

# Corruption and the South African Police Service

## A review and its implications

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### Introduction

Corruption undermines democracy and social justice, thereby deepening poverty, fuelling organised crime and stunting efforts to promote human security. Corruption takes many forms and prospers in all manner of environments. The media in democratic South Africa publish almost daily new instances of the abuse of entrusted power for private benefit. These abuses range from bribes involving political leaders, corporations and wealthy private individuals, to corruption that undermines the delivery of basic services in housing, education and policing. It is a system of influence peddling that has its roots in the way that the 'security forces', civil service and business operated under apartheid (Van Vuuren 2006). Despite the numerous gains made in policy and regulatory control in recent years, corruption remains notoriously difficult to prevent or manage, both in the public and private sectors. Although not the top priority facing the state, it weaves its way through the structural causes for high levels of crime, unemployment and inequality in South Africa.

The years following the country's first democratic election in 1994 brought with them a focus on both policy formulation and the creation of institutions in an attempt to stem corruption. Still, anti-corruption conferences in the late 1990s argued that the policies were failing due to poor implementation.<sup>1</sup> Building on these criticisms, the state has taken steps to counter the weaknesses in the implementation of anti-corruption policy, particularly with regards to the public sector. Despite these measures, key pieces of anti-corruption legislation such as the Prevention and Combating of Corrupt Activities Act, the Protection of Access to Information Act and the Protected Disclosures Act, remain poorly applied in many instances. The result is a national anti-corruption climate in which solid macro-level guidelines often break down during micro-level implementation. The challenge remains to move the word from the page to action in the workplace.

The Police in South Africa are often viewed as the be all and end all of crime prevention and reduction. While such thinking is arguably unhelpful, the fact remains that to many the police represent the only visible point of support and hope for a safer future. Throughout the world corruption is understood as an organisationally pervasive and historically persistent part of police organisations. Considering South Africa's criminal and policing climate, corruption in the police is of paramount concern. This paper discusses what is known about the state of corruption in the country's national police organisation, the

South African Police Service (SAPS), grounding it in a broader international literature on police corruption. With an eye to future research on the topic, the paper outlines the measures taken by the SAPS regarding corruption in the organisation, and broadly introduces the new Corruption and Fraud Prevention Plan and the closely linked Risk Management Strategy.

Corruption is an organisationally pervasive and historically persistent part of police organisations

### Method note

This paper does not attempt to offer new data on the subject of SAPS corruption, apart from its overview of the new, little-known anti-corruption plan. However, there exists no comparable up-to-date synopsis on the subject. Additionally, some data presented here, although collected as part of research by other individuals and organisations, remain unpublished or thinly disseminated. As well as extensive desktop research and an analysis of relevant literature, newspaper articles, official reports, briefings and policy on the subject, interviews were conducted with key stakeholders including experts in the field, members of the Independent Complaints Directorate (ICD), SAPS strategic management, and the SAPS former Anti-Corruption Unit (ACU). Owing to the ongoing, developing nature of the new Corruption and Fraud Prevention Plan it has not been possible to present a definite and final picture of things to come. Rather this paper introduces and considers selected details



of the new plan and its place in the fight against corruption, so that more attention might be given to it in the future.

## Background

Mark Shaw has argued that there is no example of a post-conflict transitional society that has been able to build a legitimate police agency (Shaw 2002). In this light the SAPS has been lauded for its relative transformative success. Its predecessor, the South African Police force (SAP), was the bastion of the apartheid state. The SAP acted as the coercive arm of the National Party government, disregarding the rights of black residents and political dissidents. Random arrests, torture and assassination were, at times, common events. According to Shaw the SAP was in some respects more of an army than a police force, engaged in a low level, partially secret war, against an often invisible enemy. As such it is an example of a police force whose mandate to 'protect and serve' was corrupted within a corrupted state.

It was out of this context of the abuse of police power that the emphasis on accountability grew when in 1994 the SAP was amalgamated with the ten homeland police forces to become the South African Police Service. A range of accountability structures developed between 1990 and 1995, such as community policing forums (CPFs) and the Independent Complaints Directorate (ICD) in an attempt to ensure members of the re-born organisation acted in line with the country's interim constitution.

In 1996, in one of many moves to promote a stable transformation, the SAPS replaced its Pretoria-based Special Investigation Unit with a dedicated Anti-Corruption Unit (ACU). The ACU's mandate was to engage with corruption within the SAPS both proactively and reactively in all of the country's nine provinces. Its launch coincided with that of the National Crime Prevention Strategy which identified corruption within the criminal justice sector as the greatest threat to the governance of safety and security (SAPS nd). If rhetoric is to be believed corruption busting within the SAPS has been an organisational priority since 1996.

Formal complaints of corruption in the SAPS skyrocketed through the work of the widely publicised ACU. By 2001, 23 246 cases had been reported to the Unit resulting in 638 convictions (Newham 2002). Despite this apparent success, the National Commissioner of the SAPS closed the ACU in 2002, amid rumours of tension over transformation and a lack of accountability.

In 2001 the SAPS tabled a Service Integrity Framework in parliament outlining an approach towards clamping down on corruption in the organisation (Safety and Security Portfolio Committee Briefing Minutes 2001). Annual reports between 2002 and 2004 referred to this policy as the Service Integrity Strategy (SIS), and gave the impression that it was operational for four years - when in fact it was never implemented. In 2004/05 the SAPS reported having spent 2003/04 in developing the Corruption and Fraud Prevention Strategy (CFPS), while falling silent about the SIS. In reality, the content of the SIS had been integrated into the new CFPS but had still not been implemented.

The 2005/06 report stepped up the focus on corruption by naming in its foreword the goal to 'work actively towards preventing any form of corruption and to bring the perpetrators thereof to justice' (SAPS 2006). The report went on to propose 'eradicating corruption and fraud in the SAPS through improved internal controls and risk management'. The report links this vision with new developments in the CFPS that align it with the Public Sector Anti-Corruption Strategies that require at least, a minimum anti-corruption capacity throughout government. This process is being spearheaded by the Department of Public Service and Administration.

## The 1996 National Crime Prevention Strategy identified corruption within the criminal justice sector as the greatest threat to the governance of security

The impression given by these reports is that the SAPS has had anti-corruption strategies in place since the disbandment of the ACU and is proactively dealing with corruption. While isolated examples of corruption fighting do exist, and while nationally the organisation has certainly been engaging the topic at a theoretical and strategy formulation level, that work has yet to filter down to station level. Brief discussions with station commissioners and officers at twelve

stations in five provinces illustrated this fact. Not one of the stations contacted had heard of any organisational anti-corruption strategy or guidelines, although two suggested that provincial support was available in this regard. For the most part the impression members gave was, as one station commissioner put it, 'we use common sense' to fight corruption.<sup>2</sup> Of course common sense is a relative and subjective concept, and not one a national police organisation should rely on to be applied equally. While the SAPS appears poised to roll out its new corruption combating measures in the second half of 2007, the dearth of formal anti-corruption structures in the organisation over the past five years is a real cause for concern.

The current SAPS rhetoric faces the difficulty that South Africans have lost patience with what are perceived as unacceptably high levels of crime, coupled with the perceived failure of the national police body to deal effectively with them.<sup>3</sup> In that policing in general, and

### Contradictory anti-corruption discourses

In mid-2006, three detectives at a Cape Town police station were arrested on multiple counts of corruption. In a media statement on the arrests, the Commissioner for the Western Cape called the arrests the result of the province's 'zero tolerance' approach to corruption (Breytenbach 2006). However, in querying the station's commissioner on his use of SAPS anti-corruption strategies in bringing about the arrests it was apparent that he was not aware of any. Rather he credited the arrests to his twenty years of experience as a policeman. He was unaware of the existence of any SAPS anti-corruption strategies and believed it was his dedication and integrity in the investigation of his members that brought them to book (Faull, 24 October 2006).

in particular sector and community policing strategies such as those adopted by the SAPS, are heavily reliant on community trust, it is vital that the SAPS maintain good relations with the public in order to boost its crime fighting ability. This is unlikely to be easy when according to the findings of the 2006 Afrobarometer, 50% of citizens have little to no trust in the police and 48% believe most are corrupt (Mattes et al 2006). These figures are likely to be higher following post-study allegations of corruption and links to organised crime involving SAPS National Commissioner Jackie Selebi during the latter half of 2006. While these allegations have yet to be proven it is important to recognise that claims of corruption extend from the very bottom to the very top of the organisation.

