

# Policing and politicians: international lessons for managing conflict



# FIVE BIG DON'TS

- (1) Don't begin the job with a compromise of what you consider a fundamental principle.
- (2) Don't surprise the boss. Keep him/her informed.
- (3) Don't monopolize credit. Share upward.
- (4) Don't disown responsibility for mistakes.
- (5) Don't put ambition above principle. Don't become a chief if you aren't willing to resign.

# RECOMMENDATIONS

(1) Legislative specification of the respective authorities of politicians and chiefs.

(2) Advisory Boards between pols and cops

(3) Preparatory education for aspiring chiefs

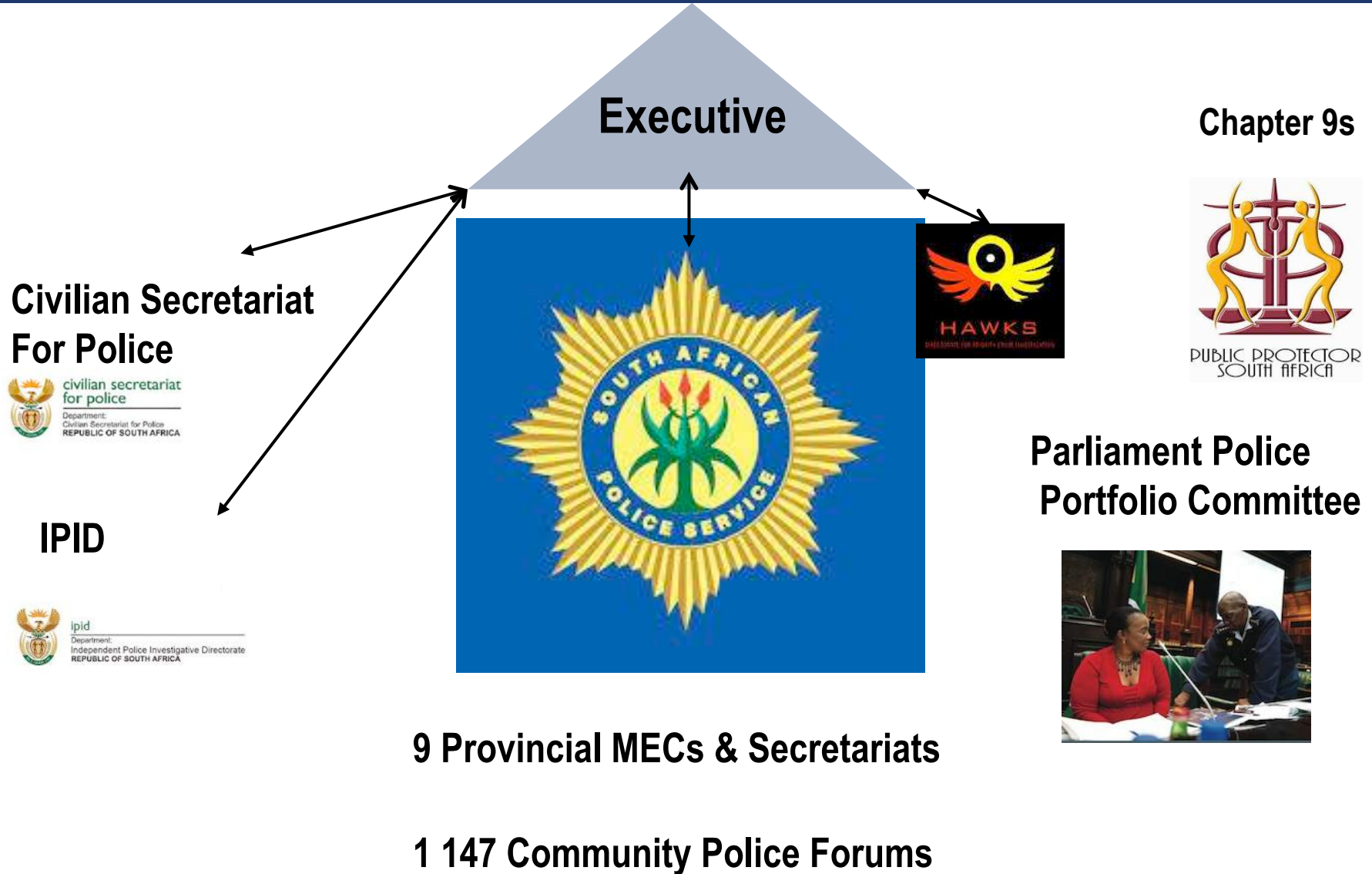
# Police, Accountability and Politics in South Africa



Gareth Newham

Head of the Governance, Crime & Justice Division

15 September 2016



I commit myself to creating a safe and secure environment for **all people** in  
South Africa ...

...

In carrying out this commitment, I shall at all times –  
*uphold the Constitution and the law;*

...

I undertake to –  
*act with integrity* in rendering an effective service of a high standard which is  
accessible to everybody

...

