



DA

ONE NATION. ONE FUTURE

SAPS IN CRISIS

THE DA'S PLAN TO FIX THE POLICE SERVICE

Democratic Alliance
April 2009

Executive Summary

Personal safety is an essential prerequisite for an *Open Opportunity Society for All*. At present, though, South Africans face one of the highest crime rates in the world, and many South Africans feel trapped inside their homes, and suspicious of those in their communities. We cannot build a united, prosperous nation while so many feel trapped in a web of terror caused by crime.

Crime, however, is not an inescapable reality. In fact, just the opposite is the case. As part of a wider overhaul of the entire criminal justice system, a Democratic Alliance (DA) government would repair our broken Police Service, and make the kind of policy changes needed to start tackling crime successfully.

Under the ANC, crime prevention and detection has taken a back seat. In fact, the Police Service has been severely undermined through politicisation – the ANC's response has been to centralise authority under the National Commissioner, deploy cadres at every level of the Service, and eliminate all specialised units that are seen as 'too distant' from the central command structure.

This has had a devastating effect on crime prevention and detection. At the same time, these deployments and policy mistakes have led to a Police Service littered with incompetent managers, untrained officers, and under-resourced facilities. This document reviews six of the key breakdown points within the Police Service, and the measures a DA government would implement to fix them.

First, the Police Service's current command structure is in tatters. The National Police Commissioner has been placed on leave, two of the five Deputy Commissioner posts are vacant, and at least two Divisional Commissioners are facing the possibility of serious criminal charges being laid against them. In addition, one critical Divisional Commissioner post remains vacant.

The ANC's obsession with deploying politicians rather than security specialists to key posts is largely to blame for this disastrous state of affairs, and a DA government would immediately put an end to this policy. Further, a DA government would never allow a senior police official like Jackie Selebi to be placed on paid leave for over a year, costing the state more than R1-million, when the array of charges he faces are gravely serious.

Second, current Minister of Safety and Security Nathi Mthethwa has, in the words of one security expert, "taken us back two years" by going back on his predecessor's pledge to release crime statistics twice yearly. Crime statistics in South Africa are now a year out of date.

A DA government would create a real-time statistics information system, allowing for the continuous update, analysis and monitoring of key data. This system would be available to all citizens and civil society watchdogs via the internet and in police stations. Such a system would also improve the ability of police officers to do their jobs in an effective and streamlined manner.

Third, a DA government would put an end to the disastrous handling of police firearms, which has seen 14,117 weapons lost since 2001. The number of firearms lost and stolen has rapidly increased in recent years – pointing to an ongoing slide in the Police Service. Each and every firearm that is lost is potentially another firearm in the hands of criminals, and the Police Service has now, in effect, become one of the primary sources of criminal weaponry. A DA government would immediately crack down on missing and lost weapons, by holding negligent officers criminally responsible for the loss of weapons. Officers, including supervising officers,

need to be held liable, yet at present only a tiny fraction of lost police weapons result in successful prosecutions.

Fourth, the number of missing police case dockets as has increased every year since 2003, during which time over 2,500 dockets have been lost. This amounts to more than one docket lost per day during this period. Disciplinary action needs to be taken against officers who negligently lose dockets, and a DA government would put the appropriate measures in place to overturn the shockingly low rate of disciplinary action – currently standing at just over 6%. A DA government would also use information technology to ensure that not a single docket ever goes missing – by making it mandatory for dockets to be scanned in and backed up. Docket information would also be integrated in our crime statistics database, and victims would be able to view their own case dockets at any time using a special case-specific password.

Fifth, one of the most serious bottlenecks in the criminal justice system at the moment is located in the Forensic Science Laboratories, where we are reliably informed that over 20,000 samples are currently backlogged. This stands in stark contrast to the official government figure of 10,000. A DA government would eradicate all vacancies within six months, improve staff retention policies, build more Forensics Labs, ensure that targets are set in sample processing, and rectify faulty collection methods.

Finally, facing some of the highest crime rates in the world, most police officers in South Africa are massively overworked. This has a profound effect on, for instance, the ability of detectives to adequately investigate each and every case with which they are presented. As it is, South Africa's police-to-population ratio barely meets the minimum UN standard of 1:400, and every day newspapers cover stories of victims of crime who feel hopelessly let down by the way their case was handled by the Police. As a consequence, conviction rates in South Africa are exceptionally low – and getting lower by the year. Indeed, in 19 out of 26 major categories of crime, conviction rates fell in the last recorded set of crime statistics.

The DA believes that we need to employ another 30,000 detectives as a matter of high priority, using lateral entry from the private security sector to facilitate this. We also need to bolster the size of the Police Service overall; under the DA, police numbers would be increased to 250,000 – 60,000 more than under the ANC. We also need to ensure that training methods adhere to international best practice, and we need to reject the centralised, one-size-fits-all approach that saw the disbandment of key specialised units such as the Narcotics Bureau and the Family Violence, Child Protection and Sexual Offences Units.

These are the promises of a DA government, and the DA can be relied upon to deliver. Crime in the DA controlled Cape Town CBD is down 90%, and the DA has demonstrated through initiatives such as the Chrysalis Academy in the Western Cape a strong commitment to a multi-sectoral approach to crime – which acknowledges both the immediate needs of the Police Service and criminal justice system, and the essential longer term role of diversion programmes and other social mechanisms for bringing young South Africans out of poverty. It is this axiomatic assumption – that short- and long-term strategies can work in tandem to beat crime – that underpins the DA's 2008 criminal justice policy document *Conquering Fear, Commanding Hope*.

