

Towards an Anti-Corruption Strategy for SAPS Area Johannesburg

by

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Introduction

The aim of this document is to present suggestions that could become part of an anti-corruption strategy for the South African Police Services (SAPS) Area Johannesburg.

While there are a range of initiatives that can be adopted, typically these will be determined by the resources and capacity of the police structure concerned. This document aims to generate a number of ideas that could be considered further. Of course, only once certain initiatives have been identified and their viability carefully considered, should the necessary role-players be incorporated and an implementation plan developed.

Police corruption in South Africa has emerged as a persistent challenge facing the SAPS. While it is impossible to gather empirical data on the actual extent of the problem, repeated studies have revealed that the perception amongst the public is that the police are the most corrupt government department.¹ While this level of public perception may not reflect reality, international comparative research on anti-corruption strategies in the police has revealed that "The correlation analysis has shown that there is a highly negative statistical interrelationship between the perception of corruption in the police and the level of the implementation of anti-corruption measures."² Simply stated, this research found that for countries where there was no anti-corruption programme and relatively few anti-corruption measures, members of the public were more likely to perceive that police corruption was widespread and increasing.

This highlights the role that having well publicised anti-corruption strategies can play in bringing down both perceived and actual levels of corruption in the police. If the public know that the police are taking corruption seriously a number of things will start to happen. The public and clean police members will be more likely to come forward with information which will lead to a greater number of corrupt police members being identified and apprehended. As these successes are communicated to the public, increased public trust could emerge with fewer people tolerating police corruption. Furthermore, for those within the police service, the knowledge the corruption is unacceptable and that strategies are in place to tackle it will also contribute to fewer members engaging in what will increasingly be perceived to be a high risk endeavour.

For police anti-corruption strategies to be effective it is important to take note of lessons

learned through comparative international studies. The key lessons include:

- It is necessary to apply a broad spectrum of measures that are both proactive and reactive.
- Preferably the measures should complement and interrelate with each other.
- The measures should aim to be sustainable over the long-term (anti-corruption measures generally take time to work).
- An anti-corruption campaign needs to be communicated and explained to police members within the agency. It is important that they understand an anti-corruption strategy as part of a broader attempt to professionalise and build public support for the organisation.
- Public awareness and cooperation needs to be mobilised.

It is therefore important to note the argument that "The anti-corruption strategy, which has a well-thought-out programme, and has been implemented systematically on a long term basis, will be more successful."³

Developing an Anti-Corruption Strategy

It is a notable strength that the stated vision for improving the policing of the SAPS Johannesburg Area relies on three interrelated objectives:

1. Reducing crime
2. Tackling police corruption
3. Improving service delivery

It is necessary to constantly re-emphasise the link between these three objectives. It can be likened to cooking a stew in a 'three legged potjie pot'. In order for the public and police to enjoy a 'safety and security' stew, (where for the public this is lower crime and improved police services, and for the police service it is to enjoy better public respect and support), relies on a three-legged 'potjie pot'. Each of the three objectives is a necessary leg of this pot. Without one of them the pot will fall over and the 'stew' will not be possible.

That the core vision links all three objectives for improving safety and security in Johannesburg is important and needs to be clearly understood, accepted and constantly emphasised by commanders at all levels in the Area. It is important that an anti-corruption strategy or programme will be associated with achieving the overall vision for improving policing Johannesburg. This is more likely to generate the necessary support for the initiatives than if an anti-corruption strategy was seen as a stand alone endeavour.

Requirements for a Successful Anti-Corruption Strategy

When conceiving of an anti-corruption strategy it is important to recognise that as corruption is not one thing, nor can a successful strategy have one component to it. Ideally the strategy needs to address the individual, organisational and societal (or environmental) components of corruption. Strategies should also include proactive and reactive measures. The table below provides some examples of initiatives that could be part of a broad anti-corruption strategy.

