

TACKLING CORRUPTION IN THE SOUTH AFRICAN POLICE SERVICE: ISS SEMINAR 21 NOVEMBER 2013

Extent

Since 2007, over 2000 cases of police criminality have been reported to the Independent Complaints Directorate (now the Independent Police Investigative Directorate) every year. The most recent annual report records 6728 criminal cases received of which 4131 are assault cases. The reason for the high number of assault cases is because under ICD legislation the police investigated their own cases and they were not obliged to report these cases to the ICD, which they have to do now.

The results of a recent audit into SAPS members who have been convicted of crimes committed between 1978 and 2009 revealed that 1448 serving police members have been convicted for serious offences, many of these are senior officers. When considering these figures together with IPID's annual figures for reported cases of criminality compared to the 157 470 serving officers, it equates to estimates between 1% and 4%. This is however not a true reflection of the extent of the criminality problem within the SAPS, primarily because of the troubling phenomenon of serving members who are both cops and criminals continuing their parallel careers undetected and unpunished.

There are differing opinions of the extent of this problem depending on who one speaks to. SAPS management will tell you that it only a few bad apples sully the name of the organisation while ordinary members, police offenders and other criminals will admit that the problem is chronic and systemic. One gangster interviewed by me estimated that 30 out of every 100 cops are corrupt. He should know because he had them on his payroll.

A perception survey done recently on corruption in South Africa revealed that 66% of South Africans believe that the SAPS has the highest number of corrupt employees and they believed bribery and corruption to be endemic in the organisation.

The nature of SAPS criminality

Definition of police corruption and criminality:

- **Corruption:** the conventional understanding of taking something (usually but not exclusively a bribe), against your duty, to do or not to do something, as an exchange for money or gifts from an external corrupter.
- **Criminality:** police officers do not only accept bribes, but they also break the law in other serious ways, such as – using excessive violence (including murder), becoming involved in drug dealing, theft and burglary, sexual harassment (of suspects and/or fellow officers) and violating individual's rights. Crimes committed by criminals in uniform.

The IPID 2012/2013 annual report lists the most common corruption complaints received as extortion or soliciting a bribe, followed by theft of exhibits and the sale, theft and/or destruction of police dockets. Concerning criminality, there is not a crime on our statute books that a corrupt cop has not or will not get involved in.

Perhaps the most effective way to personify the criminality in the SAPS is to use a case study of one of the police offenders interviewed for my book.

Profile of crimes committed: this offender had been in the SAPS for eleven years when he committed murder and was subsequently sentenced to 36 years in prison. He worked at only one police station during this time, situated in a high-crime, high-gang area. Like so many others, he was recruited into a corrupt squad within the first few weeks on the job, eventually recruiting his own select squad with whom he committed an array of crimes:

Gangs: gang bosses primarily target senior police officers with whom to “do business” but although the offender was a warrant officer he supervised many shifts, and had much interaction with these individuals. One of the high-ranking gangsters interviewed mentioned that “gangs pay huge amounts to keep cops on their side.” This was corroborated by the offender who said that if a gangster can afford their services, the cops will assist. He also made a point of mentioning that he only dealt with the gang bosses and that cops are not loyal to any particular gang – only to those who pay them. If, for example, a gang planning a hit wants to know where the rival gang’s leader can be found, the cops provide the information – for a fee.

Drugs: the primary interaction between corrupt cops and gangs revolves around drugs. This is an extremely lucrative market for both parties. Examples:

- *Shakedown rival dealers*
- *Steal from exhibits to resell (replacing methamphetamine/Tik with Epsom salts - usually exhibits that have been through the court process and are awaiting destruction)*
- *Deliver or collect “orders” to transport through roadblocks with police vehicles*
- *Raids with fake warrants (paid a court orderly to steal Magistrate’s stamp), get info from criminal informants who would tell him which house had drugs, firearms and cash.*

Abalone: the offender and his squad would collect abalone for gangs from areas such as Hawston, either in police vehicles or vehicles hired by the gang. Knowing that colleagues in Somerset West might stop and search their vehicles, they would call in a false emergency and make sure the Somerset West police are occupied with this to enable them safe passage through to the client in Cape Town. This courier service netted up to R100 000 per ton.

