violence.

Other evidence given at the trial revealed how police members were also involved in the smuggling and dealing of drugs, diamonds, and illegal weapons from which they profited handsomely. While most of the evidence at this trial related to the powerful Security Branch of the South African Police, there are indications that bribery, protection rackets and theft were also commonplace among 'ordinary' police members. These forms of corruption, closely linked to the policing of illicit markets such as gambling, prostitution and the illegal sale of liquor, promoted corruption throughout the apartheid police force.<sup>1</sup> Indeed, Lodge (1997) reveals how Auditor-General reports reflect increasing cases of police fraud after 1966, as well as a 1975 criminal case that details corrupt connections between senior police officers and the leader of a well-known criminal syndicate. Lodge further highlights how during the 1970s, "black policemen were commonly believed to refrain from charging pass offenders in exchange for bribes", and that "the repeal of pass laws and restrictive liquor legislation ended the two most common opportunities for police bribery and extortion." (1997: 9 – 10)

Since the birth of democracy, there have been significant changes in society and government in terms of transparency. The public has begun to hear a lot more about police corruption from the media than ever before. Stories describing police corruption or other forms of criminality often make news headlines or appear regularly in newspaper, television or radio reports. The following newspaper headlines represent a small fraction of what has appeared in newspapers in recent times:

- 'Gauteng police chief facing fraud charges' (*The Star* 12 November 2000);
- 'Rotten heist cops still on the beat—Officer supplied armour-piercing bullets for highway robbery' (*Sunday Times* 4 March 2001);
- 'Police admit link to child brothels—Three officers are being investigated for

accepting bribes or owning Hillbrow establishments, police chief says.' (*The Star* 7 March 2001);

- 'MEC speaks out on police corruption—Mokonyane shocked that senior officers worked hand-in-hand with criminals' (*The Star* 29 March 2001);
- 'Stiff sentence for guilty officer urged' (*The Star* 30 March 2001)
- 'Prisoner bribed cops to be with me, says girlfriend' (*Sunday Times* 8 April 2001).
- 'Give me R300 and I'll drop charges—Police sergeant arrested in sting involving woman and Anti-Corruption Unit' (*Saturday Star* 12 May 2001)

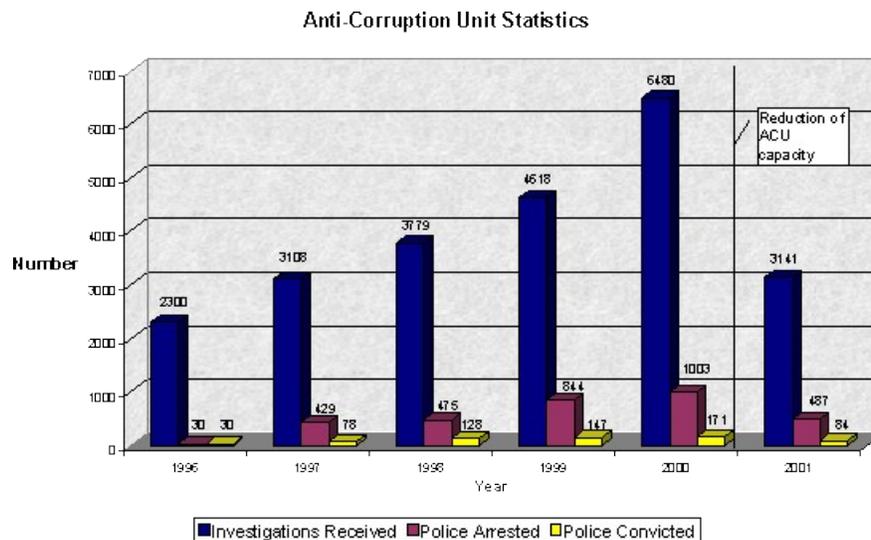
While the media is potentially a valuable source for gauging police corruption, it is far from reliable in giving an accurate picture of the extent of corruption. Of those few cases that do make it to the media, it is not always clear if the allegations reported on have been verified. Criminal trials involving police corruption often take longer than a year to finalise. Unless high-profile figures are involved, the media generally do not follow the cases through to their completion. They might report on a conviction or acquittal with insufficient detail for the researcher to gain a clear understanding of what the incident entailed. As a result, media reporting on incidents of police corruption in South Africa generally tends to be ad hoc, sensationalist and generally thin on detail. Although it is flawed, the media is nonetheless a useful source of information about police corruption. To get a sense of what could be learned about police corruption in South Africa from press stories, [Sayed and Bruce](#) (1998) collected and analysed the instances of police corruption reported on over a 15-month period from February 1996 to April 1997. Of 22 types of police corruption identified in the international literature on the subject, 16 were reported on in the press. From this study they concluded:

