

LEANER AND MEANER?

RESTRUCTURING THE DETECTIVE SERVICE

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EXECUTIVE SUMMARY

This monograph aims to update readers on the nature, rationale and implications of the restructuring of the detective service within the South African Police Service (SAPS) announced in January 2000. It does this by outlining the approach within SAPS management towards improving the performance of the detective service and as such, hopes to provide clarity on the process of restructuring.

The detective service comprises about 20% of the members of the SAPS. The hierarchical SAPS structure requires detectives to report both to the divisional commissioner of the detective service at head office in Pretoria and to the provincial commissioner of the province in which they are based. Many of those interviewed believe this frustrates detective work and negatively affects performance and morale.

The latest figures show that there were approximately 21,797 detectives in the SAPS. Detectives have unmanageable caseloads of more than 50 serious crimes per detective on average. The performance of the detective service as a whole, and of the specialised investigation units in particular, is difficult to measure accurately. The available data tends to indicate that the performance could be substantially improved. Measured as a ratio of cases sent to court and of cases recorded, low conviction rates are the norm. There is, however, considerable variation between provinces.

Poor performance is a function of several factors, such as uncertain career paths to becoming a detective, inappropriate promotion policies, insufficient training, the unmanageable workload, and the skills drain. Many skilled detectives have left the service, largely as a result of an inability to perform their work

properly given the capacity and other constraints they face. Few former detectives that were interviewed for the study said they left because of poor pay.

The restructuring of the detective service has seen approximately 7,000 detectives formerly based at the 503 specialised units re-deployed to station level. The main motivation for the restructuring is to boost the capacity for crime investigation at station level. Another important reason is that the specialised units appear to have performed less well than the station level detectives who investigate less serious crimes. Possible reasons for this are the lack of communication among the units and between the units and station level detectives, and confusion regarding which unit should take responsibility for particular cases. All of this results in delays in investigation.

Several units will remain unaffected by the restructuring announced thus far. These include the commercial branch and the family violence, child protection and sexual offences units, and child protection units. (The structure of the commercial branch is, however, currently being re-considered.)

The restructuring has seen the emergence of two new types of units—the organised crime units and the serious and violent crime units. The mandate of the serious and violent crime units is somewhat unclear. This is likely to pose problems for deciding whether a crime should be investigated by serious and violent crime unit detectives or station level detectives. The exact mandate of the organised crime units had not been finalised at the time of writing. Phased reductions will ultimately see 21 units with 600 detectives based in organised crime units throughout the country.

A potentially problematic development is the absorption of the SAPS' former anti-corruption units into the organised crime units. It will be difficult for detectives in the new units to investigate their colleagues—given that organised crime more often than not operates with the assistance of corrupt police officers. This problem is likely to be compounded by the precarious financial position of the Independent Complaints Directorate (ICD). ICD detectives are often forced to refer cases against SAPS members to the detective service because of their own capacity constraints.

The organised crime units and the Directorate of Special Operations (DSO, or more commonly known as the Scorpions) are both set to investigate organised crime. The legislation governing the DSO does not clearly outline a jurisdictional basis for distinguishing between it and the detective service of the SAPS. This means there is the potential for duplication and unproductive rivalry. While it is true that the approach of the DSO is different to the SAPS in terms of prosecution-lead investigations and greater teamwork, this need not remain true as SAPS could implement such teams if it so chose. It is not therefore a sufficient argument for the maintenance of two bodies engaged in essentially the same activity. Furthermore, the DSO's prosecution-led and group-targeted approach may not be appropriate for certain kinds of crime. The objective role of the prosecution service may become blurred if the prosecution is involved in all investigations, especially in instances where the identity of a perpetrator is not known prior to the commencement of an investigation.

The DSO also receives only one sixth of the money allocated to the organised crime sub-programme of the SAPS detective service. It is thus difficult to imagine how it can compete effectively with the detective service. Even if the DSO is far more efficient than the SAPS in its operation, capacity and resource constraints are likely to negatively affect the DSO's performance in the long run.

A positive development is the productive relationship that has developed between the SAPS detective service and the Asset Forfeiture Unit (AFU) located in the National Prosecuting Authority. This can largely be attributed to the fact that the AFU has no investigative capacity of its own and has to rely on the DSO and the SAPS detective service to source its cases.

The fact that both the DSO and new SAPS organised crime units are focusing on organised crime is a clear indication that government has prioritised this problem. However, while it poses a threat to the authority of the state, organised crime is probably less of a priority for ordinary citizens than violent crime.

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CHAPTER 1

Introduction

This monograph aims to update readers on the nature, rationale and implications of the restructuring of the detective service within the South African Police Service (SAPS) announced by National SAPS Commissioner Jackie Selebi in January 2000.

In doing so, the functioning of the entire detective service before and after the restructuring, and of specialised units that fall within the detective service, is discussed. The position of the detective service within the SAPS, and the performance of the detective service, nationally and provincially, is explored. This provides the context for considering the rationale underpinning the restructuring, as well as the way in which restructuring has been approached by the SAPS.

Given the implications for performance, the monograph also considers the relationship between the new specialised detective units and other agencies such as the Directorate of Special Operations (commonly known as the 'Scorpions'), the Asset Forfeiture Unit (AFU), intelligence structures such as the National Intelligence Agency (NIA), and the Independent Complaints Directorate. Finally, recommendations in the light of these analyses are made.

The monograph does not aim to reflect the views of detectives across the country about the restructuring of the service. Instead, it hopes to outline the approach within SAPS management towards improving the performance of the detective service. Apart from a handful of media reports and parliamentary briefings on the topic, the nature and rationale of the restructuring has remained unclear for many working in the field. The aim of this monograph is to place the restructuring in perspective and provide clarity.

The methodology has focused on presenting the views of higher-ranking officers and managers in the detective service. Since the monograph aims to update readers about the changes in the service at a strategic level, this approach is considered adequate. In addition, a wide range of statistical information has been analysed to give an insight into the activities and performance of the detective service. (For an in-depth discussion of the attitudes of operational detectives, see A Altbeker, *Solving crime: the state of the SAPS detective service*, [ISS Monograph Series No 31](#), November 1998.)

Interviews and discussions with 15 senior detectives and former senior detectives of the SAPS were conducted between July and October of 2001. These included detectives and former detectives from Gauteng, Western Cape, KwaZulu-Natal, and the Northern Cape. All of those interviewed were or had been of a rank of superintendent or higher and had in the region of ten years' experience within the detective service. All the interviews took place in the Western Cape or Gauteng, purely for practical reasons. Much of the material was provided through interviews and liaison with the communication services department of the national office of the detective service. In addition, the majority of interviews were with senior managers who were or had been heads of particular specialised units. This is because the restructuring is still being implemented and those at the operational level would not be aware of all the relevant details. Former detectives were interviewed in order to gain an informed perspective from outside the SAPS, in order *inter alia* to explore the reasons why detectives leave the SAPS.

In addition to these interviews, the monograph also drew heavily on information gained through visits to all 150 police stations in the Western Cape during 2001. During this research process, approximately 200 detectives, station commanders, or crime information analysis officers were interviewed, and their views are among those discussed here.¹ In addition, the monograph drew on similar fieldwork currently in progress in Gauteng, which in October 2001 involved visits to 19 police stations in Gauteng.

Statistics and quantitative data were gleaned from various sources, including the Crime Information Analysis Centre of the SAPS, the Auditor-General's reports, and the National Expenditure Survey and Budget Review. The data were analysed and re-cast in order to gain insight into the distribution and performance of detectives in the detective service. Certain statistics were plotted geographically using the Mapinfo software programme and geographical data. Further information was obtained from the minutes of parliamentary meetings, press releases of the SAPS, and internal letters and memoranda between the national and provincial SAPS levels. Information was also obtained directly from the communication services department of the national head office of the SAPS.

CHAPTER 2

Structure and budget of the detective service

The constitution provides that the objectives of the SAPS are 'to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law'.² The main objective of the detective service is to ensure the effective investigation of crime.

In order properly to understand the detective service, it is necessary to be clear on how the detective service fits into the larger SAPS management structure. It is also useful to consider the budgetary structure of the detective service, in particular, the portion of funds allocated to the detective service within the SAPS.

The budgetary structure of the detective service as a distinct entity is also revealing and may help to indicate what is achievable by the detective service. The following two sections therefore consider the management and budgetary structures of the SAPS and of the detective service.

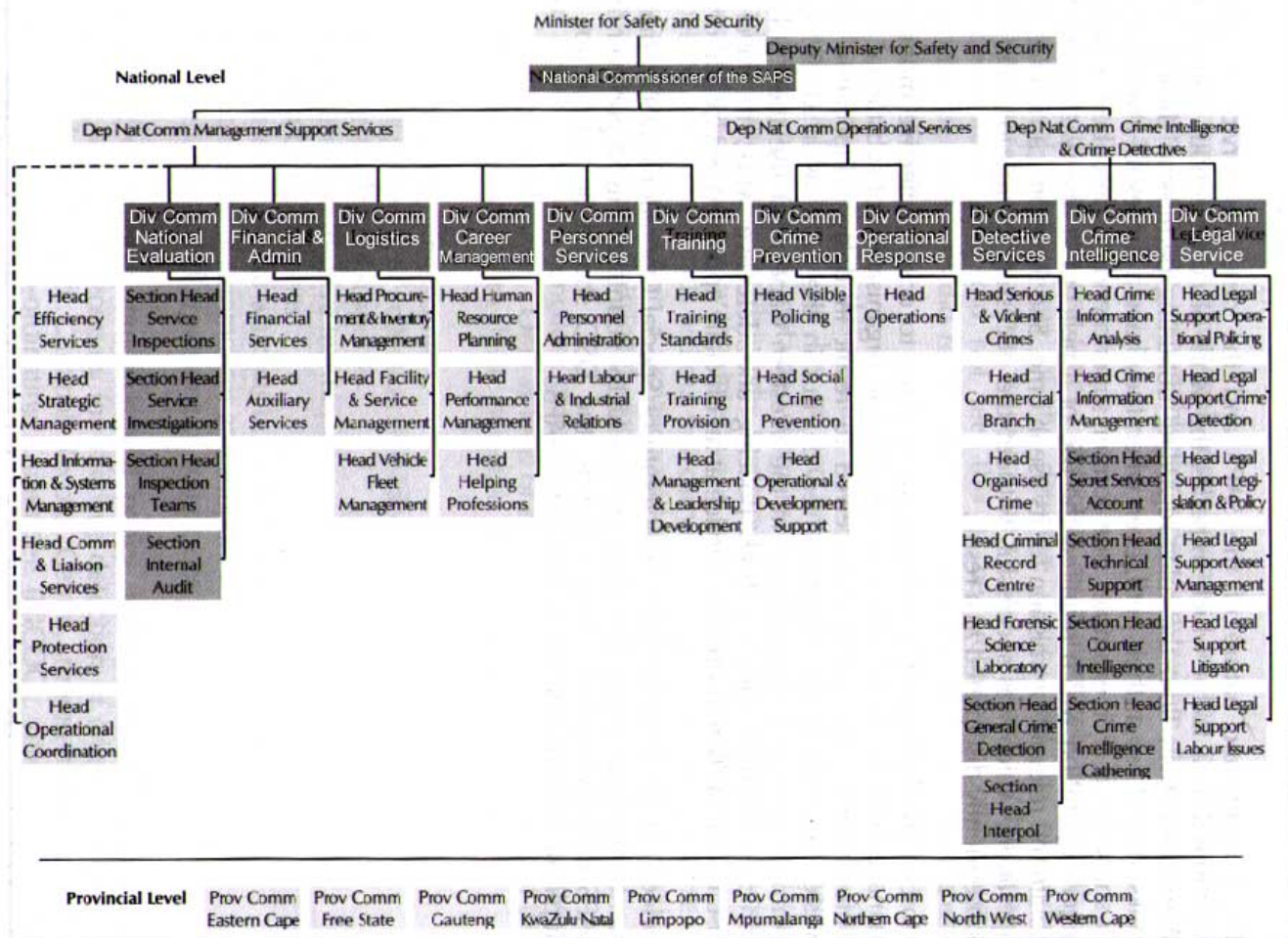
Structure of the South African Police Service

The SAPS is a national organisation made up of 101,639 police members and 20,503 civilians. These are distributed across four levels: 1,103 police stations which are grouped into 43 areas, located within the nine provinces. A substantial portion of the total SAPS members are situated in the head office in Pretoria or have head office related functions.

The detective service is a distinct division within the SAPS with its own reporting lines. The SAPS has a highly hierarchical structure. Under the national commissioner and three deputy national commissioners are 11 divisional commissioners responsible for various functions within the SAPS, including the detective service.³

The divisional commissioners are those of national evaluation, crime prevention, operational response service, crime intelligence, detective service, logistics, financial and administrative services, training, personnel services, career management and legal services. Each of these divisions has their own lines of reporting (Figure 1).

Figure 1: Management structure of the South African Police Service



Layered alongside these divisional commissioners, are the nine provincial commissioners, who are responsible for operations within their respective *geographical areas*.

This implies that at any one time, a detective must ultimately report both to the divisional commissioner of the detective service and the provincial commissioner of the province in which he or she is based. While many detectives interviewed did not feel this to be problematic, others were emphatic that problems did result. This was particularly the case with higher-ranking detectives.

Another consequence of this structure is that when a detective based in one province wishes to pursue his or her investigations in another province, permission must first be obtained from the provincial commissioner of the province concerned, detailing why the province is being entered and what work will be carried out by the detective. A detective may not simply enter the province and pursue leads without first carrying out this formality. Conversely, any police member within a province wishing to make use of the detective service must obtain permission through the ranks in the detective service.

The detective service functions at national level, at provincial level, at area level, and at station level. Only at local or station level are the activities of the detective service limited to classic detective responsibilities, that is:

- Attending crime scenes
- The gathering or collection of evidence
- The tracking of suspects
- Use of investigative techniques
- Searching premises
- The execution of warrants in respect of detective cases
- The serving of summonses and subpoenas
- Preparation and processing of court cases.⁴

The setting of national standards and policy, evaluation and monitoring, maintaining structures necessary for effective detection of crime such as the Forensic Laboratory and Criminal Record Centre, representation on the National Intelligence Co-ordinating Committee (NICOC), *inter alia*, are the responsibility of the national level of the detective service. At provincial level, provincial standards and policies are determined, monitoring of training, and command of specialised units, among others, occurs. At area level, much of the functions revolve around the gathering of crime intelligence.

The bureaucratic nature of the SAPS and the detective service is often mentioned as a factor which impedes the work of conscientious detectives. When detectives flout the rules regarding obtaining permission through the ranks, they do so at their peril, even when they have a successful investigation to show for it. For example, one former superintendent described a highly urgent operation which required the use of a helicopter. She was unable to obtain the relevant permission for its use in time. She therefore carried out the operation, which was successful, without the necessary permission. She was subsequently disciplined as a result.

Most of the bureaucratic controls are in place to ensure effective monetary management and to combat corruption in an organisation of substantial size. Unfortunately, this is often perceived to result in delays, duplication and waste, not only in the detective service, but in the SAPS as a whole. For example, police in a rural town in the Western Cape must use their police vehicles, needed daily for both policing and detective work, to travel a distance of 900km to obtain a service at an officially approved service station.

Indeed, at the launch of the Directorate of Special Operations (DSO), many mentioned its far more 'flat' structure as a factor counting in its favour over the SAPS detective service. As it expands, the DSO should be careful not to duplicate the bureaucratic nature of the SAPS.

Structure of the detective service

The detective service is headed by a divisional commissioner, supported by the deputy divisional commissioner and the section heads of, firstly, management and administration support, and secondly, the detective service and crime intelligence academy.

Under the divisional and deputy divisional commissioners and section heads, are the six heads of organised crime, serious and violent crime, the commercial branch, the criminal record centre, the forensic science laboratory, and legal services.

At provincial level, this structure is largely duplicated. There is a provincial head of the detective service, a commander of management and administrative support, and provincial commanders of general investigations, organised crime, serious and violent crime, the commercial branch, and the local criminal record centre. There may be units or task teams falling under the broader categories. For example, under organised crime, there may be a diamond and gold task team.

The comments regarding the bureaucratic nature of the SAPS are also of application to the detective service. The exact structure of the specialised units will be considered briefly in the section below, and in more detail in the chapter on restructuring.

According to the head office of the SAPS, specialised units were originally established in the detective service in an *ad hoc* manner throughout the SAPS' existence. If a particular type of crime became a problem in a province or an area, then a specialised unit was established.

In some provinces specialised units reported to the provincial level of command of the SAPS, and in other instances they reported to the area level of the SAPS. There are 43 distinct policing areas in South Africa; prior to 1994 there were 94. The reduction in number of areas is analogous to the current attempt to simplify and streamline the number of units.

This varying operational responsibility (to area or provincial level) was as a result of practical difficulties such as geographical distance, problems around budgetary responsibility, lack of inspection capacity at a particular level, and arguments around the principle of community policing, according to some detectives.