*uphold and protect the fundamental rights of every person;*  
act in a manner that is impartial, courteous, honest, respectful, transparent and  
accountable;

*exercise the powers conferred upon me in a responsible  
and controlled manner; ...*



## President Nelson Mandela



- **National Crime Prevention Strategy**
- **Strong Secretariat**
- **Focus on SAPS Amalgamation & Transformation**
- **Human Rights orientation**
- **Community Policing**

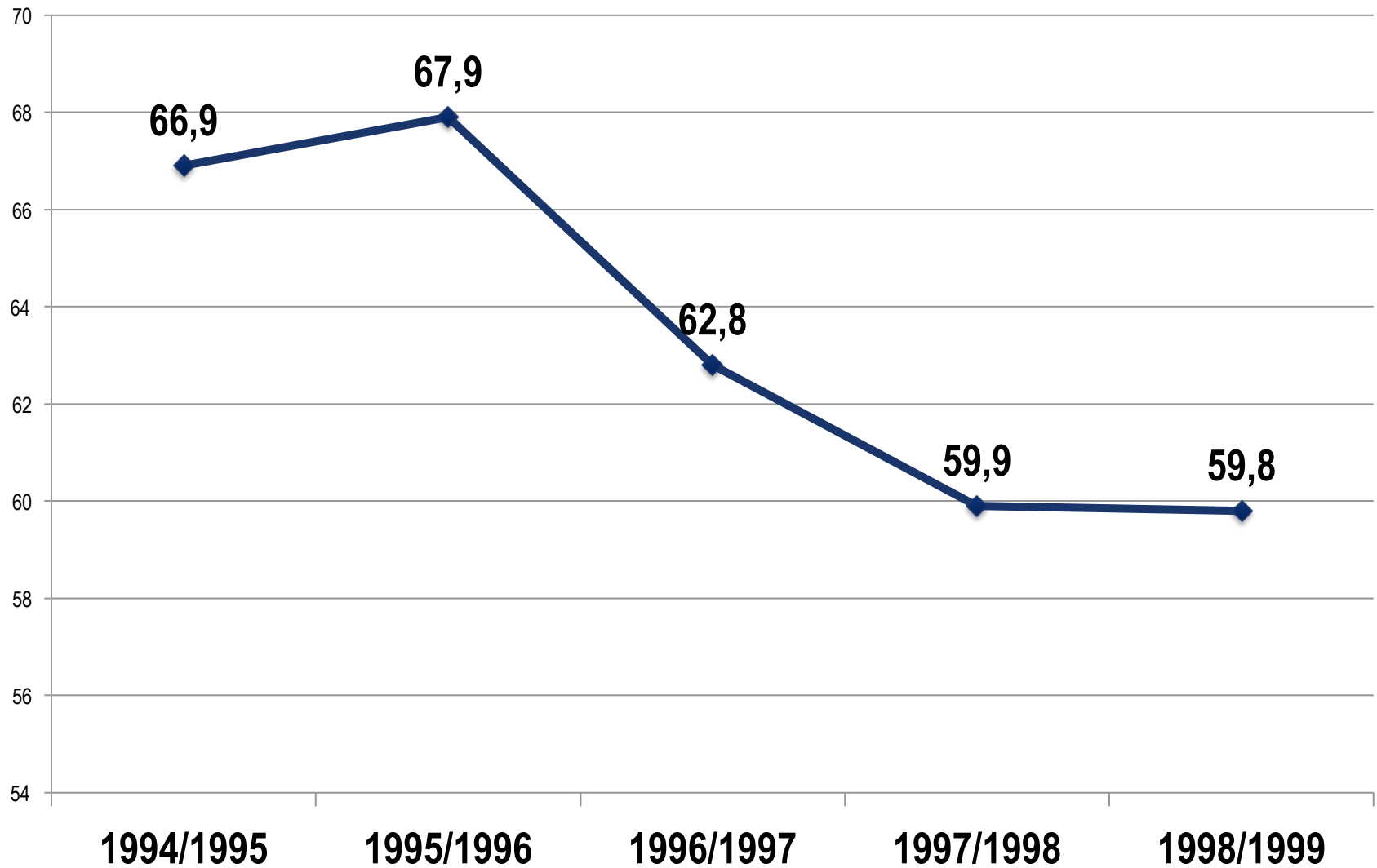
## Sydney Mufamadi



## SAPS Comm George Fivaz



# MURDER RATE: 1994-95 TO 1998-99





### President Thabo Mbeki



- National Crime Combating Strategy
- SAPS resources grow
- Mbeki suspends NDPP to protect Selebi – 2007
- War between Scorpions & SAPS Crime Intelligence
- Selebi finally convicted for corruption 2010