It seems reasonable to assert that the occurrence of reports on so many different types of corrupt activities in the South African press in little over a year may indicate that police corruption in South Africa is fairly extensive as well as being varied in nature. (Sayed and Bruce 1998: 11)

Opinion surveys provide another source of information about the public's perceptions of the extent of police corruption. However, while a number of surveys have been conducted on the public's perceptions of the police in general, only a small number have specifically focused on the issue of corruption. On public sector corruption more generally, the Institute for Democracy in South Africa (Idasa) found that almost 50% of the population believed 'almost all' or 'most' public officials were involved in corruption (Camerer 2000). An earlier survey conducted by the country's biggest daily newspaper the *Sowetan*, revealed that 67% of its respondents believed that police members accepted bribes (Lodge, 1999). The following year, a 1996 Johannesburg Victimization Survey revealed that of the reported instances of bribery and corruption, 53.6% involved members of the South African Police Service ([Naude 2000](#): 28). A rare survey into police detectives' attitudes was undertaken by University of South Africa (UNISA's) Professor Ben Smit (1998), who found that a majority of the participants agreed with the statement 'Many police officials are corrupt'. More recently, in a nationwide representative survey on police service delivery, Louw and Pesler (2001) found that of those members of the public who stated policing services had deteriorated, the primary reason given for this belief was that, 'the police are corrupt'. It must be remembered that public opinion surveys are based on people's subjective opinions and do not always reliably reflect that actual state of affairs. It could also be argued that many people's perceptions are coloured by the messages they pick up in the media.

Furthermore, because the word 'corruption' is generally recognised having negative connotations, respondents to surveys could be including various problems they have experienced under the term. But even taking all these factors into consideration, the few surveys touching on the issue reveal that police corruption is considered a serious problem by a substantial number of South Africans.

The figures released by the SAPS National Anti-Corruption Unit (ACU) provide a glimpse into the extent of police corruption in South Africa. The ACU was initially established in 1995 but only really started making its mark the following year. The unit's key objective is the 'effective prevention and investigation of corruption within the SAPS' (SAPS 2000a: 3). The ACU acts on behalf of the Divisional Commissioner of Detective Services. It consists of a national component responsible for co-coordinating and setting guidelines for the provincial units. By the end of 2000 there were approximately 250 members of the ACU tasked with investigating allegations of corruption committed by police members. The figures as released by the ACU for the period 1996 to 2001 can be found in the graph below.



Given that police corruption is accepted as an under-reported phenomenon, the figures provided by the ACU are astounding. Apart from the sheer numbers of cases reported, what is striking is the extent to which these numbers have increased consistently over the past few years. Whereas 2 300 cases were reported during 1996, this figure had almost tripled to 6 480 for the year 2000. This does not necessarily mean actual incidents of corruption were increasing. As the ACU improved its systems for handling allegations and as it became more publicly known, reporting levels of corrupt incidents could have increased. Similarly, the drastic drop in figures for 2001 unfortunately does not reveal that the battle against police corruption was finally being won. Rather it reflects a significant blow to the fight against police corruption with the closure of four of the nine provincial Anti-Corruption units thereby reducing the national capacity of the ACU from roughly 250 to 145 staff members. As a result, the ACU's had less ability to receive information on corrupt police members, register investigations, make arrests and ultimately convict corrupt police members. While more will be written on this issue later in this chapter paper, it is arguable that had the number of units had been doubled, so would the number of investigations received by the ACU.

The huge discrepancy between numbers of allegations made and the corresponding numbers of police members charged and ultimately convicted, point to important shortcomings in the systems for fighting police corruption. Apart from the substantial amount of time it takes to thoroughly investigate police corruption so as to be able to gather enough evidence to charge a police member,<sup>3</sup> once formal charges have been laid the case might take more than a year before the court reaches a verdict. While these delays partly explain the discrepancy between the reporting, charging and conviction figures, bigger obstacles face the ACU. A large number of the sources upon whom the ACU relies wish to remain anonymous and will not testify. Often these individuals are directly implicated and could be charged with corruption themselves if their identities are known.<sup>2</sup> They also fear repercussions if their identities are made known to the police member under investigation. Consequently, while the ACU may receive information that a certain police member has been involved in an incident of corruption, there is usually little other evidence to go on. Given the relatively small size of the unit compared to the number of allegations received, most cases do not progress very far.