Indeed, in some provinces, units were established without the proper authority to do so, according to SAPS head office. This led to a proliferation of such units throughout the country. Immediately prior to the restructuring of the specialised units, there were as many as 503 such units all over the country—which is almost half as many as there are police stations in the entire country. In other words, for every two police stations there existed a specialised unit. These ranged from well-known units such as the Brixton murder and robbery unit in Gauteng to the occult related crime unit in Port Elizabeth to stock theft units in the rural parts of the country to the gang unit in Bellville, Western Cape.

Each unit became an entity in itself, with its own offices and administrative staff. They became entirely separate from the police stations in the areas they served and there was little interaction between the specialised units and the police stations. Detectives serving at specialised units have never, for example, served on community policing forums.

Furthermore, there was almost no interaction between the various units themselves, or even between various divisions within the units (for example, the fraud unit within the commercial crime unit). Where there was sharing of information and interaction among units, it was on an informal and individual basis. The same applied to interaction of the SAPS units with intelligence structures such as the National Intelligence Agency (NIA). Only personal networking was in place.

The specialised units operated under mandates, which detailed which crime types, which pieces of

legislation, or which priorities would be the preserve of the specialised unit under consideration (see the section on the serious and violent crime unit in chapter 4 for an example of a mandate).

The problems relating to the specialised units in the past, their current restructuring, and the rationale for their restructuring will be considered in more detail in chapter 4. The next sections consider the budgetary framework, and spending priorities within the detective service.

SAPS budget

Since 2001 the budget of the SAPS has been detailed under the Safety and Security budget which covers both the SAPS and the Department of Safety and Security (the latter includes the office of the Minister and the national Secretariat of Safety and Security). In previous years the SAPS had its own distinct budget.⁵

There are five budgetary programmes within the Safety and Security budget.⁶ These are listed and briefly described below:

- *Administration* covers policy and management work, as well as funds used for medical benefits.
- *Crime prevention* covers the work at police stations in the country, as well as functional units such as the dog, equestrian, radio control and diving units.
- *Operational and response service* covers border policing and services related to maintaining public order, crowd management, and high risk functions performed by the Special Task Unit.
- *Detective services and crime intelligence* includes investigative and intelligence related work, training of detectives, and provision of forensic evidence, crime trends analysis and maintenance of criminal records.
- *Protection services* provides protection for foreign and local dignitaries.

As can be seen from Table 1 below, spending on the detective services programme as a proportion of total spending (almost R16bn in 2001) has increased from 19% in the 1997/98 to 20% in 2000/01. It is set to increase marginally to 21% of the SAPS' total spending in 2003/04.

Table 1: Budget of the SAPS by programme

Programme (R million)	997/98	1998/99	1999/00	2000/01 (Revised)	2001/02	2002/03	2003/04
Administration	2,910	3,789	4,359	4,356	4,623	4,929	5,150
As % of total	23%	27%	30%	28%	27%	27%	27%
Crime Prevention	6,438	6,340	6,129	6,870	7 548	8 076	8,512
As % of total	50%	46%	42%	44%	44%	44%	44%
Operational Response Service	822	850	896	1 010	1,106	1,181	1,244
As % of total	6%	6%	6%	6%	6%	6%	6%
Detective services and crime intelligence	2,458	2,682	2,924	3,199	3,536	3,783	3,987
As % of total	19%	19%	20%	20%	21%	21%	21%
Protection Services	216	273	273	292	319	342	360
As % of total	2%	2%	2%	2%	2%	2%	2%
Total	12,844	13,935	14,572	15,727	17,132	18,311	19,253

Source: Department of Finance, *2001 Estimates of National Expenditure, Vote 23 Safety and Security*

The crime prevention programme consumes the bulk of the SAPS' budget, at 50% in 1997/98, at 44% in 2000/01 and remaining at 44% by 2003/4. This covers spending on South Africa's 1,103 police stations, as well as specialised visible policing, which consumes around 12% of the crime prevention budget (R829,175,000). This implies a rough estimate of spending of R5.5m per station for the year 2000, in other words, just under R500,000 per month per station.

With respect to standard items of expenditure (Table 2), most spending has remained pretty constant. However spending on administration fluctuated from 23% to 30% and down again to 27%; the main casualty of that increase in spending has been a spending on crime prevention.

Table 2: Budget of the SAPS by standard items of expenditure (R million)

	1997/98	1998/99	1999/00	2000/01 (Revised)	2001/02	2002/03	2003/04
Personnel	10,574	11,359	11,807	12,261	13,230	14,202	15,042
As % of total	82%	82%	81%	80%	77%	78%	78%
Administrative	413	549	559	755	852	877	892
As % of total	3%	4%	4%	5%	5%	5%	5%
Inventories	671	684	698	868	985	1,014	1,032
As % of total	5%	5%	5%	6%	6%	6%	5%
Equipment	406	430	437	552	671	721	752
As % of total	3%	2%	3%	4%	4%	4%	4%
Land & Buildings	47	85	90	134	156	216	232
As % of total	<1%	<1%	<1%	1%	1%	1%	1%
Professional and Special Service	559	646	778	1,034	1,188	1,231	1,253
As % of total	4%	2%	5%	5%	7%	7%	7%
Transfer Payments	-	-	-	-	-	-	-
Miscellaneous	173	181	203	124	48	49	50
As % of total	1%	1%	1%	1%	<1%	<1%	<1%
Total	12,844	13,935	14,572	15,727	17,132	18,311	19,253

Source: Department of Finance, *2001 Estimates of National Expenditure, Vote 23 Safety and Security*

It is also worth noting that personnel expenditure in 1997/98 was at 82% of total spending in the SAPS, decreasing to 80% in 2000/01 and 78% in 2003/04. This decrease was intended to release resources for spending on vehicles, fuel and the renovation of physical infrastructure. Yet, equipment, on the other hand, moves up only marginally from 3% in 1997/98 and 2000/01 to 4% in 2003/04.

As at May 2001, there were 101,639 police members in the SAPS. Civilians, temporary members, and those on contract made up a further 20,503 employees.⁷ This implies, very roughly speaking, an average per person spending on personnel of R100,386 per annum in the SAPS as a whole.

The five spending programmes outlined above are meant jointly to implement the four main medium term strategic priorities of the SAPS, as determined after the appointment of national commissioner Selebi in January 2000. These four priorities are:

- Combating organised crime,
- Combating serious and violent crime,
- Combating crimes against women and children; and
- Improving service delivery at police stations.⁸

The organised crime priority focuses on drugs and firearm trafficking, vehicle theft and hijacking, corrupt public officials, and organised commercial crime. The serious and violent crime priority focuses on countering the proliferation of firearms, improving safety and security in high crime areas, combating specific crime generators such as taxi and gang violence, and maintaining security at major public events.⁹

Budget of the detective service

The largest sub-programme in the detective service is general investigations (Table 3). This sub-programme accounted for 46% of total spending on the detective service in 1997/98, and 48% in 2000/01, and is set to drop to 47% in 2003/04. The organised crime sub-programme consumed 27% in 1997/98 and 2000/01, and is set to decrease slightly to 26% of spending in the detective service programme in 2003/04.

Table 3: Detective service budget (R million)

Subprogramme	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
General Investigations	1,140	1,290	1,412	1,482	1,661	1,777	1,876
% of total	46%	48%	48%	48%	47%	47%	47%
Organised Crime	659	733	786	845	905	966	1,017
% of total	27%	27%	27%	27%	26%	26%	26%
Commercial Crime	103	118	123	135	152	162	171
% of total	4%	4%	4%	4%	4%	4%	4%
Criminal Record Centre	183	197	215	229	268	292	307
% of total	7%	7%	7%	7%	8%	8%	8%
Detective Academy	-	-	-	11	64	67	69
% of total	14%	11%	11%	<1%	2%	2%	2%
Crime Intelligence	332	294	325	346	395	423	447
% of total	14%	11%	11%	11%	11%	11%	11%
Total	2,458	2,682	2,924	3,116	3,536	3,783	3,987

Source: Department of Finance, *2001 Estimates of National Expenditure, Vote 23 Safety and Security*

With respect to standard items of expenditure (Table 4) spending on personnel accounted for 86% of spending in 1997/98, 85% in 2000/01, and is set to decrease to 83% in 2003/04. However, this is still a higher proportion of spending on personnel than in the SAPS as a whole, which is set to decrease to 78% in 2003/04.

Table 4: Detective service budget by standard items of expenditure (R million)

	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
Personnel	2,107	2,354	2,494	2,663	2,894	3,113	3,303
% of total	86%	88%	85%	85%	82%	82%	83%
Administrative	82	95	110	107	193	198	202
% of total	3%	4%	4%	3%	5%	5%	5%
Inventories	66	77	162	137	240	247	252
% of total	3%	3%	6%	4%	7%	7%	6%
Equipment	85	41	37	85	90	97	101
% of total	3%	2%	1%	3%	3%	3%	3%
Land and Buildings	-	-	-	-	-	-	-
% of total	<1%	<1%	<1%	<1%	<1%	<1%	<1%
Professional and Special Service	86	79	82	103	118	127	129
% of total	3%	3%	3%	3%	3%	4%	3%
Transfer payments	-	-	-	-	-	-	-
Civil Pensions Stabilisation Fund	32	35	39	20	-	-	-
% of total	1%	1%	1%	1%	-	-	-
Total	2,458	2,682	2,924	3,116	536	3,783	3,987

Source: Department of Finance, *2001 Estimates of National Expenditure, Vote 23 Safety and Security*

There are approximately 22,000 detectives in the detective service; this implies a rough per capita personnel spending of R120,863 which is marginally more than the average for the SAPS as a whole (see above).

Equipment spending hovers at around 3% but tending under 3% by 2003/04, which is the reverse of the trend in the SAPS as a whole.

CHAPTER 3

Performance of the detective service

The detective service needs to be considered within the context of the SAPS as a whole. Certain key facts regarding the SAPS will be discussed in this chapter, in particular, the number of police, which is an important factor affecting the performance of the SAPS, and consequently of the detective service. The number and distribution of police and detectives, as well as the number of crimes per detective, is considered below.

An attempt is also made to evaluate the performance of the detective service, by considering clearance rates, convictions per court case, convictions per recorded crime, as well as the number of guilty verdicts per detective for various crime types.

Guilty verdicts per detective for various crime types are calculated on a provincial basis in an attempt to arrive at a measure of performance which takes into account the different case loads of detectives in each

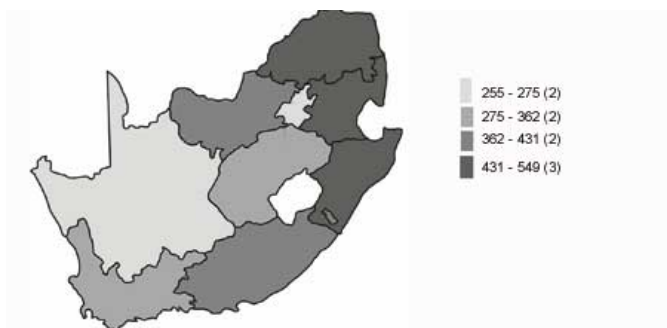
province. The calculations reveal that some provinces out-perform others. The reasons for this are beyond the scope of this monograph, but it would be worthwhile to investigate the best practices of these provinces in future.

Number and distribution of SAPS members

When considering the performance of the detective service it is necessary first to place that performance in the context of the SAPS and the capacity constraints of the SAPS as a whole. The provinces with the highest number of police members are Gauteng, the Eastern Cape and KwaZulu-Natal, and those with the lowest are the Northern Cape and Mpumalanga. However, this distribution is largely a result of the different population densities in the various provinces; in other words, more police are deployed where there are larger populations.

Map 1 shows the ratio of the number of police members to the population in each province. Using this measure, Gauteng and the Northern Cape are relatively well-off, while the Northern Province, Mpumalanga and KwaZulu-Natal have relatively fewer police persons relative to population size.

Map 1: Number of people per SAPS member, 2001



Source: Stats SA and CIAC of SAPS

Number and distribution of detectives

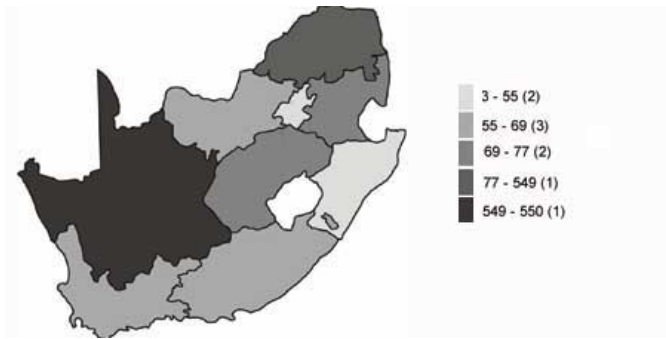
At the latest audit there were 21,797 detectives in the SAPS.¹⁰ According to the Auditor-General's report for 2000, there were 22,034 detectives in the SAPS in 1998.¹¹ This shows that the number of detectives fluctuates, but not significantly, and has remained in the region of 22,000 for the last four years.

However, according to a former detective with 25 years' experience, until approximately 10 years ago there were in the region of only 7,000 detectives in the SAPS. Thereafter, many uniformed service members who, for example, investigated traffic offences, were also counted as detectives. This raises the possibility that a significant number of so-called detectives may not necessarily have been fully-fledged detectives. Nevertheless, as the section on training below shows, most of the approximately 22,000 detectives are likely to have received some sort of training over the last four years.

While the approximate number of detectives overall is known, it is less clear how many were based at specialised units. Given that, before restructuring began, there were 503 units and 1,103 police stations, if an even distribution between stations and units is assumed, this implies that about 7,000 detectives were based at units. The SAPS is currently in the process of conducting an audit of exactly how many detectives were based at these units and the number that will be redeployed to station level and to the new units.¹²

However, detectives generally make up approximately 20% of the total police compliment in a particular province. Similar to police members overall, detectives are not spread uniformly throughout the country. The Eastern Cape has the most detectives, and the Northern Cape the least.

Map 2: Ratio of square kilometers per detective, 2001



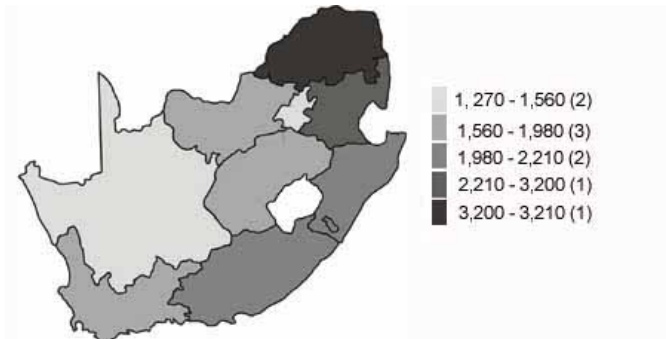
Source: Stats SA and CIAC of SAPS

Detectives are sparsely distributed throughout the country (Map 2). The Northern Cape has by far the fewest number of detectives according to the size of the province, with only one detective for every 550 square kilometers. Gauteng, however, is relatively better off with one detective having to cover only three square kilometers.

The figures suggest that in the Northern Cape, the vast distances and sparse population may leave an unmanageable amount of terrain to be covered by each detective. The Northern Province is also struggling with a greater than average kilometer per detective ratio.

On the other hand, the Northern Cape also has the fewest members of the public per detective (Map 3). This implies a lighter case load for detectives in the Northern Cape. By comparison, populous Northern Province has the most persons per detective: it has an unmanageable amount of more than 3,000 people for every one detective. This, combined with the low number of detectives, may make the predicament of detectives in the Northern Province particularly difficult.

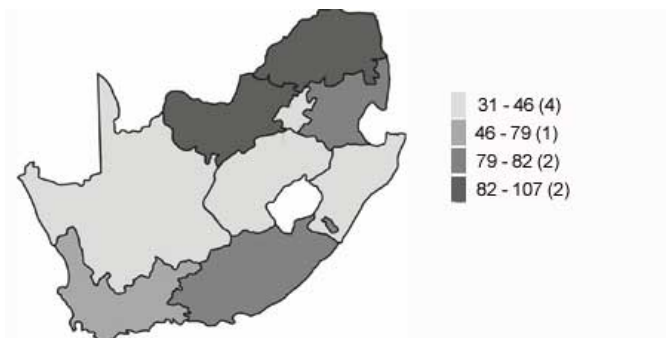
Map 3: Ratio of people per detective, 2001



Source: Stats SA and CIAC of SAPS

KwaZulu-Natal, Mpumalanga, and the Western Cape also have relatively large populations served by relatively few detectives. The Eastern Cape, Northern Cape and Free State are relatively better off in respect of the population which must be served by detectives.

Map 4: Category 'A' crimes on hand per detective, 1998



Source: The Auditor-General's report for Vote 29 on the financial statements of the SAPS and the Secretariat for Safety and Security for the year ended 31 March 2000.

Perhaps a more important indicator than area to be covered and population to be served are the numbers of crimes to be solved per detective (Map 4). Figures of crimes per detective were compiled by the

Auditor-General's Office for 1998. The provinces which had the most category 'A' crimes (which include only the most serious crimes such as murder, rape and robbery) on hand per detective as at September 1998 were the Northern Province, North West Province, Mpumalanga, and the Western Cape.