	Proactive	Reactive
Individual	<p>Early warning system to identify 'problematic' officers.</p> <p>Specific units to conduct targeted and proactive investigations against suspected corrupt police members.</p> <p>Reward system for those members who report police corruption or misconduct.</p>	<p>Specific units to thoroughly investigate corruption complaints against police members and arresting and charging members where necessary.</p> <p>Stricter sentences/sanctions for those found guilty of misconduct or corruption.</p>
Organisational	<p>Ongoing anti-corruption awareness campaign.</p> <p>Reward systems for promoting professional values and behaviour.</p> <p>Establishing systems for improved disciplinary management.</p> <p>Targeted and random 'Integrity Testing' activities.</p> <p>Establishment and marketing of secured internal police reporting systems for misconduct and corruption.</p> <p>Establishment and marketing of a secured external complaints "hotline" number for the public who want to lay complaints against police members.</p> <p>Developing Integrity profiles for stations and</p>	<p>Careful recruitment and screening of candidate police members.</p> <p>A management policy of 'Zero Tolerance' for police corruption.</p> <p>Vicarious liability for commanders where police members under their command are found guilty of corruption. Part of the investigation should focus on the extent to which the commanders knew about problems and failed to act and the extent to which they were acting as a positive role model and upholding discipline.</p> <p>Covert operations targeted at stations or units where corruption complaints are frequently made. The aim should be to identify and arrest as many culprits in one go so as to 'shock' the system. Management restructuring can then take place and new commanders can be brought in to signal that a 'New Day' has arrived.</p> <p>Transfers of members from stations or units where corruption appears endemic.</p>

	<p>units.</p> <p>Hidden cameras in certain locations to identify corrupt police officers.</p> <p>A system of 'Field Agents' whose job it is to provide intelligence on corruption that is taking place.</p>	
Societal	<p>Awareness campaign explaining that corruption, misconduct and poor service delivery is not tolerated and how people can report it.</p>	<p>A policy of compulsory arresting and charging of members of the public who offer bribes or try to corrupt police members.</p> <p>Rewards to police members who charge civilians for attempts to bribe.</p>

While the above list of activities is not exhaustive, it reflects a range of initiatives that can be undertaken as part of a broader anti-corruption strategy that seeks to comply with both pro-active and reactive approaches and address the individual, organisational and societal factors that contribute to corruption.

It is unlikely however, that all these above mentioned initiatives could be undertaken as part of an Area level strategy as a result of capacity and resource constraints. The section below will elaborate on some of the above initiatives that could be incorporated as part of an anti-corruption strategy that could be undertaken at Area level. As a start it would be advisable to appoint a team of committed commanders to assist with identifying, designing, implementing and monitoring initiatives.

Short to Medium Term Initiatives

Raising Awareness

One of the initial activities that can be undertaken is to ensure that all police members are aware that there is zero tolerance for corruption. However, this should be accompanied by a number of initiatives that emphasise the seriousness of commanders in tackling the problem. A monthly or quarterly 'Service Improvement and Anti-Corruption Memo' could be circulated throughout all stations that highlights the following types of information:

- Notable examples of good service delivery that has happened in the given time period.
- Any awards that have been granted to police members for good work (this could be as part of a 'reward and recognition' programme run by the Area office. This could include rewards or recognition certificates for police members who have assisted in tackling corruption in the SAPS or who have arrested or charged civilians for

- attempting to bribe police members).
- Numbers of police members (and civilians) charged and/ or suspended for corruption (with brief description of the kinds of activities that resulted in the arrests).
- Numbers and names of police members dismissed or convicted for engaging in serious misconduct or corruption.
- Information on initiatives taken to improve service delivery and tackle corruption.

Such a briefing could also be released to the CPFs and the media so that members of the community are also regularly made aware that action is being taken to improve service and tackle corruption.