The large number of cases opened by the ACU is the clearest indication that corruption is widespread throughout the SAPS. A significant number of these cases are related to 'petty' corruption—or 'once off' incidents of bribery or other misuse of police powers for personal gain. This is the commonest form of corruption largely involving lower ranking police members. However, internal police investigations have also revealed that corruption is prevalent at all levels of the SAPS. Corrupt behaviour at the highest levels of the SAPS is particularly disturbing. The National Head of Organised Crime, Assistant National Commissioner Albert Eksteen was arrested in June 2001 and faces more than 100 criminal charges of fraud related to approximately R40 000 in false travel claims. The KwaZulu-Natal Provincial Head of Organised Crime, Piet Meyer was also arrested during 2000 and is presently standing trial for accepting substantial bribes in exchange for not raiding illegal gambling establishments and protecting drug syndicates. It is therefore undeniable that corruption is a significant problem facing the SAPS and remains a central factor undermining the ability of the police to deliver effective policing services. While it is heartening to see the SAPS taking the necessary action against such high ranking officers, much work still needs to be done to determine how many other senior officers are engaged in similar activities, and the organisational culture that allowed them to believe that they could become involved in such activities in the first place.

### **Understanding police corruption**

Police corruption has been around since police forces first came into existence. Historians have recorded an immediate problem with extortion and other corrupt activities shortly after the establishment of the first New York City police force in 1844 (Klokars 1983, p. 350). Since then this police agency has had a number of corruption scandals and reform initiatives occurring roughly on a 20-year cycle. Well-documented corruption scandals have taken place throughout police agencies around the world. These scandals have turned attention towards the nature of police corruption, the reasons underlying it and what can be done to control and prevent it. The literature on police corruption tends to focus on two key approaches towards understanding why police corruption occurs. Each approach highlights a significant dimension of the phenomenon of police corruption and directs policy makers towards a particular response of the problem. At a macro level, any strategic framework

that seeks to coherently tackle the problem of police corruption should be based on a recognition of these key approaches.

### **The Individual Police Member**

The most common approach towards understanding police corruption can be called the 'bad apple' approach. It is so called because a common response from police agencies around the world when confronted with incidents of corruption is to place the blame for corrupt activities on a few deviant individual police officials, or 'bad apples'. It is common for police agencies to claim that '10% of your officers create 90% of your problems' (Samual and Alpert 2000, p.2). However, this is assumed to be the case in police agencies where recruitment and selection criteria are quite strict, (such as the United States,). Indeed, recruitment has emerged as a critical area to consider when trying to minimise corruption in police agencies (see Newburn, 1999; Palmer 1997). It is argued that inadequate criteria for screening and recruiting new police members results in higher proportions of problematic police officials being employed by the police agency. Fyfe, (1999) has conducted research suggesting that mass recruitment drives for police agencies in the US have yielded higher numbers of problem officers. This is because many people will join the police agency not for vocational reasons, but because personal issues to do with status, power, access to weapons or merely because it is a job. The greater the number of such individuals in a police organisation, the more likely it will be that negative organisational cultural characteristics will develop resulting in increases in abuses of power.

In South Africa during the apartheid era, the police force was not constituted to provide services to the community in a manner consistent with human rights and democracy. Rather, the organisation was centered around the notorious 'Security Branch' whose key concern was to brutally suppress popular resistance to the apartheid state and vigorously enforce its racist laws. When democracy emerged in South Africa, it was predicated upon political agreements that prevented any radical transformation of the police force. Firstly, due to the 'sunset clause', apartheid era public servants were guaranteed their jobs for five years following the elections. Secondly, there was the mass recruitment of individuals belonging to other subsidiary and informal policing structures such as the 'kitskonstables', the railway and municipal police, and the militant youth of township self-defence and protection units (SDUs and SPUs). Many of those recruited into the new police service had received little or no police training and were poorly educated. Thirdly, there was the amalgamation of approximately 28 791 police officers from the 10 'homeland' police services into the new national police service ([Rauch, 1998](#)). Lodge (1997) details how corruption was deeply entrenched and routine at the highest levels of the homeland administrations throughout most of their existence. He makes the argument that considering that many of these people are in the present government, "it would be reasonable to expect the continuation of a certain amount of corruption." (Lodge, 1999, p. 10-11).

This led to a situation where the new national police service was saddled with substantial numbers of police members speaking different languages, possessing different rankings, uniforms, firearms and varying levels of training, dedication and commitment. Furthermore, approximately one third were functionally illiterate, 30 000 policemen did not have drivers licenses and 20 000 policemen possessed criminal records (Business Day, 27 August, 2001). A key indicator of the size of the problem can be found in official figures revealing that 14 600 police members were facing criminal charges ranging from murder,

rape, armed robbery, assault, theft and bribery to reckless driving during 2000 (Masuko, 2000). Therefore, it can be argued that the new South African Police Service could be likened to a poorly made barrel containing a large number of 'bad apples'.