Those provinces with the fewest such crimes on hand as at September 1998 per detective were the Free State, Gauteng, KwaZulu-Natal and Northern Cape.

These figures suggest that Gauteng, for example, which had a relatively low number of crimes on hand, should probably register better performance by its detectives in terms of solving cases than other provinces. Whether that is indeed the case will be explored below. It is possible that the extra detectives deployed in the province are not able to translate this additional capacity into higher rates of solving crimes. The information in the preceding map is summarised in Table 5 below.

Table 5: Number of detectives and caseloads by province, 1998

Province	Category A crime cases on hand as at September 1998 ¹³	Average number of category A crime cases per detective ¹⁴
N Province	164,312	97
North West	142,783	85
Mpumalanga	87,570	79
W Cape	95,661	56
E Cape	242,111	48
KZN	144,173	45
Gauteng	204,017	41
N Cape	24,735	38
Free State	53,150	27
TOTAL	1,158,512	57 / 53 ¹⁵

Performance of the detective service

The performance of the detective service as a whole, of the specialised units in particular, and of individual detectives, is difficult to measure accurately. For example, in the past, the work rate of a particular detective was often measured within SAPS in terms of the number of statements he or she took over a particular period of time. This is a clumsy measure of work rate. In complicated commercial cases for example, it may be far more useful to obtain one 100-page affidavit from one highly reliable witness in an important case, which may take many days, than to gather 100 one-page statements in petty cases. In fact, this kind of performance indicator encouraged detectives to work on simple petty crimes rather than on difficult or important crimes.

Currently, a commonly used performance measure is the clearance rate (Table 6). According to this measure, success of the detective service as a whole is measured by the rate at which cases are cleared—that is, the rate at which cases are closed by the arrest of a suspect, or by the determination that a complaint had been unfounded, or when a complainant withdraws the case. The clearance rate for South Africa as a whole between 1995 and 1998 is illustrated in Table 6.

Table 6: Clearance rate in SA (%)*

Crime**	1995	1996	1997	1998
Murder	61	65	58	59
Robbery	34	31	30	31

Rape	80	76	74	63
Serious property crime	21	20	18	18
Assault	85	80	78	75
Fraud	57	58	54	52
Subtotal serious crimes	52	50	48	46
Less serious crimes	44	43	43	42
TOTAL	49	47	46	45

* The columns of this table are drawn from: Department of Finance, *National Expenditure Survey 2000*, p 186.

** The categories in this table aggregate a number of crime types. Murder includes attempts, serious property crime includes burglaries of residential and business property and theft of vehicles, robbery includes aggravated robberies, and assault includes assault with the intent to cause grievous bodily harm. The subtotal aggregates these crimes; while the next row adds the other crimes the police classify as being serious (such as thefts, arson, etc) and the total sums all serious crimes.

While some of these rates may appear at first glance to be impressive, it must be borne in mind that when a complainant withdraws a case, this is also counted as a cleared case. The clearance rate is therefore too broad to be a good performance measure.

This is particularly so given that the withdrawal rate in South Africa is high, especially in respect of what the SAPS call 'social fabric crimes' which include rape, assault and sexual assault. The figures above do show that the clearance rate for crimes such as rape and assault are high. To give an example of how withdrawals can influence the clearance rate, a recent study on social fabric crime in the Northern Cape found that 62% of all these crimes reported were withdrawn.¹⁶ This illustrates the extent to which the clearance rate may give an artificially inflated measure of performance.

The clearance rate should therefore be assessed along with the conviction rate, which is a partial measure of the quality of the dockets that are classified as closed when they are taken to court. The success of a case brought to court is heavily reliant on the quality of the investigative work.

One detective interviewed claimed that he had never seen a bad prosecutor lose a good case that had been well investigated. His point was that if a docket is well prepared by the detective, a good detective should be able to assist even an inexperienced and overburdened prosecutor to convict a guilty person.

The conviction rates detailed in Table 7 relate only to the cases actually brought to court. In other words, this is not the rate of convictions per recorded crime, but rather the number of convictions per case brought to court. While there is some debate about whether this too is an appropriate measure, it does provide a further indicator of performance.

Most striking about this data is that the most serious cases, such as murder, robbery and rape, reflect the lowest conviction rates. It is the less serious crimes that have a higher conviction rate.

This is an important point, given that prior to the recent restructuring, a large proportion of serious crime was investigated by the specialised units, while station level detectives dealt mainly with less serious crime. This suggests that station level detectives may have been more successful in court than the specialised units, at least with respect to less serious crime.

Table 7: Convictions as a ratio of cases brought to court in SA (%)*

Crime**	1995	1996	1997	1998
Murder	15	26	27	28
Robbery	17	25	22	22
Rape	14	19	17	20

Serious property crime	30	39	37	38
Assault	23	37	37	37
Fraud	30	36	41	41
Average conviction rate (serious crime)	23	34	33	34
Less serious crime	45	45	45	44
Average conviction rate) all crimes	33	39	39	39

* This table is drawn from: Department of Finance, *National Expenditure Survey 2000*, p 176.

** The categories in this table aggregate a number of crime types. Murder includes attempts, serious property crime includes burglaries of residential and business property and theft of vehicles, robbery includes aggravated robberies, and assault includes assault with the intent to cause grievous bodily harm. The subtotal aggregates these rates, while the next row adds the other crimes the police classify as less and the total sums all crimes.

An even more revealing performance indicator is that of convictions per recorded crime (Table 8). This measures the ratio of the number of crimes reported in a particular year to the number of convictions obtained. In other words, all the crimes which occurred in a particular year are measured up against all the convictions in that same year. The specific crimes and their convictions do not necessarily relate to each other. In this sense, this is a somewhat artificial measure, as the convictions counted are not in respect of the actual crimes reported. This is necessarily so because some crimes take many years to be processed through the system. A crime committed in 1998 for example may only be convicted in 2000.

Again, the most notable aspect of Table 8 is that serious crimes, with the exception of murder, have a far worse ratio of convictions to reported crimes than less serious crimes. Since serious crimes are generally investigated by specialised units, this would tend to indicate that specialised units may have under-performed in the periods under consideration. Nevertheless, it is true that serious crimes may be more difficult to prosecute.

Table 8: Convictions calculated as a ratio of the number of recorded crimes in SA (%)*

Crime**	1995	1996	1997	1998
Murder	8	10	11	11
Robbery	3	4	4	4
Rape	7	9	8	8
Serious property crime	4	5	5	5
Assault	8	12	11	11
Fraud	6	8	9	8
Subtotal serious crimes	6	8	8	8
Less serious crimes	12	12	12	12
TOTAL	8	10	10	9

NOTE: This table looks only at crimes reported in a year and convictions in a year. The convictions do not necessarily relate to the crimes reported in that year, as many cases take years to finalise.

* This table is taken from: Department of Finance, *National Expenditure Survey 2000*, p 177.

** See note to table above.

While Table 8 reflects an average conviction rate in the region of 10%, detectives that were interviewed estimated that if one were to follow each reported crime through to its conclusion, the rate of conviction would be more in the region of 5%. However in the absence of an integrated criminal justice information system capable of following a case from the reporting stage through to its conclusion, there is no means of substantiating this estimate. It is however encouraging that a pilot project of such a system is operational in Port Elizabeth at present.¹⁷

An attempt will be made in this section to measure the relative performance of detectives in the various provinces. The next few tables consider the numbers of certain types of crimes occurring in each province in 2000 with respect to the number of detectives in those provinces, as well as the number of guilty verdicts for those crimes. The crimes selected for analysis are murder, robbery with aggravating circumstances (which includes hijackings), rape and housebreaking.

An attempt is made to measure the relative performances of the detective service in the provinces, given the crime rate for a particular type of crime, the number of detectives, and the number of guilty verdicts in relation to the number of detectives in a province.

Murder, as the most serious crime, is considered first. Table 9 shows the various figures in respect of recorded murder and murder convictions in the various provinces.

Table 9: Number of recorded murders and guilty verdicts, per detective, 2000

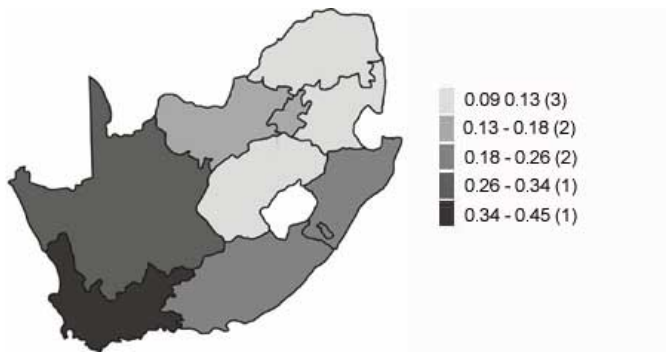
Province	Number of detectives	Number of murders	Murders per detective	Murder cases going to court	Guilty verdicts for murder cases	Guilty verdicts as % of cases to court	Guilty verdicts as % of reported murder cases	Guilty verdicts per detective
Gauteng	5,320	4,913	0.92	1,721	716	42%	15%	0.13
KZN	3,816	5,771	1.51	2,389	690	29%	12%	0.18
Mpumalanga	1,071	1,033	0.96	407	118	29%	11%	0.11
N Province	1,539	808	0.53	377	149	40%	18%	0.10
N Cape	659	485	0.74	394	222	56%	46%	0.34
North West	1,697	1,101	0.65	555	221	40%	20%	0.13
E Cape	3,061	3,538	1.16	2,386	795	33%	22%	0.26
Free State	1,685	933	0.55	486	180	37%	19%	0.11
W Cape	2,058	3,413	1.66	1,981	916	46%	27%	0.45
TOTAL*	21,797	21,995	1.00	10,696	4,007	37%	18%	0.20

*Includes 891 detectives based at national headquarters not accounted for elsewhere.

There were almost two murders for every detective in 2000 in the Western Cape. The Northern Province is relatively fortunate to have had almost two detectives for every murder. However, the Northern Province did not appear to translate this relative advantage into a higher conviction rate (calculated on the basis of guilty verdicts as a percentage of reported murders). In fact, the Northern Province had an 18% conviction rate while the Western Cape had a 27% conviction rate.

At first glance the Northern Cape appears to have an astoundingly high rate of convictions as a proportion of cases going to court, and of reported crime, of 56% and 46% respectively, which would seem to indicate that its detective service is performing well. But in order to properly assess how well detectives are performing, one needs to take into account the number of guilty verdicts per detective, and not just the conviction rate. In this way, one accounts in some way for the case load experienced by a detective. The Northern Cape has a lower than average case load, which may to some extent account for its relatively good conviction rate with respect to murder.

Map 5: Guilty verdicts per detective for murder cases, 2000



The number of guilty verdicts per detective illustrated in Map 5 shows the Western Cape detective service to be far outperforming other provinces in convicting murderers, with 0.45 guilty verdicts per detective with respect to murder, while the Northern Province, Mpumalanga and the Free State are lagging behind the other provinces.

Murders are generally a highly prioritised crime. In addition, murder is often investigated by a specialised unit. Therefore this map to some extent reflects on the performance of the specialised units dealing with murder in the various provinces.

The performance of detectives with respect to robbery with aggravating circumstances is considered next (Table 10). This crime category includes crimes like hijacking and bank robbery. Gauteng has over ten robberies for every detective per year, while the Northern Cape is relatively fortunate to have almost two detectives per robbery.

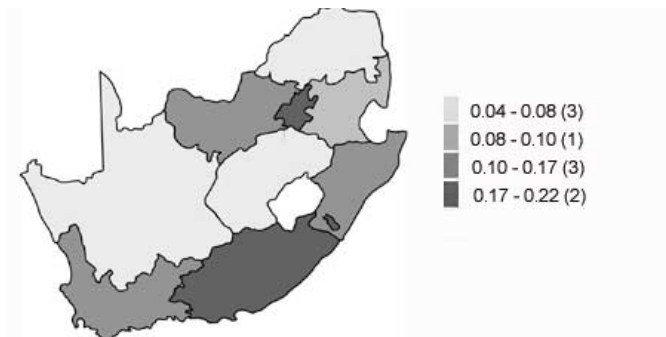
The Eastern Cape is the best performer on both the guilty verdicts as a percentage of cases going to court (40%), as well as guilty verdicts as a percentage of reported robberies, at almost 9%. The good performance of the Eastern Cape also extends to the guilty verdicts per detective, illustrated in Map 6. Gauteng, the Western Cape and KwaZulu-Natal are also better performers with more guilty verdicts per detective than the other provinces.

Table 10: Robberies, robbery convictions and convictions per detective, 2000

Province	Detectives	Robberies	Robberies per detective	Robbery cases going to court	Guilty verdicts for robbery cases	Guilty verdicts as % of cases going to court	Guilty verdicts as % of reported robbery cases	Guilty verdicts per detective
Gauteng	5,320	52,017	9.77	4,809	955	20%	1.84%	0.18
KZN	3,816	23,635	6.19	3,277	598	18%	2.53%	0.16
Mpumalanga	1,071	5,289	4.94	674	99	15%	1.87%	0.09
N Province	1,539	3,162	2.05	630	116	18%	3.67%	0.08
N Cape	659	430	0.65	140	32	23%	7.44%	0.05
North West	1,697	5,569	3.28	823	171	21%	3.07%	0.10
E Cape	3,061	7,640	2.50	1,677	670	40%	8.77%	0.22
Free State	1,685	2,052	1.22	329	69	21%	3.36%	0.04
W Cape	2,058	10,685	5.19	1,439	346	24%	3.24%	0.17
TOTAL*	21,797	110,479	5.07	13,798	3,056	22%	2.77%	0.14

*Includes 891 detectives based at national headquarters not accounted for elsewhere.

Map 6: Guilty verdicts per detective for robbery cases, 2000



The Western Cape has more than 40 housebreakings per detective per year, while the Eastern Cape has only eight per detective (Table 11). Yet the Western Cape also has by far the highest number of guilty verdicts per detective with respect to housebreakings as illustrated in Map 7. Gauteng has by far the worst ratio of housebreaking guilty verdicts per detective. The Northern Cape has the best conviction rate with respect to housebreakings.

Map 7: Guilty verdicts per detective for housebreaking cases, 2000

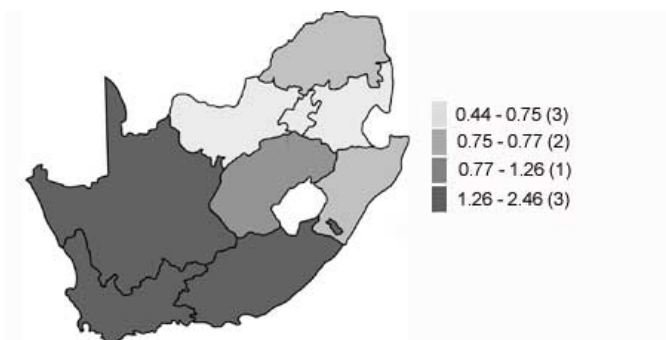


Table 11: Housebreakings, housebreaking convictions and housebreaking guilty verdicts per detective, 2000

Province	Detectives	House-breaking (residential & business)	House-breaking per detective	House-breaking cases going to court	Guilty verdicts for house-breaking cases	Guilty verdicts as % of cases going to court	Guilty verdicts as % of reported house-breaking	Guilty verdicts per detective
Gauteng	5,320	104,446	19.6	8,462	2,380	28%	2.28	0.45
KZN	3,816	63,254	16.6	8,534	2,936	34%	4.64	0.77
Mpumalanga	1,071	27,755	25.9	3,025	790	26%	2.85	0.74
Northern Province	1,539	23,370	15.2	3,790	1,157	31%	4.95	0.75
N Cape	659	10,130	15.4	2,600	1,296	50%	12.80	1.97
North West	1,697	27,107	16.0	3,781	1,271	34%	4.69	0.75
E Cape	3,061	44,656	14.6	10,010	3,868	39%	8.66	1.26
Free State	1,685	24,982	14.8	3,435	1,299	38%	5.20	0.77
W Cape	2,058	68,857	33.46	10,928	5,055	46%	7.34	2.46
TOTAL*	21,797	394,557	18.1	54,565	20,052	37%	5.08	0.92

*Includes 891 detectives based at national headquarters not accounted for elsewhere.