### Minister Steve Tswhe



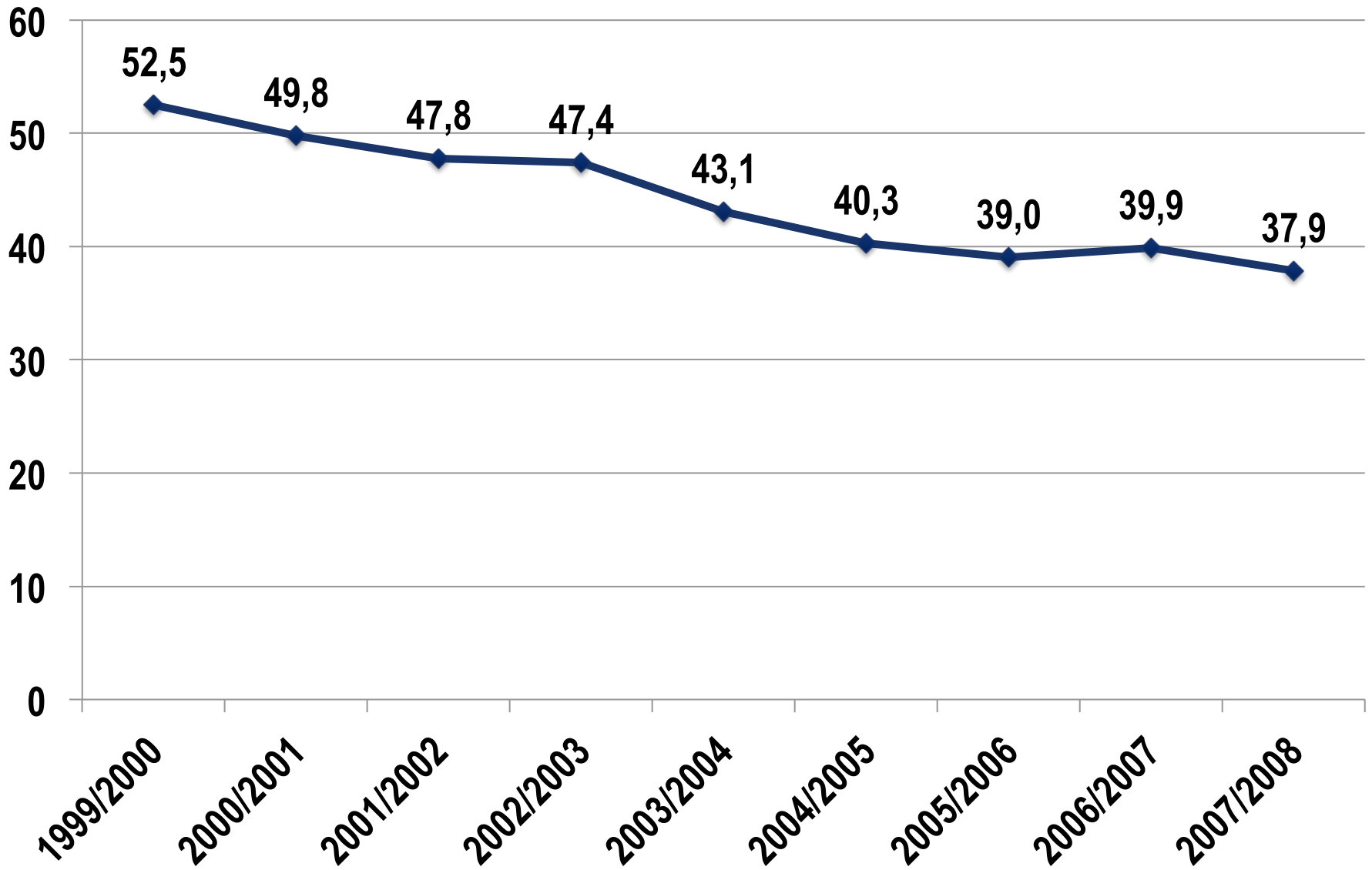
### SAPS Comm Jackie Selebi



### Police Minister Charles Nqakula



# MURDER RATE: 1999-2000 TO 2007-08



**President Jacob Zuma**

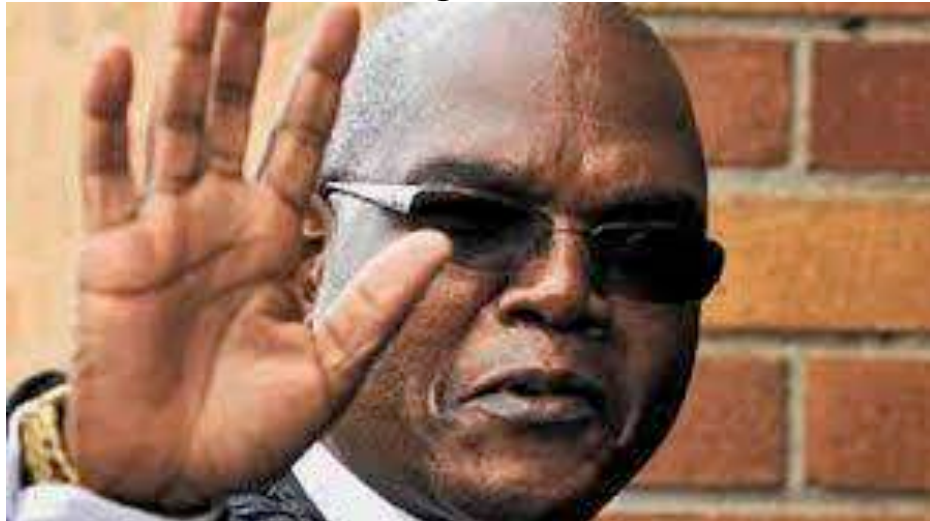


- Police re-militarisation
- Irregular appointment of Mdluli to Head Crime Intelligence
- Clash between Mthethwa & Cele
- Cele fired following findings of maladministration
- Mdluli implicated in murder & corruption
- Lt-Gen Mkhwanazi instructed to halt investigations into Mdluli