The usefulness of the 'bad apple' approach is that it highlights the reality that there are certain individuals who would be more likely to engage in corrupt activities than others for a host of complex psychological and personal value reasons. Ultimately then, one part of any successful anti-corruption strategy has to be that it deals effectively with individual corrupt police members. If the police agency is unable to take meaningful action against those found to be corrupt, then all other initiatives to combat or prevent corruption will be significantly undermined. A typical policy response to police corruption is to tighten up the internal controls of the organisation. It is useful to differentiate between two kinds of policy approaches, namely 'preventative control' and 'punitive control' (Sherman 1987).

The 'preventative control' approach aims to minimise the risk of corruption. One way of doing this is to attempt to improve the quality of the candidates who are trained by and finally accepted into the police organisation. Research in the United States of America has suggested that factors including recruitment policies and procedures and the nature of basic training can have a significant effect on the number of 'problem officers' with which a particular police agency will eventually have to deal (Fyfe 1999). Furthermore, there are often attempts to enhance the accountability of police managers, increasing supervision of front-line police members and abolishing procedures that can be identified as encouraging corruption<sup>4</sup> (Newburn 1999).

The typical 'punitive control' approaches used to deal with corruption are largely based on the deterrence theory where attempts are made to:

increase the detection of and punishment of corrupt acts in order to deter all officers in each department from engaging in corrupt acts. (Sherman 1983: 146)

Such initiatives can include strengthening internal investigation units, conducting random or targeted integrity testing, or establishing early warning systems.

### **The Task Environment**

The second classic approach towards understanding and combating police corruption tended to focus heavily on the environment in which police officials operated. There are persuasive arguments presenting the view that this is the most important factor influencing a police official's behaviour (Sherman 1983: 374). Much of what has been written tends to examine the relationship between the nature of the environment within which police officials work, and the extent to which corruption will occur. Newburn (2000: 17) identifies a number of 'constant' environmental causal factors that affect the development of corruption. These include low direct managerial visibility of police actions, low public visibility of many police actions, peer group secrecy, low status in society due to low pay and frequent contact with criminals with significant resources who will attempt to influence the discretion of police officials.

One of the most insightful perspectives of how the 'task environment' can lead to corruption

comes from Peter Manning and John Redlinger's paper 'Invitational Edges' (1991). Manning and Redlinger explain how the policing of illegitimate markets such as drug markets, positions police members on the 'invitational edge of corruption':

The structural constraints of legally suppressed markets expose the agent to an accumulation of attempted influence. Because sellers want effective control over their markets, they must find ways to neutralise enforcement agencies. If they cannot avoid at least arrest and charge, and it is probable that eventually they cannot, then they must attempt to gain favourable influence with agents. (1991: 400)

Collusion between police members and drug syndicates has been recorded in South Africa. In some cases police officials are paid by syndicates or drug dealers to use their policing powers to undermine competition from other syndicates:

They [drug syndicate members] give information to corrupt members of SANAB (South African Narcotics and Alcohol Bureau) at the airport about a consignment coming in from Brazil or Hong Kong. After the arrest is made, the dealer pays to have the seized illicit consignment released to them. ([Thulare 1999](#):19)

However, the 'task environment' takes on a more insidious form in South Africa. Not only will police accept bribes for 'turning a blind eye' to illegitimate markets, but many police will deliberately exploit their powers over those who work in these markets.

In South Africa large numbers of people work in illegitimate markets, often as a means of survival. Poverty and high unemployment contribute to many people becoming involved in selling liquor illegally, drug dealing and prostitution. Furthermore, there are many thousands of immigrants in South Africa of whom many come to the country to escape the war and poverty in their home countries. These people are particularly vulnerable to police corruption as such police members know that they will generally not report the incidents and are easily intimidated if they do. Many police officials view these illegitimate markets and marginalised communities as an easy way to supplement their income. Certain inner-city areas notorious for high levels of illegal immigrants, prostitutes and drug dealers, have been dubbed "ATMs (Automatic Teller Machines) for corrupt cops" (Interview with a police sergeant based in Gauteng, March 2001). In some areas, police corruption is so rife that is known as "street tax" by residents (Thulare, 1999, p. 19). Researchers working with foreign refugees who are both legally and illegally in the country confirm that these groups are particularly vulnerable to police corruption:

If suspects refuse to pay a set amount, they are usually detained and any documents they have are destroyed. At the same time, undocumented foreigners may be able to secure their freedom by paying for it." ([Harris, 2001](#), p. 22)

Other forms of abuse have also been recorded. In a study of sex workers in the inner-city area of Johannesburg conducted by the sociologists at the University of Witwatersrand, 16% admitted that they had been forced to perform sexual favours to police members in exchange for not being arrested. (*Mail and Guardian*, 9 to 15 February, 2001)

The existence and vulnerability of marginalised groups however, are not the only 'task environment' factors that promote corruption amongst SAPS members. The high crime rate in many of the urban areas also prompts many small businesses to try and enhance their security through offering police officials' cash or other gratuities to pay extra attention to them. As one police member from an inner- city police station put it:

In this city everybody wants to be your friend if you are a policeman. They want to give you things so that they can call on you when they need help. Some of them want to own you. (Interview with a police captain based in Johannesburg, Gauteng, February 2001)

The situation is similar in the rural areas where the practice of giving gifts to police in exchange for services is also relatively common.

