

Tackling Police Corruption in South Africa

21 November 2013

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Overview

- Corruption in SA
- Police Corruption as an occupational hazard
- Recommendations



SA Anti-Corruption Agencies

Agencies with responsibilities for tackling corruption

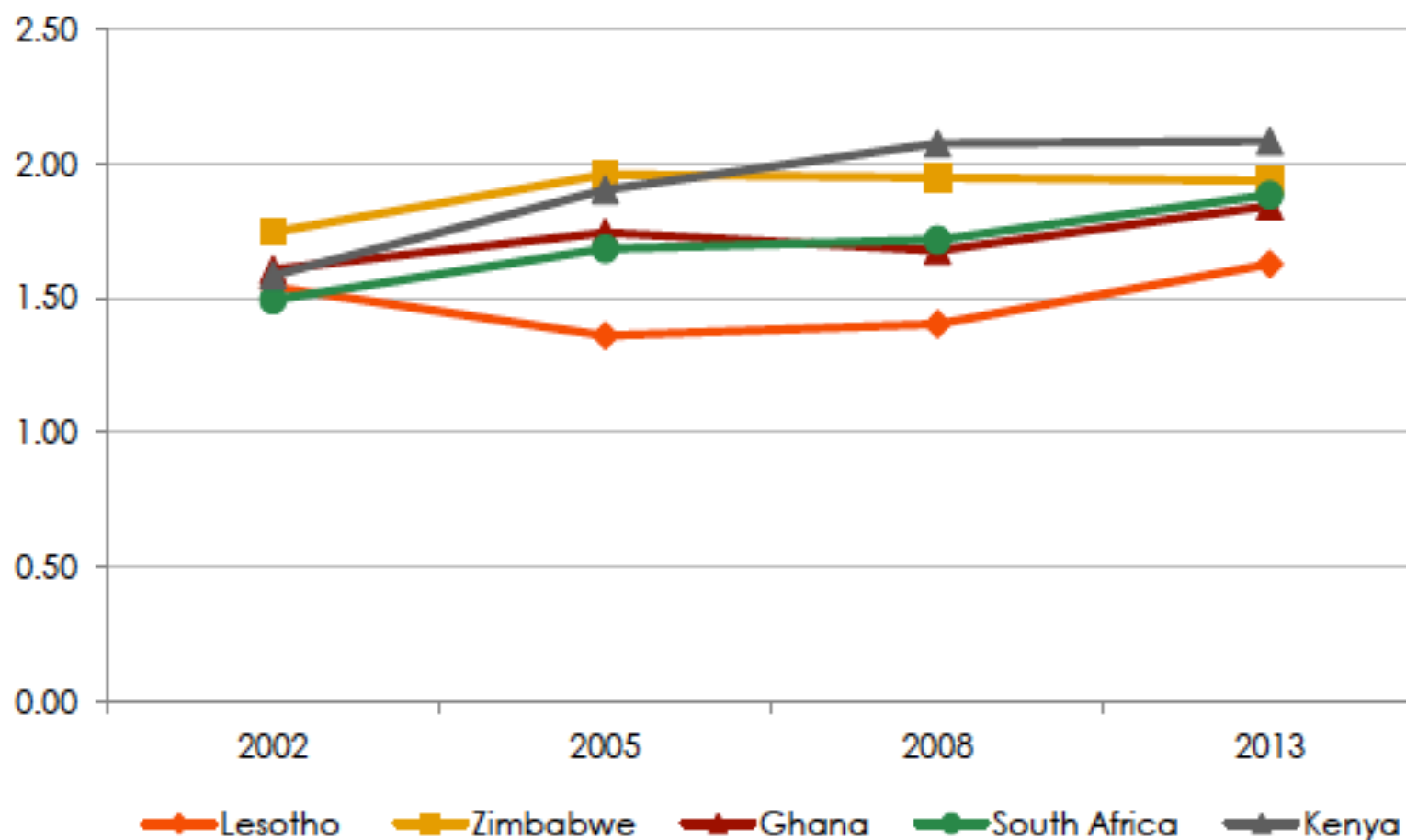
1. South African Police Service (SAPS) – The Hawks (DPCI)
2. Independent Police Investigative Directorate (IPID)
3. National Prosecuting Authority (NPA) – Asset Forfeiture Unit.
4. Special Investigation Unit (SIU)
5. Dept. of Public Service & Admin (DPSA) - Special Anti-Corruption Unit & Public Service Anti-Corruption Strategy & Minimum Anti-Corruption Capacity
6. Public Service Commission (PSC)
7. Public Protector (PP)
8. Auditor General (AGSA)
9. South African Revenue Service (SARS)
10. National Treasury
11. National Intelligence Agency (NIA)