1 Senior Structures

The senior ranks of the Police Service are facing severe strain, due to unfilled vacancies and a number of unsuitable, politically motivated appointments in recent years. A number of key positions are currently vacant, or being filled by acting directors. These include:

- **National Police Commissioner:** Jackie Selebi has been on 'suspended leave of absence' for over a year, after being investigated for corruption, fraud, racketeering and defeating the ends of justice. He has been charged and will face trial later in 2009. The cost of Selebi's paid leave is so far R1m.
- **Deputy National Commissioner for Human Capital, Legal & Financial Administration Services:** Mala Singh resigned last year; no replacement has yet been made.
- **Deputy National Commissioner for Crime Intelligence and Crime Detection:** Vacant while Tim Williams is Acting National Commissioner.
- **Divisional Commissioner for Legal Services:** Lindiwe Mtimkulu is reportedly on leave – it is not clear on what grounds. Mtimkulu was recently criticised in an independent seven month investigation by top law firm Edward Nathan Sonnengbergs, which found she was "autocratic and dictatorial" and had a "fundamental misunderstanding of the law".
- **Divisional Commissioner for Protection & Security Services:** Mzondeki Tshabalala faces a criminal investigation for reckless and negligent driving after he was reportedly involved in an accident in August last year. Reports at the time indicated that an alcoholic beverage was found in his car.

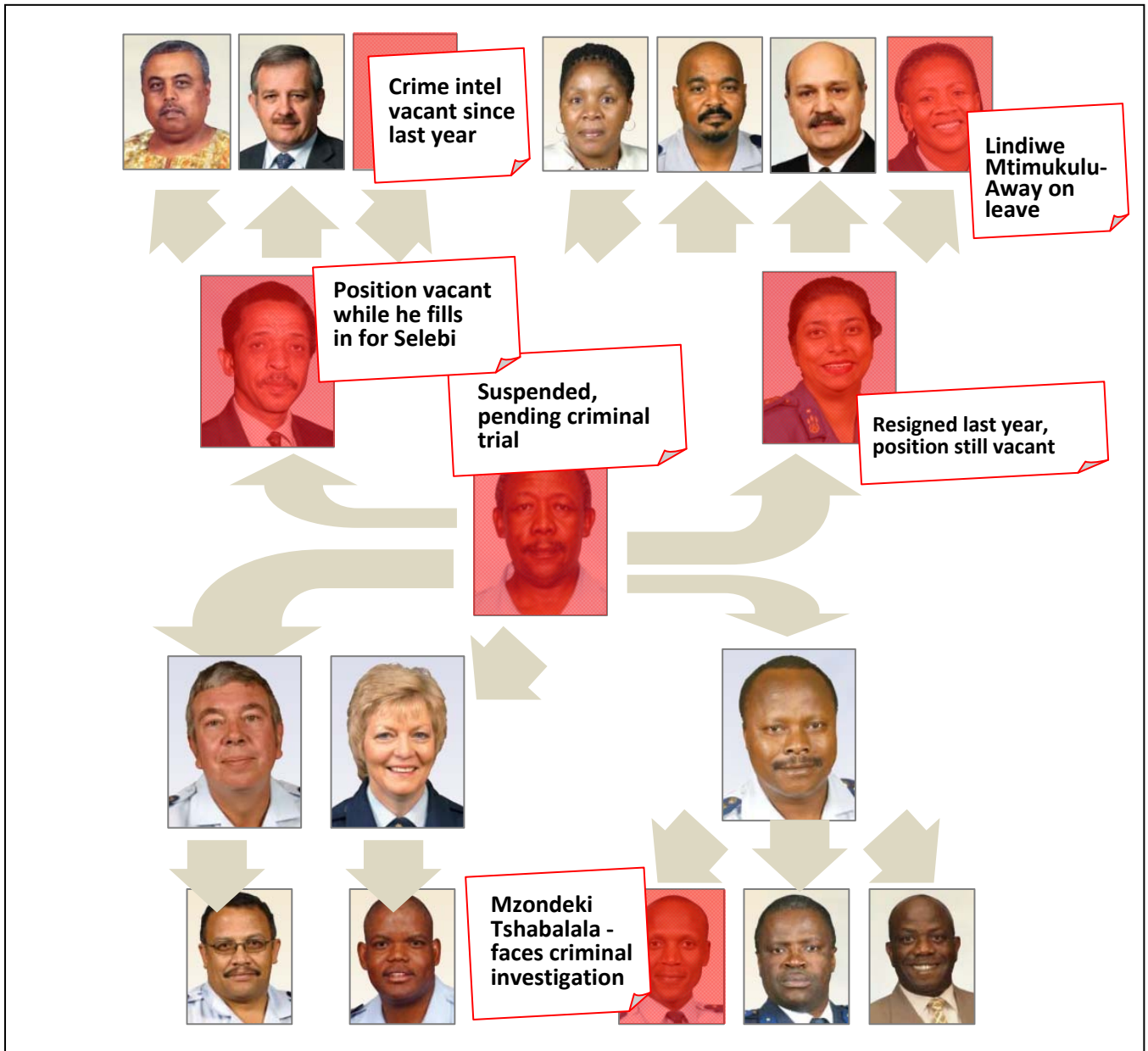
Political patronage also plays a significant role in determining who is elevated within the police ranks. In fact, ANC cadres are even 'deployed' to the police service without any previous safety and security training. This was the case when Jackie Selebi, a former ANC MP who had no police experience, was appointed as National Police Commissioner towards the end of 1999.

As the *Business Day's* editorial pages noted at that time, "many question whether someone who is essentially a political animal owing loyalty to the ruling party, rather than a professional policeman, is the right person for the job". If there has ever been a clear cut case of the flaws of making political deployments, it is the appointment of Jackie Selebi.

But these political appointments occur throughout the senior and middle ranks of the Police Service. Another excellent example of the dangers of making politically-aligned appointments is Mzwandile Petros, the Western Cape Provincial Commissioner, who was found by the Cape High Court guilty of illegally seizing and feeding information to former ANC Premier Ebrahim Rasool. The court ruled:

"I have a grave suspicion that Commissioner Petros may have had [as his objective]... the furthering of the interests of the ANC in the Western Cape".

Political deployments within the Police Service are damaging for a number of reasons. Such individuals are rarely trained in police work, and have as their objective the fulfilment of certain political tasks rather than active police work. Facing the levels of crime that we do in South Africa, political deployments need to stop immediately. We need to get trained experts in to deal with what has become a national crisis.