If we help a farmer to recover livestock stolen in a case of stock theft. He will often hand something to us, maybe a goat or half a sheep. (Interview with a police Superintendent based in the Eastern Cape, September 2000)

Task environment factors pose particular difficulties for police managers who wish to combat police corruption. In some cases the decriminalization of certain activities can reduce the extent of police corruption, as was the case in the United States during the early 20th century when the prohibition of alcohol was lifted (Sherman, 1983, p. 374). Usually, such decisions are based on a range of political considerations that signify a change in governmental policy and have to do with reasons other than police corruption. Understanding task environment factors is therefore useful for identifying where to target anti-corruption initiatives and in which situations.

### **Effectively Combating Police Corruption**

For a long time the problem of police corruption has been understood largely as a problem of deviant police members responding to a toxic environment. However, increasingly police corruption is being understood as a hazard inherent to the occupation. This has led to the recognition that the extent of police corruption can be understood as a reflection of organisational weaknesses within any given police agency. As the New York City Police Department's Commissioner Patrick Murphy put it:

The 'rotten apple' theory won't work any longer. Corrupt police officers are not natural-born criminals, nor morally wicked men, constitutionally different from their honest colleagues. The task of corruption control is to examine the barrel, not just the apples—the organisation, not just the individuals in it—because corrupt police are made not born. (cited in Newburn 1999:15)

The focus on the role of the police agency in promoting corruption has led to more sophisticated approaches being developed to combat the phenomenon. Contemporary anti-corruption approaches have started to go beyond the recruitment and selection processes and punitive methods emphasised by the 'bad apple' approach. Consequently, the human resource management systems of police agencies are starting to be seen as a necessary part of an integrated organisational strategy towards combating police corruption (see Palmer

1992; and Newburn, 1999). This includes including functions such as performance management, promotions, and training and development, as part of a coherent anti-corruption strategy.

This additional focus has to do partly with a recognition of the limitations of a largely 'punitive control' approach to combating police corruption. While Sherman argues that successful cases of police corruption control have all corresponded to moves, 'from less authoritarian to more authoritarian administrations', he too promotes a balanced approach between, 'authoritarian and democratic modes of administration' (1983: 375).

A particular dangerous and unintended consequence of punitive authoritarian strategies could be to promote rather than diminish the siege mentality prevalent within many policing environments (Carter 1993). A seminal case study by Maurice Punch (1983) of a Dutch police organisation's corruption scandal clearly illustrates how such a response led to widespread inter-rank animosity between upper and lower commanders as 'scapegoats' for the corruption problem were sought.<sup>5</sup> Sherman (1983: 376) emphasises that:

what maintains conformity to organisational policy is a good balance of pride and fear, deterrence and voluntarily compliance.

Therefore while enhancing internal controls is critical because it increases accountability, such moves must be accompanied with strategies to change both the attitudes and the culture of the police agency. Accordingly:

The ideal environment will be based on pride, professionalism, trust, autonomy and open accountability. It will capitalise on the positive aspects of police culture. The police culture ... or *esprit de corps* of policing is one of the strongest and probably most underutilized positives of police organisations. (Carter 1993:116)

In this ideal situation, the prevention and detection of corruption would depend less on expensive specialised investigative units and more on the colleagues of the corrupt police member. This approach towards corruption control has gained increased prominence and acceptance as the limitations of other forms of corruption control become realised. A term, 'police integrity' can be used to describe this approach. During 1996 a National Symposium on Police Integrity took place in Washington DC. At this symposium 'police integrity' was described as the 'sum of the virtues required to bring about the general goals of protection and service to the public', where minimum virtues listed were prudence, trust, effacement of self-interests, courage, intellectual honesty, justice and responsibility (US Department of Justice 1996:14-15).

More recently Klockers (1999) has defined 'police integrity' as the 'normative inclination among police to resist the temptations to abuse the rights and privileges of their office.' This definition highlights the ideal of establishing an organisational environment within a police agency that promotes and supports ethical police conduct while at the same time effectively engaging with problematic behavior. Flowing from an understanding of an environment that does not support corruption, Klockars (2000) has developed an 'Integrity Survey'. This has attempted to quantify the integrity of a given police agency through assessing the

responses of police members to a range of questions related to a series of brief case studies detailing corruption and related police conduct. A police agency's relative integrity can then be assessed by the responses of police members. Questions relate to how serious they perceive the conduct in the case studies to be, whether they know if the conduct is against departmental policy, what disciplinary action they believe would and should follow such behaviour, and whether or not they would report such behaviour. This is the first time 'police integrity' has been operationalised into a measurable phenomenon. As Klockars (2000) argues, these measurements of police integrity may assist police administrators in identifying key organisational characteristics that promote or hinder police corruption.