The global corruption barometer published yearly by the NGO Transparency International presents a dichotomy in which citizens on every continent except Africa consistently rank politicians as the most corrupt state actors (Transparency International 2005). In Africa it is the police who consistently take top spot in every country except South Africa. Here police *tie* with politicians. The findings imply the existence of a unique political-criminal climate of corruption, both in South Africa and in the region.

### Defining corruption

Acknowledging public perceptions of police corruption is important if only because the manner in which police are perceived by the population will affect how the two interact. Defining corruption in the context of the organisation, the public, and the law, can produce quite different conceptions. It is generally accepted that for any act to be corrupt it must involve an abuse of entrusted power for personal gain, entrusted power being something police members have plenty of. Following this definition, a police member turned off-duty common thief would not technically be classified as corrupt but is likely to be seen as such by the public. Similarly, police members who drink, are sexually promiscuous, use drugs or drive recklessly on duty - all of which have been linked to a sense of a pervasive international police culture - may not fall within a technical definition of corruption if their actions do not result in personal gain.

### Police culture

There is an extensive literature on the similarities in the organisational cultures of police agencies throughout the world. Cultural traits commonly identified include those of group solidarity, suspicion of outsiders and a code of silence that cocoons information within a unit, station or agency. It is not difficult to see how such an environment might foster and protect corrupt members. Similarly, the very nature of policing through which officers are endowed with immense discretionary power and asked to engage with criminality without close supervision may be conducive to widespread corruption. Considerations of police culture are therefore vital when addressing corruption in police organisations, as is likewise the case when any form of policy change involving the police is contemplated (Skolnick 1976; Reiner 1985; Brogden et al 1988; Manning 1997; Crank 1998).

Since the 1960s, a mostly American and British police literature has debated the issue of police corruption. In 1974, in a ten-year review of the literature, Julian Roebuck and Thomas Barker defined police corruption as 'any type of *proscribed* behaviour engaged in by a law enforcement officer who receives or expects to receive, by virtue of his official position, an actual or potential *unauthorised* material reward or gain' (Roebuck & Barker 1974). In essence little has changed in definitions of police corruption and the forms they take since this definition was put forward. In condensing opinions on the subject during the 1980s and 1990s, Tim Newburn drew up a table outlining the most common forms of police corruption internationally. His research included engagement with the topic in South Africa. The table on page four is an adapted version of this table combined with examples of corruption extracted from the South Africa news media.

Since Roebuck and Barker put forward their definition of police corruption, policing scholars have suggested some minor revisions. One aspect concerns the focus on rewards received for the performance of actions which members are required to carry out as part of their job. An example would be charging a fee for the certification of documents. The actual acts may be legal but the receipt of rewards for carrying them out generally contravenes the police code (Newburn 1999).

Definitions have been broadened to include actions performed in order to garner rewards for a group such as a unit, shift or police agency and need not be in the form of a material gain. Another view is what the literature often refers to as 'noble cause corruption' - corrupt acts performed with supposedly just motives. 'Noble cause corruption' can vary widely. One South African example is that of an SAPS detective who, following the successful arrest of four murder suspects, was arrested for fraud and corruption (Haasbroek 2004). It was alleged that she had shared classified information with her private investigator husband who helped her solve the case. Of greater concern than mere definition in this form of corruption is the ease with which noble acts can easily lead to ignoble acts. This problem becomes clearer when, as alleged

**Table 1: Types of police corruption and examples from the South African media**

Type	Dimensions	Media examples involving SAPS
Corruption of authority	When an officer receives some form of material gain by virtue of their position as a police officer without violating the law <i>per se</i> (for example free drinks, meals, services)	Police all over South Africa are offered informal incentives and rewards by members of the community. A common example would be reduced coffee prices at all-night service stations. Though arguably innocent, such offers encourage a steady police presence in the vicinity of the station
'Kickbacks'	Receipt of goods, services or money for referring business to particular individuals or companies	'Tow truckers bribe cops': Tow truckers pay police and 1011 operators to notify them when accidents are reported on the air or are called in. Operators sometimes contact truckers before calling for ambulances. Police are also paid by truckers to chase rival trucking companies from accident scenes (Rondganger & Louw 2006)
Opportunistic theft	Stealing from arrestees, from traffic accident victims, crime victims and the bodies or property of dead citizens	'Rape case deals police image another blow': A Johannesburg woman alleged that members of the SAPS Narcotics Bureau took R500 and a cellphone after raping and assaulting her during a raid at her home (Sibanda 1998)
'Shakedowns'	Acceptance of a bribe for not following through a criminal violation, that is, not making an arrest, filing a complaint or impounding property	'Young prostitutes and their clients forced to pay police bribes': Sex workers report being beaten, raped and forced to pay bribes to police in order to prevent arrest. A German pedophile allegedly repeatedly paid R1 000 bribes when caught with girls as young as 13 (Maughan 2006)
Protection of illegal activities	Police protection of those engaged in illegal activities (prostitution, drugs, pornography) thus enabling the business to continue operating	'Casino cop lived high on the hog': Head of Durban's Organised Crime unit charged with bribery, theft, fraud and extorting money from illegal casinos in return for not shutting them down (Governder 2001)
'The Fix'	Undermining of criminal investigations or proceedings, or the 'loss' of dockets	'Three policemen in court for corruption and false statements': Three detectives were charged with accepting a bribe, entering false statements and lying under oath to influence the outcome of an investigation (Breytenbach 2006)
Direct criminal activities	A police officer commits a crime against person or property for personal gain 'in clear violation of both departmental and criminal norms'	'Cops "stage" heists': Members of the SAPS and private security companies allegedly hire youths to rob cash vans for them (Nare 2005)
Internal payoffs	Prerogative available to police officers (holidays, shift allocations, promotion) are bought, bartered and sold	'Former officers face probe': Over 100 former Transkei officers questioned over irregularities in promotions during the 1993/94 transition (Sapa, 5 November 1998).
'Flaking' or 'padding'	Planting of or adding to evidence	'Ex-policeman appears over fingerprint fraud': A former policeman was charged with planting fingerprints at crime scenes to solve cases. The man was alleged to plant the prints of people whose prints were already on record with the SAPS (Sapa, 19 October 2001).

Source: Based on Newburn 1999:4

in a 2006 incident, members used force, intimidation and other criminal means to strengthen their cases.<sup>4</sup> Newburn argues that while there can be no fixed definition of police corruption, policy reformers cannot afford to neglect the kind of cases considered above.

In South Africa, Taleh Sayed and David Bruce agree that the effects of corruption cannot be measured or engaged with if the concept is not given a proper definition (Sayed & Bruce 1998). Having considered various arguments, they define police corruption as 'any illegal conduct or misconduct

involving the use of occupational power for personal, group or organisational gain'. By 'illegal' they refer to contraventions of administrative, civil or criminal law. This definition closely links to that of the Prevention and Combating of Corrupt Activities Act (Act 12 of 2004). The SAPS uses the Act in the organisation's definition of police corruption. The Act defines corruption in a broad sense as:

*Any person who, directly or indirectly*

- (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of



- himself or herself or for the benefit of another person; or
- (b) gives or agrees or offers to give another person any gratification, whether for the benefit of that person or for the benefit of any other person, in order to act, personally or by influencing another person to act in a manner
- i. that amounts to the –
    1. illegal, dishonest, unauthorised, incomplete or biased; or
    2. misuse or selling of information or material acquired in the course of the exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;
  - ii. that amounts to –
    1. The abuse of the position of authority;
    2. a breach of trust; or
    3. the violation of legal duty or a set of rules;
  - iii. designed to achieve an unjustified result; or
  - iv. that amounts to any unauthorised or improper inducement to do or not to do anything, is guilty of the offence of corruption.

*Source: Government Gazette, 28 April 2004:8*

The Act broadly defines 'gratification' to include any 'service or favour or advantage of any description'. The definition is thus both verbose and complex. Unless the definitions are made more accessible to police managers, they may be intimidated in implementing the Act as intended. Additionally, police cultures are notoriously secretive and suspicious of changes to their environment. Police cultures are also known to encourage on-the-spot problem solving rather than the rigid application of laws and codes. This applies both to the application of the law on the street as well as within the organisation. Against this background and in terms of behaviour as sensitive as corruption, the new SAPS corruption plan will need to be extremely clear and strategically implemented for it to be effective.