The DA's Solution



Vacancies within the Police Service must be eradicated immediately, and all political appointments must cease. The DA has committed itself to employing police officers on the basis of merit, not quotas, and we would **stop all top-level political appointments.**

2 Crime Statistics

Four sets of crime statistics have been released since 2006:

- **September 2006** (covering April 2005 to March 2006)
- **July 2007** (covering April 2006 to March 2007)
- **December 2007** (covering April 2007 to September 2007)
- **June 2008** (covering April 2007 to March 2008)

All four sets were released by the previous Minister, Charles Nqakula. Minister Nqakula instituted two significant improvements in the release of crime statistics: First, the annual release date was brought forward – from September (2006) to July (2007) and then June (2008). Second, Minister Nqakula committed his department to releasing crime statistics on a twice yearly basis at the end of 2007.

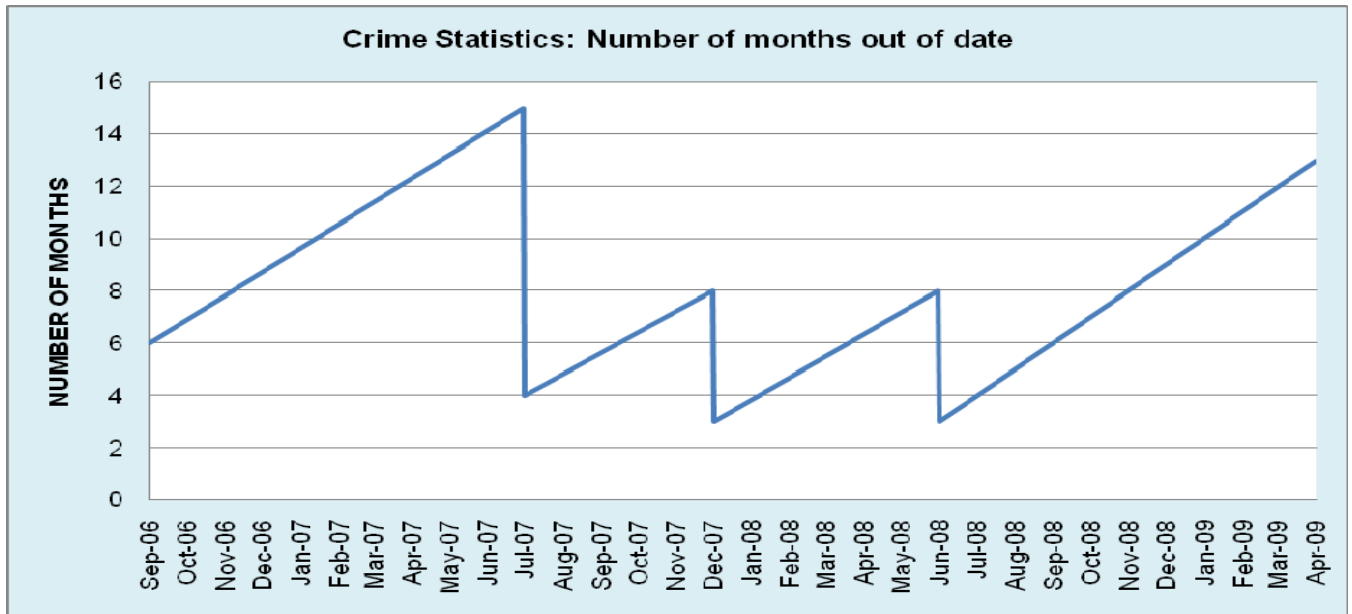
Subsequently, there has been much confusion surrounding the Minister of Safety and Security Nathi Mthethwa's stance on the release of crime statistics. Minister Mthethwa decided to reverse his predecessor's decision to release statistics twice a year. He justifies this on the basis that releasing the statistics before an election might politicise them.

Perplexingly, the Minister's spokesperson has also said that the Minister would release crime statistics after he had been in the job for six months. This is a strange statement in light of the fact that the Minister has been in the job for exactly six months.

The Minister's decision not to release half-year crime statistics means that the most recent available statistics are 13 months out of date. They will be closer to 18 months out of date if the Minister returns to the old policy of releasing crime statistics in September, and will be 30 months out of date if he decides to release them every second year.

In response to the Minister's decision, a senior researcher at the Institute for Security Studies noted that the decision "takes us back two years". This is quite literally the case – since the last time crime statistics were this out of date was in mid-2007.

More worryingly, the Minister noted that because some countries only release crime statistics every second year, South Africa should consider doing this as well. This statement absolutely disregards the fact that crime in South Africa is in a national emergency, and that, overwhelmingly, research suggests that regularly updated and publically available crime statistics has a positive rather than negative effect on fighting crime.



The DA's Solution



A DA government would create a **real-time crime statistics information system**, based on similar successful models used in some parts of the United States. This system would allow for real-time analysis of crime trends, along with information on wanted suspects, stolen vehicles and other important data.

The statistics database would be integrated with data from the Departments of Justice and Correctional Services. The system would allow for continuous updates and monitoring, along with remote access to the system by police officers out on patrol, and detailed analysis of crime trends. This system would **assist both the public and police officers**, by providing an accurate picture of crime patterns and trends, and allowing for problem-specific solutions to be driven at the local level.

Such a system would also **increase police accountability** by allowing the public and civil society access to ongoing information about the various crimes taking place. This would also allow for independent monitoring of how police were responding to and counteracting crime.