While changing police culture from one that supports corruption to one that prevents it is far from an easy or uncomplicated task, it has to be seen as a necessary component of any strategy to combat police corruption. The past decade has seen a focus on the best possible ways to effect cultural change throughout policing organisations. The key leverage point in this regard has emerged as the police manager or supervisor. The US Department of Justice and the International Association of Chiefs of Police has stated:

It is the integrity of each individual officer that is most valuable in protecting the department from corruption. Management's most important task therefore, is to provide an environment in which the individual can perform with integrity. This environment can be achieved through open and honest management officer communication and by the high-integrity example of role models in senior positions. (Cited in Carter 1993:116)

Indeed, the role of the police manager is argued as being, 'The key to changing any aspect of policing' (Bayley 2001: 20). However, to ensure that police managers can realistically facilitate culture change throughout the police agency there needs to be a deliberate programme that enhances their authority while at the same time they need to be subject to increased accountability (Sherman 1983).

### **Tackling Corruption in the SAPS**

The final section of this chapter will examine how SAPS has responded to the problem it is experiencing with police corruption. To understand how combating corruption has emerged as a key priority in the SAPS, it should be understood in relation to the broader process of police transformation in South Africa. The first explicit step the SAPS took against police corruption was establishing the national Anti-Corruption Unit (ACU) during 1995. Given the numbers of police corruption allegations that the ACU started receiving, coupled with intelligence reports revealing police involvement in organised crime syndicates, combating police corruption emerged as a national police priority during 1996. However, while curbing corruption in the SAPS is a national priority, the ACU has remained largely responsible for taking action against it. The Policing Priorities and Objectives published annually<sup>6</sup> states that, 'To curb corruption within the SAPS' is a priority (SAPS 1998: 22). Out of the six performance indicators measuring this goal, four relate to the number of investigations, employees charged, convictions and discharges occurring as a result of work done by the ACU. The two other performance indicators relate to the number of financial audits and station inspections conducted. Clearly, the 'punitive control' approach has dominated the SAPS response to the problem of corruption.

Despite the domination of the 'punitive control' approach, a large number of other initiatives and processes taking place are related to building the integrity of the SAPS. On the policy front a White Paper for Safety and Security highlighted the key areas the police would prioritise. These included new policing paradigms aimed at building trust and improving the relationships between the police and the various communities. Consequently, a new policing discourse emerged with terms such as community policing, crime prevention, and victim empowerment beginning to gain currency. Furthermore, as part of the transformation process the SAPS went about implementing a policy of affirmative action at management level to ensure representivity throughout the organisation. Subsequently, recruitment and selection strategies were redesigned to ensure a high caliber of new recruits into the organisation. Minimum acceptance requirements meant that those selected would have to have successfully passed high school, possess a driver's licence and have no criminal record. The training programme for new recruits was also redesigned to inculcate democratic policing values and techniques. At the same time a new internal disciplinary system was being developed in line with the Labour Relations Act. Regulations to this effect were gazetted at the end of December 1996. The new disciplinary system was designed to be fair to both employees and the employer and provide a basis for enhancing the general level of discipline in the SAPS.

During 1997, a SAPS Code of Conduct was developed and circulated throughout the police. All police members were given a small plastic card with the code written on one side and the rights of an arrestee on the other. During this time a Service Delivery Improvement Programme (SDIP) was designed. This aimed at assisting police managers in identifying and solving specific problems related to the delivery of policing services at station level. More recently, a new performance management system has been developed. It holds all SAPS employees accountable for particular work responsibilities. It must be recognised however, that the entire organisation is undergoing a process of transformation, so while many of these initiatives may have the long-term effect of promoting police integrity and thereby minimising corruption, they are not part of a coherent integrated strategy designed to achieve this.

During 2000, senior police leadership began to be more outspoken in emphasising that corruption would not be tolerated within the police service. Anti-corruption messages from senior officers became a common refrain at both public meetings and police events. However, while the Minister of Safety and Security Steve Tshwete, seems to think he is speaking to, '... the small minority who are brutal or corrupt',<sup>7</sup> the National Police Commissioner Jackie Selebi has publicly stated that there is, '... an immense problem with corruption' (*Business Day* 2 March 2000). While such anti-corruption statements intends to signal the political will to fight the problem, they have also tended to reflect an inadequate understanding of the complex nature of police corruption, as well as inconsistencies on the extent of the problem and the lack of an integrated strategy to tackle the problem coherently.