### **Public and Police perceptions of corruption in the SAPS**

In that perceptions govern responses to more objective data, their measurement is valuable (United Nations Office on Drugs and Crime 2004). The SAPS is an organisation operating nationally with over 150 000 members with plans to extend this figure to 180 000 by 2010. Since 2001 Johannesburg, Cape Town, Tshwane, Ekurhuleni and Swartland have established metropolitan police services based on the model of the longer-running Durban Metropolitan Police Service. As such public perceptions of the 'police' do not necessarily refer specifically to the SAPS. The large size of the SAPS also means that it is not an organisation that should be generalised about lightly. Each station will operate differently depending

on the socio-economic, rural/urban, cultural and criminal context in which it is located. Despite these obstacles to the accurate measurement of perceptions relating to the SAPS, it is worth noting the negative view many citizens have of South African police in general.

As already mentioned, a 2006 Afrobarometer survey asking 'how many' of the police, respondents thought were corrupt showed 48% answering 'All of them/Most of them'. This compares to 36% in 2004 and 38% in 2002 (Mattes & Graham 2006). The same survey suggests a correlation between trust in the police and corruption, with 50% of respondents trusting police 'not at all' or 'just a little' in 2006. This intersection can either be interpreted as the effects of bad service delivery resulting in misperceptions of corruption, or accurate perceptions of corruption leading to a lack of trust. Importantly, as Robert Mattes has observed of the data, perceptions of pervasive police corruption are the most negatively influential in eroding public trust in police (Mattes 2006). Based on these findings it would seem that a well-marketed and effectively implemented anti-corruption strategy including publicised results of convictions might improve community/police relations.

Findings from Victim of Crime Surveys may provide a more accurate measure of the presence of certain types of corruption involving the public than do perception surveys. The graph on page six illustrates the prevalence of police involvement in requesting bribes from the public drawn from such a survey. It clearly illustrates that police officials more often request bribes from the public than employees in ten of the twelve public and private sectors listed in the survey. Again; however, the use of the term 'police' does not specifically refer to the SAPS (Burton et al 2004).

David Bruce and Gareth Newham from the Centre for the Study of Violence and Reconciliation (CSVR) have written extensively on this topic in recent years, with most of their work having been conducted in Gauteng. In 2004 CSVR conducted a 21 station survey in the Johannesburg area amongst SAPS members. A summarised breakdown of findings on corruption amongst SAPS members suggested that:

- 92% agreed that police corruption is a serious challenge facing the SAPS
- 54,3% believed corruption had increased in the previous four years while 18.6% said it has stayed the same
- 65,3% believed the SAPS was effectively tackling or preventing corruption
- 70,2% agreed that most members were aware of members involved in corruption
- 68,6% believed most members would not report a member they knew to be corrupt



- 53% agreed that management would support members who reported other corrupt members

Source: Newham 2005

These findings confirm, if only for the area and year concerned, the widely accepted correlation between police agencies, pervasive corruption and a culture of secrecy. Perceptions of increased corruption, anti-corruption measures and management support for these measures are some areas most urgently requiring address by future research.

The United Nations Anti-Corruption toolkit suggests that when studying corruption the most valuable perceptions to measure are those of the individuals within the organisation. Research should focus on the rules and standards of conduct that govern actors, the types of corruption present in an organisation, and employee impressions of what should be done in particular circumstances (United Nations Office on Drugs and Crime 2004). Integrity tests of various kinds have become a popular tool in gauging the integrity of police officials in various countries in recent years. An oft-cited 2003 collection of studies edited by Carl Klockars, Sanja Kutnjak Ivkovic and Maria Haberfeld sought to measure and compare the integrity of police in fourteen countries. Using questionnaires, eleven hypothetical scenarios were presented to members who were asked to judge them on a scale according to how they thought both themselves and their colleagues would view the acts described, what kind of discipline the acts should and would likely result in, the likelihood

of themselves and/or their colleagues reporting the incident and whether the act was a violation of organisational regulations (Klockars et al 2003).

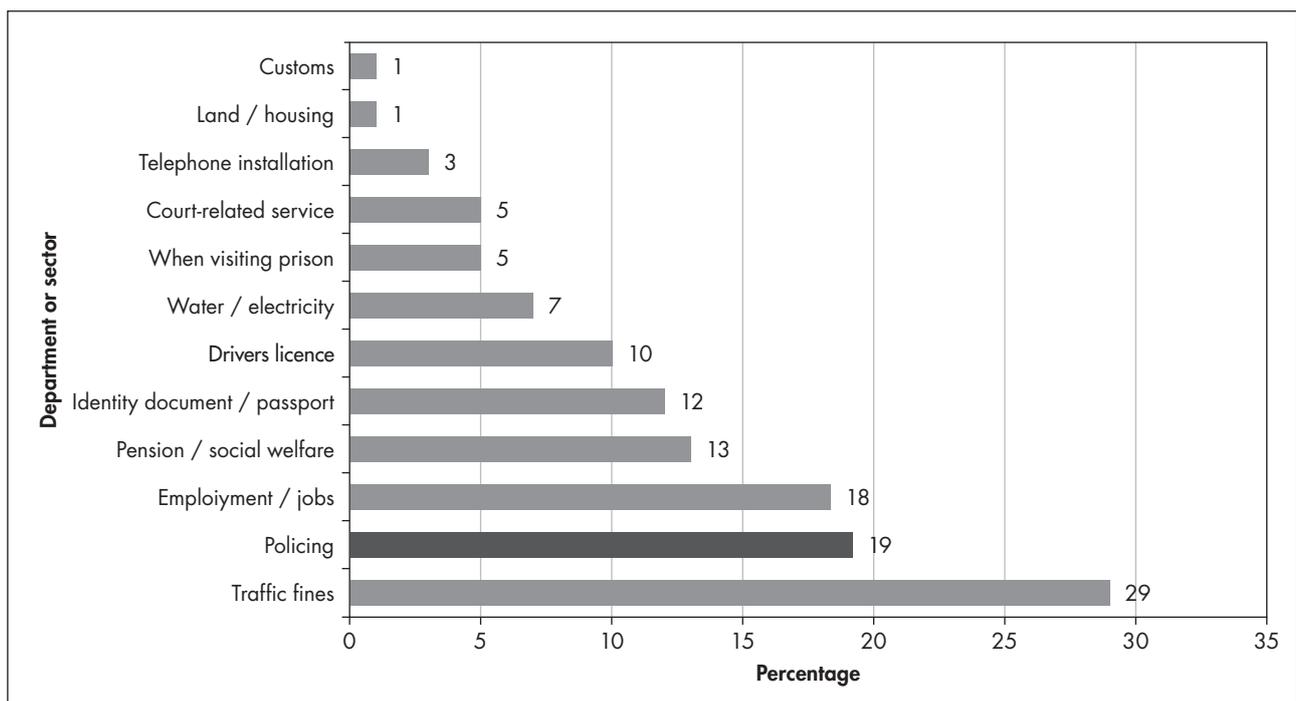
Examples of the hypothetical contexts used in the survey are:

- A member refers owners of damaged cars to an auto-body shop from which s/he receives a 5% commission
- A member finds a wallet containing the equivalent of a full day's pay. S/he hands the wallet in but keeps the cash
- A member discovers a bar open after its closing time. S/he accepts offers of free drinks and lets it stay open

The authors found that the code of silence was so strong in their samples from Pakistan, Croatia, Hungary and Poland that members were unlikely to report any of these incidents to their superiors (Klockars et al 2003). However, the police code of silence was also clearly identifiable in each of the other police organisations sampled. The authors concluded that the seriousness of acts in different countries was directly linked to the perceived punishment attached to them. They further concluded that in the samples from Hungary and Pakistan, where punishment was not severe, the members lacked the ability to distinguish between the seriousness of acts.

The same link between punishment and integrity was found when Gareth Newham of the CSVR replicated

**Graph 1 ISS Victim of Crime Survey 2003: Percentage of those who were asked to pay a bribe in the past year, by department or sector**



Source: Burton et al 2004:115



the study at the Hillbrow SAPS station in Johannesburg in 2001. There, too, results suggested the improbability of members reporting corrupt acts. While the sample is too small for accurate international comparison or national extrapolation, its results are still worth mentioning. Newham noted that there were substantial differences in the responses of police managers and front line members in the survey. Police managers tended to believe that stricter disciplinary measures needed to be adopted while front liners felt the existing measures were adequate. Additionally, members of the station's detective unit thought that there was little chance of being disciplined for instances of misconduct, suggesting a sub-culture within the station in which detectives may have been at greater risk of corruption than others. Newham also found that managers were reluctant to utilise formal disciplinary systems, partly due to a lack of understanding of how they functioned, but partly due to fear of reprisals including physical threats from subordinates. He concluded that more effective systems were needed to control the abuse of police power, and that an attempt should be made to change the cultural environment at the station (Newham 2001).