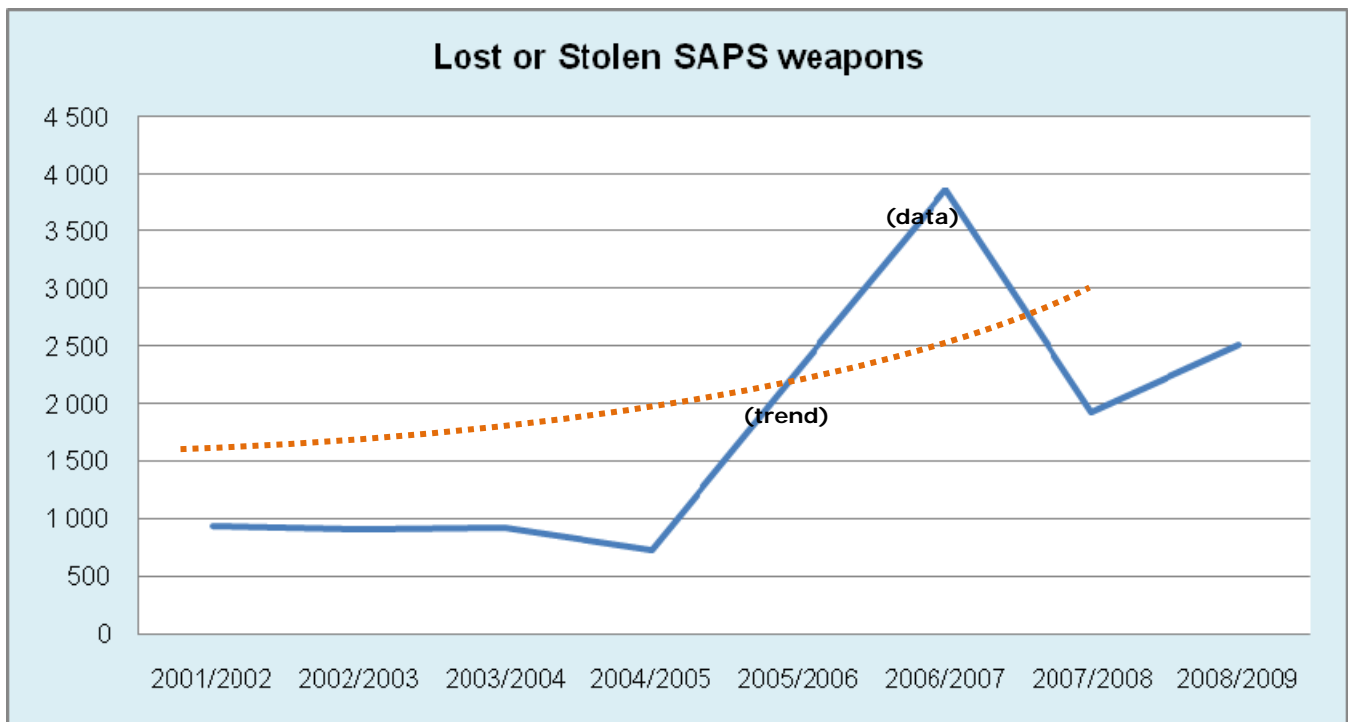
In order to respond appropriately to crime it is also essential that we ensure that information on incident rates, perpetrators, victims, crime hotspots and other relevant indicators is accurate. Victims surveys suggest that less than half of all serious crime in South Africa is reported and that only one in 20 female rapes is reported. In order to ensure **greater accuracy**, the DA would conduct comprehensive annual victim impact studies to draw up a more meaningful picture of crime patterns.

3 Loss of Police Weapons

The number of police firearms lost and stolen, has rapidly increased in recent years – pointing to an ongoing slide in Police Service management. Each and every firearm that is lost is potentially another firearm in the hands of criminals, and the Police Service has now, in effect, become one of the primary sources of criminal weaponry. The number of guns lost each year by the Police Service has increased 165% in 8 years:

2001/2002	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
943	921	935	735	2 297	3 856	1 923	2 507

Though the number of lost or stolen weapons is less than it was in 2006/2007, the long term trend is cause for concern:



This means that, in total, 14,117 firearms have been lost by the Police Service since 2001, and most of these weapons are now on the streets in the hands of criminals. In addition to this, many thousands more weapons are lost by Metro Police and other local government law enforcement officials.

It is likely that between 20,000 and 25,000 police and metro police weapons have been lost or stolen since 2000.



A DA government would immediately crack down on missing weapons, by ensuring that adequate disciplinary action is instituted in cases where police officers have been negligent in the loss of weapons.

There are a number of reasons why the SAPS continues to lose weapons at such an alarming rate. In some cases, weapons are left lying around in police stations instead of being locked away. This has been the case in several notable instances where weapons were stolen by armed thieves.

In order to ensure that this does not occur, **it is essential that officers are held responsible for the loss of their weapons**. Where supervising officers should have done more to ensure that their officers keep their weapons safe, they ought to be held responsible too. It is basic police protocol that weapons must be stored in a safe place, and criminal charges must be placed against officers who lose their weapons through negligence.

