



ESTABLISHING AN ANTI-CORRUPTION UNIT IN THE S. A. POLICE SERVICE

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Critique

- ◆ Current SAPS responses to allegations of corruption are ill-conceived, knee-jerk reactions to various foul-ups or misdeeds.
- ◆ So-called “task teams” are set up and deployed on an ad hoc-basis without any long-term solutions.



The essence of corruption

- ◆ Abuse of Authority
- ◆ Corruption
- ◆ Misconduct
 - Malfeasance
 - Intentional commission of a prohibited act.
 - Misfeasance
 - Improper or negligent commission of a permitted act.
 - Nonfeasance
 - Failure to perform an obligated act.



Corrupt practices:

- ◆ Destruction of exhibits,
- ◆ Sale of case files and other police information, bribe-taking
- ◆ Illegal release of prisoners,
- ◆ Blackmail – defeating the ends of justice,
- ◆ Any other practice where any form of reward is received for acting or failing to act as may be required by law.



Challenges

- ◆ The absence of a strong political will – No anti-corruption initiative will succeed unless there is a strong political will to support it.
- ◆ We have among the best anti-corruption legislation in the world and yet are ranked by Transparency International to be number 69 out of 176.
- ◆ Finland is the least corrupt country in the world, ranked 1 out of 176.



The Problem

- ◆ The problem is enforcement
- ◆ There are too many persons above the law
- ◆ Anti-corruption agencies are under threat from the very institutions sworn to uphold the law and protect the Constitution – see the Public Protector (and the history regarding the Scorpions and Selebi.)
- ◆ Political interference is rife and this is a deterrent for any investigator.



The solution

- ◆ A strong, independent, dedicated agency, free from political interference, mandated to enforce and uphold the law and to give effect to the principles set out in the National Development Plan which was approved by Cabinet in 2012 but which has yet to be implemented.
- ◆ Various such agencies exist in the world of which the ICAC in Hong Kong is the most effective.



The “How”. Get the basics right.

- ◆ Civilian oversight with direct reporting to Parliament.
- ◆ Safeguard the institution against political destruction / interference (Scorpions)
- ◆ Restore trust in the SAPS.
- ◆ Determine the requirements for appointments
- ◆ Do the appointment process right



The steps to success

- ◆ Get the basics right
- ◆ Determine the Policy
- ◆ Think “out of the box” – an Anti-Corruption unit is unique and cannot be established by conventional thinking.



Step One: The members

- Select the right persons for the job
- Do psychological tests and thorough background checks coupled to polygraph and other integrity tests by external service providers
- Do stringent interviews
- All members to have "Top Security" clearance
- Select the right persons for the right reasons



Step Two: The environment

- ◆ The environment is extremely hostile
- ◆ Members are to be protected
- ◆ Each situation is unique and must be managed accordingly
- ◆ Immediate action must be taken
- ◆ Members' particulars to be removed from SAPS database



Step Three: Logistics

- ◆ Offices far away from existing SAPS offices
- ◆ Security and alarm systems to be in place
- ◆ Equipment to be “state of the art” not available to normal SAPS – vehicles, information technology, covert equipment (cameras, tape-recorders, night vision, radios with unique wave-bands etc.)



Step Four: Training & Intelligence

- ◆ Specialized training to be given by experts
- ◆ Examine national and international training interventions
- ◆ Training in overt and covert investigation techniques
- ◆ Information and intelligence gathering capability
- ◆ Secure “eyes only” database



Step Five: Prevention

- ◆ Integrity is not negotiable
- ◆ Enforce the Code of Ethics
- ◆ Suspend suspect members immediately
- ◆ Finalize investigations speedily – prioritize
- ◆ Obtain buy-in from Unions
- ◆ Dismissal due to loss of confidence – root out the rot.



Step Six: Unique methodology

- ◆ Investigations to be outcomes based, project managed and team-driven
- ◆ Team selection based on “best person” principle
- ◆ Separate budget to provide for undercover operations, rewards for informers
- ◆ Co-opting of internal and external expertise



An Integrated Approach:

- ◆ Complaint carefully evaluated,
- ◆ Verification process
- ◆ Team will include persons who are familiar with the offence underlying the corruption
- ◆ S.M.E.A.C. approach is used. (Situation, Mission, Execution, Administration, and Logistics, and Command and Signal)
- ◆ A Project Manager is appointed.



Challenges, dangers and pitfalls

- ◆ Members (investigators as well as witnesses) are subject to threats and pressure from inside the organization as well as from outside - great psychological stress to themselves and their families.
- ◆ Witness protection
- ◆ Re-integration



Quis custodiet ipsos custodes?

- ◆ I leave you to ponder the question as to who guards the guardians.

Edmund Burke: 12 January 1729 to 9 July 1797



“All that is necessary for the triumph of evil is
that good men do nothing”