Dockets: selling dockets to defendants, selling names of witnesses in cases and “messing up” dockets so that the case is thrown out of court.

Vehicles: gangs, like syndicates know who the “go-to” guy is for specialised services such as the issuing of fraudulent registration papers. The offender acted as a facilitator between the client and the officer who issued the papers. If the fee was R4000, he would charge R6000 and pocket R2000.

Firearms: the offender also acted as a facilitator between the gangster with a criminal record who needed a firearm license and the individual in the police station responsible for issuing firearm licenses. When a gang member was arrested for the possession of an unlicensed or stolen firearm, the offender would phone the

gang boss and give him two choices – he can have the gangster released without the weapon, which costs R400 or he could release both the gangster and the weapon and this would cost R1000.

Burglary: the offender ran a lucrative burglary operation where he hired criminals to break into premises selected by him – to steal specific items he had on order for customers. To prevent any other police from arriving on the scene first, he made sure he orchestrated the operation from his police station when he was supervising the shift, so he could be the first on the scene to secure the goods and make sure the burglars got away.

Perjury: the offender mentioned that he and his squad would set up individuals they thought were too arrogant or were getting away with too many crimes by planting evidence on them or in their home and also lying on the stand during a court case. If a gang boss has paid them to make sure one of his men does not get convicted, they will also lie on the stand – for example – he will testify that he did not see the accused with a gun in his hand when in fact he had.

Assault: according to the offender, assaults were a common feature at the police station where he worked, for reasons ranging from “just because” to frustration because of stress and pressure. He had a number of assault charges against him during his career.

These are but a few examples of the prolific parallel career of a criminal cop. One night, the offender was supervising the night shift again and remembers being very stressed because a few officers did not arrive for work. At about 4.40am, a detective walked into the police station and reprimanded the charge office staff for all the empty beer cans lying around. The offender asked a colleague to pick them up and when he refused the offender shot him in the head with his 9mm pistol. He continued shooting as people fled the charge office, picked up a R5 rifle and two magazines and fired shots at a loaded taxi before going back inside and holding his colleagues hostage. Miraculously nobody else was injured in the incident. The offender insists he cannot remember anything about the incident (probably an alcohol-induced black-out).

Predatory meat-eater: Two phrases were coined at the Knapp Commission into police corruption in the NYPD in 1971: grass-eaters and meat-eaters. Grass-eaters are opportunists, taking bribes and kick-backs or any other inducement on offer. A meat-eater is a predatory corrupt cop who creates scams and opportunities to be criminal primarily to make money. The offender in this profile was a predatory meat-eater.

Where did it all go wrong?

Recruitment and vetting: the offender did not have a criminal record when he joined the SAP but he was already “in the game” as he called it. He worked for a lighting company and was running his own sales on the sidelines, stealing stock and selling it to his clients – even roping in the company’s drivers to deliver the stock for him. He has a history of aggression, throwing projectiles at a teacher and a principal when he was at school, being expelled, then readmitted after threatening the principal and his family. A thorough vetting process would have uncovered this information.

Substance abuse: besides obvious personal factors such as *low morals*, *dishonesty* and *greed*, this offender had a significant alcohol problem, which started before he joined the police (this would also have been identified if

proper vetting was done). He would drink either whiskey or beer – would choose one type for the day – and drink all day and all night whether he was on duty or not.

Management: management at the police station must take responsibility for this situation on so many levels. Clearly, they turned a *blind eye* to both the overwhelming drinking – much of it happening in the station and to the rampant criminality – which was not only perpetrated by this offender and his squad but a few squads operating simultaneously. Some reasons were provided for the latter including the fact that managers often let things go as long as the work is getting done. Also, managers do not institute disciplinary steps because junior staff have “something” on them - such as the knowledge that a senior officer is having an affair or has a child with a mistress or is abusing drugs etc.

Poor supervision, managers in denial, poor command and control and detached management are all evident here – nobody addressed the offender’s alcoholism at all.

Corruption controls: there certainly were not any corruption controls in place, such as lifestyle surveillance or the ability of management to identify and deal with behavioural problems. Nobody picked up on the warning signs emitted from this offender. Four months prior to the murder and shooting spree he had fired shots randomly in the charge office – his commanding officer was aware of this but no action was taken.