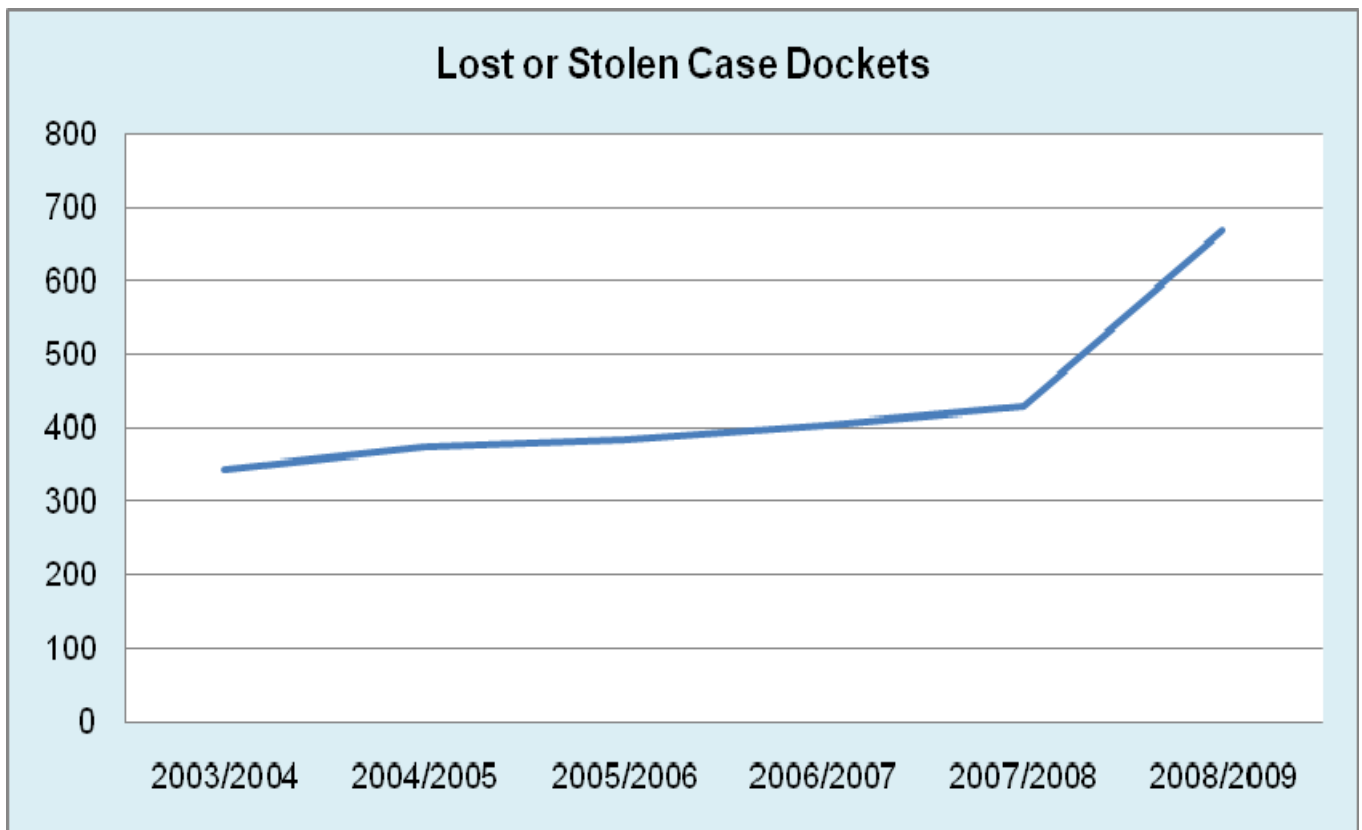
There is also strong evidence that a large number of police weapons are sold by members of the police service every year. To solve this, **officers must be prosecuted when their weapons go missing**, and must be suspended from the Police Service immediately, pending an investigation.

4 Loss of Police Case Dockets

The number of lost or stolen case dockets has increased every year for the past six years, and increased by more than 200 incidents over the course of the last year. In total, 2,597 dockets have been lost since 2003 – an average of more than one per day. Just 6.1% of missing case dockets result in disciplinary investigations being conducted.

2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
343	373	382	404	427	668

At present, it is not police protocol to back up dockets on a regular basis, or indeed to provide routine electronic copies of dockets. Indeed, when a docket goes missing, this usually results in the termination of the case, or at the very least forces the investigation to begin from scratch.



The DA's Solution



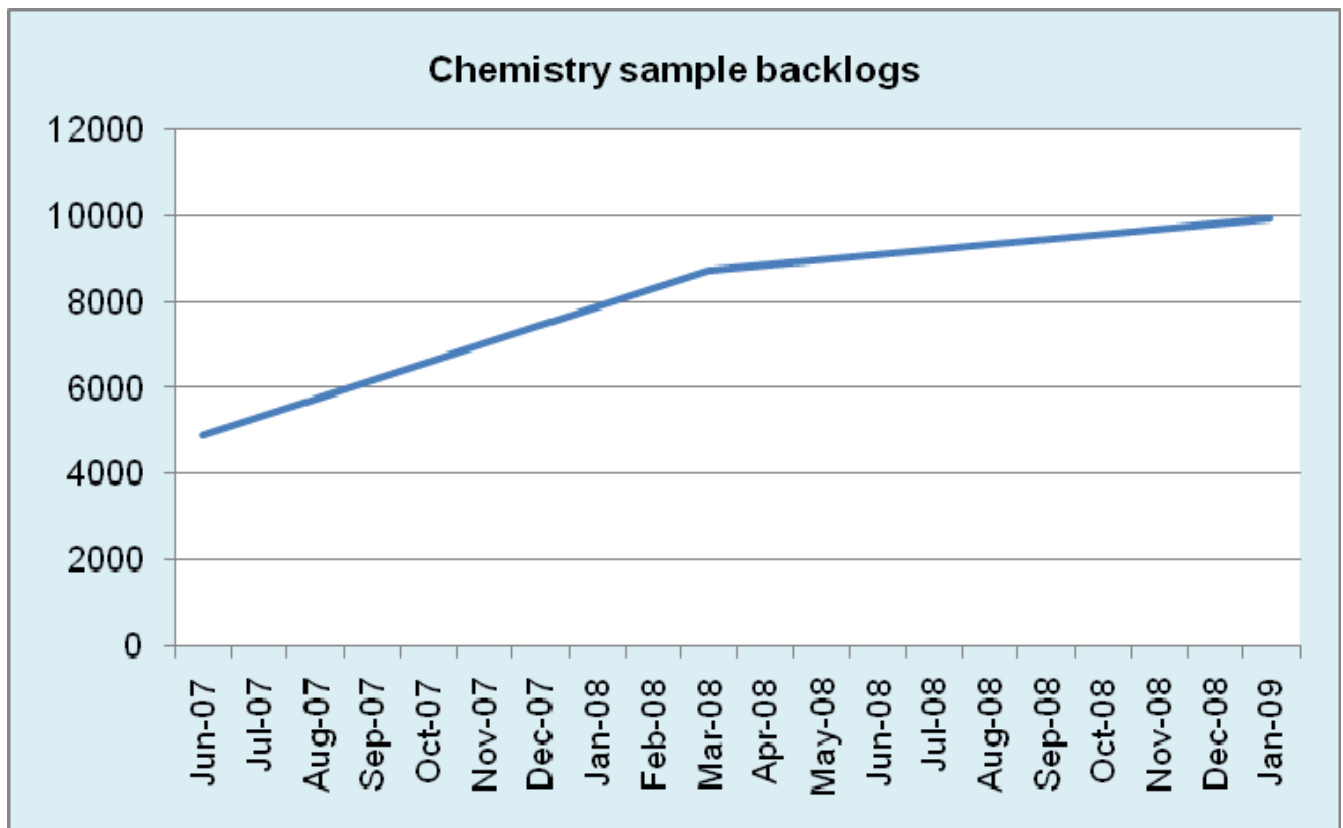
Information technology would play a key role in the DA's war on crime. **Information systems would ensure that case information is kept secure**, so that case dockets no longer 'go missing'. The DA believes that all dockets must, as a mandatory provision, be scanned in to guard against dockets being lost or stolen. Automatic information backups would take place at regular intervals.