Coordinating Mechanisms

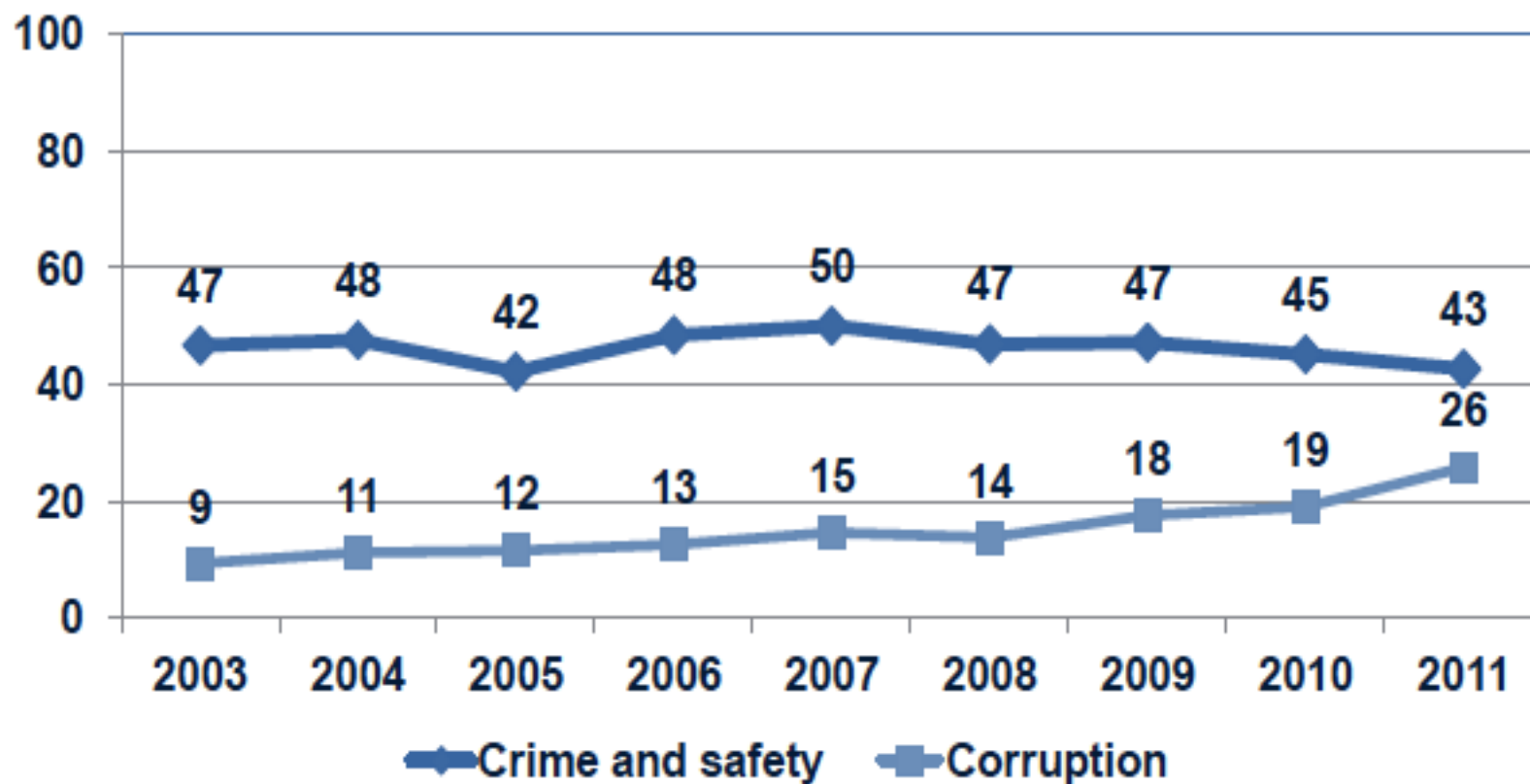
1. Anti-Corruption Ministerial Committee (ICM)
2. Anti-Corruption Coordinating Committee (ACCC)
3. Anti-Corruption Task Team (ACTT)
4. Multi Agency Working Group (MAWG)
5. National Anti-Corruption Forum (NACF)