**Police Minister Nathi Mthethwa**



**SAPS Crime Intelligence Lt-Gen Richard Mdluli**

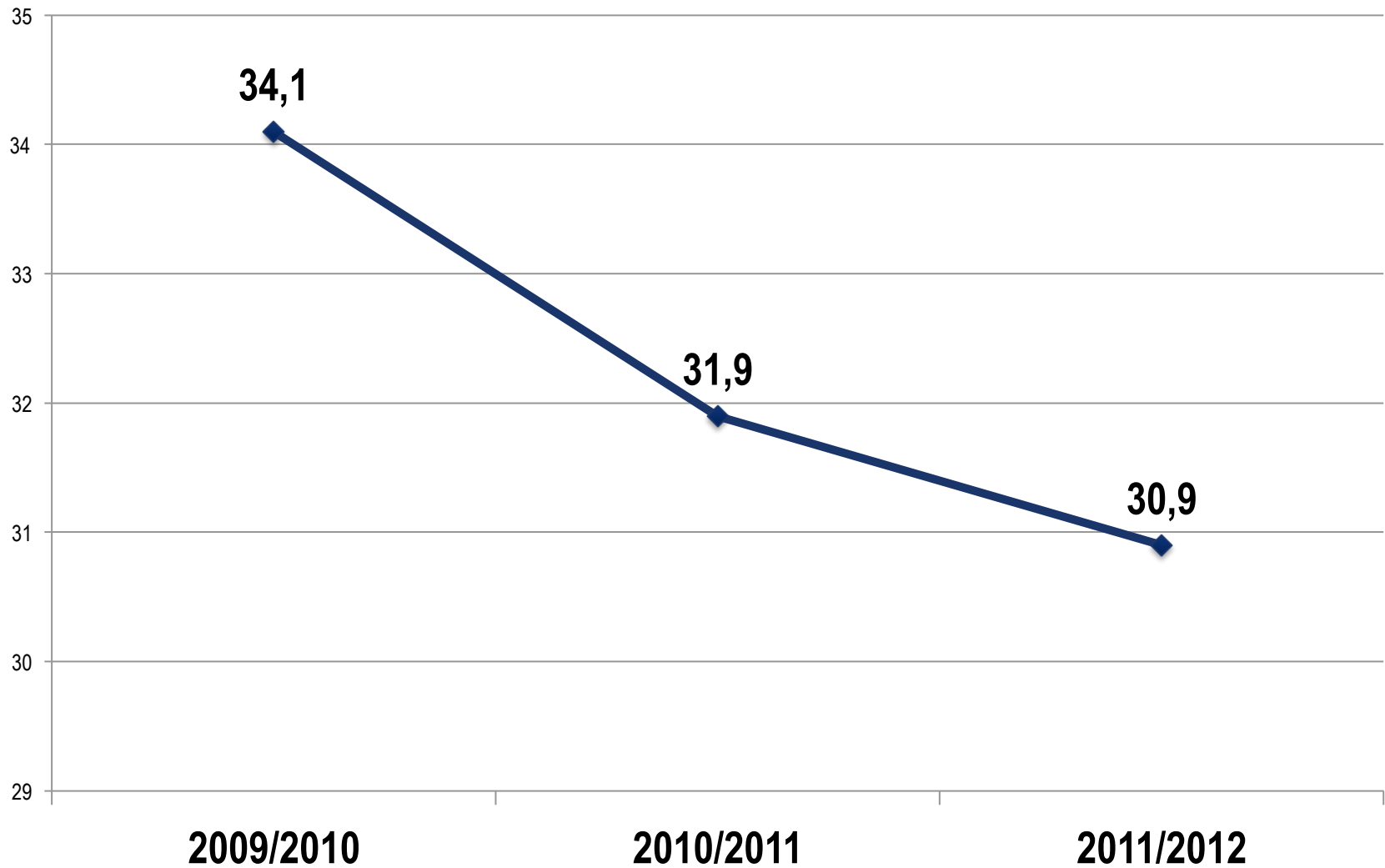


**SAPS Nat Comm Bheki Cele**

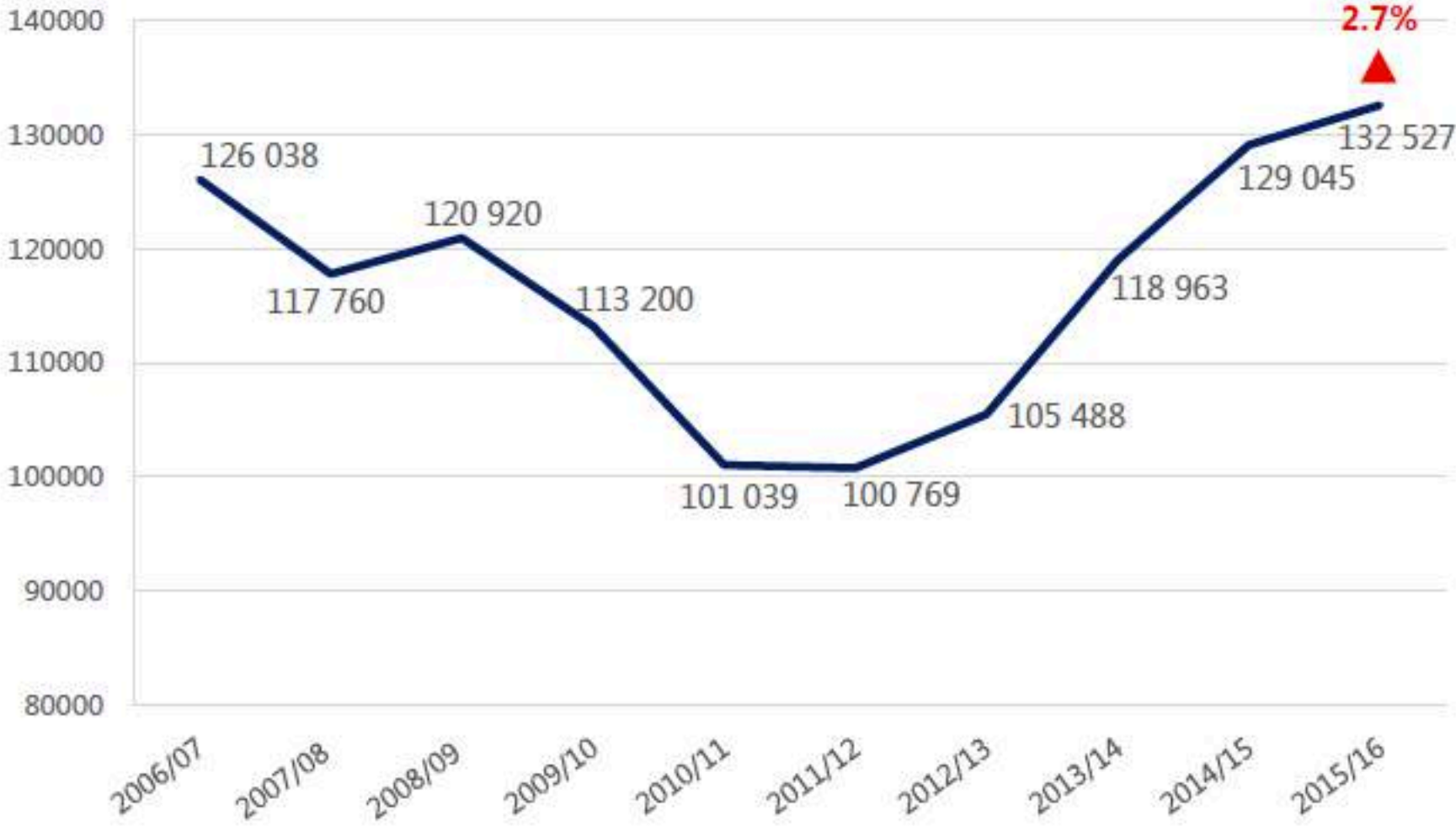


**Acting SAPS Nat Comm  
Lt-Gen Mkhwanazi**

# MURDER RATES 2000/10 TO 2011/12



# AGGRAVATED ROBBERY TREND 2007 - 2016





## State Capture?



- Gupta Gate & State Capture
- Nkandla & Con Court Ruling
- Suspensions & Interference
- New National Policy for Police
- Back to Basics Approach

Police Minister Nathi Nhleko



Hawks Lt—Gen Ntlemeza



SAPS Nat Comm Riah Phiyega



Hawks - Dramat



IPID - McBride



**Failure to  
follow the  
Constitution,  
the Law &  
SAPS Code of  
Conduct**

**Marikana  
Report  
P. 165 & 169**