All of these findings suggest an important link between corruption and punitive responses to corrupt acts that warrant further study in the SAPS. Furthermore, considering the ignorance of anti-corruption strategies at the twelve stations contacted for this paper, it can tentatively be hypothesised that members are not afraid of punishment linked to corruption because they are not overtly aware of it. This hypothesis requires further testing.

### **Causes of SAPS corruption**

Police literature suggests a number of organisational factors that create an atmosphere prone to corruption. These include the low managerial and public visibility of front line members, the stress of the job, peer group secrecy and a mandate to engage with criminality on a daily basis (Newburn 1999). Context-specific factors include community structure, organisational corruption controls and police cynicism. Some believe that middle-aged police officials are more likely than others to lose focus and lean towards corruption as the ethics and goals they may have had as new recruits are eroded (Perry 2001). Affirmative action as well as race and gender exclusion in the SAPS threaten to play into this loss of morale. As one Xhosa-speaking constable in a predominantly Afrikaans-speaking town lamented, 'Send me to home where I can work with people who I can understand,' while his coloured and white colleagues complained that 'Blacks get all the nice jobs' (Faull 2006).

Research suggests that far more people are affected by the *fear* of affirmative action than are negatively harmed by it (Hochschild 1997). Nevertheless, the risk exists that affirmative action policy and 'a victim of racism-related cynicism' accelerate a loss of career goals for some SAPS members. These issues touch on matters far removed from any single anti-corruption policy and require serious engagement with diversity, transformation and equity issues in the organisation.

In South Africa both public and organisational discourses around police corruption have tended towards over-simplification, revolving around one of three themes: the 'rotten apple' theory, salary levels, and the 'corrupting public'.

### ***The rotten apple***

This theory argues that the actions of a small number of individuals tarnish the reputation of an entire organisation. The notion has been disproved in numerous instances around the world and is generally countered through reference to the organisational factors listed above which make police organisations prone to corruption. In South Africa it is countered by research such as the CSVR Johannesburg Area Study referred to above, which suggests that SAPS corruption is widespread, widely acknowledged within the organisation but seldom acted upon. As one SAPS member put it to a reporter, 'Corruption is rife. Do not let anyone tell you it is not' (Correspondent 2000).

### ***Salary levels***

Both members of the public and of the SAPS have made frequent reference to low salary levels as the cause of police corruption. In 2000 a police sergeant wrote to a daily newspaper stating that '[Corruption] is caused by the meagre salary earned by members. For the government to prevent this, officials should be paid a satisfactory salary ... [I]f you own a dog and it is always chained and doesn't get enough food, only complaints from people around, the dog is going to feed itself from their rubbish bins and their chicken eggs as well as the chickens themselves' (Mtshawe 2000). Responding to the prevalence of this discourse in 2001 a Police and Prison Civil Rights Union (Popcru) spokesperson declared that 'a low salary is no excuse for wrongdoing nor is it a mandate for corruption' (Molakeng 2001). A significant effort has been made at improving the salaries of SAPS members since 1994. Between 1995 and 2001 average SAPS remunerations grew by 12,5% a year compared with inflation of 6,5% (Altbeker 2001). In 2004 the SAPS introduced a plan to increase

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salaries and performance bonuses regularly. The plan guarantees functional members a performance-bonus additional to the annual public service wage increase, and paid specialist members a once-off R30 000 to remain in the SAPS for at least six years. Based on a new agreement, salaries are set to increase by 34% between 2006 and 2009 (Bruce et al 2007).

Table 2 below compares SAPS salaries with those of Fire Fighters, Teachers and Staff Nurses. In reading the table it is worth noting some basic entry requirements for positions and scales quoted:

- Fire fighters: Grade 10, Code 8 license, ongoing on the job training
- Teachers: Matric and three-year tertiary qualification
- Staff or enrolled nurse: Matric and two years of college training
- SAPS: Matric, Code 8 license, fluency in two national languages, one year of minimally salaried college and field training (and a second year of performance evaluation on salary level three)

While it is difficult to draw direct comparisons across these fields, it is clear that SAPS members are relatively well remunerated in comparison to professionals working in comparable service fields. In addition to basic salaries SAPS members may be provided with danger pay, clothing and housing allowances and medical aid, depending on their positions.

The example of nurses is perhaps starkest in the table below where, despite the very similar qualification requirements, staff and enrolled nurses receive 25%-65% lower wages than SAPS members, with little comparable room for advancement without further study. The difference in terms of corruption is of course that nurses, fire fighters and teachers do not have the same kind of discretionary powers, or opportunities to abuse those powers, that police members have. The danger with the monetary discourse is that its perpetuation is likely to result in greater acceptance and buy-in from both the public and police. Acceptance and normalisation of police corruption then become more likely. It should, however, be recognised that higher salaries in any of these vital services would likely make them more desirable and respected professions and

contribute to the sustenance of integrity and dedication among employees.

### ***The 'corrupting' public***

Another common theme in South Africa is that the public make police corrupt. In 2002 the *Star* reported that 'Gauteng's Provincial Commissioner Permula Naidoo ... stressed that the public was more often to blame for offering money and valuables to poorly paid police officers' (Gifford 2002). Similarly, in 2004 Gauteng's MEC for community safety, Firoz Cachalia, stated that 'Corrupt officers are corrupted by members of the community who are always willing to pay bribes' (Fuphe 2004).

This argument is dangerous and only valid in as much as members of 'the public' are not seen as criminals. While terms like 'the public' may not sound far-fetched when relating to motorists paying their way out of speeding fines, terms like 'criminals' (though still members of the public) seem better suited, and put the onus back on the SAPS member, especially when referring to gang relationships with corrupt police and other illicit activities. Members of the public involved in police corruption of any kind are engaging in criminal behaviour and should be labelled accordingly. The subtle discursive shift goes a long way in terms of changing the understanding of the transaction.

While not without their merits, all three discourses oversimplify matters and reduce corruption to material gain and interactions between the public and police. They also provide police with a means to justify corrupt behaviour and assume a victim position in a debate.

Regardless of the forces that might make SAPS members more likely to commit corrupt acts than police elsewhere, the long and short of it is that the SAPS has since 2002 lacked an applied corruption fighting strategy. This begs the question: How much political will exists in the organisation, and government in general, to curb this scourge?

### **Fighting corruption in the SAPS**

According to former ACU commander Stef Grobler, 'Before 1994 [fighting police corruption] was a

**Table 2: SAPS salaries versus those of teachers, nurses and fire fighters**

Salary level in terms of years service/rank	Fire fighters (2007)	Teachers (2006)	Staff nurse (2005)	SAPS <sup>5</sup> (2006)
1-6 years	R64 547 – R70 188	R79 914 – R83 988	R49 227 – R51 738	R70 995 – R86 376
6-9 years	R92 025 – R104 189	R84 831 – R86 538	R52 257 – R54 921	R89 832 – R109 293
9-15 years	R106 829 – R117 895	R87 399 – R91 863	R55 470 – R56 583	R113 664 – R138 291

Sources: (a) Faull, 28 March 2007; (b) Revised teacher scales effective July 2006; (c) Public Service salary scales for nurses 2002-2005; (d) SAPS salary scales 2006.

shambles. Where investigations of corrupt cops were carried out, these were just done as part of general police work. Corruption was seen as an isolated occurrence' (Randall 1998). When the ACU came into existence in 1996, its mandate was to investigate cases deemed 'serious offences' by the national and provincial anti-corruption commanders. While most cases involved SAPS members, prosecutors and judges were also investigated. The ACU was also required to implement an anti-corruption awareness programme in the SAPS, develop an information system to support its work, and coordinate all anti-corruption investigations in the organisation. Members were carefully picked in order to meet strict profile requirements (Public Service Commission 2001). Joining the ACU was seen as a life-long decision. Members involved in the investigation of other SAPS members were not welcomed back into conventional police ranks by colleagues. This phenomenon is not unique to the SAPS. For understandable reasons it is found quite widely in other countries.