Reporting Systems

Many people are not sure how to report police misconduct or corruption, or they are not convinced that anything will be done if they do try and report these things. This is especially true for police members who would prefer to 'turn a blind eye' to the activities of their corrupt or ill-disciplined colleagues rather than risk a possible backlash from their colleagues if they come forward. It is therefore necessary and useful to establish clear and responsive reporting system (potentially consisting of an office and telephone hotline) with the following aims:

- To receive and process information about serious misconduct or corruption in the Johannesburg police Area.
- Will ensure that the complainant is treated politely and will ensure proper communication will be given about how the complaint will be handled. It is critical that the person who takes complaints has excellent people skills and can build trust with the complainant.
- Will ensure that the necessary information is collected and that appropriate action is taken and explain to the complainant if, how and by when feedback will be given.
- Consists of a grading system that can differentiate amongst various types of allegations so that they can be dealt with appropriately. Complaints can be graded according to the seriousness of the allegation and the amount of detailed information provided.
- Can lead to an immediate response if necessary (e.g. covert sting operation, search and seizure operation etc).
- Allows for anonymity so that complainants can provide information without exposing themselves. A process would have to be put in place to deal with such information. A system could be introduced that allows a 'secret code' to be given to the complainant who could then phone back at a later stage to provide further information or collect a reward if the information lead to the arrest and conviction of a corrupt member or group of members (and of course others who may not be in the police but involved in organised corruption).
- Is well secured so that no information about complaints is leaked out.
- Is well publicised so that all stations and CPFs know how to contact and use the system.

Medium to Long Term

Station Integrity Profiles

One way of emphasising the importance of dealing with misconduct and corruption at station level could be to develop an annual "Police Station Integrity Profiles". The aim of such profiles would be to collect data about the types of integrity challenges confronting each of the stations in the Jhb Area. These profiles would also send out a clear message that key factors relating to service delivery and corruption were being carefully monitored. The profiles could also assist stations with directing their strategic planning processes (i.e. identifying strategies to improve disciplinary management that could be tracked by the indicators), but could also assist the Area Office in directing 'integrity tests' or covert operations. The particular indicators should be developed by the Area office; however as an example each station could be profiled along the following lines:

- Positive Motivation
 - The existence of a Top Cop or other formalised reward system
 - Numbers of members who have received awards
 - Positive media reports received by the station
- Complaints Management
 - Number and nature of allegations received against members at the station
 - Numbers of written, telephonic, face to face or anonymous complaints
 - Number of complaints substantiated
 - Action taken following complaints
 - Length of time taken to resolve complaints
- Discipline Management
 - Numbers of verbal warnings issued + reasons for warnings
 - Number of written warnings issued + reasons for warnings
 - Number of disciplinary hearings held + reasons for hearings
 - Outcomes of hearings
 - Length of time taken to complete hearings.
 - Number of suspensions
 - Number of dismissals
- Crime and corruption
 - Numbers and nature of criminal charges opened against members
 - Cases referred to court, withdrawn, prosecuted
 - Number of convictions against members
 - Numbers/ amount of thefts from the police station
 - Numbers of escapes from cells

Such indicators would provide the Area with objective facts that could highlight the existence of particular trends or patterns. 'Flags' could be raised when certain stations either

have notably high or low numbers for any of these indicators as a ratio of their size.

Early Warning Systems

Such systems are becoming increasingly popular as a way of preventing corruption and other problems such as serious misconduct. Simply explained, an 'Early Warning System' is a centralised database in which all complaints, disciplinary action or other allegations against members are stored. A standard is established whereby if a police member attracts a certain number of complaints, absenteeism or disciplinary action or low performance appraisal during a certain time period– the member is flagged for some kind of increased management supervision or intervention, (also over a specific time period.) The idea behind the system is that (if it is established correctly) helps managers focus their attention on police members who may be potentially 'high risk' for problematic behaviour. The enhanced management attention can result in underlying problems being identified and corrected before more serious workplace problems emerge. If the member is already involved in problematic activities that have not yet been detected, the increased managerial attention can also lead to them ceasing to be involved in them. Such a system however, has to be carefully planned and well publicised before it is implemented. It is important to note that this system is not about increased negative discipline but rather increased supervision to deal with what could be underlying problems that could lead to serious misconduct or corruption.