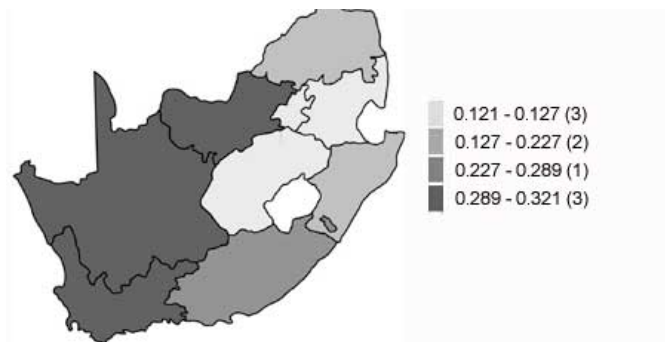
Table 12: Rapes, rape convictions and rape guilty verdicts per detective, 2000

Province	Detectives	Rapes	Rape per detective	Rape cases going to court	Rape guilty verdicts	Guilty verdicts as % of cases going to court	Guilty verdicts as % of reported rapes	Guilty verdicts per detective
Gauteng	5,320	12,378	2.33	4,693	675	14%	5.45%	0.13
KZN	3,816	9,419	2.47	4,475	565	13%	6.00%	
Mpumalanga	1,071	3,559	3.32	984	130	13%	3.65%	0.12
Northern Province	1,539	4,172	2.71	1,829	349	19%	8.37%	0.23
N Cape	659	1,539	2.34	921	203	22%	13.19%	0.13
North West	1,697	4,739	2.79	1,959	491	25%	10.36%	0.29
E Cape	3,061	6,923	2.26	3,712	734	20%	10.60%	0.24
Free State	1,685	4,495	2.07	1,665	212	13%	6.07%	0.13
W Cape	2,058	6,784	3.30	3,757	660	18%	9.73%	0.32
TOTAL*	21,797	53,008	2.43	23,995	4,019	17%	7.58%	0.18

The Western Cape has over three rape cases per detective per year (Table 12), while the Eastern Cape has just over one rape per detective. The Northern Cape has the highest rape conviction rate, and Mpumalanga the lowest.

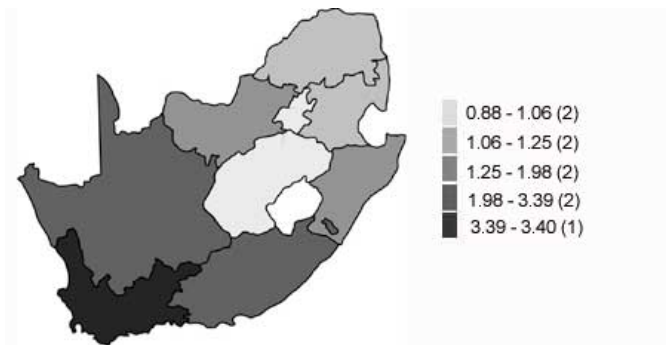
However, the Western Cape by far outperforms the other provinces on the rape guilty verdicts per detective illustrated in Map 8, while Mpumalanga is the worst performer.

Map 8: Guilty verdicts per detective for rape cases, 2000



The last map (Map 9) summarises the previous four maps and totals the number of guilty verdicts for murder, robberies, housebreaking and rape per detective.

Map 9: Guilty verdicts for murder, robbery, housebreaking and rape per detective, 2000



As can be seen from Map 9, the Western Cape is the best performer for the sum of these crime types with almost four guilty verdicts per detective per year. Gauteng and the Free State are the worst performers for these four crime types, with only under one guilty verdict per detective.

Factors affecting performance

Based on the available statistics, better performance has been recorded for less serious crimes than for serious crimes. Performance overall is poor, however. Performance varies from province to province, as illustrated by the discussion above. There are a number of factors relating to the work of a detective that may impinge upon performance of individual detectives, and thus, ultimately, the detective service as a whole

Career paths

The career path to becoming a detective is variable. The detectives interviewed described different career paths. Generally, before becoming a detective it is first necessary to join a uniform branch of the SAPS and work as a uniformed officer at station level for approximately five years. However, the stipulated minimum is one year at a uniform branch.¹⁸

A uniform member must then apply to become a detective at station level. The new detective may complete some detective's courses; however these are not obligatory before becoming a detective and may in fact be completed some time after being made a detective.¹⁹

After another approximately five years, a detective can then apply to join a specialised unit. This career path as described is not fixed. Detectives believed there was often a measure of luck involved. Whether a detective is appointed to where he or she wishes to go often seemed to depend on contacts made and relationships established prior to making the application.

Promotion of detectives

Promotion is integral to the career path of a detective. Promotion is the traditional way of rewarding good work in the detective service. As a result, however, detectives are often promoted outside of their competencies. This is because excellent investigators often make poor managers, and promotion often entails a greater managerial role. Furthermore, promotion may also entail promotion away from a detective's network of informants and contacts, as promotion often means transferal to another geographical area.

However the SAPS is currently exploring a system whereby good detectives will be given the option of being rewarded with a pay-rise but not a change in rank; detectives are thereby given the incentive to do good work and their skills as investigators are also retained.²⁰ This kind of system will require a whole-scale revision of the remuneration system of the SAPS, which is largely rank-based.

It is envisaged that the current system, which applies to high ranking officers, of performance-based remuneration will be cascaded down to the lower ranking officers. However for this to be implemented effectively will require a solid performance measurement system and as we have seen in the section on performance above, there are currently few performance indicators regularly measured in the detective service.

To have an accurate measure of conviction rates, for example, will require the entire criminal justice system to be integrated electronically, so that a particular docket can be tracked all the way from the complainant first reporting the matter at station level through to the court case and further into the prison system.

Currently, conviction rates are measured by the artificial ratio of convictions to dockets opened in a particular year. This is because the courts operate on an entirely paper-based system and there is no integrated computerised system following the progress of a particular matter.

This integrated system is still in the developmental phase. A pilot project is operational in Port Elizabeth. Once a national system is in place, it will be possible to obtain a true conviction rate, and as a result, follow the performance of individual detectives. It will then be possible accurately to track which detectives have the best track records, and reward them with promotion accordingly. In the absence of such an objective measure of performance, there is a risk that pay-promotion may fall victim to favoritism.

Training of detectives

Training is not obligatory for station level detectives; basic courses are usually completed after a member has become a detective. Detectives said they did not get any special training as a matter of course before joining a unit, but may get specialised training during the course of their work with a unit. Usually most of what a good detective knows is learnt 'on the job'.

Detectives said that in the past the detective's courses were far too theoretical. Where good theory was taught, new detectives were often unable to implement this knowledge because of the hierarchical structure of the police and other bureaucratic problems ([see chapter 2](#)).

A new detective academy, the South African Police Detective Academy, was opened in Pretoria in October 1997. It was envisaged as a Detective Academy 'for Africa'. Both the Southern African Development Community (SADC) and the Southern African Regional Police Chiefs Organisation (SARPCO) were involved in its establishment.²¹ The training curricula were prepared with the help of the policing agencies of the United States, the United Kingdom, the Federal Republic of Germany and the Netherlands. The US Federal Bureau of Investigations (FBI) also made available lecturers and other means of support in its opening phases.²²

A training academy also exists in Paarl, which caters mainly for middle management and ranking officers' courses. The academy at Graaff-Reinet has been scaled down, and is concerned mainly with human resource management.

Most detectives said the courses have improved greatly in recent times and the training now involves mock cases and is much more useful and practical. Some excellent training, especially on commercial crime investigation, has been developed, according to those who have experienced some of this training.

However, the problem is that there are few experienced people to implement this training. More and more good people are leaving the special units and detective service—some estimated an almost 100% turnover of people at superintendent level (see the discussion on the skills drain below).

A further problem identified by a former detective is that sending an officer on a course was a good way for a commanding officer to remove someone with whom he or she did not get on. The consequence of this is that certain people went on courses unrelated to their particular work.

Another problem that is said to have occurred is that detectives are often sent year after year on the same courses. Indeed, some viewed going on course as a kind of 'holiday' and did not complain that they were not learning anything new. Others were known as 'professional course go-ers' and these people rarely implemented their knowledge. The perception is that they were sent to simply fill the quotas.

It is not known to what extent these problems have been remedied with the establishment of the new academy. Higher ranking detectives said this problem had not been completely eradicated.

Quantitative statistics on training in the detective service show that in the four-year period since the opening of the new detective academy, from October 1997 to September 2001, as many as 31,107 detectives received some sort of training. This implies that some detectives received more than one kind of training over this period, as the latest figures show there to be 21,797 detectives in the detective service. However, of the 31,107, as many as 17,684 were trained on the 'Detective Learning Programme', a basic course. More specific training accounted for the training of 11,299 detectives only in the period under consideration.

Moreover, a significant portion (10%) of training in this group was in general computing skills. A further portion (15%) was in commercial crime related disciplines. This may be because of the highly specialised skills required for commercial crime investigation. A further significant portion (16%) was in management related courses.

Work load of detectives

Detectives are overloaded, as the figures in the section on performance above makes clear. Many detectives said overloading was exacerbated by mismanagement, and that the vast numbers of cases reported did not alone cause the problem. Instead of teaming up to tackle cases on a case-by-case basis, each detective generally receives an unmanageable load to tackle on his or her own. This is no longer the situation in the two new specialised units, where 'task teams' are now set up to handle specific problems.

Another example of a management problem given by a detective was with respect to the commercial crime unit. Members of the public had a tendency to load the police with small cases in order to further their own civil claims. The management of the unit did not dissuade these complainants and instead attempted to deal with these myriad small claims. One detective suggested that teams of detectives should have been assigned to major cases, and minor complainants encouraged first to gather more evidence substantiating a charge before approaching the police.

Detectives said that at the most, they could properly deal with ten cases at any one time. However, even those from specialised units mentioned having to handle 40, to 50 and even 60 matters at any one time.

Statistics provided by the Auditor-General (Table 13) show the case load of category 'A' crimes per detective to reach as many as 97 per detective in 1998 in the Northern Province, for example. Category 'A' crimes include only the most serious crimes such as murder and rape.

Table 13: Detective case loads, by province, 1998

Province	Category A crime cases on hand as at September 1998	Average number of category A crime cases per detective	Number of detectives
N Province	164,312	97	1,694
North West	142,783	85	1,680
Mpumalanga	87,570	79	1,108
W Cape	95,661	56	1,708
E Cape	242,111	48	5,044
KZN	144,173	45	3,204
Gauteng	204,017	41	4,976
N Cape	24,735	38	651
Free State	53,150	27	1,969
TOTAL	1,158,512	57 / 53 ²³	22,034

Source: The Auditor-General's report for Vote 29 on the financial statements of the SAPS and the Secretariat for Safety and Security for the year ended 31 March 2000. Performance Audits of Human Resource Management and the Management of the Central Firearms Register.

The consequence of such overloading is that the investigation is administered rather than solved. The case becomes so old that it is eventually dropped as the complainant, witnesses, and other persons involved simply lose interest. Evidence may also be lost and witnesses' memories may fail them. Withdrawals of charges and prosecutors declining to prosecute are the likely result.

Skills drain

Detectives mentioned a significant skills drain. Members have left the detective service for similar employment with private companies, such as forensic auditing companies; for posts at academic institutions; and for posts with the Directorate of Special Operations (DSO). Some have also left to take up employment completely unrelated to their previous work.

Reasons given by detectives for leaving the service related mostly to their inability to perform their jobs adequately such as:

- bureaucratic controls
- excessive work load
- lack of team work
- lack of resources
- lack of political support
- lack of respect from the community.

Surprisingly few mentioned low pay as a factor. Indeed most said given the various benefits available to

members of the SAPS, they were not that much better off now that they had left the service for private or other employment.

Many who had left the detective service were intensely proud of having been detectives and would always considered themselves to be detectives first and foremost. However, these respondents in particular felt the low prestige attached to being a detective in the SAPS today was a significant factor in their leaving the service.

The skills drain becomes a further problem with which detectives who remain in the SAPS have to contend. The loss of skills means fewer mentors for new detectives; fewer possibilities for teamwork; and greater loads on experienced detectives. These problems have contributed to the less than optimal performance of the detective service as a whole.

CHAPTER 4 Restructuring the detective service

This chapter outlines that nature of the former specialised units, the rationale underlying their restructuring, and the nature of the new units that have arisen out of the restructuring. The way in which one province planned to implemented the restructuring is also considered as a case study.

The former special investigation units

Prior to restructuring, there were 503 specialised units in the 42 policing areas of South Africa. 24 Units were created to focus on a wide range of crime problems such as murder and robbery, hijacking, gangs, firearms, crimes against the state, taxi violence, organised crime, vehicle theft, cross border crime, endangered species, illegal aliens, drugs, stock theft, transito theft, diamond and gold theft, family violence, child protection and sexual offences, and crime relating to the occult.

The announcement that many of these units, including the murder and robbery units, and hijacking units, were to be closed down at first sounded rather alarming. It seemed to imply that serious crimes would no longer receive the special treatment that the units were generally assumed to provide.

Why then the restructuring? Why the move back to station level detective work? There are a number of reasons underpinning the move away from specialised units toward station level work. Most of them are rooted in the performance of the units.

Performance

Available data suggests that the performance of the specialised units was not good. The discussion on performance in chapter 3 argued that the conviction rate for serious crime, the investigation of which was largely the responsibility of the specialised units, was lower than for less serious crime. This suggests that specialised units were performing poorly (Tables 14, 15 & 16).

Table 14: Clearance rate for serious and less serious crime

Clearance rate (%)	1995	1996	1997	1998
Serious crime	52	50	48	46
Less serious crimes	44	43	43	42
All crimes	49	47	46	45

Table 15: Convictions per case sent to court for serious and less serious crime

Convictions per court case (%)	1995	1996	1997	1998
Serious crime	23	34	33	34
Less serious crime	45	45	45	44
All crimes	33	39	39	39

Table 16: Convictions per recorded crime for serious and less serious crime

Convictions per recorded crime (%)	1995	1996	1997	1998
Serious crimes	6	8	8	8
Less serious crimes	12	12	12	12
All crimes	8	10	10	9

A key motivation underlying the restructuring is that it provided an opportunity for removing detectives who were under-performing from the specialised units. While this has not been formally articulated by the SAPS, senior managers of the units interviewed noted that the new organised crime units and serious violent crime units that have emerged out of the restructuring are ‘leaner and meaner’ and also possess a renewed sense of purpose and direction.

Part of the problem with the former units was that, given the nature of detective work, it was relatively easy for under-performing and under-motivated detectives to operate at sub-optimal level and escape notice. Units were granted far greater licence to operate under their own rules and in some instances became a law unto themselves. The extra prestige attached to working at a specialised unit also resulted in some of the detectives conducting their job with a certain degree of arrogance.

Poor performance alone, however, need not necessarily justify the closure of the units. If poor performance is related to factors which can be changed without closing down the units, it would make sense first to implement these. However, several of the problems with the units described by interviewees can only be solved by closing the units. These are considered below.

Avoidance of responsibility at the station level

Detectives interviewed indicated that police at station level tended not to take responsibility for investigating crimes that fell under the mandate of a specialised unit. For example, if drugs were involved, the station level detectives would assume that investigation of the crime was the responsibility of the specialised drug investigation unit—South African Narcotics Bureau (SANAB)—even in a relatively minor matter.

In cases such as these, little effort was made to ensure proper statement taking and other initial steps in the investigation of crime by the station level officials. Since all matters come to the attention of the police through police stations, this implies that these matters, subsequently passed on to units, entered the system at a disadvantage.

Confusion regarding responsibility

The mandates of the various units were reasonably clear. It was clear that a murder and robbery unit, for example, should investigate certain types of murder and robbery.²⁵ However, it was at times unclear who was responsible for investigating the various crimes committed in a single scenario. For example, if a taxi driver was murdered in Alexandra (in Johannesburg) and his vehicle was hijacked, and the evidence suggested that the driver was involved in a drug cartel based in Pretoria, which unit should have investigated these various crimes? A decision would need to be made not only about whether it should be the murder and robbery unit, the hijacking unit, SANAB, or an organised crime unit, but whether it was the jurisdiction of a Pretoria or Johannesburg based unit.

If all these units were to investigate their particular aspect of the crime, a large amount of duplication would result. In theory, the station and unit detectives would decide by consultation who should investigate. In practice, detectives said a particular docket was often sent from one unit to another until someone took responsibility for it. This led to crucial delays in starting the investigation, which in turn led to delays in gathering evidence. This became even more of a problem with the creation of more and more specialised units over time.

Another trend exacerbating the problem is the growth in organised crime. Organised criminal groups typically tend to be involved in a number of different crimes. It does not make sense for different units to investigate the various crimes committed by a single group in isolation from one another.

Communication between units

There was very little communication, or sharing of information, between individual units, and between units and station level detectives. Even different task teams within particular units would jealously guard information and view it as their ‘property’.

This led to clashes and duplication of effort and the general hindering of crime investigations. For example, in a recent mandrax haul carried out in Durban, it transpired that both the SANAB unit and the organised crime unit of the city had been independently working on the same case.

Community input to investigations

Because detectives from specialised units were often located far from the areas in which crimes they were investigating occurred, they may have lacked the local knowledge necessary for solving crimes.

In addition, detectives in specialised units have never been represented on community policing forums (CPFs). This is largely because units may have been located up to 80km away from stations. Units may also have served more than one station and time constraints would not permit such detectives to attend to the CPFs at each station.

The consequence of this was that detectives at special units became isolated from the public, had little day-to-day contact with the communities they were meant to be serving, and did not have direct access to the information that may have been provided by members of the public.

Accountability to victims

Victims of crime report their cases at police station level. Should they wish to follow and assist in the investigation, they expect to be able to visit the police station at which the crime was reported and speak to the detective responsible.

However, in the past, the majority of cases would go to the specialised units for investigation. When a case was referred to a specialised unit, victims would find themselves even further removed from the investigation. As mentioned above, a unit may have been located up to 80km from a police station, placing the detectives in those units largely out of reach of the victims of crime.