ACU members thus found themselves in a difficult position when, in 2000/01, 60% of the unit's offices were closed down. At the end of 2002 the National Commissioner decided to shut down all remaining offices. It was said that the functions of the ACU fell within the sphere of Organised Crime (OC) and the investigation of corruption should thus be situated within that unit (SAPS 2005b). This step would allow for a pooling of resources resulting in more efficient investigations, according to a senior police spokesperson, Director P. Setati. He also controversially stated that 'The investigation of corruption is the duty of each and every member of the service and not a certain sector of the South African Police Service' (Jurgens 2002). While perhaps an organisational ideal, Setati's statement contradicts almost everything that is known about police culture, its brotherhood of silence, and insider allegiances. Furthermore, the SAPS defended the disbandment of the unit with the debatable argument that there was a 'need to focus

on corrupt, [sic] police officials involved in organised crime as opposed to general incidents of corruption' (SAPS 2005b:1). While there is no doubt a need to focus on police involvement in organised crime, it seems counter-productive to then ignore general SAPS corruption which is both damaging to the organisation's image and can itself groom a member for involvement in organised crime.

Moving ACU members into OC units was further complicated by the fact that the ACU had been involved in a number of corruption cases involving OC members, and that OC members were among those most often investigated (Faull, 8 March 2007). The irony of the situation was aptly illustrated by a guilty corruption verdict against the former head of KwaZulu-Natal's OC unit handed down in the final months of the ACU's existence (Broughtton 2002).

Other reasons suggested for the closure of the ACU included its high public profile, including a website boasting corruption-busting statistics (the ACU's right to keep and produce its own statistics was withdrawn in 2000), and lack of transformation and accountability in the unit (Faull, 25 October 2006; Faull, 8 March 2007; Van Vuuren, 18 November 2002).

The move was widely questioned by civil society organisations and SAPS members alike. In that it was instigated by the National Commissioner himself and was negotiated behind closed doors, the actual motives for the closure of the Unit remain a mystery, unless the official statements emanating from SAPS spokespeople are to be believed. In its six years the ACU investigated over 6000 members resulting in more than 700 criminal convictions.

Comparisons with more recent data are difficult in that the SAPS has twice changed the manner in which it reports corruption-related statistics since the closure of the ACU. Prior to 2002 statistics were listed by enquiries received, members arrested or

**Table 3: SAPS corruption data, 1996-2005**

Year	Number of reports received	Number of arrests/charges	Number of convictions	'Corruption related' suspensions with pay <sup>6</sup>	'Corruption related' suspensions without pay
1996	2 300	249	30	-	-
1997	3 108	429	78	-	-
1998	3 779	475	128	-	-
1999	4 618	844	147	-	-
2000	6 974	1 048	193	-	-
2001	4 275	592	138	-	-
2001/02	2 370	1 332	-	39 <sup>7</sup>	833
2003	-	-	-	37 (9)	310 (101)
2004	-	-	-	48 (13)	413 (164)
2005	-	-	-	56 (13)	473 (220)

Sources: SAPS Annual Report 2000/01, 2001/02, 2002/03, 2003/04,



charged, and convictions for corruption. The 2002 annual report conflates figures for 2001/02, as well as the categories into which offences and outcomes are classified, rendering the data ambiguous. From 2003 only 'corruption-related' *suspensions* with and without pay are listed. No mention is made of the outcomes of criminal cases. Table 3 lists corruption-related data as communicated in SAPS annual reports. Columns marked with an '-' reflect an absence of data for specific years.

Graph 2 visually represents the manner in which the SAPS reported the outcomes of corruption-related cases from 1996 to 2006. Importantly, as mentioned, figures from 1996 to 2001 represent actual criminal convictions while those from 2003 onwards represent only departmental suspensions. In that comparative suspension data is unavailable from before 2003, comparisons of the two periods are difficult. Comparative challenges are further compounded by difference in which 'corruption' and 'corruption-related' offences are now defined, whereas the ACU presented figures for 'corruption' only. While the new approach of the SAPS to reporting relevant data presents a picture in which disciplinary figures are higher than those during the period of the ACU, the fact remains that they relate only to *suspensions* and not convictions. Owing to the ambiguity of data for 2002, this year has been left out in the graph.

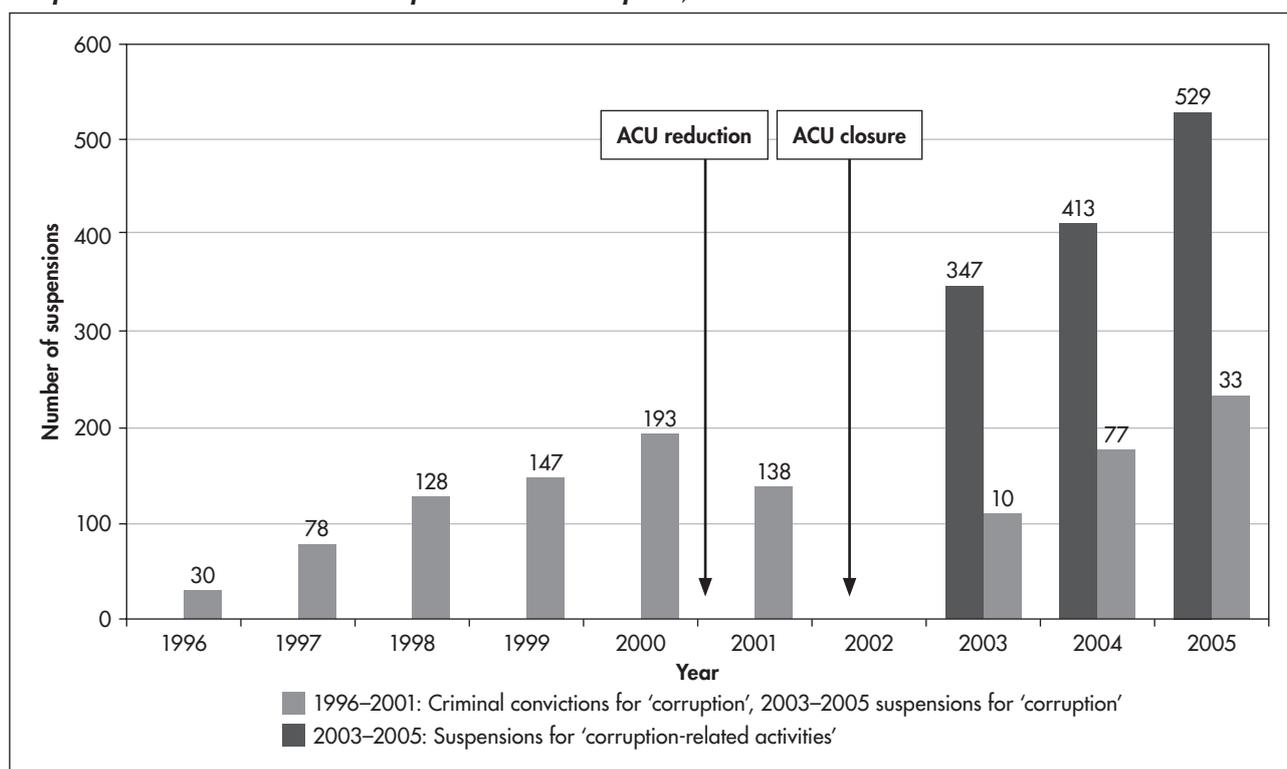
When the ACU was absorbed into OC at the end of 2002, the SAPS annual report for 2002/03 focused on the SIS as its response to corruption. Although

only tabled in parliament in 2001, annual reports combined a mixture of present and future tenses to give the impression of a strategy both developing and actively fighting corruption. In reality, while policy formulation had been quite detailed, the strategy itself never reached an implementation phase. According to SAPS Strategic Management, the fact that it had been developed in isolation from anti-corruption legislation and other SAPS departments resulted in a breakdown in the implementation phase. The document was compiled at a national level and disseminated to provinces where it was ignored (Faull, 25 October 2006). This sequence strongly suggests that there was a lack of political will in the provinces to implement the policy, and the situation was echoed when very few provinces and divisions made functionaries available for national workshops intended to reformulate the SIS into the CFPS in 2005 and 2006 (Faull, 4 April 2007).

In 2001 the Chapter of Transparency International in the Czech Republic conducted a comparative study of anti-corruption measures implemented in police agencies in twenty-five countries, including South Africa, the findings of which are worth mentioning (Fric & Walek 2001).