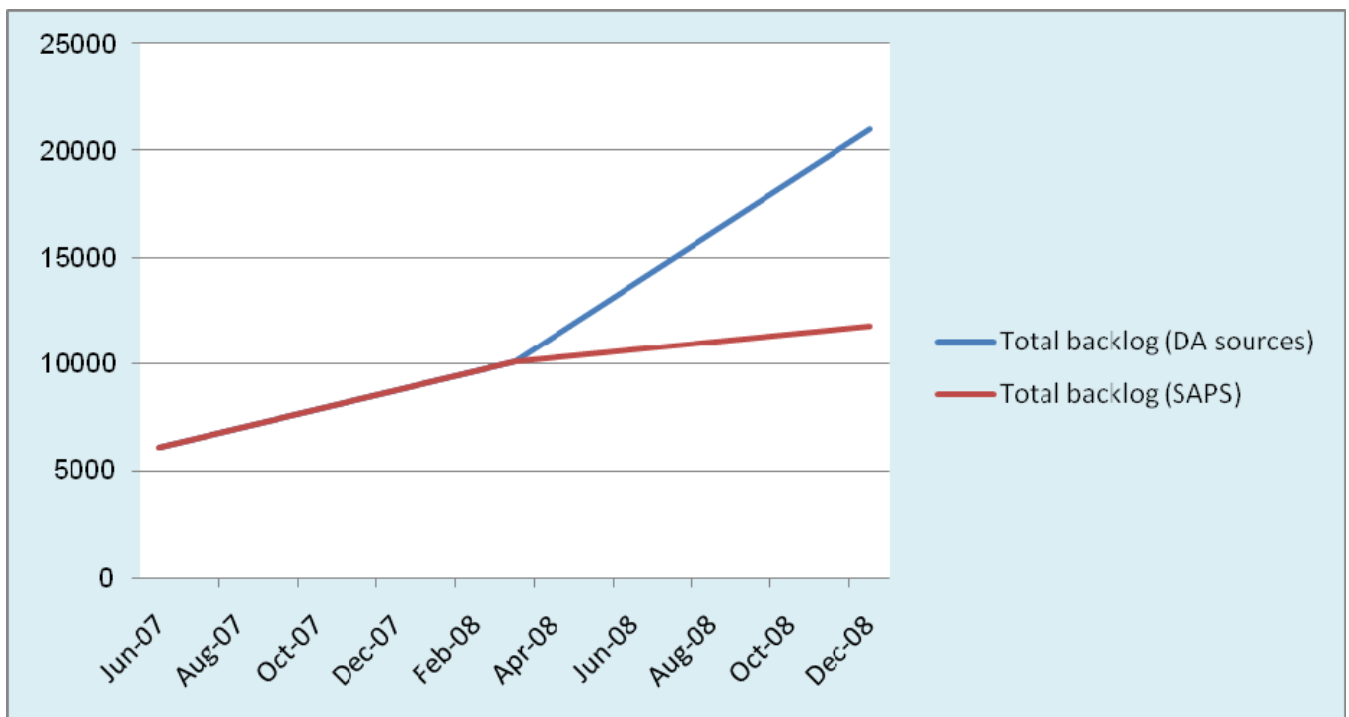
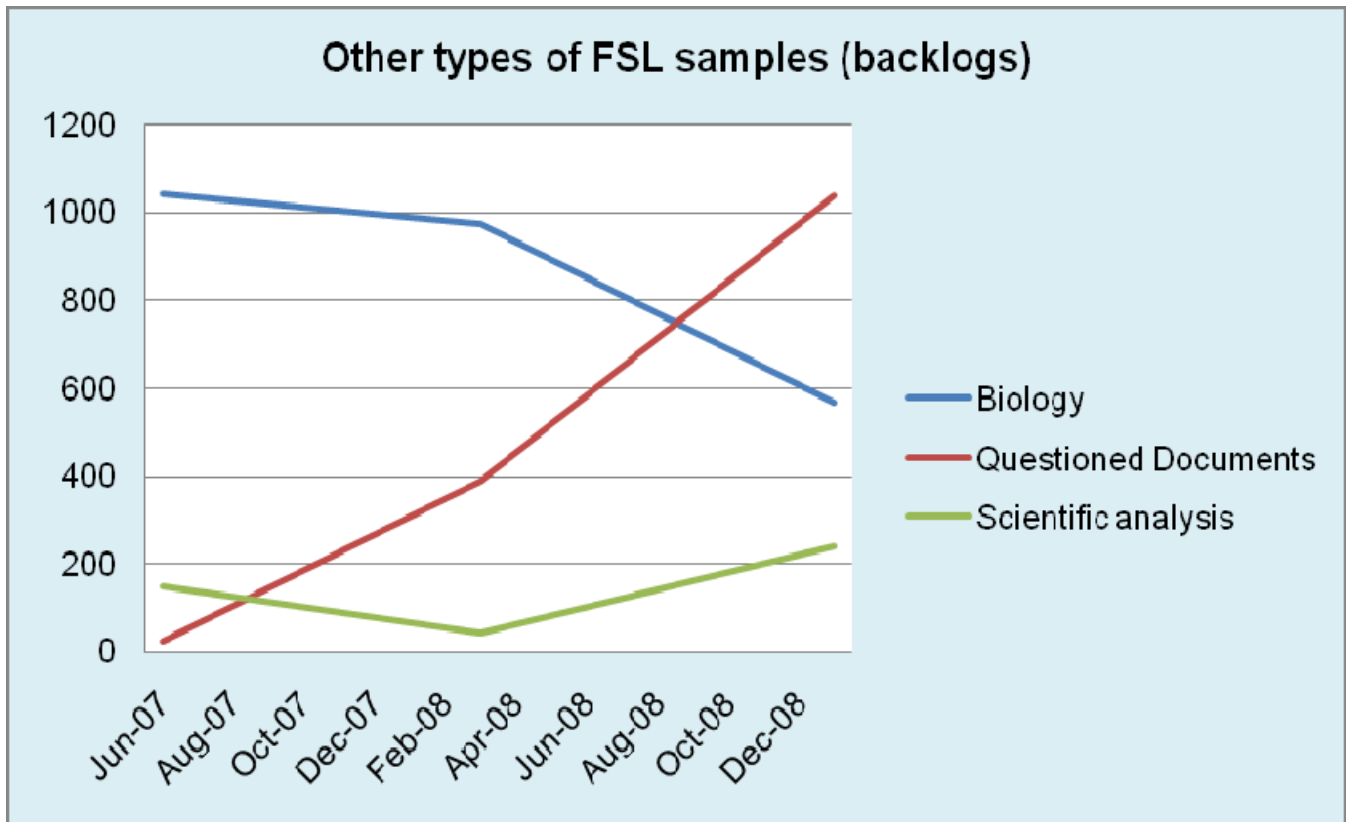
The DA is committed to a real-time crime information system, which allows crime-related information to be made freely available to the public. Part of this system would **allow victims to access their own case dockets** by using their case number and a docket-specific password issued to them by the investigating officer.