Integrity Testing

These are covert tests that aim to determine the levels of problematic behaviour that occur within police stations or units. These tests can be targeted, where a certain problem at a certain location is being tested for (e.g. testing for theft when a specific unit, or individual member, conducts a raid or search and seizure operation), or random testing to determine whether a certain allegation has basis. Either way there is a need for a specialised unit to develop and conduct such tests. The unit can also track the extent that management systems are operating (e.g. the response a police commander gives to a complainant of theft during a search and seizure operation) so that shortcomings can be clearly identified and specific changes made.

Fast Tracking Disciplinary Cases

Increasingly police agencies internationally are starting to use the formal disciplinary system for removing corrupt officers where the burden of proof for a criminal trial may be impossible to satisfy. Where allegations of corruption or serious misconduct are being made against members, these cases should be 'flagged' and handed over to experienced investigators at Area level. The investigation against the members should include a particular focus on which departmental the regulations were broken. Once enough evidence has been collected for a departmental hearing, these hearings are allocated to experienced presiding and 'prosecuting' officers. The idea is to ensure that the investigation and hearing are held timeously and that problematic officers are removed as quickly as possible (obviously fairly and within the labour regulations). This sends out a strong message that serious misconduct and corruption will not be tolerated and will be dealt with aggressively.

In relation to either departmental or criminal trials, the withdrawal of a complainant should

not necessarily lead to the case being dropped. If enough evidence is available, the case should be pursued to send out the message that intimidating witnesses into withdrawing the case will not necessarily lead to the corrupt member getting off 'Scot free'.

Specialised Units

It has long been acknowledged that police members do not like to investigate their colleagues. This is a normal aspect of any organisational culture and is particularly strong in most police agencies. As a result special internal units that are dedicated to investigating serious misconduct, police criminality and corruption are a feature in many police agencies around the world where there is a concerted effort to tackle corruption. Such units are often effective because they consist of experienced police members who have a deep understanding of the kinds of schemes and activities that corrupt members can employ to escape detection.

These units can also become specialists in 'sting' operations by ensuring that they are totally up to date with the legal requirements on entrapment. Proactive 'sting' operations send out one of the strongest messages that not only is corruption not tolerated but that the organisation is prepared to take aggressive steps to tackle the problem. This also assists with prevention as many police members would rather not risk soliciting or responding to an offer of a bribe if they know that it could be a 'sting' operation.

Rehabilitation and intelligence

A system could also be put in place that can assist members from escaping corruption. Sometimes members may get themselves into situations that they cannot get out of. If such members are willing to come forward, give full disclosure and assist in identifying, arresting and prosecuting individuals who are also involved in corrupt activities, they could be offered a deal whereby they will not be charged and can keep their jobs. Such individuals could also become 'field agents' who are then used to detect and assist with investigations into other corrupt police members.

Conclusion

The aim of this paper was to stimulate ideas that could be adopted as part of an anti-corruption strategy for the police. The ideas presented in this paper have been documented in much of the literature on dealing with police corruption. None of them are 'fool proof' and all would need careful consideration before being operationalised to make sure that they have the desired affect. However, even adopting a few carefully thought through initiatives can potentially send out a strong message that corruption is being taken seriously and assist with building public confidence in the SAPS.

Notes:

¹ Camerer. L. (2001) Corruption in South Africa. Results of an expert pane survey. ISS Monogroah Series No. 65. Institute for Security Studies: Pretoria. A more recent study of 55 countries undertaken by Transparency International highlights that South Africans consider corruption by police members to be more of a problem than corruption by politicians. This was a markedly different finding than that of most other countries

surveyed, who perceived corrupt politicians to be of primary concern.

² Fric. P and Walek. C. (2001) Crossing the thin blue line. An international review of anti-corruption strategies in the police. Transparency International CR: Prague. p. 20.

³ Ibid, p. 11.