The evidence “...clearly shows that Lt Gen Mbombo (SAPS NW Commissioner) took into account irrelevant political considerations in approaching the situation at Marikana:

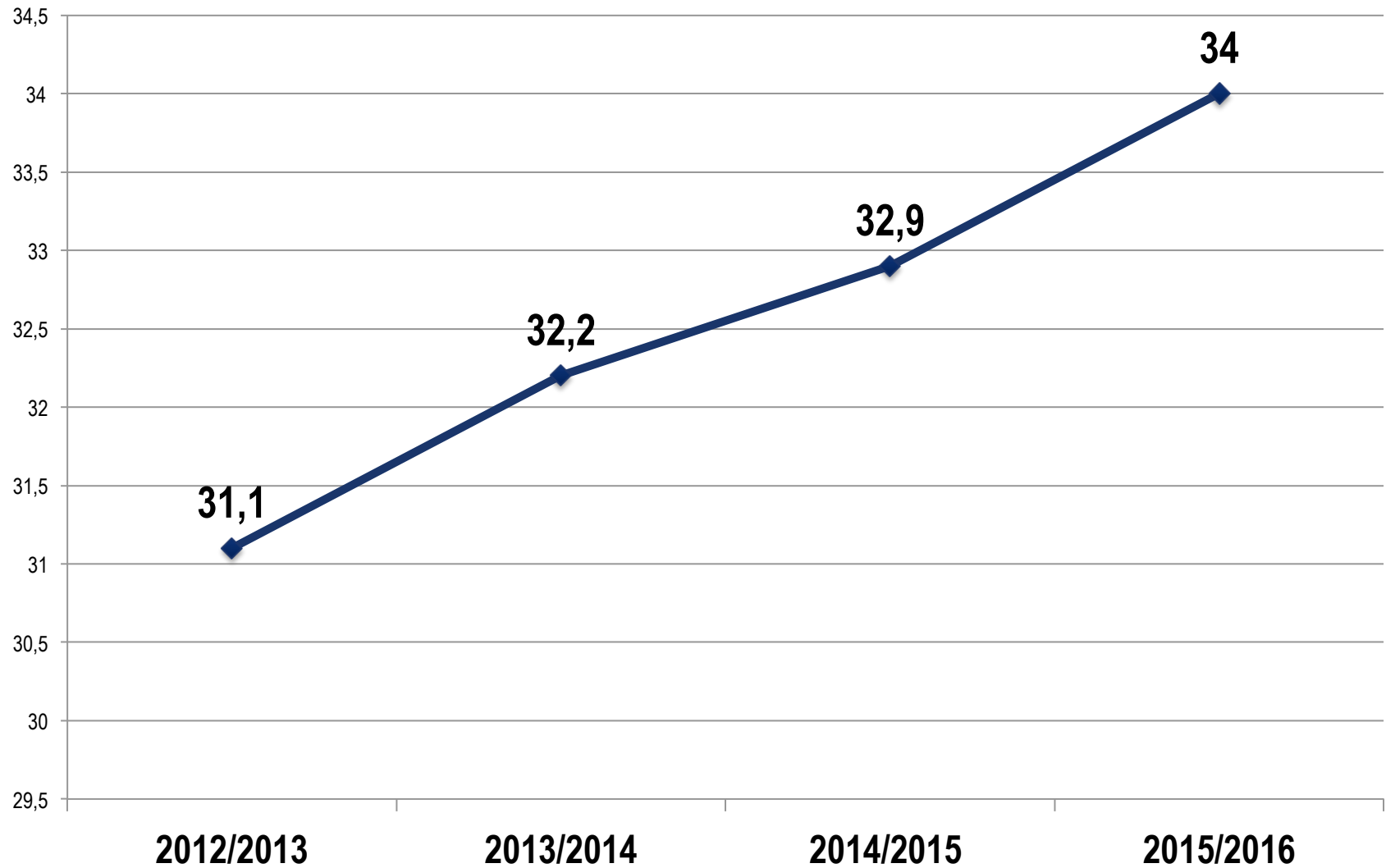
- She did not want mining companies to be seen to be supporting AMCU;
- She did not want mining companies to undermine NUM;
- She was responding to what she perceived as pressure from Mr Cyril Ramaphosa who she considered to be politically influential;
- She wanted to end the violence before Mr Julius Malema arrived in Marikana and was given credit for defusing the situation;
- She was concerned that Mr Malema supported nationalisation of the mines; and
- She was concerned to put an end to a situation where an opposition member of Parliament was involving himself in the community.”