A synopsis shows that most anti-corruption measures in countries surveyed were implemented from 1990 onwards. The SAPS then was not far behind in announcing its war on corruption in 1996. The review also found a clear correlation between levels of corruption and the anti-corruption mechanisms

**Graph 2: SAPS convictions and suspensions for corruption, 1996-2005**



Sources: SAPS Annual Report 2000/01, 2001/02, 2002/03, 2003/04, 2004/05



employed by agencies. Countries like South Africa that exhibited apparent high and rising levels of corruption tended not to be implementing anti-corruption strategies effectively. Effective strategies consisted of numerous complementary measures implemented consistently over time. In-depth, timely preparations prior to the introduction of strategies brought positive results. This outcome applied both to preparing police agencies and the public for the introduction of the strategies.

Countries with the best record of combating police corruption tended to employ a combination of support to leadership and front line managers, a code of ethical behaviour, anti-corruption education, targeted recruitment strategies, progressive development,

proactive investigation of suspect officers and support for whistleblowers. A consolidation by the review of anti-corruption measures in use in the countries surveyed is illustrated in Table 4 below.

The fact that a particular province, SAPS station, or cluster of stations, has at one or other time implemented these strategies does not mean they have been implemented nationally, or that they have been applied effectively. While the 'Code of Conduct' applies to all SAPS members, it is an example of an anti-corruption strategy that is easily ignored at station level unless monitored by management. Additionally measures described here are broad and can be interpreted and applied in numerous ways.

**Table 4: Police Anti-Corruption Measures**

Preventative measures	SAPS	Repressive measures	SAPS
Introduction of stricter recruitment criteria	No	The introduction of stricter punishments for corrupt behaviour	Yes
The drafting and introduction of a Police Code of Ethics	Yes	The introduction of a separate body to combat corruption in the police	Yes
The introduction of compulsory training to improve the legal awareness of members of the police	No	The introduction of an independent monitoring and/or controlling body independent of the police and the Ministry of Interior	Yes
The permanent integrity testing of members of the Police	No	The introduction of improved methods of supervising police activities	Yes
The introduction of a system to routinely inform members of the police about crimes committed by the colleagues	Yes	The introduction of corrupt behaviour indicators (an expensive life-style, indebtedness, complaints, etc) and the creation of an early warning system	No
The introduction of non-cash payments by violators <sup>8</sup>	No	The introduction of an 'agent provocateur' <sup>9</sup>	Yes
The introduction of a more unequivocal and exact list of fines	No	The introduction of benefits for those who apprehend violators attempting to offer a bribe	Yes
The introduction of more transparent and simple norms regulating the activities of the police	Yes	The concealment of the true identity of members of inspection and audit bodies, possibly their service cars <sup>10</sup>	Yes
The prohibition of involvement of members of the police in the security related business activities of their family members and friends	Yes	The introduction of a camera system within the police	No
The prohibition of the involvement of spouses and other family members of members of the police in any business closely related to police work	Yes	The granting of stronger powers to audit bodies (access to the bank statements of members of the police, their family members, etc)	No

Source: Frik and Walek 2001:15



In perhaps the most extensive study of SAPS criminality to date, Elizabeth Grobler asks how it is that a police service can, in a country with crime levels as high as South Africa, lack any meaningful crime controls or strategies. In her 2005 PhD dissertation, based on a thorough literature review and interviews with SAPS members and offenders as well as experts in the field, she asks how it can be that there is 'no leadership' on such an important issue within the organisation (Grobler 2005). Hopefully the moves the SAPS is beginning to make in 2007 indicate a change in this regard.

### External oversight bodies

Considering the culture of silence among police organisations, oversight bodies can go a long way towards ensuring the implementation of both external and organisational structures. The SAPS Act of 1995 on which most SAPS and metropolitan police legislation is based allows for a varied and substantial array of civilian oversight of both national and metropolitan police organisations. Civilians are appointed to the posts of national and provincial secretariats for safety and security. Their task is to report to national and provincial ministers on issues of accountability and transparency in the police. A 2005 AfriMAP and Open Society Foundation (OSF) review of the South African Justice Sector and its oversight structures found that the power of the secretariats had diminished since 1999 when some functions were transferred to the SAPS (AfriMAP & Open Society Foundation 2005).

The 1995 SAPS Act also requires each station to have a Community Police Forum (CPF). The aim with the establishment of CPFs was to open channels of communication with the communities which stations serve. They are also intended to provide structures through which community members can report police misconduct, provide oversight and forge relationships with management. Another 2005 OSF report on police oversight in South Africa found that CPFs did not perform their oversight function (Open Society Foundation & the Open Society Justice Initiative 2005).

Perhaps the most important structure developed under the SAPS Act is the Independent Complaints Directorate (ICD). The ICD is mandated to investigate public complaints of misconduct by the SAPS and the metropolitan police agencies. It also investigates all deaths in police custody and resulting from police action. The ICD is independent but located in the Ministry of Safety and Security. The head is appointed by the minister and approved by the parliamentary standing committee.

In 2004 the ICD created the Anti-Corruption Command (ACC) to investigate serious and high profile cases as a response to the closure by the SAPS of the ACU. While in principle the ACC is a great idea, the current reality is that it is hopelessly understaffed and under-resourced. The unit currently has a dedicated staff of only *three* investigators for the whole country compared to the 250 members previously employed by the ACU. Most cases are referred to the ACC by the Public Service Commission whereas the ideal would be for the SAPS and public to be requesting investigations of police members (Faull, 10 March 2007). Some believe that the SAPS should, as in the case of deaths in custody, be compelled to report all cases of corruption to the ICD. While this might be ideal, it is clear that the ICD is in no state to handle such a potentially large caseload. Both the under-resourcing of the ACC and the SAPS's scant engagement with the unit once again suggest a lack of political will around the issue.

As with SAPS Annual Reports, it could be argued that the ICD, in its own reports, is not very specific in categorising the complaints lodged with it. With regards to reporting corruption additional ambiguity exists. This ambiguity results from the use of categories which might otherwise be considered to overlap, including 'corruption', 'abuse of power' and 'extortion'. For the ICD, 'corruption' refers to abuse of power for personal gain while 'abuse of power' refers to abuse which might not result in personal gain. 'Extortion' relates to the coercion by one person of another in order that the other may feel compelled to provide the extorter with an advantage or benefit which he or she might not otherwise have given' (Faull, 17 April 2007).

The ICD's Anti-Corruption Command has only three investigators for the whole country compared with the 250 previously assigned to the ACU

The ICD reports that most of the complaints it receives generally pertain to poor service delivery and fall outside its mandate. While the ICD is mandated to investigate both the SAPS and Metro police, almost all non-death related complaints it receives are directed at the SAPS. Table 5 on page 12 lists those corruption complaints lodged with the ICD between 1997/98 and 2005/06. Importantly, ICD reports do not specify how many corruption cases are actually investigated. Preliminary investigations are conducted for 'most' cases that the ICD receives, after which a decision is made whether to continue investigating independently or to hand the case over to the SAPS (Faull, 17 April 2007).

It is interesting to note the fluctuation in the percentage of corruption-related complaints. This percentage decreases steadily during the years of the ACU, then surges following the closure of the Unit. This might



**Table 5: Corruption-related complaints lodged with the ICD, 1997-2006**

Year	Corruption	Abuse of power	Extortion	All complaints	Corruption-related complaints as percentage of all complaints
1997/98	40	48	2	1,999	4,5%
1998/99	45	44	0	2,873	3,1%
1999/2000	62	42	7	4,380	2,5%
2000/01	36	23	5	5,225	1,2%
2001/02	30	40	3	5,675	1,3%
2002/03	106 (6 categories)	70	0	4,443	4,0%
2003/04	126	130	3	5,882	4,4%
2004/05	140	154	7	5,790	5,2%
2005/06	127 (76 of which are 'serious corruption')	89	5	5,119	4,3%

Source: ICD Annual Report 1997/98, 1998/99, 1999/2000, 2000/01, 2001/02, 2002/03, 2003/04, 2004/05, 2005/06

indicate some of the additional pressure placed on the ICD in the void left by the ACU's closure.

Overall, the steady quantitative rise in complaints is likely to have more to do with increased public awareness of the ICD than with a proportional rise in police misconduct. It is clear from this breakdown that complaints and investigations relating to corruption make up only a small percentage of ICD work. This dearth of reporting on the matter might mistakenly be interpreted as an indicator that corruption is not as widespread as perceived. The 2003 ISS Victim of Crime Survey and the CSVR Johannesburg Area Transformation Survey (Newham 2005) suggest otherwise. ICD figures thus hint at a weak anti-police corruption culture in the country. As with general criminal behaviour, the police cannot take action in the absence of public reports and complaints. The same applies in many cases of police corruption.