A further consequence was that detectives at units were not exposed to victims on a daily basis which could have reduced their sensitivity and sense of urgency in dealing with particular cases.

Transferal of skills to station level

A major theme of the official motivation for redeploying detectives to station level is that a large amount of skill will be transferred to station level. With the uncontrolled proliferation of units across the country, more and more detectives were lost to police stations. Very often these were the most skilled members. Since the units carried greater prestige than the stations, it was natural for all detectives to aim for transferal to a unit. As a result, police stations became largely a place where crimes are reported and processed, rather than investigated.

With more detectives based at station level as planned by the restructuring, certain practical constraints will be eased. One of these is that members of the uniform branch are often first on the scene of a crime. Given capacity constraints, these members often have little opportunity to properly secure the crime scene for evidence gathering, and leave the scene before a detective is able to arrive. With more detectives now based at station level, they should be able to reach a crime scene sooner than was possible in the past.

Reduction in administrative costs

Prior to restructuring, there were 1,104 police stations and 503 specialised units in the 42 policing areas of South Africa.²⁶ This implies a ratio of just over two police stations for every specialised unit. Each unit had its own offices, its own administrative staff, and its own vehicles and equipment. A large amount of unnecessary duplication of resources and administrative costs resulted. This was particularly so in the case of small units consisting of fewer than ten persons. These resources will be now redistributed to station level, further boosting the capacity of police stations.

Restructuring: the new specialised units

The re-organisation of the detective service announced in early 2000 involved a few simple steps. The principle behind the proposals is that the majority of the detective service members working at specialised units are to be transferred to police stations.²⁷ The general policy behind the restructuring is that whereas the majority of cases in the past were investigated at unit level, most will now be investigated at local level instead.

In the first phase of the restructuring, the progress of which will vary from province to province, the existing 503 specialised units will be reduced to approximately 200 units.²⁸ This will enable the establishment of integrated crime combat teams at police station level staffed by detectives from various fields of expertise. Approximately 7,000 detective experts would be redeployed in the first phase.²⁹

Given that the rationale for restructuring was rooted in the poor performance of the existing specialised units, those with low caseloads or an unproductive record were the first to be closed.³⁰ For example, units of SANAB, or the diamond and gold unit, originally established in rural towns simply because those towns were situated on smuggling routes, were among the first to close.³¹

Members not redeployed to station level will be placed at two new specialised units that will take over some of the functions of the former units. These two new units are the organised crime units and the serious and violent crime units. The exact mandate, or terms of reference, of the organised crime units has not yet been finalised.³² However, the mandate of the serious and violent crime units has been approved.

The number and skills of members to be transferred to the new units will be determined by the SAPS' organised crime threat analysis (OCTA) and crime threat analysis (CTA) in each province.³³ An example of how such a determination might be implemented, is considered in the example of the Western Cape (see below).

It was planned that phased reductions, varying from province to province, will ultimately see 21 units with 600 detectives based in the organised crime units throughout the country.³⁴ Serious and violent crime units may have different numbers of units and different numbers of detectives working in each province from those in the organised crime units. Further detail on the numbers of serious and violent crime units and their capacity was not available at the time of writing.

Several units will remain untouched by the restructuring announced thus far. These include the commercial branch and the family violence, child protection and sexual offences units, and child protection units (see below).³⁵ The structure of the commercial branch is, however, currently being re-considered. By contrast, it is worrying that the anti-corruption units are set to be absorbed into the organised crime units (see below).

New serious and violent crime units

The terms of reference now finalised for the serious and violent crime units provides that these units investigate:

- Specific incidents relating to crimes against the state, as determined by the national commissioner or the relevant provincial commissioner.
- Murders involving prominent persons, the judiciary, politicians, or members of the SAPS.
- Actual or attempted armed robberies of financial institutions, as determined by the crime threat analysis (CTA) or organised crime threat analysis (OCTA).
- Actual or attempted armed robberies of registered cash-in-transit carriers.
- Vehicle hijackings in which a victim has been shot, or vehicle hijackings that appear on the CTA or OCTA. In other words, isolated hijackings are to be investigated at local level.
- Specific identified robberies of the theft of firearms at the discretion of the national commissioner or the relevant provincial commissioner.
- Specific identified series of crimes of a serious or violent nature, such as serial murders or serial rapes.
- Inter-group violence which appears on the CTA or OCTA under the heading 'flashpoint areas', including political violence, taxi violence, train violence, gang violence, and faction fighting.
- Actual or attempted attacks on residents of farms and smallholdings and all actions aimed at disrupting the farming activities of commercial concerns for ideological purposes in terms of economic or political theory, or as a result of labour disputes, land issues, revenge, grievances, or 'racist concerns such as intimidation' (sic). The terms state that such attacks usually involve murder, attempted murder, rape, assault with intent to cause grievous bodily harm, robbery, armed robbery, arson, and malicious damage to property in excess of R10,000. Cases involving domestic violence, drunkenness or the social interaction between farm residents should however be investigated at local level.³⁶

It is interesting to note the extent to which these terms of reference assume, prior to any investigation, a high degree of knowledge regarding the possible identity of perpetrators as well as his, her or their underlying motivations. For example, how is it known that a hijacking is random, prior to its investigation? How is it known if a murder or a rape has been perpetrated by a serial murderer or rapist, prior to its investigation? How is it known if an incident involving a taxi was an incident of 'taxi violence' or merely coincidentally involved a taxi? Or whether a farm attack was motivated by racism?

In the latter instance, even after investigation and identification of the perpetrators, the underlying motive of the attack may never be known. Indeed, the phenomenon of farm attacks is the subject of great debate and a government committee of inquiry at present. At least one study, after interviewing in excess of 90 perpetrators, found that the overwhelming majority of such attacks were not racially motivated.³⁷

Furthermore, to what extent is it sensible to have a small serious and violent crime unit, most likely based in an urban centre, responsible for investigating farm attacks, the majority of which occur in rural areas some distance from the urban centre?

It is also interesting to note the extent to which these terms of reference appear to be identifying crimes which are essentially political in nature, for example, crimes against the state, the murder of prominent persons, and inter-group violence. Is it sensible to treat such 'political' crimes in a manner different from other crimes? To what extent do these terms of reference allow a small unit to be manipulated? A number of journalists working closely with the SAPS have noticed signs in recent months that the SAPS is becoming increasingly 'politicised'.³⁸ These terms of reference may give them further cause for concern.

New organised crime units

While the exact terms of reference of the organised crime units has not yet been finalised, some detail regarding the ultimate rationalisation of the units across the country is available.

There will ultimately be 21 organised crime units employing 600 detectives. The number of units per province is likely to vary, from a proposed five in Gauteng, employing 196 detectives, to three in KwaZulu-Natal with 123 detectives, to one in the Free State and Western Cape with 23 and 50 detectives respectively.³⁹ These proposals may change once input is received from the provinces.

Furthermore, the proposed rationalisation is unlikely already to have been reached. The example of the Western Cape below shows the first phase of rationalisation to have resulted in the retention of 96 detectives at organised crime units, as opposed to the 50 originally proposed above.

Issues regarding the nature of the organised crime units' work, their role in relation to the DSO, and questions regarding the prioritisation of organised crime, are considered in chapter 5.

Example of restructuring in the Western Cape

To illustrate how the restructuring might take effect, it is useful to consider developments in one province. While general policy is set by the national office of the SAPS, how that policy is implemented in a particular province can differ from one province to the next.

The implementation of the first phase of restructuring in the Western Cape is discussed below. The exact details may have changed since January 2001 when this restructuring was originally agreed upon. Through consultation, it was determined that the organised crime threats faced by the Western Cape are: vehicle crime, taxi violence, fraud, murder and robbery, illegal firearms, corruption, diamond and gold smuggling, drugs, and stock theft.⁴⁰ Geographically, these threats required organised crime units in Cape Town, Paarl and George, with 50, 23 and 23 investigators each (Table 17).⁴¹

Table 17: Requirements for new organised crime units, Western Cape⁴²

Threats	Number of detectives with specific skills needed for organised crime units to address identified threats as at 11-01-2001			
	Cape Town unit	Paarl unit	George unit	Total
Vehicle crime	11	5	5	21
Taxi violence	3	2	2	7
Fraud	10	5	5	20
Murder and robbery	5	2	2	9
Illegal firearms	3	1	1	5
Anti-corruption	5	2	2	9
Diamond and gold	3	1	1	5
SANAB	7	3	3	13
Stock theft	3	2	2	7
Total	50	23	23	96

It was also determined that a serious and violent crime unit would be required; this is to be established at Bishop Lavis in Metropolitan Cape Town.⁴³ The number of detectives to be deployed here is not yet known.

The illegal firearms unit, the murder and robbery unit, the taxi violence unit, and the crimes against the state unit, all also located at Bishop Lavis, were closed and replaced with the serious and violent crime unit. The new unit is not however an amalgamation of the old units—instead an entirely new unit has been established. Selected personnel and equipment are utilised in the new unit.⁴⁴

Other specialised units closed concurrently with the opening of the three organised crime units and the opening of the Bishop Lavis serious and violent crime unit, were the stock theft units in Beaufort West and Faure, the theft in transit unit in Bellville, the gangs and hijacking unit in Bishop Lavis, SANAB in George and Paarl, the organised crime unit in Mossel Bay, the diamond and gold units in Vredendal and Bellville, and the vehicle crime investigation units at George, Paarl, and Beaufort West (Table 18).⁴⁵

Table 18: Specialised units to be closed, Western Cape⁴⁶

Unit	Location
Stock theft unit	Beaufort West
Stock theft unit	Faure
Theft in transit unit	Bellville
Taxi violence unit	Bishop Lavis
Gangs and hijacking unit	Bishop Lavis
SANAB	George
SANAB	Paarl
Organised crime unit	Mossel Bay
Diamond and gold unit	Vredendal
Diamond and gold unit	Bellville
Vehicle crime investigation unit	George
Vehicle crime investigation unit	Paarl
Vehicle crime investigation unit	Beaufort West
Crimes against the state unit	Bishop Lavis
Illegal firearms unit	Bishop Lavis
Murder and robbery unit	Bishop Lavis

Implications of restructuring for specific units

As mentioned above, the commercial branch, and the family violence, child protection and sexual offences units, and the child protection units, will not be affected by the current restructuring. The reasons for this will be discussed below. However, the work of the anti-corruption unit will be compromised.

SAPS anti-corruption unit

The decision to establish national and provincial anti-corruption units in the SAPS was made in September 1995 at the request of the national commissioner. A special investigation unit, operating from

Pretoria, with a branch office in Johannesburg, had previously been tasked with such investigations.⁴⁷

Other bodies also responsible for the investigation of corruption in South Africa are the Independent Complaints Directorate (ICD), the SAPS' commercial branch, the Investigation Directorate for Serious Economic Offences, the Public Protector, and the former Heath Commission.

The national anti-corruption unit of the South African Police Service came into being on 1 January 1996 with offices in Pretoria and Johannesburg with the mandate to investigate corruption within the SAPS. The unit then consisted of the national head office and nine provincial anti-corruption units. The commanders in each of the provinces were appointed, and each was then responsible for the further development of a unit within the province.

Prior to the restructuring, approximately 4,000 cases across South Africa were being investigated by the unit's 250 members.⁴⁸ This would have implied a relatively manageable case load of 16 cases per detective. The restructuring of the detective service has resulted in the anti-corruption unit now becoming part of the new organised crime unit of the detective service.⁴⁹

In the past, the anti-corruption unit was structured under the national inspectorate component as part of the management services division. As such the anti-corruption units did not fall under the umbrella of the detective service. Under the new structure, the units will fall under the detective service. This is anomalous as the original intention of placing the anti-corruption units outside the detective service was that it would be highly problematic for members of such a unit to investigate their fellow detectives.

The rationale for the recent decision may have been that corruption is often related to organised crime and that the organised crime component should therefore investigate it. However, some highly publicised cases of corruption have in fact involved members of the organised crime component.⁵⁰ It is likely to be difficult for anti-corruption investigators redeployed to within the organised crime component to identify and investigate such cases in future.

The number of police investigating corruption within the SAPS has also been reduced from 250 to about 150 members.⁵¹ In addition, the units in North-West, Mpumalanga, Free State and Northern Cape have been closed down.

The 100 other members have been redeployed, mostly within the organised crime component, but some have been redeployed to station level. This raises another concern about the difficulty that station level detectives face in investigating corruption within the SAPS.

Another casualty of restructuring has been the collection of statistics on police corruption. These have until now relied on the pro-active investigation of corruption by the anti-corruption units. Each unit also compiled and documented its own figures. In other words, the units' work was not solely complaint-driven. Currently, however, no complete statistics are being kept, especially in view of the closure of the units in four provinces.⁵² As no unit-driven investigation will be carried out in those provinces, no statistics will emanate from them.

Child protection and family violence units

The need to establish a unit focusing on crimes against children, that is, a child protection unit, was first identified by the then South African Police during 1986. The primary task of the child protection unit (CPU) is to render a sensitive service to the child victim and to investigate crimes committed against children. (For the purpose of the CPU's activities, a person is regarded a child if he or she is not yet 18 years of age.⁵³) The general terms used to describe crimes against children are 'sexual molestation' and 'child molestation' although these specific categories do not exist in terms of the law.

All CPUs are in the process of being transformed into family violence, child protection and sexual offences units, depending on available resources and the occurrence of the relevant types of crimes. The first branch of the family violence, child protection and sexual offences unit (FCS) (*Gesinsgeweld, Kinderbeskerming en Seksuele Misdrywe-eenheid*) was established in March 1996 in Braamfontein in Johannesburg. Other units have since been established. The concept for establishing single units that cover family violence, child protection and sexual offences arose as a result of a greater focus on human rights and community policing and a greater sensitivity regarding the policing of crimes such as rape. Each unit should, where possible, include a component to address family violence, child protection and sexual offences.

The existing child protection units and family violence units will not be closed down.⁵⁴ This is because of the highly specialised and intensive training required for interviewing and managing children, which cannot be left to a general investigator.⁵⁵ In the majority of cases referred to such units, the perpetrator is known to the victim, and investigation revolves around securing evidence and managing difficult witness circumstances rather than identifying a perpetrator.

The latest available figures show there are now 27 child protection units (CPU), 15 family violence, child protection and sexual offences units (FCS) and four indecent crimes units situated across the country. Individuals with special skills police crimes against children in 156 other towns across the country.

The following crimes are policed by the family violence, child protection and sexual offences units:56

- Family violence (intra familial, victims of 18 years of age and older)
 - Assault with the intention to do grievous bodily harm
 - Attempted murder
 - Applicable crimes in terms of the Domestic Violence Act no 116 of 1998
- Child protection (victims under the age of 18 years)
 - Rape
 - Sodomy
 - Incest
 - Indecent assault
 - Attempted murder
 - Assault with the intention to do grievous bodily harm
 - Common assault (only if there were three or more incidents over a period of time—intra familial)
 - Kidnapping
 - Abduction
 - The Prevention of Family Violence Act no 133 of 1993
 - Domestic Violence Act no 116 of 1998
 - Crimes with regard to the sexual exploitation of children, under the Sexual Offences Act no 23 of 1957, as amended
 - Child Care Act no 74 of 1983, as amended)
 - Films and Publication Act no 65 of 1996 with regard to child pornography.
- Sexual offences (victims of 18 years of age and older)
 - Rape
 - Incest
 - Indecent assault
 - Crimes with regard to the sexual exploitation of adults, under the Sexual Offences Act no 23 of 1957, as amended
 - Crimes with regard to sexual offences against adults, under the Prevention of Family Violence Act no 133 of 1993 and Domestic Violence Act no 116 of 1998.

Members attached to the child protection unit and family violence, child protection and sexual offences unit must complete basic police training at one of the police colleges, after which they gain some experience of general policing.

They then receive in-service training and follow a task orientated course, stretching over a three week period. The contents of the course are evaluated continuously. Lectures are presented by experienced members of the SAPS, lecturers from universities, educational psychologists, social welfare workers, criminologists, members of the Family Advocate's Office, Lawyers for Human Rights, Department of Justice (Justice College) and other community organisations. The following subjects, which are not part of the standard police training, form part of the curriculum:

- Crisis intervention
- Psychological aspects (for example, the stages of development of a child; the interviewing of a child)
- Specific investigation skills (for example, obtaining statements from children; conduct at a scene of a crime)
- Fundamental human rights (with the emphasis on children's rights)
- Information regarding investigation aids, such as the SAPS Criminal Record Centre (fingerprint experts, photographers, etc), and the Forensic Science Laboratory
- Legal requirements regarding relevant crimes
- Court procedures regarding children
- Role of the family advocate
- Role of the district surgeon
- Role of the social worker
- Public speaking
- Specific instructions regarding the policing of crimes against children.

The activities of the child protection units and the family violence, child protection and sexual offences units focus on the investigation of offences that are brought to the attention of unit detectives. During the investigation and court process, the unit provides support to the child or adult witness during the court procedures in conjunction with social workers, educators, and victim support organisations

The ability of these units to prevent crimes against children is very limited since most of these offences are committed in private and often by family members. However, the units do attempt to educate members of the public about the existence of these crimes, the role of the public in preventing and combating these crimes and the role of the child protection unit and the family violence, child protection and sexual offences unit. Awareness is fostered by articles in the media and the presentation of lectures and talks at schools, universities, youth and church organisations. The lectures are presented to people of all ages, ranging from children to adults.