5 Forensic Science Laboratory Backlogs

Successful prosecutions rely on the ability of Forensic Science Laboratories (FSLs) to efficiently process evidence obtained from crime scenes. These labs are currently under-resourced, badly maintained and suffer from an acute skills deficit. As a result, investigations are undermined and this brings down the number of successful convictions in the courts system. Backlogs prevent victims of crime from obtaining closure and seeing justice done – which undermines the fight against crime and people's respect for and faith in the rule of law.

Most recent information supplied by the Minister of Safety and Security suggests that the number of sample backlogs increased by 2,000 between April and December last year. Though official SAPS statistics suggest that in at least one category – biology samples – backlogs are falling, this is contradicted by information made available to the DA by reliable sources familiar with the Forensic Science Laboratory data, who claim that the nationwide backlog of samples at the Cape Town laboratory alone currently stands at around 18,000.





The DA's Solution



The DA has a plan that will overhaul our Forensic Science Laboratories.

First, we need to **eradicate vacancies**. All FSL posts would be filled within six months by qualified and experienced staff, and the DA would put an end to the backhanders and politicising of FSL posts, as continues to go on under the ANC.

Second, the DA would **improve staff retention policies** that focus on salaries, working conditions, performance incentives, ongoing training and career pathing. If the public service cannot compete with the private service in terms of salaries, then it must be able to offer a competitive package in terms of working conditions, flexible hours, training and development.

Third, we would **build more FSL laboratories**. There are currently only two facilities for analysing questioned documents (handwriting samples and fraud for example), four facilities for chemistry testing (arson and toxicology), two biology facilities and four ballistic testing facilities in the whole country. The DA would ensure that at least one facility is available in every province.

Fourth, a DA government would ensure that **targets** are set for sample processing. Pay needs to be linked to performance, and where turnaround times can be improved, this will have multiplier effects through the remainder of the criminal justice sector.

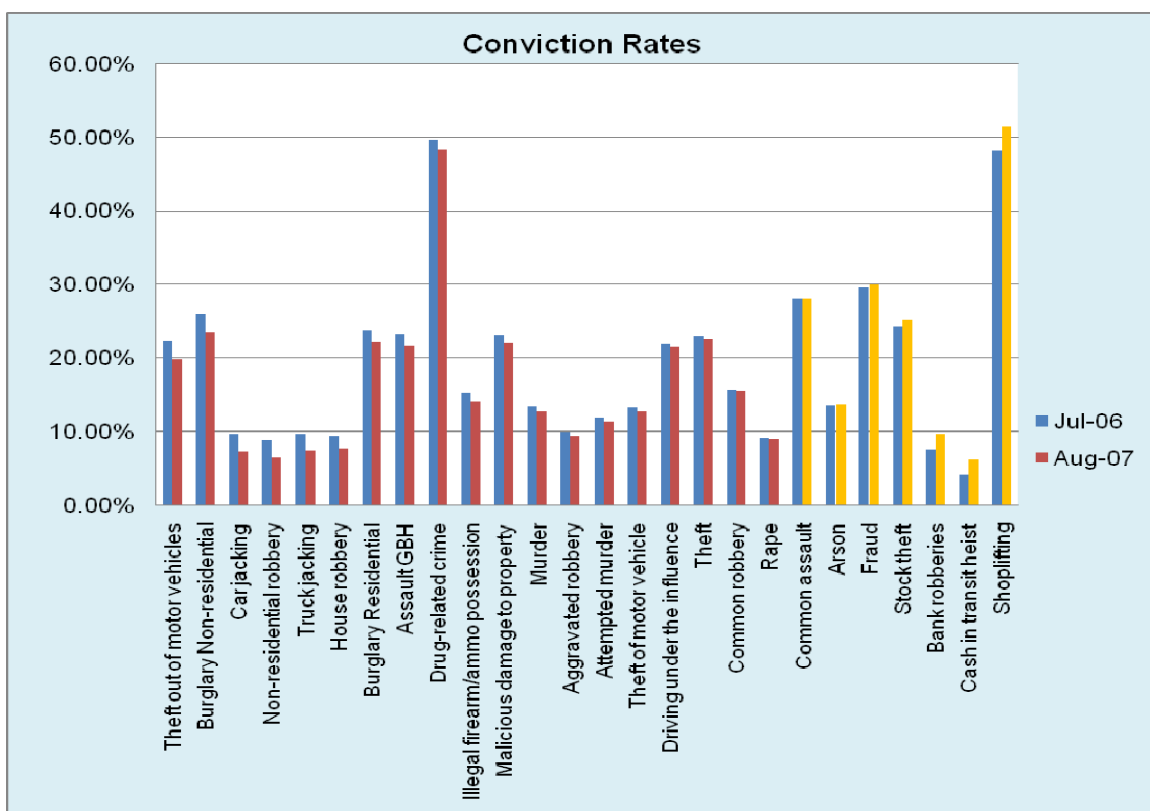
Fifth, research indicates that many crime scene samples of evidence are rendered useless because of **faulty collection methods**. The DA would ensure that all FSL staff are fully trained on evidence-gathering techniques and equipped with the necessary resources.