Unfortunately, the fight against corruption in the police suffered a huge blow at the beginning of 2001 when half of the provincial anti-corruption units were closed down. Although ostensibly this action was in line with the SAPS strategic approach towards moving skills and capacity from specialised units to police stations where most policing takes place, practically this decision was a significant strategic error. Police corruption

investigations are highly sensitive and require specialised skills and expertise. In most police services where tackling corruption is taken seriously, special anti-corruption units are independently managed so as to remove them from interference they are bound to face if colleagues were investigating each other at station level. While folly of this decision appeared to have been realised as the remaining provincial units were spared, the consequence of the decision was that size of the ACU nationally was reduced by half. This drastic cut in capacity resulted in the ACU receiving half its previous years number of investigations with the number of arrests of corrupt police members dropping from 1 003 in 2000 to a mere 487 in 2001.

During the strategic planning process held in 1999 to develop the SAPS Strategic Plan for 2000-2003, police corruption was once again identified as a key obstacle confronting the police in achieving their goals. However, for the first time the problem of police corruption was linked more broadly to what was stated as the 'fundamental factor' central to undermining the delivery of police services by the SAPS, namely 'a lack of integrity' (SAPS 2000b: 1). Consequently, a draft national 'Service Integrity Framework' was developed to guide organisation-wide initiatives to combat corruption. This framework explicitly recognised that corruption in the police service, 'is a reflection on the total organisation and cannot be attributed to a few bad apples' (SAPS 2000b: 2). Consequently, the document calls for a move away from an approach that focuses primarily on the 'corruption incident' to one that recognises the environmental causes of corruption. Acknowledging the heterogeneity of the SAPS, the framework calls for both a prescriptive 'repressive' approach and 'preventive/ proactive focus' if corruption is to be curbed effectively (ibid). Ultimately, the framework document emphasises the link between a successful anti-corruption strategy and an investment in developing organisational capacity to sustain service delivery. Towards this end, the 'integrity framework' proposed a three-pronged approach that included preventative, education and awareness, and enforcement components.

While at a conceptual policy level the SAPS has made significant strides in recognising the 'integrity' approach as a prerequisite in tackling corruption, at the time of writing there is very little movement towards finalising an agreement on, and implementing the SAPS Service Integrity Framework. Currently there is no dedicated senior police leadership structure such as a 'task team' driving the policy, nor are there resources committed to developing and implementing the framework. Also, the policy framework is but one of a number of competing policy initiatives in the SAPS. The primacy given to the more politically pressing, operational crime-fighting strategies such as 'Operation Crackdown' could also be a reason hindering the further development and implementation of the integrity framework.

While indications are that movement on further developing the framework will probably take place in the future, none of the thinking found in the framework has yet filtered down to police station level. Most police station managers are aware that curbing police corruption is a national priority, but they are not able to implement the publicly adopted punitive 'zero tolerance' approach promoted by senior leadership. For a vast majority of South African police managers, this is far easier said than done.

Most police managers continue to turn a blind eye to the problem of police corruption. This is not necessarily because they are complicit in it or condone corruption (though this is too

often the case), but rather because they are hopelessly ill-equipped to handle the ramifications of taking action against corrupt members. The bureaucratic 'rule-following' culture still dominates the SAPS in spite of intentions to change it. Many police station-level middle or junior line managers tend to see their job in a mechanistic manner. They consider their key responsibility is to implement orders from their superiors and take care of the paper work. Most of these managers would still rather do nothing if not instructed to, rather than risk initiating something that has not been approved from above. Even maintaining a basic level of discipline among their subordinates is a challenge that most line managers have failed to meet. The disciplinary system requires that direct supervisors take responsibility for initiating action against a problem police member. But the system is cumbersome, slow and bureaucratic, resulting in an increasing backlog of outstanding cases.<sup>8</sup> Most managers do not fully understand how to operate the new system. For many, the time and energy required to officially take punitive action is not deemed worth it. Once managers have initiated disciplinary steps against a member, they rarely make any other inputs during the process and are not party to any decisions subsequently taken. Consequently, managers feel inadequately supported by the organisation in initiating disciplinary steps against a problem member.