On the evidence “... Gen. Phiyega (SAPS National Commissioner) was complicit in engaging in discussions where political factors were inappropriately considered and discussed in relation to policing the situation at Marikana.

This is inconsistent with our constitutional and statutory regime which requires that policing be conducted in an impartial and unbiased manner.”



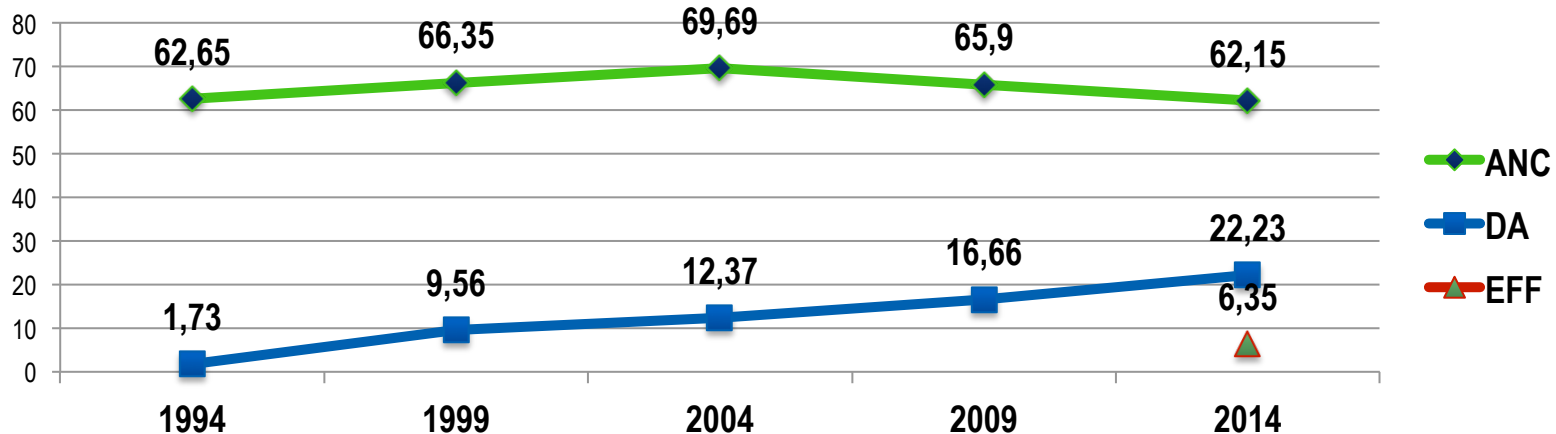
# MURDER RATE 2012-13 TO 2015-16



- Legal challenges – NPA, Hawks, IPID,
- The National Development Plan
- Political Changes



### SA National Elections Trend





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# POLICE GOVERNANCE, POLICING AND PERSONAL IDENTITY (Story vs Story vs Story)

*There's no such thing as 'the state'.*



*There's no such thing as 'the police'.*

Andrew Faull  
16 September 2016

'Top cops love to tell stories'

# Stories about murder



(Kriegler & Shaw, 2016)

# A world of stories





‘[Top] cops love to tell stories’

Why?

# A contest of ideas



Break rules in defence of rules (Brodeur, 2010)

# Police story telling as a contest of ideas

- Storytelling builds collective identity among police officers
- Stories emphasise some themes and silence others, legitimising select actions
- Stories make policing common sense

(Marks, 2005; Holdaway, 1983; Waddington, 1999)

But...

There's a fiction at the heart of  
policing

Of the 194 countries recognised by the UN...

Prof Bayley would be happy to be policed in only about 20.

‘174 countries in the world have miserable police’