Briefly, there are four primary categories that contribute to corruption and criminality in the police:

- *Individual factors:* such as greed, substance abuse, lack of integrity, financial problems, domestic problems, behavioural problems, aggression and PTSD.
- *Police culture:* includes heavy drinking, blue code of silence, us vs them and invincibility.
- *Task environment:* the power police officers have is abused – manifests in heavy handedness and wrongful arrests. Opportunity also abounds for criminality. Impunity.
- *Management:* managerial weaknesses that contribute to police criminality include protecting the image of the SAPS/avoiding a scandal by denial, untrained managers, inexperienced managers, incompetent managers, detached managers, poor supervision and control, political direction - not operational, tolerating corrupt behaviour, familiarity with seniors, insubordination, poor mentoring, poor morale/frustration, lack of discipline, no clearly defined anti-corruption policy and no independent investigative unit.

INTERVENTIONS

I do believe there is insufficient political will to effectively deal with the very serious corruption and criminality issues present in SAPS today. This is evident from the misguided and expensive court battle to try and stop the Khayelitsha commission of inquiry into police inefficiency from proceeding – which failed at a huge cost to taxpayers. Although nobody in the police is answerable to me, it is strange that I have not been approached by the ministry or senior police members to talk about the very troubling revelations in my book. This confirms the experience I always had with management – either they go on the defensive or sit tight hoping everything will just blow over. I guarantee that this issue will not just blow over.

To quote policing expert Prof Maurice Punch: “the crucial test for policing in a democratic system is accountability. A police force that covers up corruption is unaccountable. For without genuine accountability there can be no legitimacy, and without legitimacy the police cannot function effectively in a democratic society.” Scandal after scandal recently in SAPS has seriously questioned their legitimacy, credibility and the population’s trust in them.

What needs to be done?

- *Highly specialised, well-resourced anti –corruption unit* must be re-instated. To quote the iconic cop Frank Serpico while testifying before the Mollen Commission on police corruption in the NYPD: “the only way to prevent police corruption was to have an ever-present commission looking over the shoulders of local departments.”
- *Early warning systems.* Action must be taken immediately against problematic behaviour.
- *Lifestyle surveillance.* Clearly living beyond their means?
- *INTEGRITY TESTING:* Random and targeted.
- *Recruitment, vetting and training.* Must include a greater emphasis on ethics training and making sure recruits know what corruption is – use police offenders. Thorough vetting. Only the best recruits must become police members.
- *Random drug testing.* Substance abuse is a significant problem in the SAPS.
- *Professionalism.* Introduce qualifications, punish infringements.
- *Police management.* All aspects of management need to be reviewed to see where improvements can be made. Universally, no police agency wants a scandal but the SAPS needs to start acknowledging that there is a serious problem before measures can be put in place to rectify these. SAPS needs strong leaders and role models (starting with good Field Training Officers).
- *A review or commission of inquiry into ALL aspects of policing in South Africa.* This will be ideal but will not happen as long as political will is absent.
- *Protect whistleblowers.* The fact that this is not happening is indicative of an organisation that is in denial and will rather fire those who expose corruption than protect them.
- *Make it easier to report corrupt colleagues:* move from waiting for a statement or evidence to pro-active covert investigations.
- *Strengthen the psychological well-being of officers:* PTSD has led to murder in more than one case.
- *Politicians and politics do not belong in a policing agency.* This gives rise to political direction instead of operational direction – all too evident in SAPS at the moment. Certainly, the head of this organisation should not be a political appointment. They are set up to fail.
- *An anti-corruption strategy.* Must be implemented.

Additional suggestions from Prof Punch: “it is vital to start by abandoning the *individual failure model* (rotten-apple theory) and accepting that corruption is an *institutional* failure. Therefore, preventing and tackling corruption is about organisational and cultural change.”

Leadership: Crucial factor - must have competent leadership at all levels of the organisation. “**probably the most important characteristics of any police leader is knowing the business he or she is in (a ‘professional’**

rather than a manager), consistency and not sending out ambivalent signals, decisiveness, long-term views, a well-thought-out set of values and setting a tone for integrity.

Dr Liza Grobler

Consulting criminologist