Taking into account South Africa's 'holistic' oversight structures, the Open Society & Open Society Justice Initiative (2005) report pointed out the following weaknesses:

- Ambiguous legislation
- Oversight personnel unclear of their roles
- Lack of human and material resources for oversight structures
- Lack of feedback between the National Prosecuting Authority and the ICD
- ICD reference of many cases to the SAPS who are not obliged to report back to the ICD
- Weak information management, analysis and dissemination between agencies
- No single database of complaints
- CPFs do not perform oversight functions
- Quantitative monitoring of police remains undeveloped

Each of these findings to some extent suggests a lack of political will on the part of the powers that be to ensure the effective functioning of oversight structures.

### Corruption and Fraud Prevention Strategy and Plan

Since 2005, SAPS annual reports have referred to the Corruption and Fraud Prevention Strategy (CFPS) as the mechanism being developed and used to counter corruption. In early 2007 the Strategy became publicly available for the first time from the website of the Department of Public Service and Administration, but received no public comment. The form in which the CFPS appeared on the site was dense and difficult to understand without the guidance of the Strategy's developers. The Strategy has since been re-worked into a more accessible version, which is yet to be disseminated within the organisation or made public. While for this reason it is not possible to make direct reference to the forthcoming Corruption and Fraud Prevention *Plan* (CFPP), it is possible to extrapolate from the *Strategy* with the safe assumption that the core principles remain the same for the *Plan*.

Deadlines for CFPS deliverables were due to begin in March 2007. At this stage, although a final version of what has now become a *Plan* has yet to leave the National Office. In July 2007 SAPS provinces, divisions and selected station commissioners met with the intention of identifying corruption and fraud-related risks and control measures with a focus on the station level. Decisions made at that meeting will be used to finalise the CFPP and develop a risk register on corruption and fraud for the SAPS. This will be managed in conjunction with the rollout of the CFPP.

The hope was that the CFPS would be in operation by 2008 or 2009. Meeting this deadline depends on the completion and implementation of the Risk Management Strategy (RMS) and the supporting Implementation Plan with which the Strategy, and thus the Corruption and Fraud Prevention Plan, is closely aligned. The RMS aims to establish enterprise-wide risk management in the SAPS, including addressing corruption and fraud. It further seeks to identify control



measures required for the implementation of policy instruments. Through the RMS risk stations will be identified at which actions needs to be taken. The RMS will utilise existing intelligence gathering mechanisms and rely on the upward flow of accurately reported risk incidences. For this reason the development of a new information management system has been prioritised. Risk assessments will target the 169 high contact crime stations throughout the country, as well as all National and Provincial Divisions.

It is likely that the CFPP will be based on the 'four pillars' principle outlined in the CFPS: Prevention, Detection, Investigation and Restoration. However, where the CFPS proposed to keep each section separate with tasks assigned to different components of the organisation, the CFPP will integrate them. This will allow single initiatives to address more than one pillar at a time and avoid duplication by different components. The following are some of the goals of the pillars as presented in the CFPS.

### Prevention

The SAPS already has a Code of Ethics and is guided by the principles of *Batho Pele* (People First) which are supposed to apply to the civil service as a whole. The organisation aims to revisit these principles at station level where stations will develop their own service charters that incorporate *Batho Pele* and the needs of specific areas and communities. The revised Code of Ethics will involve the development of a system of values to which a disciplinary system will be directly linked, promoting adherence. Such a move seems pertinent considering the *Thin Blue Line* (Fric & Walek 2001) and *Contours of Integrity* (Klockars et al 2003) reports that link the successful fighting of police corruption with clear and strict disciplinary measures. It is not clear whether these customised codes will be open to revision over time though this would be in line with the vision of community-centric ethics.

In 1973 the Hong Kong police force began its transformation from one of the most corrupt to one of the cleanest police organisations in the world. At its core the strategy employed was three-pronged and involved enforcement, prevention and education. While the SAPS might be able to make a case for having employed their own enforcement and prevention strategies, little has been done in the past in terms of education, either within the organisation or in public.

As regards education, recruitment and training are generally considered two of the most basic anti-corruption measures available to police (Fric & Walek

2001). The SAPS does not currently have any training in place to dissuade members from entering into corrupt activities. New Anti-Corruption training outlined in the CFPS will target recruits, educating them on the classification, consequences and reporting mechanisms relating to corruption. Members being promoted will attend refresher courses in this regard. Specialised units will receive corruption investigation training.

Additionally, as in Hong Kong where public education through various means, was instrumental in soliciting public buy-in against police corruption, the SAPS plans to develop a Communication Plan on Corruption and Fraud. Although not yet fully conceptualised, the communication strategy may involve marketing in mainstream media, much like Telkom's televised anti-cable theft campaign. Interviewed shortly before the closure of the old ACU, unit commander Stef Grobler noted that public education around police corruption was an issue that sorely needed addressing in South Africa (Van Vuuren, 18 November 2002). What the SAPS are cautious of is marketing a system without being equipped to manage the response. Marketing

is thus likely to be proportionate to the confidence of the SAPS in their structures and an indicator that the organisation has already made progress in this area. In its most basic form the plan aims to market the National Anti-corruption forum, the Public Service Commission's anti-corruption hotline, and the policies and procedures relevant to combating police corruption. Naturally, the SAPS also plan to communicate all new developments to members in the Service through presentations, the media and the provision of guidelines.

An integrity testing component is also set to be worked into the prevention strategy. Integrity climate surveys such as those discussed earlier in this paper may be conducted on a one-off basis. However, the SAPS is also likely to introduce integrity tests of the undercover nature whereby agents test member integrity by providing opportunities to engage in corrupt behaviour, as well as polygraph testing.

Additionally the SAPS plans to develop new whistle blowing, case referral, corruption and fraud prevention, and investigation of corruption and fraud policies.

### Detection

The Risk Management Strategy (RMS) already being rolled out will probably be linked closely to the detection of corruption. In addition to targeting high contact stations, the SAPS will use the risk assessments to focus its audits and evaluations. These are likely to be used to facilitate the conducting of internal

## Public education around police corruption is an issue requiring urgent attention in South Africa

audits and evaluations at high risk stations and to develop an information framework on corruption and fraud. In that the RMS will utilise current information gathering channels its success will largely rely on the improvement of corruption reporting mechanisms. Such reporting would specifically relate to provisions that encourage both the public and members to speak out. One initiative in this regard is the possibility of offering rewards to police members who report corruption, something the SAPS is considering.

Currently all provincial and divisional offices are required to conduct their own risk assessments, after which requests for additional assessment and intervention advice can be requested from the National Office. Challenges currently facing the SAPS in this regard are a lack of human resources to oversee external risk assessments, and an absence of ready-developed control mechanisms to roll out in response to offices, stations and divisions at risk.

New detection measures will intersect with prevention measures in the form of the already mentioned plans for recruitment and curricula changes, as well as specialised training around the detection of corruption.

## Investigation

Perhaps one of the more controversial aspects of the SAPS new approach to corruption is that of investigation. Despite the previous successes of the very public Anti-Corruption Unit and the media furore over allegations of corruption involving the National Commissioner, and the fact that members of Organised Crime units are potentially at greater risk of corruption than station level members, the SAPS looks set to maintain its current corruption investigation structure. In other words, station level and minor corruption will be investigated by station level detectives (though not from the station at which the corruption is alleged to exist), while more serious cases and those of an organised criminal nature will be addressed by Organised Crime units. Additionally, provincial management will remain at liberty to set up task teams for particular cases while Commercial Crime units can be assigned to cases involving R100 000 or more of fraud or corruption. These specialised units will receive additional training based on the new corruption investigation curricula being developed.

The CFPS made mention of encouraging inter-agency cooperation in the investigation of corruption. In the light of tensions between the National Prosecuting Authority (NPA), the Directorate of Special Operations (the Scorpions) and the SAPS in relation to media

allegations that the NPA was investigating the National Commissioner, together with doubts about the constitutionality of the Scorpions, it will be interesting to observe whether the SAPS actively pursues such cooperation.

One exciting possibility listed in the CFPS's investigation programme is that of introducing corruption courts to accelerate the completion of relevant cases. The introduction of such structures would surely send a positive message to the public and serve as a warning to members that the SAPS will not tolerate corruption in its ranks.

## Restoration

The restoration component of the CFPS, and also likely of the *Plan*, refers to developing corruption and fraud prevention control mechanisms and the regular assessment thereof. These proposals will include the abandonment of current measures considered ineffectual, the training of 'disciplinary officers' in discipline management, and prioritising backlogs in departmental cases.

