Warning Lights Flashing
Exploring Police abuses & performance in South Africa

21 August 2013
Gareth Newham
Institute for Security Studies

4th Annual Conference on National and International Perspectives on Crime and Criminal Justice
21 & 22 August 2013
Johannesburg, South Africa
Presentation outline

- Introduction
- Police Performance
- Police Conduct
- Recommendations
Objectives of the SAPS

The Vision of the South African Police Service is to –

• create a safe and secure environment for all the people in South Africa.

Constitution of South Africa (s205) police objectives:

• prevent, combat and investigate crime;
• maintain public order;
• protect and secure the inhabitants of the Republic and their property; and
• to uphold and enforce the law.
SAPS Programme Budget Trends
2003/04 to 2013 to 2014 (R billions)

Total – R66.7 bn
222% increase
SAPS Personnel Trends
2002/03 to 2011/12

Increase of 50.7% or 67,035 posts
SAPS Roadblocks & cordon operations
2002/02 to 2011/12
SAPS Arrests
(2002 to 2012)

- Priority crimes
- Other Crimes
- Total

Number: 3500000
3000000
2500000
2000000
1500000
1000000
500000

2002/2003: 1092689
2003/2004: 910801
2004/2005: 1130480
2005/2006: 1132606
2006/2007: 1227751
2007/2008: 1274602
2008/2009: 1223505
2009/2010: 1361504
2010/2011: 1452600
2011/2012: 1613254

Financial Year

32%
The Danger of Mass Arrests

• Since 2008/9, arrests increased substantially by 26% while the overall crime rate stabilised (showing a marginal 1.4% increase).
• In 2011/2012 the police made more than 1.6 million arrests, an increase of 11% compared to the previous year. However, during this year total crime increased by 0.7%.
• Increase in arrests for petty crimes may decrease crime rates in the short term, but can increase the crime rate in the long term. (Sherman et al, 1997)
• Most petty crime arrests do not act as deterrent, especially if they are unemployed and feel marginalised.
• Rather, such arrests compound alienation and can result in a breakdown of community relations with the police – resulting in further disorder and law breaking.
• In SA the strategy of mass arrests is limited to the police & not part of a comprehensive approach towards crime control.
• This is evidenced by the fact that in the past three years when arrests have increased by 18.4%, the total number of cases finalised by the National Prosecuting Authority (NPA) have decreased by 10%
Trio crime trends
2002/03 – 2011/12
Residential & non-residential burglary
(Rates per 100 000)
Total Arrests & Court Cases Finalised
2002/03 to 2011/12

- Total arrests and court cases finalised from 2002/03 to 2011/12 are shown in the graph.
- The number of arrests has increased steadily from 1,092,689 in 2002/03 to 1,613,254 in 2011/12.
- The number of finalisations has fluctuated but remained generally stable.
The importance of police conduct

Modest but consistent scientific evidence supports the hypothesis that the less respectful police are towards suspects and citizens generally, the less people will comply with the law.

Changing police "style" may thus be as important as focusing police "substance." Making both the style and substance of police practices more "legitimate" in the eyes of the public, particularly high-risk juveniles, may be one of the most effective long-term police strategies for crime prevention.”

Police Abuse & the “bad apple” fallacy

• Internationally & historically blaming “bad apples” for police abuses has been common.
• Since the 1970’s – the “bad apples” theory of police abuse has been recognised as inadequate.
• There are no examples of successfully improving policing relying on simply removing “bad apples.”
• “Enhancing police integrity is an organisational and administrative responsibility that goes well beyond culling individual police officials.” (CB Klockers, SK Ivkovic, MR Häberfield (eds) 2004, The Contours of Police Integrity, thousand Oaks CA: Sage Publications, p. 7)
• Senior police management have to take full responsibility & be held directly accountable for changing the culture, behaviour and performance of the police.
Does the SAPS have a problem with abuse of power?

- Between 2001/02 and 2011/12 police brutality cases against police officers recorded by IPID increased by 313% (from 416 to 1 722 cases, average of five cases each day.)
- Of the 720 deaths reported to the IPID in 2011/12, there was evidence of criminality on the part of police in 162 cases or one in five cases (22%).
- In 2011/12 SAPS charged 1 050 of their own members for corruption related offences
- SAPS facing R841 512 000 civil claims in relation to assault & R1,1 billion in relation to shooting incidents.
- Total claims have doubled in last two years to R14,8 billion.
- NVCS sees household experience of police corruption increase from 18,6% in 2007 to 22,9% in 2011
- In addition 66% of the adult population think that corruption is a widespread problem in the police (HSRC, 2011)
- Less than half (41%) of population have any trust in the police (HSRC, 2011)
- 35% of South Africans interviewed for futurefact in 2012 admitted to being “scared of the police”.
The problem of police impunity?

• Over past five years ending 2011/12 – total of 11 880 criminal cases opened with IPID.
• Of these, 2 576 cases referred to NPA & 129 convictions
• 1 448 serving police officials with convictions for crimes ranging from murder, rape & assault – 25% are commissioned officers
• Proportion of disciplinary hearings ending in a dismissal decreased from 12.2% in 2009/10 to 9.6% in 2011/12
• In 2011/12 over one in three (36%) of the disciplinary hearings held end with no sanction. This is because a total of 2 049 cases were withdrawn or ended in a not guilty verdict.
• The single biggest outcome of a disciplinary hearing in 2011/12 was a “not guilty verdict”. This happened in one out of every five hearings finalised. Moreover, this outcome increased substantially (73%)
Dangers of Mass Recruitment for policing

- SAPS grew rapidly in size from 2002/3 to 2011/12 by 51% (67 035 employees)
- Studies show dangers of mass recruitment (see Skolnick, J.H. & Fyfe, J.J. 1993, Above the law: Police and the excessive use of force New York: Free Press.)
- Police systems take strain (i.e. recruitment, vetting, training, supervision, discipline, performance mgt, etc)
- This results in large numbers of inadequately trained, poorly managed and supported police officials on the streets.
- In turn police misconduct and abuses (i.e. brutality & corruption increase).
- SAPS mass recruitment took place at a time with the weakening & breakdown of internal accountability systems (SAPS Area offices closure, disbandment of the SAPS Anti-Corruption Units, weakening of the SAPS National Inspectorate, etc).
Key Concerns regarding SAPS Performance Plan for 2013/14

- Fails to engage with evidence of police abuse or poor public perceptions of police in the “Performance Delivery Environment” that frames the plan.
- No mentioning of strengthening internal criminal & disciplinary investigations and processes.
- No clear plans for improving training, appointments, promotions, rewards or incentives.
- No recognition that crime has largely stabilised at a high rate & that current policing methods are not yielding the results required.
- No engagement with the issues raised in the Ministers introduction nor recommendations of the NDP.
Conclusion

- The recommendations of the National Development Plan (NDP) to “professionalise the SAPS” must be developed into a clear plan of action and implemented as a matter of priority.
- This should start with the establishment of a multi-disciplinary “National Police Board” to set objective standards for appointing and promoting police officers.
- Starting at the top of the SAPS, all officers must be assessed against these criteria – where they fail to meet the standards they must be removed from positions of authority.
- These posts should then be filled through a transparent and competitive process.
- Once a new SAPS senior leadership is in place then a clear five year plan of action to professionalise the SAPS through the use of the code of conduct & code of ethics.
- All systems for promoting ethical policing (e.g. training, promotions, etc) and those for enhancing accountability (e.g. Disciplinary system, performance management, etc) must be strengthened based on a clear and measurable plans of action.