The management of the CPU's maintain that performance of these units cannot be measured in the usual way by, for example, the number of items seized, or the number of arrests and convictions. The argument is that the mere fact that a case is reported can be seen as a success because it can assist in breaking the cycle of abuse.

However, there has been no significant change since 1997—the year after the establishment of the family violence units (FVU)—in the national level of reporting either of cruelty toward children, or of rape, two types of crimes which are meant to be addressed by the CPU's and FVU's (Table 19).

Table 19: Change in level of reporting of cruelty towards children and rape, 1997-2000

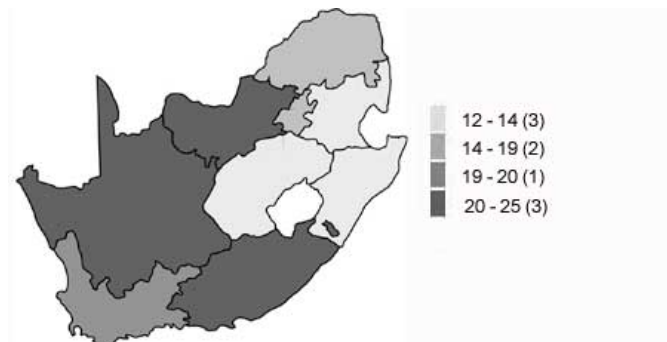
Crime	1997	1998	1999	2000	% change, 1997-2000
Cruelty towards children	2,368	2,083	2,407	2,477	+5%
Rape	52,159	49,280	51,249	53,008	+2%

The conviction rates relevant to the work of these units do not show a much better record than for most crimes in South Africa, as illustrated in Maps 10 and 11. However, it must be said that the work of the unit, which often involves persuading reluctant victims to go to court, and furthermore, securing a conviction, is more difficult than is the case with other crimes.

Map 10: Convictions per crime recorded (%) for cruelty towards children and rape combined, 2000



Map 11: Convictions per court case (%) for cruelty towards children and rape combined, 2000



The commercial crime branch

The origins of the commercial crime branch can be found in the Johannesburg Company Fraud Staff established in 1947, then the only one of its kind. Complex and significant commercial crimes that were

committed anywhere in the country were referred to this unit for investigation.⁵⁷ Due to increasing demand, it was restructured and expanded in 1969 to form the commercial crime branch. While the headquarters remained in Johannesburg, branches were established in Cape Town, Pretoria, Durban, Bloemfontein, Port Elizabeth and later Klerksdorp. After further changes in 1988-1991, the commercial crime branch's headquarters were moved to their present location in Pretoria at the SAPS head office.

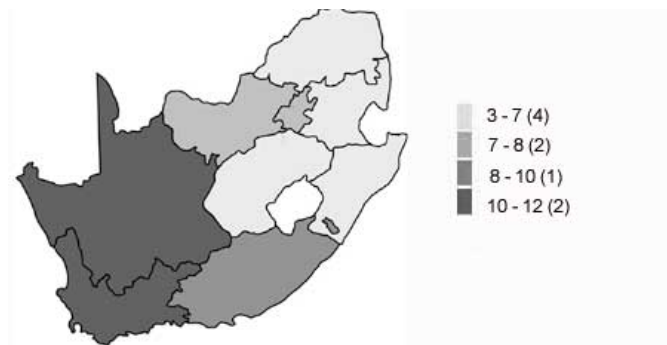
The commercial crime branch has since established offices in each of the nine provinces, each with their own commercial crime units, syndicate fraud units and fraud units.⁵⁸ While a recent audit of detectives is not available, there are in the region of 1,000 members responsible for investigating, preventing and administering commercial crime cases in South Africa.

The commercial branch is responsible for conducting investigations that fall within the ambit of the respective mandates for each unit, which include charges ranging from fraud and related crimes, corruption, money laundering, kite-flying, syndicate fraud to various types of conduct prohibited by certain acts and statutes.⁵⁹

The commercial branch has established working relationships with organisations such as Business Against Crime (BAC), the Banking Council of South Africa, the Heath Special Investigating Unit, Escom, Unisa, the Department of Justice, and the Economic Crime Combating and Research Institute of South Africa (ECCRISA).⁶⁰ Many reported cases are time consuming and very complex. The commercial branch utilises the expertise of auditing firms from time to time to assist with investigations and to compile forensic reports to be presented in court as evidence.⁶¹

In terms of performance, Map 12 shows the ratio of all reported frauds, forgeries, misappropriations, and other similar crimes in 2000, to the number of convictions obtained for those crimes in 2000, by province. This provides a crude conviction rate for commercial crime and therefore a measure of performance of the commercial crime branch. Map 12 shows that the conviction rate varies between 3% and 12% in the various provinces.

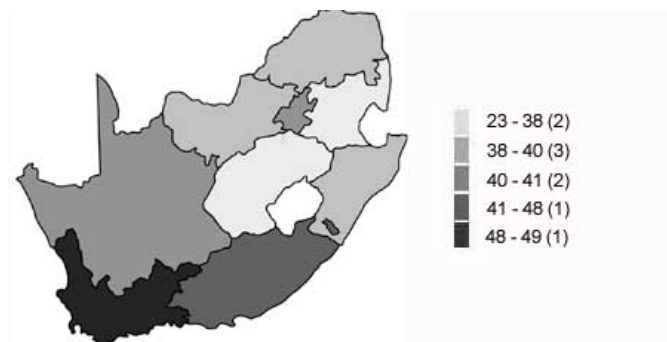
Map 12: Convictions per recorded crime (%) for fraud, 2000



This is a similar conviction rate to that for most crimes in South Africa, indicating that the commercial branch is not performing any better or worse than other branches of the detective service. However, it must be borne in mind that commercial crimes are generally difficult to investigate and require a higher level of specialisation and skill than do most other crimes.

Furthermore, during 2000 there were 5,107 convictions (of 67,076 reported cases) for this kind of crime, implying in the region of five convictions for each commercial crime detective, assuming that all such crimes were investigated by the approximately 1,000 detectives in the commercial crime branch. This would imply quite a high success rate for the detectives concerned. In addition, the conviction rate per court case finds a rate of as much as 50% in the Western Cape—a relatively good performance (Map 13). This indicates that cases brought to court must be relatively well prepared.

Map 13: Convictions per court case (%) for fraud, 2000



The commercial crime units were not rationalised as part of the restructuring of specialised units in early 2001. However, the units are currently the subject of what the SAPS call an intensive 'work study investigation' or 'business process re-engineering' by the national head office, in which they will be scrutinised in terms of the most recent policy for detectives in the SAPS.⁶²

In this process, each unit comes under the spotlight in terms of having a mandate arising from policy. A unit's strategy, procedures and processes, structure and resources are evaluated to determine what is needed to carry out the mandate, and what can be re-allocated and redistributed to station level.⁶³

The commercial branch is part of the next phase of the reorganisation of the detective service. While the details of any changes are not yet known, it is however foreseen that the functions performed by the various sub-components of the commercial branch will be clustered in a fashion similar to that effected with the organised crime and the serious and violent crime components.⁶⁴

CHAPTER 5

The detective service in relation to other entities

The detective service is not the only entity responsible for investigating crime in South Africa. The Directorate of Special Operations, the Asset Forfeiture Unit, the South African Secret Service (SASS), the National Intelligence Agency (NIA), and the Independent Complaints Directorate (ICD) also investigate crime in South Africa.

This chapter considers the nature of these other entities and their relationship with the detective service. In particular, the Directorate of Special Operations (DSO) is compared with the detective service to explore areas of overlap and potential conflict.

The Directorate of Special Operations

The DSO or 'Scorpions' was launched on 1 September 1999 amid much fanfare. It was said to be 'South Africa's FBI', because of its emphasis on prosecution-led investigation. However, while the US requires such a body with federal jurisdiction, in South Africa the SAPS already has national jurisdiction. Many saw the DSO as an alternative police agency and predicted rivalry and clashes with the SAPS, in the absence of a clear delineation of different responsibility.

The DSO at first operated under existing National Prosecuting Authority (NPA) Act provisions, which provided for the establishment of 'investigating directorates'.⁶⁵ Investigating directorates operated in Cape Town, Port Elizabeth, Durban and Johannesburg and were staffed by persons seconded from the Department of Justice, the SAPS and other bodies. In early 2000 the legislation creating the DSO was passed as an amendment to the NPA Act.⁶⁶ The amendment act provides that the DSO has the aim of investigating, gathering information and prosecuting offences committed in 'an organised fashion', as well as any offences proclaimed by the president in the Government Gazette. Section 7 of the NPA Act, defines 'organised fashion' in much the same way as the criminal gang and racketeering offences are defined in the Prevention of Organised Crime Act of 1998, bringing the combating of organised crime clearly under the wing of the DSO:

"Investigating Directorates.—(1)(a) There is hereby established in the Office of the National Director an Investigating Directorate, to be known as the Directorate of Special Operations, with the aim to—

- i. investigate, and to carry out any functions incidental to investigations;
- ii. gather, keep and analyse information; and
- iii. where appropriate, institute criminal proceedings and carry out any necessary functions incidental to instituting criminal proceedings, relating to—
 - (aa) offences or any criminal or unlawful activities committed in an organised fashion; or
 - (bb) such other offences or categories of offences as determined by the President by proclamation in the Gazette.

For the purpose of subparagraph (aa), 'organised fashion' includes the planned, ongoing, continuous or repeated participation, involvement or engagement in at least two incidents of criminal or unlawful conduct that has the same or similar intents, results, accomplices, victims or methods of commission, or otherwise are related by distinguishing characteristics."

However, section 26(2) of the NPA act explicitly retains the SAPS' powers:

“Nothing in this Chapter or section 7(1), or any proclamation issued in terms of section 7, derogates from any power or duty which relates to the prevention, combating or investigation of any offences and which is bestowed upon the South African Police Service in terms of any law.”

The South African Police Service Act 68 of 1995 provides in section 16 for the national prevention and investigation of crime in the circumstances of organised crime—which as illustrated above is also the area of work of the DSO. This could lead to potential conflict over turf.

Section 28(2) of the NPA Act also requires the DSO to pass information which it does not intend to use, on to the SAPS:

“If the Investigating Director, at any time during the conducting of an investigation, is of the opinion that evidence has been disclosed of the commission of an offence which is not being investigated by the Investigating Directorate concerned, he or she must without delay inform the National Commissioner of the South African Police Service of the particulars of such matter.”

The Act attempts to resolve possible conflict between the DSO and SAPS by creating a ministerial co-ordinating committee designed to determine who investigates what and to resolve conflict by consensus:

“31. Ministerial Coordinating Committee.—

1) There is hereby established a committee, to be known as the Ministerial Coordinating Committee (hereinafter referred to as the Committee), which may determine—

a) policy guidelines in respect of the functioning of the Directorate of Special Operations;

b) procedures to coordinate the activities of the Directorate of Special Operations and other relevant government institutions, including procedures for

i) the communication and transfer of information regarding matters falling within the operational scope of the Directorate of Special Operations and such institutions; and

ii) the transfer of investigations to or from the Directorate of Special Operations and such institutions; and

c) where necessary—

i) the responsibility of the Directorate of Special Operations in respect of specific matters; and

ii) the further procedures to be followed for the referral or the assigning of any investigation to the Directorate of Special Operations.

2) The Committee comprises—

a) the Cabinet members responsible for—

i) the administration of justice, who is the chairperson thereof;

ii) correctional services;

iii) defence;

iv) intelligence services; and

v) safety and security; and

b) any other Cabinet member designated from time to time by the President.

3) The Committee may conduct its business and proceedings at its meetings as it deems fit.”

Unfortunately, it appears that this committee is not yet operational and significant conflict has already occurred between, in particular, the organised crime units of the SAPS and the DSO.⁶⁷ This has particularly been the case in KwaZulu-Natal, with the units accusing the Scorpions of ‘cherry-picking’ cases and then taking credit for subsequent arrests. However, the attitude of some SAPS organised crime unit heads is that the rivalry is a positive development which will lead to better performance by both the organised crime units and the DSO.⁶⁸

The legislation therefore does not clearly outline a jurisdictional basis for distinguishing between the DSO and the detective service of the SAPS. Other possible differences between the detective service and the DSO that justify their concurrent existence are discussed below.

Prosecution-led investigations

One possible difference is that the DSO’s operations are identified through intelligence, and are prosecution lead. Each investigation, which is person—or group—targeted rather than crime targeted, is lead by a senior prosecutor. The prosecutor works with a team of investigators—often former SAPS detectives. There are usually three investigators, but in a complicated commercial case, for example, up to eight investigators may work together.

At the time of the establishment of the DSO this may have been a novel approach, but the SAPS is also now moving toward a ‘multi-disciplinary approach’ especially in combating organised crime. Ad hoc arrangements with prosecutors are also often made in these SAPS investigations. However the crucial difference is that in the DSO, prosecutors and investigators work together and see each other on a daily basis. The prosecutor closely leads every step of the investigation.

This is not to imply that a prosecution-led investigation is always appropriate. Prosecution-led investigation may well be appropriate in the case of an organised crime group or group leader, where the ‘guilt’ of a given target of an investigation is well known in advance of an investigation.

This is the situation where a known criminal continually escapes justice due to insufficiencies of evidence or loopholes in the law. All that is required is the amassing of the appropriate amount of evidence admissible in a court of law in order to convict the target, or to have his or her assets forfeited. A prosecutor in such a situation may give crucial guidance to investigators as to what kind of evidence will be useful or necessary in court. In the case of many crimes, however, the identity of the perpetrator is unknown. To have an investigation where the identity of the perpetrator is unknown being led by the prosecution risks blurring the roles of investigation and prosecution.

It has also been said that “the objective of a criminal investigation and a criminal prosecution is not to secure a conviction—it is to serve the interests of justice... The prosecutorial role is a role that is distinctive from the investigative role, and the great contribution that the prosecutor brings to the investigation is a professional detachment and objectivity.”⁶⁹

A prosecutor should therefore not be giving advice on how to further implicate a particular suspect whose guilt is not clear; he should rather be deciding on whether the evidence brought before him or her by an investigator is sufficient to proceed with and secure a conviction.

Several investigators per case

In the DSO, each case has far more investigators assigned to it than would ordinarily be the case in the SAPS. Where teams are created in the SAPS, this is usually on the initiative of individual management and not as a result of any directive from above. Ordinarily, a single detective will be assigned to many cases.

Nevertheless, while it is true that currently the DSO may approach a particular matter in a somewhat different way from the SAPS (prosecution-led; teamwork) this need not remain true (the SAPS could implement such changes if it so chose) and is not an argument for the maintenance of two bodies engaged in essentially the same activity.

Budgets

The DSO and SAPS detective service are financed quite differently. The National Prosecuting Authority falls under the Department of Justice budget, and the DSO’s budget in turn comes out of the NPA budget. At the time of the establishment of the DSO, the ‘Special Operations’ budget was R16,774m—which was 47 times smaller than the R786,278m of the organised crime sub-programme of the SAPS (Table 20). Even at a yearly growth rate of around 82%, by 2003/04 the DSO’s budget will still only be a third the size of the organised crime sub-programme of the SAPS: R315,500m as compared to R1,016,830m.

Table 20: Budget of DSO and SAPS organised crime programmes compared (millions)

	1999/00	2000/01	2001/02	2002/03	2003/04

SAPS organised crime subprogramme	786,278	845,239	905,329	965,819	1,016,830
DSO	16,774	149,339	210,000	272,000	315,500
Ratio DSO: SAPS	1:47	1:6	1:4	1:4	1:3

Source: Department of Finance, 2001 Estimates of National Expenditure.

This nevertheless means that 58% of the entire National Prosecuting Authority budget will be devoted to the DSO by 2003/4, as can be seen from the table below (Table 21).

Table 21: National Prosecuting Authority budget, subprogrammes

Subprogramme (R million)	1997/ 1998	1998/ 1999	1999/ 2000	2000/ 2001	2001/ 2002	2002 / 2003	2003 / 2004
Public Prosecutions	80	90	126	150	180	199	206
Witness Protection	16	16	14	19	25	26	28
Special Operations	9	9	17	149	210	272	316
Total	105	115	156	319	415	497	552

Source: Department of Finance, 2001 Estimates of National Expenditure.

The very small base from which the DSO budget has grown can be accounted for by the fact that salaries of most of the personnel at the time of the DSO's establishment were paid for out of other budgets, for example the Ministry of Justice (in the case of the prosecutors) and the SAPS (in the case of the investigators), due to the secondment of employees from these structures.

Personnel accounts for the largest type of spending by standard items of expenditure in the NPA, and as can be seen from the table below (Table 22). This spending will rise steeply over the next few years as the DSO become accountable for their own personnel spending. This is also reflected in the steep rise in spending and professional and special services, as the DSO also make use of outside professional expertise upon occasion.