# 'What works' / 'Evidence based..'

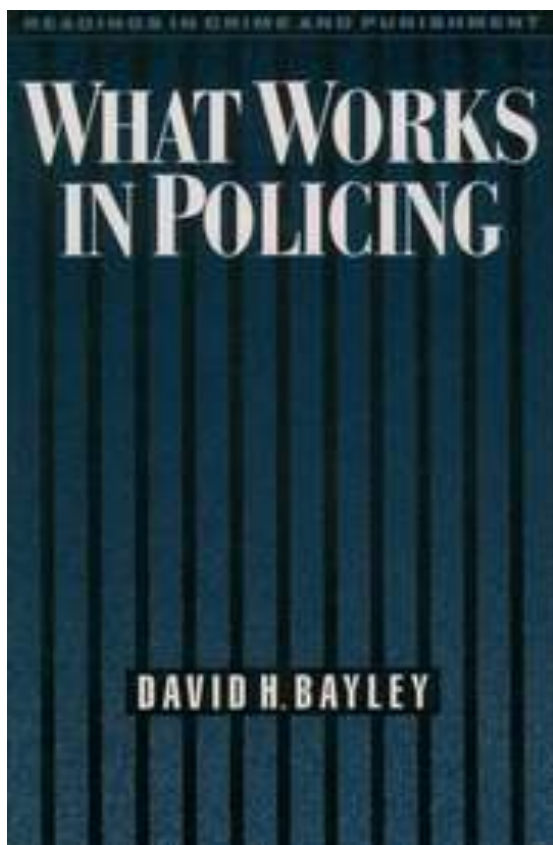


TABLE 6-1 Synthesis of the Committee's Findings on Police Effectiveness Research

Police Strategies That...	Are Unfocused	Are Focused
Apply a diverse array of approaches, including law enforcement sanctions.	<p>Little or no evidence of effectiveness</p> <ul style="list-style-type: none"> <li>—Impersonal community policing, e.g., newsletters</li> </ul> <p>Weak to moderate evidence</p> <ul style="list-style-type: none"> <li>—Personal contacts in community policing</li> <li>—Respectful police-citizen contacts</li> <li>—Improving legitimacy of police</li> <li>—Foot patrols (fear reduction)</li> </ul>	<p>Moderate evidence of effectiveness</p> <ul style="list-style-type: none"> <li>—Problem-oriented policing</li> </ul> <p>Strong evidence of effectiveness</p> <ul style="list-style-type: none"> <li>—Problem solving in hot spots</li> </ul>
Rely almost exclusively on law-enforcement sanctions.	<p>Little or no evidence of effectiveness</p> <ul style="list-style-type: none"> <li>—Adding more police</li> <li>—General patrol</li> <li>—Rapid response</li> <li>—Follow-up investigations</li> <li>—Undifferentiated arrest for domestic violence</li> </ul>	<p>Inconsistent or weak evidence of effectiveness</p> <ul style="list-style-type: none"> <li>—Repeat offender investigations</li> </ul> <p>Moderate to strong evidence of effectiveness</p> <ul style="list-style-type: none"> <li>—Focused intensive enforcement</li> <li>—Hot-spots patrols</li> </ul>

(Skogan & Frydl, 2004)

# Police work as 'warrior' vs 'guardian'/culture work

- Police as minders and reminders of community, conveying messages about the kind of place a community is or aspires to be
- People's social identities are symbolically defined by their interactions with police officers
- People who feel fairly treated during encounters with police tend to identify more with the group the police represent, and obey law in their absence
- BUT, police work shapes officers' personal identity's too

(Bradford, et. al, 2014; Loader, 2006)



**‘It’s all about context & history’**

What are the stories we are told, and tell,  
about police in South Africa?





# SOUTH AFRICAN POLICE SERVICE

Department of Police



## About Us

[History](#)

[Constitutional Framework](#)

[Strategic Framework](#)

[Departmental Structure](#)

[Organisational Structure](#)

[Roll of Honour](#)

[Symbolism](#)

### (SINCE 1994)

South Africa became an internationally-accepted democracy in 1994 when President Nelson Mandela was elected as the first President of the new South Africa, bringing the era of "apartheid" to an end. This new democratic order brought about many changes in the country and also had a substantial impact on policing. Mr Sydney Mufamadi was appointed as the first Minister for Safety and Security in the new South Africa. He was assisted by Deputy Minister Joe Matthews.

Prior to 1995, South Africa was divided into the so-called TBVC States, Self-Governing Territories and Development Regions (old South Africa). The TBVC States had independent status but were not widely recognized by the international community. The TBVC States and Self-Governing Territories were also referred to as Homelands (see map). These so-called Homelands were the following:



NEWS ITEM: NHLEKO DELAYS USE OF LIE DETECTORS IN POLICE MALADMIN. CASES

...GO FIGURE.







# STOP KILLING OUR POLICE



TWEETS 35.1K FOLLOWING 2,039 FOLLOWERS 261K LIKES 4,933 LISTS 3

Following

### SA Police Service

@SAPoliceService

Sharing info with followers committed to ensuring that people in SA are safe. Account is not monitored 24/7. Emergencies contact 10111 / nearest Police Station.

Tweets Tweets & replies Media

**SA Police Service** @SAPoliceService · 4h  
**#sapsEC PE #FlyingSquad & @Tracker\_SA recovered hijacked vehicle, 1 suspect shot dead after firing at police SD**