Afrobarometer 2012 Survey

African countries with increasing corruption

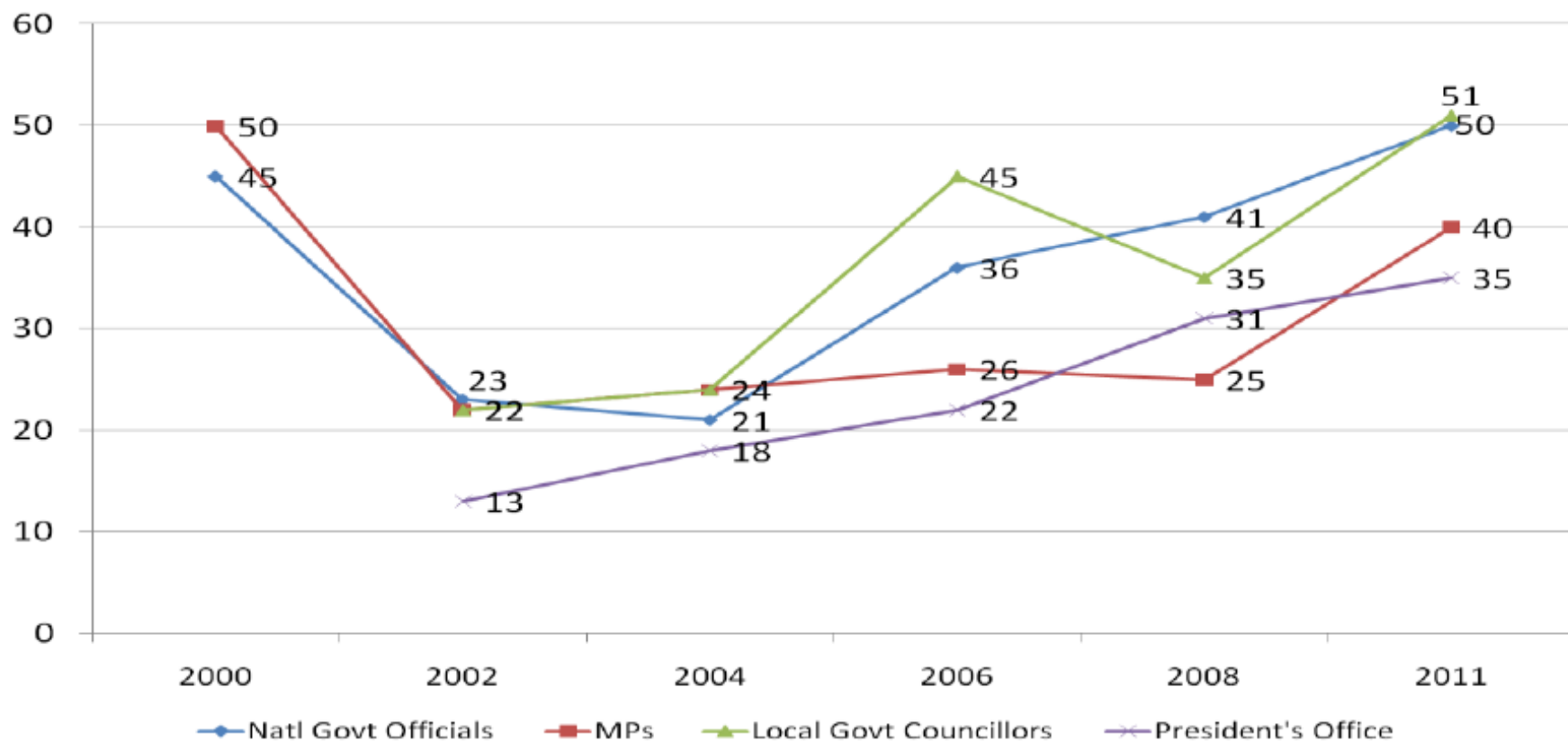


Public Concern with Crime and Corruption



HSRC, South African Social Attitudes Survey (SASAS), 2003-2011

Perceptions of Corruption involving politicians (Afrobarometer 2012)



The Growth of Corruption in SA

- Transparency International Corruption Perception Index – SA drops 26 places between 2007 (43rd) & 2012 (69th). Lowest ranking since the index began in 1997.
- Former SIU Head Willie Hofmeyer told parliament that between R25 & R30 billion in the state procurement budget lost each year to fraud & corruption.
- Could increase annual spending on Basic Education by 20%, Health by 25% or the entire criminal justice system by 30%.
- Global Financial Integrity said in a report that South Africa had suffered an illegal outflow of R185-billion due to corruption in both the public and private sectors between 1994 and 2008.