6 Staffing constraints

The SAPS currently consists of 170,000 members, 22,500 of whom are detectives. At this level, the Police Service has little chance of making a meaningful impact on crime. Many detectives struggle with case loads of more than 80 cases at a time, and officers, in general, are vastly overworked, underpaid and undertrained.

All of this is clearly visible when reviewing conviction rates within the criminal justice system. Though it is certainly true that other serious breakdown points exist within the National Prosecuting Authority, the court system, Forensic Science Laboratories and elsewhere, the sheer number of cases being dealt with by detectives at any given point in time plays an overriding role in producing the disastrously low conviction rates we have in South Africa today. The upshot of an overworked detective service is that many cases are so poorly investigated that Public Prosecutors do not proceed with them, and that many of those cases that do reach court are not strong enough to be won.

The most recent available conviction rates data shows that the number of cases being successfully prosecuted is extremely low – and declining yet further. The conviction rate for murder is around 12.6%, while just 8.9% of *reported* rapes are successfully prosecuted. Just 7.3% of carjackings and 4% of cash-in-transit heists result in successful prosecutions, while the conviction rate for house robbery stands at 9.4%. Less than 1 in 5 perpetrators of *reported* contact crimes are successfully prosecuted, and in 19 out of 26 categories of serious crime, conviction rates are dropping:



Conviction rates get to the heart of the problem within the SAPS because they demonstrate that the criminal justice system has become dysfunctional. In addition to several key problem areas within the courts and the National Prosecuting Authority (NPA), there are a range of areas within the Safety and Security Department that need to be addressed immediately if conviction rates are to be improved. Arguably the most important of these is that **there are simply too many cases for too few police officers.**

To begin with, a DA government would employ an **additional 30,000 detectives** as a matter of urgency. This would be aided in part by mechanisms to allow for lateral entry into the detective service from the private sector. By increasing the number of detectives in the SAPS to over 52,000, we can reduce the kind of severe case loads that detectives currently face, and thus improve the way in which each and every case is handled.

The DA is also committed to introducing performance incentives for detectives to top up their current salaries, and to the elimination of all resource shortages in the detective services and across the Police Service in general. The SAPS must also prioritise merit-based recruitment and promotion instead of equity and gender-based criteria, and the SAPS must offer a series of intensive high-quality and fast-paced training courses designed to fast-track lateral entrants into the Police Service.

In addition to boosting the detective services, we need to **increase the number of SAPS members to 250,000**. This is 60,000 more than under the ANC's plan. A Police Service of 250,000 members would bring our police-to-population ratio under 1:250 for the first time, and ratchet up the effectiveness of the police service in general. It is notable that at the moment we have a police-to-population ratio of just under 1:400, and in a majority of our provinces the ratio is over 1:400. This is significant because the minimum international standard recommended by the United Nations is 1:400, and many countries do a great deal better than this. Canada, for instance, has a police to population ratio of 1:195 – and Canada has a murder rate that is 20 times lower than ours.

The size of the Police Service is not simply a matter of importance because of the need to comply with international standards. In fact, on the contrary, our Police Service must be built specifically to tackle the domestic problems we face. But the fact is that with the extraordinarily high level of crime in South Africa, officers face greater workloads than practically any other police service on the planet. For this reason, we need to ensure that we have a large enough contingent of police officers to deal with these workloads, and this necessarily means increasing the size of the Police Service.

It is also essential to note that **more police officers will not automatically solve crime problems in South Africa**, and we need to ensure that all new and current SAPS officers receive proper training. This is why the DA's criminal justice policy makes improving SAPS training standards one of our top priorities. We are committed to **ensuring that the SAPS begin to adhere to international best practice in its training procedures**. We will ensure that, where applicable, mandatory new specialised training and fitness requirements are introduced into the Police Service, and we will enhance station management skills by ensuring that all station commissioners receive the qualifications they require in order to fulfil such posts. At present, **just 14% of station commissioners have been trained in management and leadership**, and this is something that must be rectified immediately.

The other key policy change that the DA advocates is **bringing to an end the one-size-fits-all approach adopted by the ANC**, where power is centralised under the National Commissioner and less emphasis is placed on specialised units tackling specialised crimes.

Overwhelmingly, the trend in policing internationally is away from centralisation, towards greater specialisation. Yet the ANC have in recent years closed down numerous specialist SAPS units, including the South African Narcotics Bureau, the Family Violence, Child Protection and Sexual Offences Units, and the Anti-Hijacking Unit. Similarly unfortunate measures have been enacted within the Justice Department to shut down the highly successful Directorate of Special Operations (Scoprions).

The DA would bring back these key specialised units, and each would be fully resourced and empowered to fulfil their mandates.