Table 22: National Prosecuting Authority budget, standard items of expenditure

Standard Items of Expenditure (R''000)	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
Personnel	74,001	79,624	108,654	201,602	245,519	295,545	315,910
Administrative	6,337	8,685	17,162	26,311	36,891	43,010	45,494
Inventories	1,209	1,206	2,729	6,161	8,942	10,425	11,027
Equipment	1,205	2,422	4,728	22,288	14,959	22,440	28,447
Land & Buildings	-	-	-	-	-	-	-
Professional & special services	5,191	6,369	7,641	40,085	79,054	92,167	97,489
Transfer payments	-	-	-	-	-	-	-
Miscellaneous	17,065	16,967	15,290	22,427	30,000	33,250	50,560

Total	105,003	115,059	156,204	318,872	415,365	496,837	548,327
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Source: Department of Finance, 2001 Estimates of National Expenditure.

Vehicles, equipment and buildings for the DSO were also largely on loan via the budgets of other departments. Much of the training of new recruits was initially done in the United States by the FBI and in the United Kingdom at Scotland Yard at no cost to the South African government. However, it can be expected that by 2003/04 these arrangements will have ceased completely.

If the DSO remains only a third as big as the organised crime sub programme of the detective service, it is difficult to imagine how it can compete effectively with the detective service, and indeed, whether there is an argument for the existence of both structures. Even should one imagine the DSO to be far more efficient than the SAPS in its operation, capacity constraints will eventually take their toll on the DSO.

Further to the question of whether South Africa can afford two entities combating organised crime, is the question of whether organised crime should be prioritised to the extent that it clearly has been, both financially and structurally. Arguments for and against such prioritisation will be considered below.

Should organised crime be a priority?

South Africa has prioritised organised crime. The SAPS' crime fighting strategy incorporates a separate organised crime threat analysis.⁷⁰ The government has also created the DSO which has as its focus the combating of organised crime, and the new organised crime specialised units. Together, these bodies take up a substantial share of the crime-fighting budget.⁷¹

The temptation is to look at available information on the extent of organised crime in South Africa, and to conclude from the figures that combating organised crime should be priority. But this is not as logical as it seems. Just because, for argument's sake, thefts out of motor vehicles are widespread, or 80% of the population uses marijuana, does not imply that these phenomena should be prioritised.

It could be argued that violent crime, rather than organised crime, should be a priority. After all, if given the choice between protecting their lives or their property, most South Africans care more about personal safety. South Africa is a violent country, with 33% of all crimes being violent in nature.⁷² In the US by comparison, only 15% of all crimes are violent.⁷³ This alone suggests that violent crime, whatever its origin, should be prioritised.

Such violence is also important in respect of public attitudes to rights. The impression among citizens has been created that the rights of offenders who commit violent crimes are endangering their lives. The prioritisation of violent crime could show that these kinds of crime can be policed properly, within a human rights framework, despite limited resources. It is nevertheless understandable why organised crime is attractive as an investigative priority. The sense is that if groups and their leaders can be eliminated, the crimes they are committing will be reduced.

Organised crime in its pure form, as envisaged by our legislation, is basically a business operating for profit, conjuring up words such as 'empire'. Simply eliminating such syndicates or their leaders does not help in the long term: fighting this kind of organised crime is a never-ending battle. Where there is a market, someone or some group will serve it. Shutting down groups that supply a market simply pushes prices up, raising the stakes, spawning new groups, and possibly increasing violence.⁷⁴ Generally speaking, the violence associated with organised crime is often inter and intra group violence.

Policing organised crime, especially drug based organised crime, may create big headlines and good publicity, and generate money when married with asset forfeiture, but what happens after the policing? In the current legal framework, policing, especially of drug-based organised crime syndicates, may in fact increase violent crime levels.⁷⁵

The argument for the prioritisation of violent crime over organised crime is a citizen's argument. Governments have other considerations. Organised crime is a far greater threat to the authority of the state than it is to an individual citizen:

-
- Firstly, organised crime creates an economy outside of official markets.
- Secondly, organised crime creates an authority outside of the state which can effectively control communities.
- Thirdly, the line between organised crime and terrorism (and treason) is a thin one
- Fourthly, South Africa is no longer a lone player who can look only to its own national interests, or those of its citizens, when deciding on national priorities

Indeed the early logistical and material support by Western governments such as the US and the UK for the launch of the DSO, was not purely philanthropically based, but to a degree based on preventing South Africa from becoming a base for activities would could impinge on those countries.

While it may therefore be argued that there is a case for prioritising organised crime, it is by no means clear that the current situation with respect to the DSO and the organised crime units of the SAPS should be permitted to persist, without further clarification of their respective roles and avoidance of duplication. Possible ways of doing so are considered in the last chapter.

The Asset Forfeiture Unit

The Asset Forfeiture Unit (AFU) is a division of the National Prosecuting Authority. Its function is to carry out the applications for forfeiture of the proceeds of crime contained in chapter five and chapter six of the Prevention of Organised Crime Act of 1998. This Act, in particular the provisions on forfeiture, are highly technical in nature and require in-depth legal knowledge. A brief description of the nature of the two types of forfeiture follows.

Criminal forfeiture

Whenever a defendant is convicted of an offence, it convicting the defendant may, on application of the public prosecutor, enquire into any benefit the defendant may have derived from that offence, or from any other offence of which the defendant has been convicted at the same trial, or from any criminal activity which the court finds to be sufficiently related to those offences.

If the court finds the defendant has so benefited, it may, in addition to any punishment which it may impose in respect of the offence, make an order against the defendant for the payment to the state of any amount it considers appropriate. This is known as a confiscation order. The court may make any further order as it may deem fit to ensure the effectiveness and fairness of that order.

The National Director may by way of an *ex parte* application apply to a competent High Court for an order prohibiting any person from dealing in any manner with any property mentioned in the order. The order is known as a restraint order.

The High Court may make such an order when a prosecution for an offence has been instituted against the defendant concerned and either a confiscation order has been made against the defendant; or it appears there are reasonable grounds for believing that a confiscation order may be made against the defendant and proceedings against that defendant have not been concluded.

It may also make such an order when the court is satisfied that a person is to be charged with an offence and it appears to the court there are reasonable grounds for believing that a confiscation order may be made against such person. Where a confiscation order has been made against the defendant, and the order is no longer subject to review or appeal, and the proceedings against the defendant have not been concluded, the court may appoint a curator bonis and authorise that curator bonis to realise any realisable property.

Civil forfeiture

Where reasonable grounds exist to believe the property is an instrumentality of an offence or the proceeds of unlawful activities, a preservation order prohibiting anyone from dealing in any way with the property may then be granted by the High Court, on application by the National Director, on the basis of those grounds.

The National Director of Public Prosecutions may then apply for a forfeiture order, which the court must grant if it finds on a balance of probabilities that the property is an instrumentality of an offence or the proceeds of unlawful activities. An 'instrumentality of an offence' means any property, which is concerned in the commission of an offence. The offence can have been committed at any time, and need not have occurred in South Africa. The 'proceeds of unlawful activities' means any property or benefit received in connection with or as a result of any unlawful activity.

Any person can carry on the unlawful activity. The property or benefit need not have been received in South Africa, nor need it have been received after the act came into force. On the date when a forfeiture order takes effect, the property subject to the order is forfeited to the state and vests in a court-appointed curator bonis on behalf of the state. Upon the forfeiture order taking effect the curator bonis may take possession of that property on behalf of the state from any person in possession, or entitled to possession, of the property.

It is generally known that the AFU has no investigative capacity. The unit consists entirely of legal professionals well versed in the provisions relating to forfeiture, and experienced in court work. The AFU is consequently entirely reliant on the detective service, or the DSO, to both identify possible assets for forfeiture or defendants against whom forfeiture applications may be brought, as well as to provide sufficient evidence on the basis of which the forfeiture applications may be successful. Without good evidence, the AFU is powerless to be successful in its work. As can be seen from the descriptions of the two types of forfeiture application above, good investigative work is essential to the successful operation of the AFU.

As a result, the AFU has retained good relations with both the detective service and the DSO. This has been possible because the AFU does not compete with either body, and indeed, works with them to make headline-grabbing good news items. The AFU has also been assiduous, under former head Willie Hofmeyr, in cultivating good relations with both structures.

In August 2001 all the heads of the sAPS' organised crime units attended a week-long UN-sponsored training session, at which the AFU explained the legislation in detail and outlined ways in which the organised crime units could further make use of the AFU's expertise in combating organised crime.

Performance of the AFU

The AFU recorded some early well-publicised failures. However, this was largely as a result of an oversight of the legislature. To use the legal terminology, the courts found that chapter five could not operate retrospectively.

In the Basson case, for example, the court said Basson could not receive a confiscation order, as that punishment was not in effect at the time he committed his crimes. He consequently also cannot have a restraint order made against him, as there are no grounds for believing a confiscation order will ever be made against him. Judge Roux therefore overturned the restraint order originally made. Shortly after judgment was given in the Basson matter, however, parliament passed an amendment act expressly to make the entire act retrospective.

The act has the potential to be a powerful weapon. By February 2001, the unit had initiated 56 seizures of which 49 were in place.⁷⁶ To give examples, in October 1999 the state was granted an order by the High Court in Durban to seize assets amounting to R10m of one Ronnie Johnny Smith. In the same month the High Court in Umtata granted an order to seize assets amounting to R750,000 of a couple, Nolundi Yanta and Tabo Petrus Peter, who allegedly defrauded the Eastern Cape welfare department of nearly R1m in social grant money.

By February 2001, a total of 15 forfeitures had been completed, in relation to assets to the value of R7.2m.⁷⁷ While R1.1m has been paid to victims, only R145,000 has completed its journey into the fund created by the act⁷⁸: in March 2000, drug money was successfully forfeited to the state after a vehicle was searched. Traces of drugs on the money provided the state with enough evidence to satisfy the burden of proof. The forfeiture was not contested in court.

These successes should not be seen just as success of the unit, but as success of the detective service and the DSO, where those units have assisted with investigations. As it becomes more and more difficult to secure convictions, especially of those involved in organised crime, performance indicators will have to take note of work done in respect of forfeitures and the success of that work.

Other intelligence structures

South Africa's intelligence structures, apart from the crime intelligence component of the SAPS, are the National Intelligence Agency (NIA), and the South African Secret Service (SASS), and Military Intelligence (MI).

Crime intelligence forms a distinct branch of the SAPS. In the past crime intelligence was part of the detective service. It now covers crime information analysis and crime information management. Crime information analysis refers to the collating and analysis of crime statistics and information collected from station level upwards. Crime information management refers to the identification of threats and determination of priorities.

The Intelligence Review Commission of 1997 examined both the present and future roles of NIA and SASS. In line with the recommendations of the commission, the then Minister of Justice, Dullah Omar, subsequently announced that NIA and SASS would continue to function as independent services.⁷⁹

NIA would continue to operate as a domestic intelligence service and SASS as a foreign intelligence service.⁸⁰ Both services would however intensify their efforts to collect intelligence on crime to support the SAPS' crime intelligence task.⁸¹ In other words, their roles were expanded to include the gathering of intelligence around crime generally.

Defence intelligence or MI receives only 1% of the defence budget over the medium term. Detail on spending on NIA and SASS is not listed as a separate item in the national budget and such information is not generally available to the public. However, it is believed expenditure in the Defence Special Account is often in respect of equipment for intelligence services.

In the transformation process which these intelligence structures, in particular NIA, underwent in the post 1994 period, the skills of many individuals, and their networks of informants, were lost.⁸² At the same time, the framework under which these structures were required to operate changed radically. Greater limits are now in place governing how intelligence operatives may act.⁸³ Furthermore, no longer is it sufficient simply to aim to gather accurate and complete information, as the new priority on gathering intelligence relative to crime makes clear.⁸⁴

At every stage of an investigation, it must now be borne in mind that there is the possibility of the need to convict in a court of law. Every piece of information gathered must therefore be viewed as a potential piece of evidence. Evidence which is not admissible or of no probative value is no longer very useful. The goal must now always be to gather as much information as possible that will be used to prove the elements of a particular offence, that will be admissible in a court of law.⁸⁵ This is important for the detective service, as such intelligence work could be of great assistance to detectives.

Where eventual prosecution is the goal, rather than mere elimination or information gathering for its own sake, evidence that will be rejected by the judiciary, or which does not contribute to proving an element of an offence, is not much use. Incomplete, inaccurate, inaccessible or unusable information is a powerless weapon in the fight against. The information gathered by each agency can be enhanced, complemented and possibly verified through formal co-operation agreements. Skills and resources can also be shared to ensure their maximum utilisation.

To date, it appears that intelligence services are struggling to meet the challenge of assisting the detective service and the DSO in the investigation of crime.⁸⁶ To begin with, co-operation between various bodies is often ad hoc despite the existence of formal structures. The legislation which provides for the powers and functions of the DSO details the establishment of a Ministerial Co-ordinating Committee (MICOC) to co-ordinate the activities of the SAPS detective service and the DSO. To date this body is not running and there is no policy from the SAPS regarding co-operation with the DSO.

Other intelligence structures include the national intelligence co-ordinating committee, provincial intelligence co-ordinating committee and area intelligence co-ordinating committee, as well as national, provincial, area and local operational co-ordinating committees. These structures have cascaded down from clusters at ministerial level, in other words, the Defence, Justice, Correctional Services, Safety and Security and Welfare clusters. However, it is unclear whether these structures are serving their functions properly.

Furthermore, intelligence operatives are struggling to adapt to the new climate in terms of evidence and rights. There is often over-reliance on single informants, with little effort to corroborate the information supplied by such sources. This leaves the intelligence service open to manipulation and the gathering of weak information.

There is also a lack of recognition of the importance and urgency of certain information. Analysis of information often occurs weeks or months after it was gathered, with the result that early warnings are often missed. Intelligence operatives are also not always careful to operate entirely within the law. This is problematic when their evidence is necessary to secure a conviction. The mindset that intelligence information is used simply to inform the president, parliament, or government about the state of the nation, rather than to be used in the fight against crime, also seems to be difficult to break.

The failure of operation Boleas in Lesotho in September 1998 was attributed by senior Defence Chiefs to a failure of intelligence.⁸⁷ All of the weaknesses and problems with the operation of intelligence structures mentioned above, were highlighted during the period 1998-2000 during the many terror bomb attacks on Cape Town.⁸⁸ While many arrests have been made and prosecutions are now pending, to date only one conviction in connection with these terrorist bombings has occurred, and prior to the arrests intelligence failed to predict more than 20 attacks. It remains to be seen whether intelligence structures have learnt lessons from these experiences.

The Independent Complaints Directorate

The Independent Complaints Directorate (ICD) was established in April 1997. It investigates complaints lodged against the police regarding any misconduct or an offence committed by a member, and deaths in police custody.⁸⁹ In addition to deaths, the ICD has prioritised the investigation of cases of police corruption, and incidents of family violence alleged against members of the SAPS.⁹⁰

To give an indication of the ICD's work load: The latest available figures show that the ICD investigated 209 deaths in police custody between April 1999 and March 2000. During the same period the directorate investigated a further 472 deaths as a result of police action.⁹¹ Prior to that between April and October 1999, the ICD received 2,359 complaints, including 389 related to deaths. Of the 2,359 cases, 1,610 were investigated or referred elsewhere for investigation. Over the same period 37 criminal trials were instituted and judgments were handed down in 16, with nine convictions. In addition, 83 disciplinary hearings commenced and four others were finalised.⁹²

The ICD's budget is a separate budget vote before parliament - Vote 21 - and R26,715,000 was voted towards the entity for 2001-2001. While the ICD is separate from the SAPS (and therefore the detective service) and makes use of its own investigators, capacity constraints imply that cases are referred to other institutions - including the SAPS - for investigation.⁹³

Indeed, the ICD, after preliminary investigation, investigates 'only those cases which cannot be investigated by the SAPS or other agencies'.⁹⁴ In other words, the default position is that the detective service must investigate the bulk of cases. The ICD has only 45 investigators and in 2001 budgeted only R10,784,000 for its investigation of complaints sub programme.⁹⁵

Lack of funds is a serious problem for the ICD. In certain instances investigators were not able to reach

crime scenes due to a lack of petrol. Investigators have been limited to 1,000km per car, and airtime for investigators' cell phones was limited to R100 per month during 2000.⁹⁶ The ICD during 2000 was unable to pay overtime and instead offered investigators unremunerated time off, which is counter productive. Ten posts vacant in the ICD were frozen, and funds were transferred from personnel to cover operational costs. The situation became so dire that operations were halted by the end of November 2000.⁹⁷

Of the 3,283 complaints finalised during 1990/2000, only 414 were fully investigated to completion by the ICD. The Director of Public Prosecutions agreed to prosecute in 50 cases, 29 of which resulted in convictions and eight in acquittals. A further 201 cases are awaiting a decision. In a further 84 cases inquests were ordered.⁹⁸

From the figures it is clear that the majority of cases must indeed have been referred to the detective service for investigation. Clearly, it is not appropriate that the detective service of the SAPS investigate complaints against fellow members and deaths allegedly caused by members of the SAPS. Given the already heavy case load experienced by most detectives, it is unlikely that such cases will be properly investigated.