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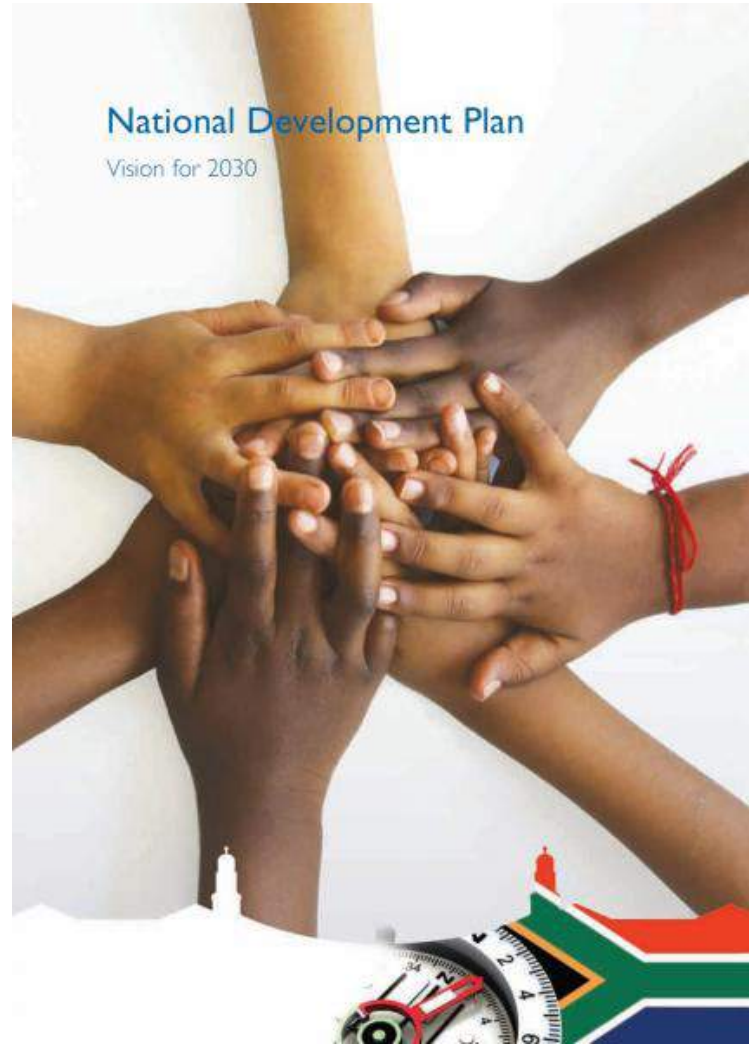
# 2

## IMPLEMENTATION OF SECTOR POLICING

OPERATIONAL GUIDELINES:  
SECTOR COMMANDER

## National Development Plan

Vision for 2030



## Measured Governance? Policing and Performance Management in South Africa

- Targets and budgets set priorities. We can explore governance narratives by examining performance data
- The SAPS' Performance Chart frames police as crime- fighters, with little regard for community relations or police legitimacy.
- Organisational rhetoric emphasizes police-community relations and police professionalism, but these do not inform the targets by which police are assessed.
- The pressure to 'perform', especially to bring recorded crime down, can promote undemocratic policing and *erode the imagined community/order.*



# Policing and Performance Management in Khayelitsha

Performance Indicators			B	T
OPERATIONAL				
VISIBLE POLICING: CRIME PREVENTION				
CONTACT CRIMES	0%	-4%		
PROPERTY RELATED CRIMES	0%	-2%		
CONTACT RELATED CRIMES	0%	-3%		
ALL OTHER SERIOUS CRIMES	0%	-2%		
CRIMES DEPENDING ON POLICE ACTION FOR DETECTION	0%	3%		

45%

Performance Indicators			B	T
VISIBLE POLICING: COMPLAINTS				
AVERAGE REACTION TIME - ALPHA COMPLAINTS	16:46	12:36		
AVERAGE REACTION TIME - BRAVO COMPLAINTS	17:55	14:00		
AVERAGE REACTION TIME - CHARLIE COMPLAINTS	37:04	15:51		

35%

Performance Indicators			B	T
DETECTIVE SERVICES				
DETECTION RATE - CONTACT CRIMES	45.07	55		
DETECTION RATE - PROPERTY RELATED CRIMES	21.29	21.29		
DETECTION RATE CONTACT RELATED CRIMES	52.67	52.98		
DETECTION RATE - ALL OTHER SERIOUS CRIMES	52.07	52.07		
DETECTION RATE - CRIMES DEPENDING ON POLICE ACTION FOR DETECTION	100	100		
CASES TO COURT RATE - CONTACT CRIMES	42.63	45.63		
CASES TO COURT RATE - PROPERTY RELATED CRIMES	20.41	20.41		
CASES TO COURT RATE - CONTACT RELATED CRIMES	47.33	47.33		
CASES TO COURT RATE - ALL OTHER SERIOUS CRIMES	46.86	46.86		
CASES TO COURT RATE - CRIMES DEPENDING ON POLICE ACTION FOR DETECTION	100	100		
CONVICTION RATE - CONTACT CRIMES	93.7	93.7		
CONVICTION RATE - PROPERTY RELATED CRIMES	81.25	84.25		
CONVICTION RATE - CONTACT RELATED CRIMES	100	100		
CONVICTION RATE - ALL OTHER SERIOUS CRIMES	99.17	99.17		
CONVICTION RATE - CRIMES DEPENDING ON POLICING	97.83	97.83		
TRIAL READY RATE - CONTACT CRIMES	48.47	48.47		
TRIAL READY RATE - PROPERTY RELATED CRIMES	59.26	59.26		
TRIAL READY RATE - CONTACT RELATED CRIMES	72.93	72.93		
TRIAL READY RATE - ALL OTHER SERIOUS CRIMES	60	60		
TRIAL READY RATE - CRIMES DEPENDING ON POLICE ACTION FOR DETECTION	41.61	41.61		

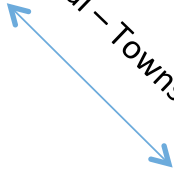
- Formal targets not determined with communities but nationally
- The Khayelitsha stations had recorded improvements between 57%-80%
- Outputs vs Outcomes (numbers versus state)
- SAPS officials told to be kind, be courteous and bring down reported crime, but only measured on the latter

# Stories about people, places and policing

Relative order



Rural - Township



Inner city - Township



**‘We need to change the stories police tell  
each other’**

(Marks, 2005)

# Thank You



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Centre of **Criminology**

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