Indeed, initiating disciplinary action against a problem member could lead to negative consequences for a manager who will often be perceived by those under his or her command as doing so for reasons other than maintaining discipline. Commonly, a manager can expect subordinates to assume that the key reason for disciplinary 'steps' being taken is to impress more senior ranks to further personal career ambitions. Racial and ethnic differences compound this problem and managers can also expect to find themselves formally or informally accused of 'racism' or other forms of discrimination as a result of initiating disciplinary action. As a result the average manager expects active resistance from their subordinates if they adopt the disciplinarian approach required to ensure 'zero tolerance' towards corruption. In cases where a police member is substantially supplementing his or her income through corrupt means, the consequences could be more extreme. The manager could experience threats against his or her family, and violence against managers is not unheard of. Most managers find they are more likely to get general compliance from their subordinates if they do not use a punitive approach. Front line managers will generally only take disciplinary action if directly instructed by their superiors as it affords them the excuse that they are only 'following orders' from above. This encourages a situation where lower level managers see themselves as being closer to their subordinates rather than as part of a coherent management component. Thus 'turning a blind eye' and a 'code of silence' become normative characteristics of police culture resulting in the covering-up of unethical or problematic behaviour by subordinates or colleagues. The inability or lack of will to ensure basic discipline is one of the key shortcomings to promoting police integrity and curtailing corruption in the SAPS.

However, for police managers to promote police integrity requires more than their willingness and ability to make appropriate use of the formal disciplinary system. It is imperative that they are able to display attitudes and behaviour reflecting the values and ethos associated with professional policing. Police managers have to recognise they are leaders and role models for those under their command. They have to set and maintain standards around following the rules and procedures. Police managers must also be held accountable for becoming more engaged with the nature and quality of work of their

subordinates. When work problems are identified, managers need the courage and determination to confront the police member concerned and ensure that the problems are solved. At the same time police managers must recognise and acknowledge good members who have conducted themselves in a manner commensurate with ethical and professional policing. Managers must also take efforts to reward exceptional performance when it happens. If police managers are made aware of, and held accountable to such responsibilities, a culture of police integrity can start to flourish within their units. Police managers will cease to turn a blind eye to problem officers and accountability will be enhanced. Hard-working police members who display dedication to professionalism will be recognised and rewarded. They will become less likely to tolerate attitudes and behaviour that undermines the police organisation.

For managers to successfully promote police integrity at station level, organisational systems geared to support this become critical. Managers must be trained, so that they know what is expected from them in terms of attitudes and behaviour. They must also be equipped with management skills and techniques to ensure they are able to motivate members through positive reinforcement as well as formal punitive action. Crucially, they must be held accountable for the behaviour and attitudes of those in their commands.

Unfortunately this is far from being the case throughout the SAPS. Apart from being inadequately equipped and supported to effectively manage those in their command, there is also very little middle and lower level management accountability.

If the anti-corruption or any other internal units uncover corruption involving police member or members, unless directly implicated the manager will not be the focus of any inquiry. There are no procedures in place to determine whether or not direct supervisors should have identified problematic behaviour, and if so, whether appropriate steps had been taken by the manager to intervene and rectify the problem. In addition, management promotions in the SAPS do not focus on how well an applicant has maintained discipline or professionalism among his or her subordinates. Managers are seldom held accountable for the behaviour or actions of those over whom they hold authority. Indeed, there is little external impetus for managers to increase their command and control or act as role models for those in their charge.

This is generally the reality confronting the SAPS at the present time. While there are those managers who are able to effectively exercise their authority through a balanced approach of motivation and sanction, they are certainly in the minority. Until a strategy to enhance integrity focuses on and engages with the daily realities of police managers at all levels, the police culture and environment allowing corruption to flourish will remain unchanged.

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#### **Notes:**

<sup>1</sup> Revealed in an interview on 6 August 1999 with an ex-detective in the South African Police Force (SAP) during the 1980s and early 1990s. He had been convicted on corruption charges and spent time in prison as a result.

<sup>2</sup> Under the present Anti-Corruption Act of 1992, both the 'corruptee' and 'corruptor' are liable for criminal charges for incidences of corruption.

<sup>3</sup> According to ACU Director Stef Grobler, it takes on average 18 months to complete such a 'project'.

<sup>4</sup> Newburn (1999) gives the example of unrealistic productivity targets; inadequate means for paying informants; and insufficient funds for buying drugs from 'dealers' as examples of procedures that have been found to encourage corruption among police members.

<sup>5</sup> Punch describes how in the haste to try and limit the damage to the police department following the public exposure of a corruption scandal, lower level front-line commanders were blamed. In response, these front-line commanders retaliated with accusations of their own directed at senior commanders. This led to a breakdown of co-operation within the ranks which undermined the credibility of the entire police agency.

<sup>6</sup> As required by section 11 (2) (a) of the South African Police Service Act, 1995.

<sup>7</sup> This speech was the Safety and Security Budget Vote and Independent Complaints Directorate Appropriation Bill Address by Minister SV Tshwete. Presented in the National Assembly on 7 June 2001.

<sup>8</sup> During July 2001 for the SAPS nationally (excluding the province of KwaZulu-Natal) 1 136 new cases were received, 1 266 hearings were held, 626 hearings were finalised and 7 328 outstanding cases were carried forward to the following month.