Furthermore, given the untenable position of the anti-corruption units within the newly formed organised crime units of the detective service discussed above, it is worrying that these two bodies - put in place to assure the accountability of the SAPS - are in a position where much of their work actually reverts back to the detective service.

Given that the declared intention of the detective restructuring is to deploy the majority of members of the detective service to station level, the difficulty experienced by such detectives, who may be required to investigate colleagues, will simply be compounded.

The precarious position of the ICD and the anti-corruption units must be addressed if the SAPS is not to suffer further in terms of public credibility. The detective service should not be placed in the untenable position of bearing the responsibility of investigating colleagues.

CHAPTER 6

Conclusion and recommendations

The main reasons for the restructuring of the special investigation units in the SAPS lie with their poor performance and consequently the performance of the detective service as a whole. Confusion and avoiding taking responsibility for cases, lack of communication between units, lack of community input to crime investigation, and unnecessary administrative costs were all problems related to the units' performance. This led to problems with the investigation of crime generally.

In principle, the strategy of increasing the investigative capacity of the SAPS detectives at local level makes sense. The concern is, however, that the restructuring process has resulted in the lesser skilled and motivated detectives being redeployed to local level, while the new serious and violent crime units and organised crime units have been able to retain the most skilled detectives.

Those who have been redeployed view the move as a loss of prestige and are further de-motivated. The manner in which the restructuring was announced also created cause for concern among the members of the former specialised units, and did not allay the fears of detectives about their future in the SAPS. Although it appears some consultation occurred at senior management level, the hierarchical structure of the SAPS and of the detective service necessarily means that most detectives will feel this to be yet another policy imposed upon them.

Furthermore, the new units that have been created—the organised crime units and the serious and violent crime units—will have to be carefully managed to ensure that they do not replicate the problems experienced with the former units. In other words, it is possible that several of the problems outlined in this monograph relating to the former specialised units could persist to the detriment of the new units. If we accept that it is in principle better to investigate crime from station level rather than from specialised units, the existence of these remaining units needs to be further motivated.

The mandate of the serious and violent crime units is also cause for concern. The types of crimes which they will investigate are not clear and the problems listed for removing the former specialised units could apply to this unit as well. The extent to which the mandate appears to assume prior knowledge of the perpetrators' identity is also problematic.

Another issue that may lead to problems is the overlap of the mandate of the serious and violent crime units as well as the organised crime units with that of the DSO. There may be unproductive rivalry and unnecessary duplication in the investigation of particular crimes.

The position of the anti-corruption units, whose members have been redeployed to within the organised crime units, is also problematic. It will be extremely difficult for members assigned to investigate corruption to do so from within the ranks of the organised crime component of the detective service, where they will undoubtedly be required to investigate their colleagues. The investigation of corruption within the SAPS is likely to suffer and this decision needs to be reconsidered.

The retention of the family violence and child protection units is based on the fact that highly specialised skills and facilities are needed for investigating these crimes. The ideal situation would be to have highly trained persons operating at every police station. This is particularly true given the prevalence of crimes such as domestic violence, rape and child abuse across the country. That may well be the ultimate goal. The current situation is a compromise that was influenced by a concern within the SAPS about a public outcry around the closure of any such units.

A further cause for concern is that in some measure (although this was never formally articulated) the restructuring was a means of removing 'bad elements' from the specialised units and placing them at station level where their work could be more closely monitored. If this is the case, it amounts to treating the symptoms of the problem and not the cause. This is unlikely to correct the underperformance of the detectives concerned. There is a sense in the SAPS that it is virtually impossible to get rid of unproductive persons. However, there are extensive regulations regarding misconduct and the national and provincial commissioners do possess powers to suspend or discharge those guilty of serious misconduct.⁹⁹

In terms of these regulations, a member commits misconduct if he or she performs any act or fails to perform any act with the intention of causing harm or to prejudice the interests of the SAPS, whether financial or otherwise, or with the intention of undermining the policy of the SAPS, or with the intention not to comply with his or her duties or responsibilities, or commits an offence.¹⁰⁰

Moving detectives around does not get rid of 'problem' investigators. It would be preferable for the national leadership of the SAPS to use its powers in terms of misconduct regulations to remove those who should not be there, rather than resort to restructuring as a proxy.

Recommendations

Recommendations for the detective service cannot be made in isolation—but should be considered as part of broader changes in the SAPS. The SAPS in turn, must be considered as one among several structures fighting crime in South Africa.

Restructuring the detective service alone will not be enough to improve performance—additional measures should be considered

Low conviction rates suggest that the investigation of crime has been poor in the recent past. The redeployment of detectives to station level has the potential to unlock some of the structural impediments to improved performance. However, performance will not improve without:

- **Improved and expanded specialised training:**
While there are indications that training has improved within the SAPS, the numbers of detectives receiving specialised as opposed to general investigative training remains too small. Careful audits of training should also ensure detectives do not receive unnecessary repeats of training, and that prior skills are built upon.
- **A reduction in the case load of detectives:**
Given the crime rate in South Africa, this can only realistically be done by increasing the number of detectives. Much crime in South Africa is effectively not being investigated at all due to such constraints.
- **Proper allocation of resources:**
Large disparities still remain in resource allocation among police stations. There needs to be a quicker response to changes in local crime conditions and the allocation of resources accordingly. Allocation of detectives and corresponding resources (such as motor vehicles) should be based on the violent crime rate for an area.
- **Reduction in bureaucratic controls:**
This may be difficult to implement as measures aimed at reducing corruption are largely given as the reasons for this structure. However, if more authority and responsibility were devolved to local level this might lessen the need to refer to many levels of command.
- **Improved performance measurement:**
The performance of individual detectives, units and provinces should be carefully monitored, not only to identify poor performance, but to identify excellence and thereby identify 'best practices'. The planned electronic linking of case records from when a crime is reported to the case outcome, should help to develop objective measures of detective performance.
- **Promotions without managerial role:**
The SAPS plan to grant 'pay-promotions' which will exclude a managerial role and thereby maintain skills and reward good performance should be implemented using objective measures of performance.

Many of these changes may require more of the share of the national expenditure, and the deployment of far greater numbers of detectives in the fight against crime. The suggestion is that SAPS should increase its complement of detectives beyond the approximately 20% of personnel it currently comprises.

Investigation capacity at station level requires further improvement, especially in the fields of family violence and child protection. This does not necessarily mean that such units should be closed to create that capacity. Stations need to receive skilled persons and the necessary facilities.

Capacity to investigate complaints against SAPS, and corruption within the police, should be boosted

The precarious positions of the ICD and the anti-corruption units need to be addressed as a matter of urgency. The anti-corruption unit should be a distinct entity outside of any other structure in the detective service, as it was prior to restructuring.

Currently the ICD, after conducting a preliminary investigation, investigates 'only those cases which cannot be investigated by the SAPS or other agencies'.¹⁰¹ In other words, the default position is that the detective service must investigate the bulk of cases. At the very least, all deaths in police custody, or as a result of police action, should at all stages be investigated by the ICD.

Clarify the mandate of the serious and violent crime unit

The mandate of the serious and violent crime unit is problematic and needs to be clarified. There is potential for confusion, and consequently repeating many of the problems which prompted the restructuring of the detective service and the closure of most specialised units in the first place.

Reduce the duplication of functions within the detective service and between detectives, DSO and intelligence gathering agencies

There is overlap between the various structures responsible for investigating and preventing crime in South Africa. In a country with limited resources, we cannot afford the luxury of unnecessary duplication.

A proper determination should be made as to the kinds of crime to be investigated by SAPS and the DSO. Prosecution-led, group and leader-targeted investigations are only appropriate for known criminals and known criminal groups, and not for crimes in which the perpetrator is not known. It is therefore suggested that such investigations dealing with known criminals be the preserve of the DSO. There also needs to be further evaluation of the work of intelligence structures.

NOTES

1. J Redpath and M Matthee, *The Hydra Phenomenon, rural sitting ducks, and other recent trends around organised crime in the Western Cape*, Institute for Human Rights and Criminal Justice Studies, Technikon South Africa, February 2001.
2. S205(3) of the Constitution of the Republic of South Africa, Act no 108 of 1996.
3. Department of Safety and Security, *We Protect and We Serve, Annual Report 2000/2001*.
4. G Fivaz, *Activities of the detective service*, policy document, 27 March 1998. Although this is an old document, the classic responsibilities of detectives at station level have not changed.
5. Department of Finance, *National Expenditure Survey 2000 Vote 24*; Department of Finance, *2001 Estimates of National Expenditure, Vote 23 Safety and Security*.
6. Department of Finance, *2001 Estimates of National Expenditure, Vote 23 Safety and Security*.
7. SAPS Head Office.
8. Department of Finance, *2001 Estimates of National Expenditure, Vote 23 Safety and Security*, p 479.
9. Ibid.
10. SAPS Head Office Management Services.
11. The Auditor-General's report for Vote 29 on the financial statements of the SAPS and the Secretariat for Safety and Security for the year ended 31 March 2000, p 32.
12. M Aylewood, Senior Supt, Communication Services, SAPS, interview, 20 July 2001.
13. The Auditor-General's report for Vote 29 on the financial statements of the SAPS and the Secretariat for Safety and Security for the year ended 31 March 2000, p 32.
14. Ibid.
15. The average '57', which appears in the Auditor-General's report, is the average per province. The average '53' is the average for the country as whole.

16. D Mistry et al, Social Fabric Crime in the Northern Cape, *Technikon SA*, October 2001.
17. For more information on this pilot project, contact K Hustler at Business Against Crime in Port Elizabeth.
18. M Aylewood, Senior Supt, Communication Services, SAPS, interview, August 2001.
19. Ibid.
20. Ibid.
21. Ibid.
22. Ibid.
23. The average '57', which appears in the Auditor-General's report, is the average per province. The average '53' is the average for the country as whole.
24. M Aylewood, Senior Supt, Communication Services, SAPS, interview, August 2001.
25. For example, the mandate, determined in 1998, of the Pretoria Murder and Robbery Unit, with respect to murder, is as follows: "All murders of and attacks on persons 70 and older at a place of residence where the motive is robbery or rape and serious injury occurs; all murders with a firearm where the suspect is unknown; all murders or attempted murders of members of the SAPS; any other murder that the Area Head of the detective service so decides."
26. M Aylewood, Senior Supt, Communication Services, SAPS, interview, August 2001.
27. J Selebi, National Commissioner, SAPS, media statement, 12 January 2001.
28. M Aylewood, Senior Supt, Communication Services, SAPS, interview, August 2001.
29. J Selebi, as quoted in: Parliamentary Monitoring Group, *Minutes of Safety and Security Portfolio Committee Meeting*, 28 February 2001.
30. Ibid.
31. Ibid.
32. M Aylewood, Senior Supt, Communication Services, SAPS, e-mail, October 2001.
33. J Selebi, as quoted in: Parliamentary Monitoring Group, *Minutes of Safety and Security Portfolio Committee Meeting*, 28 February 2001.
34. SAPS Presentation to Public Accounts Committee, Parliament, December 2000.
35. J H de Beer, Divisional Commissioner, SAPS, letter to M Martins, Chief Executive Officer, SAOV, 9 April 2001.
36. M Aylewood, Senior Supt, Communication Services, SAPS, facsimile, October 2001.
37. D Mistry et al, *An offender profile: Perpetrators of farm attacks*, Technikon SA, May 2001.
38. Conference delegates from the media at a conference entitled *The Media and the Law* made this observation, which was disputed by the SAPS members present, Technikon SA Conference Venue, Johannesburg, 10-12 September 2001.
39. M Aylewood, Senior Supt, Communication Services, SAPS, interview, August 2001.
40. L Eloff, Deputy National Commissioner, SAPS, letter to the Provincial Commissioner, Western Cape and the Divisional Commissioner Detective Service, *Strategic focus of the South African Police Service 2000 to 2003: an integrated approach to investigating crime*, 11 January 2001.
41. Ibid.
42. Ibid.
43. Ibid.
44. Ibid.
45. Ibid.

46. Ibid.
47. SAPS website, <www.saps.org.za>
48. Ibid.
49. S Grobler, Director Anti-Corruption Unit, SAPS, interview, September 2001.
50. In particular, the former head of the organised crime component of the SAPS.
51. S Grobler, op cit.
52. S Grobler, op cit.
53. The definitions of a child in s1 of the Child Care Act no 74 of 1983, as amended, and s28(3) of the Constitution of the Republic of SA Act no 108 of 1996, serve as a guideline to determine age.
54. J H de Beer, op cit.
55. M Aylewood, Senior Supt, Communication Services, SAPS, interview, August 2001.
56. M Aylewood, Senior Supt, Communication Services, SAPS, facsimile, 5 October 2001.
57. SAPS Website <www.saps.org.za>
58. Ibid.
59. Mandate of the SAPS Commercial Crime Branch, obtained from Communication Services, SAPS, August 2001.
60. SAPS website <www.saps.org.za>
61. A Meijer, former Supt of SAPS, interview, July 2001.
62. According to the SAPS Detective Development Branch, obtained via Communication Services of SAPS, August 2001.
63. G Britz, Technikon Pretoria West, e-mail, September 2001.
64. M Aylewood, Senior Supt, Communication Services, SAPS, e-mail, October 2001.
65. National Prosecuting Authority Act no 32 of 1998.
66. National Prosecuting Authority Amendment Act no 61 of 2000.
67. J Steinberg, Sting in the tale of the Scorpions, *Business Day*, 4 September 2001; discussions with Senior Management, SAPS Organised Crime Units, Nylstroom, September 2001.
68. Discussions with Senior Management, SAPS Organised Crime Units, Nylstroom, September 2001.
69. T Sherman, *Issues facing management of the prosecution*, transcript of a speech contained in the report of the proceedings of the conference: *Empowering prosecutors for effective and responsive prosecutions in the new millennium*, Regency Hotel, East London, 9-12 November 1999, pp 22-23.
70. R van Wyk, *Crime Threat Analysis*, CIAC of SAPS, February 2000.
71. See chapter 2 on the budget.
72. M Schönsteich, A battle lost? Violent crime trends in 1999, [Nedbank ISS Crime Index, Volume 4\(3\) 2000](#), p 2.
73. Ibid.
74. J Redpath and M Matthee, op cit.
75. Ibid.
76. W Hofmeyr, *The challenges of implementing new legislation: asset forfeiture in the war against crime*, seminar paper, 27 February 2000.
77. Ibid.
78. Ibid.

79. *South Africa Survey 1997-1998*, South African Institute of Race Relations, p 80.
80. Ibid.
81. Ibid.
82. W Viljoen, Acting Director, DSO, interview, Cape Town, August 2001.
83. B Ngcuka, *Intelligence and the Role of the Judiciary*, keynote address, *The Imported Issues Symposium*, 28-30 September 1999.
84. Ibid.
85. Ibid.
86. Interviews with DSO members, Cape Town, August 2001.
87. *South Africa Survey 1999-2000*, South African Institute of Race Relations, p 100.
88. Interviews with DSO members, op cit.
89. Chapter 10, South African Police Service Act no 68 of 1995.
90. Department of Finance, *2001 Estimates of National Expenditure*, p 448.
91. Independent Complaints Directorate, *Annual Report 1999/2000*, p 34.
92. Department of Finance, *National Expenditure Survey 2000*, p 169.
93. 2001 Estimates of National Expenditure, op cit, p 444.
94. Ibid, p 448.
95. Ibid.
96. Adv K Mackenzie, as quoted in: Parliamentary Monitoring Group, *Minutes of Safety and Security Portfolio Committee Meeting*, 28 February 2001.
97. Ibid.
98. Ibid.
99. Regulations for the South African Police Service were published in the Government Gazette on 27 December 1996 in terms of the South African Police Service Act 1995.
100. A member also commits misconduct if he or she: fails to comply with a lawful order or instruction; takes part in a strike; assaults or threatens a fellow member; falsely accuses a fellow member of improper conduct; treats a lower ranking member oppressively; withholds or delays any complaint in connection with a member; deserts the SAPS; is absent without leave; fails to report for duty; goes off duty before being relieved; makes a false alarm; uses a narcotic drug; drinks alcohol or is under the influence while on duty; feigns illness; willfully causes injury to self or another to render either unfit for duty; fails to notify the commander that he or she has a notifiable disease; sleeps on duty; neglects duty; releases a prisoner willfully or negligently without proper authority; uses unlawful force against a prisoner; demands monetary reward for any act or omission; sells any SAPS property; misappropriates any public property; neglects any animal under control of the state; displays gross discourtesy to any person while on duty; knowingly makes false or incorrect statements in public about the SAPS; with intent to prejudice any person, knowingly conceals or falsifies evidence; borrows money from someone of lower rank; sexually harasses, victimises, or unlawfully discriminates against a member or employee of the SAPS; gives false information in disciplinary proceedings; knowingly conducts him or herself in a manner not conducive to good labour relations. A member also commits misconduct if he or she, without permission, engages in any trade or business, or any private work connected with the performance of his or her duties, or any other remunerative work. The relevant commissioner should not withhold such permission unless the economic activity concerned: prejudices the public image of the SAPS or interferes with its functions or fails to comply with any official code of conduct of the SAPS.
101. *2001 Estimates of National Expenditure*, op cit.