Police Corruption as an occupational hazard



- **Corruption = monopoly + discretion – accountability (Klitgaard, 1988)**
- Police are uniquely positioned within the public service with regards to the ability to deploy force and restrict civilian rights. They often work with very little supervision and have significant discretion in deciding how and when to act.
- **Decades of international research on police corruption has found that:**
 - Corruption is a fundamental occupational of policing in all countries
 - It takes many forms and changes over time
 - It typically involves group behavior and can easily become systemic
 - The extent of corruption is directly related to organisational and managerial shortcomings
 - The key difference between policing agencies is the extent of the problem. Where it becomes endemic at a senior management level, the entire police agency can be described as 'corrupt'.

Police corruption : a global phenomenon



“Corruption is found in virtually all countries, in all forces, and at every level of the organisation at some time.” (Lawrence Sherman, 1978, Scandal and Reform: Controlling Police Corruption).

“What we found is that the problem of police corruption extends far beyond the corrupt cop. It is a multi-faceted problem that has flourished... not only because of opportunity and greed, but because of a police culture that exalts loyalty over integrity...” (Mollen Commission, 1994)

Some recent examples:

- 1994 Mollen Commission into corruption in the New York City Police Dept - in 2010 40th NYPD police chief Bernard Kerik sentenced to 4 years in prison.
- 1997 & 1998 - Rampart Bay corruption scandal, Los Angeles Police Dept.
- 1995 to 1997 - Royal Commission into the New South Wales Police Service
- 2005 - Georgian president fires entire traffic police force of 30 000
- 2011 - Scotland Yard, UK, News of the World scandal involved police bribery worth around EURO 100 000

Transparency Global Corruption Barometre

2011: Police corruption rankings



ASIA PACIFIC

Vietnam (1st)
Malaysia (1st)
Pakistan (1st)
Philippines (1st)
Taiwan (1st)
Bangladesh (1st)
Cambodia (2nd)
India (2nd)
Thailand (2nd)
Afghanistan (2nd)

SUB-SAHARAN AFRICA

Cameroon (1st)
Ghana (1st)
Kenya (1st)
Liberia (1st)
Nigeria (1st)
Senegal (1st)
Sierra Leone (1st)
South Africa (1st)
Uganda (1st)
Zambia (1st)

NIS+

Azerbaijan (1st)
Moldova (1st)
Russia (1st)
Ukraine (2nd)
Belarus (2nd)
Armenia (3rd)
Mongolia (4th)

LATIN AMERICA

Mexico (1st)
Venezuela (1st)
El Salvador (2nd)
Brazil (3rd)
Colombia (3rd)
Bolivia (4th)
Argentina (4th)

Afrobarometer 2013 Corruption Survey

- Police attract the highest ratings of corruption across the 34 countries, 43% of people saying that “most” or “all” of them are involved in corruption.
- Negative perceptions are highest in Nigeria (78%), Kenya (69%) and Sierra Leone (69%).
- In SA, 52.7% said “most or all police are corrupt”, 41% said “some are corrupt” & 4.1% said “none are corrupt.” (1.8% don’t know).

Key Causes of Police Corruption

1. Environmental Factors

- Political environment - interference in the police service
- Organised Crime & illicit markets (illegal alcohol, drugs, gambling)
- Existence of marginalised groups (undocumented foreign nationals)

2. Organisational

- Police leadership don't promote professionalism & integrity
- Poor management and supervision (recruitment, training, promotions & career-paths, weak discipline & internal accountability, etc.)
- Police culture (e.g. code of silence)

3. Individual

- Personal attitudes, ethical standards and behaviour
- Low morale
- Financial mismanagement

Typology of Police Corruption

Type	Examples
Misuse of authority	Unethically accepting material benefits by virtue of being a police officer (accepting free lunches, holidays)
Abuse of internal authority	Procurement, promotions, shift allocation etc.
'shakedown'	Acceptance of a bribe not to arrest a suspect
'Fixing'	Not collecting evidence or selling dockets
Protection of illegal activity & illicit markets	Accepting cash or goods on a regular basis to protect crime syndicate, drug dealing, etc
Kickbacks	Referring business to particular individuals or companies for a commission (lawyers, tow-trucks)
Opportunistic theft	Stealing from crime scenes, during raids, searches etc.
Padding	Planting evidence to secure a conviction, manipulating
Direct criminal activities	Using police knowledge, access to information & skills to commit robberies, CITs, etc.

South African police corruption timeline



1996 National Crime Prevention Strategy: police corruption is a national priority
SAPS establishes a national Anti-Corruption Unit (ACU)

2000-2002 ACU capacity reduced then closed down, mandate shift to organised crime unit and station level detectives

2002-2009 SAPS develops three different anti-corruption strategies on paper. These are .
“the National Service Integrity Strategy”, “the Corruption & Fraud Prevention Strategy”, and
“the Corruption & Fraud Prevention Plan” (CFPP). Little evidence of implementation.

2009 DPCI (Hawks) established to replace NPA’s Scorpions. Found to be unconstitutional

2010 Former National Commissioner Selebi convicted for corruption
Increase anti-corruption statements from political and police leadership
A new SAPS “Anti-Corruption Strategy” finalised, newsletter, and sensitisation courses introduced

2012 SAPS National Commissioner Cele acted is fired for unlawful behaviour involving police HQ lease deals worth R1.7 billion (USD \$180 million)
SAPS Head of Crime Intelligence suspended following court action
Police Minister is a beneficiary of some of these stolen funds – private residence.

2013 Criminal charges of defeating the ends of justice opened against Nat Comm Phiyega by SAPS Crime Intelligence. Related to investigation of WC Prov Com relationship with alleged drug syndicate boss. Three days later Acting Head of Crime Intelligence suspended.

Police Internal Perceptions

2002 A CSVR inner-city station study found that 55% of police agreed with the statement 'Police corruption is a problem at my station' & 32% said they had direct knowledge of a police colleague involved in corrupt activities.

2004, CSVR follow-up research at 21 Johannesburg stations found 92% of police believing corruption to be a serious challenge facing the SAPS generally.

2007 Internal SAPS Policy Advisory Council report noted that discipline was poor, the codes of conduct not adhered to, disciplinary system weak and insufficient capacity to effectively investigate police corruption.

2009, ISS study at three police stations revealed 85% of police believing corruption to be a major problem in the SAPS.

2011 Michigan University (US) study found one out of four SAPS supervisors would allow police bribery and theft to continue without reporting it.

SAPS Anti- Corruption Strategy 2010



Pillar 1. Prevention of Corruption in SAPS

- Internal & external communication and awareness initiatives
- Develop roles and responsibilities for all managerial levels
- Establishing and managing partnerships with external agencies

Pillar 2. Detection of Corruption in SAPS

- Utilizing corruption risk assessments and analyses to identify trends regarding corruption prone areas
- Define the role of Crime Intelligence, the Inspectorate and Internal Audit in detecting corruption
- Develop a whistle-blowing policy for the SAPS
- Develop a 'Corruption Reporting Incentive Policy' for the SAPS
- Ensure compliance with all the SAPS' reporting obligations (e.g. as required by the DPSA)
- Develop a centralised Information Management System for reports of corruption [Not started]

Pillar 3. Investigation of Corruption in SAPS

- Finalize the SAPS organizational structure regarding the investigation of corruption (within the SAPS)
- Develop policy, procedure and standards for the investigation of corruption Develop protocols for cooperation with other government departments, e.g. NPA, SARS regarding the investigation of criminal cases of corruption
- Ensure the effective management of criminal investigations into corruption perpetrated by SAPS members, including the managing of outstanding investigations using the CMIS & establishing a dedicated unit.

Pillar 4: Resolution of Corruption in SAPS

- Develop policy and procedure for the rectification of SAPS procedures compromised by corruption
- Finalizing of the Discipline Management policy and procedure
- Integrate relevant policies and procedures into the ACS (i.e. risk management, employee wellness, etc)

Priorities for promoting police professionalism



- **Enhancing accountability**
 - Improving systems for receiving, processing & analysing complaints
 - Establish an internal professional standards/anti-corruption unit
 - Improving internal disciplinary management and systems
- **Building a culture of police integrity**
 - Ensure core values are evident in all police work
 - Recognise & reward honest police officials and protect those who report corruption
 - Improve command and control, better training for managers
- **Promoting community engagement**
 - A sustained campaign to educate the public around what to expect from police
 - Encourage reporting both positive and negative behaviour by police

Recommendations

- 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 priority.
- Establish 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 [detailed five year plan of action](#) to professionalise the SAPS using of the code of conduct & code of ethics.
- Strengthen [systems for promoting ethical policing](#) (e.g. training, promotions, etc) and those for enhancing accountability (e.g. ACU, disciplinary system, performance management, etc)
- Strengthen the [multi-agency anti-corruption system](#) through enhancing autonomy, resources & community engagement



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