It is important to be aware that the new initiatives from the SAPS will operate on both a macro and micro scale. Macro elements will involve changes in policy, systems and structures that will be rolled out throughout the organisation. In addition to national changes, a pool of initiatives and strategies will exist which can be drawn on to develop customised interventions at a micro level for problem stations.

The SAPS plans to measure the success of its new initiatives through monitoring the numbers of corruption and fraud cases referred to courts, the number of departmental actions taken, suspensions, guilty verdicts and discharges of SAPS members. For these data to indicate a measure of true success will require first a significant increase, followed in a number of years by a significant decrease, in the numbers of cases, actions, suspensions, guilty verdicts and discharges. Only this type of numerical trend would demonstrate aggressive organisational action against members resulting in significant oversight, control, behaviour and cultural changes within the organisation.

Overall, the Corruption and Fraud Prevention Strategy released earlier this year included in its plan the formulation of numerous supporting policies. In other words, it would seem that both the technical theory *and* the practical mechanisms to regulate corruption are still some way from full development and thus from full application within the SAPS. The organisation currently only has one full-time member working on

The SAPS has only one full-time member working on an anti-corruption strategy that has been five years in the making

the development of new anti-corruption measures, with a handful of support staff helping him. While these members are driven, motivated and dedicated to the task at hand, larger questions of political will are once again raised when considering that so few staff have been assigned to a project that has effectively taken five years to develop, and which is still developing. If more hands were dedicated to this task, the SAPS could potentially begin engaging the public on its project. In so doing it would hugely improve public faith in, and thus the effectiveness of, the organisation.

### Methodologies for further research of police corruption

Corruption by its nature is difficult to research. If it were not so, it would be easier to manage and curb. The manager's debacle is also the qualitative researcher's, with the insider/outsider pros and cons reversed. As an outsider the researcher may struggle to win the trust of respondents. Conversely promises of anonymity and ethics contracts may provide a researcher with a window shuttered out of managements' view.

Scholars of police culture claim that there are unique challenges in researching their subjects. Most focus around accessing what Peter Manning calls the 'back stage' of policing (Manning 1997). Police officers are directly and indirectly taught impression management, to fit appropriate appearances to each public encounter (Brogden et al 1988). The same applies to the research environment in which false impressions are easily presented. The challenge to the researcher is to gain enough police trust to move beyond this front, a challenge further complicated when the research topic is corruption.<sup>11</sup> Honest in-depth testimonies from active members would provide the ideal foundation on which to build reliable research.

Numerous methodologies have been used to study police corruption here and abroad. These include long-term participant observation, in-depth interviews with numerous stakeholders including police convicted of corruption, active police, members of the public, reporters, prosecutors, anti-corruption investigators and members of police oversight bodies. Also important is documentary analysis of case dockets, police statistics, annual reports, orders, policies, memos, newspapers, citizen complaints and departmental files (Sherman 1978). Similarly the United Nations Anti-Corruption toolkit suggests the following sources in the study of organisational corruption:

- The analysis of academic, media, government and other reports
- Surveys and focus groups on perceptions of corruption (to aid in identifying causes and solutions, for example a focus group with judges or ICD investigators)

- Interviews with those involved in corruption with a focus on understanding the relationships that allow for its presence
- Field observation
- Assessment of legal and other provisions, codes and policies relating to corruption with a focus on comparisons with other agencies in order to identify gaps

Since police corruption manifests in similar ways the world over, it could be argued that a major study of corruption in the SAPS is not necessary. While the former may be true, and while the SAPS may possess its own data on corruption in its ranks, little is available to the public. As illustrated, both ICD and SAPS reports present only very shallow data on the subject. Furthermore police organisations are notorious for presenting information in reports that are unreflective of organisational reality. This is evidenced by manner in which the SIS and CFPS have been reported on over the past five years. Research that clarified these issues would be useful.

Corrupt station	Clean station
Corrupt post-scandal and reform	Corrupt pre-scandal and reform
Rural station	Urban station

Any research involving the SAPS must stress context so as not to over-simplify the state of the organisation. Large scale research attempting to generalise about the SAPS would ideally involve case studies comparing each of the following dichotomies:

These studies could be combined to produce further variables, for example, a corrupt-rural station versus a clean-rural station. The manifestation and effects of corruption are likely to be different in each case. Additionally it would be useful to replicate the model in the study of a specialised unit, although these are largely being disbanded with the current restructuring of the SAPS.

Provincial comparisons could also be undertaken. For instance, the Western Cape SAPS claim to be taking a 'zero tolerance' stand against corruption. Even if not a focus of the studies, quantitative inter-provincial comparative data would be useful. These could be gathered through surveys with representative samples of the rural and urban stations of selected provinces.

Quantitative assessments could involve both integrity-testing as embodied in the work of Klockars et al and perception surveys such as those conducted by CSV. These data, correlated with media reports pertaining to surveyed areas, would put researchers and SAPS management in a strong position to select valid subject stations. Once stations are identified, the qualitative



measures listed above could be implemented, possibly including spells of participant observation. Key sources of data would include front-line members, management, members of CPFs and any external role players involved in investigations or disciplinary actions carried out at subject stations. Additional sources would be career files, court dockets, prosecutors, judges, and ex-members dismissed on corruption charges.

Measuring the absolute impact of corruption on service delivery is probably impossible. Informed speculation, contextualised at various levels and departments, is however possible. Questions put to members on the effect of corruption on delivery are likely to be among the most valuable. Interviews with members of CPFs and gangs, both incarcerated and free, would also be useful in this regard. Interviewers would need to be cognisant of the fact that members may sometimes view corruption as an accelerator rather than inhibitor to service delivery.

Given that the SAPS is due to begin rolling out its new anti-corruption Plan in 2007, the time is right for civil society to take a supervisory and support role in its implementation. Monitoring of vision and rollout could be achieved through periodic interviews with developers, implementers and targets of the strategy. A large-scale quantitative survey conducted prior to and after rollout may also be useful in measuring the effects of the strategy. While the strategies appear relatively thorough and well-planned in their current form, it is in implementation that the SAPS has previously failed, and implementation that should be monitored.

Another useful study might involve a replication of a Klockers et al's type integrity-testing survey across a number of African states. Findings could be supported by interviews with key actors from policing and oversight bodies in subject countries, along with legislation and oversight structures. Correlated data could then be compared and patterns of success and failure identified.

Any study might consider clarifying the manner in which police corruption is understood at administrative, managerial and street level in relation to the SAPS, the ICD, NPA and within the justice system. A comparison of organisational versus public understanding of corruption could be achieved through replicating the Klockers et al integrity-test with a public sample. This could be compared with a sample of SAPS tests.

## Conclusion

This paper attempts to serve as an overview of what is known about corruption in the South African Police Service, and aims to lay a foundation for further research. It points out that while the international literature on the subject of corruption in policing is abundant, relatively little work has been conducted in the South African

context. The majority of domestic research has been produced by a handful of researchers. Though extremely valuable, their work has largely focused on the Gauteng province, and sometimes only on one station. Data gathered have often tended to be quantitative in nature. This leaves the rest of the country largely unexplored. Even less data appear to be available for other countries in the southern African region.

Since disbanding the ACU in 2002, the SAPS has struggled to settle on and implement an anti-corruption strategy. Numerous indicators suggest a lack of political will on the part of the SAPS and government as a whole in taking steps to counter police corruption. With the imminent implementation of a new SAPS corruption fighting plan to be rolled out during 2007, the time seems right for civil society to take an active role in its monitoring and evaluation, both garnering a greater understanding of the topic and in assisting the SAPS in its task of implementation.

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## Notes

1 Public Sector Anti-Corruption Conference held in Cape Town, 10-11 November 1998, and the National Anti-Corruption Summit held in Cape Town, 14-15 April 1999.

2 Telephonic conversations with seven station

commissioners and five junior officers at twelve stations in the Western Cape, Limpopo, KwaZulu-Natal, Gauteng, the Free State and the Eastern Cape.

3 See, for example, South African Press Association 2007.

4 See, for example, Staff Reporter 2006 in which allegations are made against Western Cape Organised Crime Unit detectives who allegedly tortured, intimidated, abducted and bribed people to make statements under oath.

5 Salaries listed are those for constables (1-6), sergeants (6-9) and the first of two salary bands for inspectors (9-15). Of course members are not automatically promoted based on number of years in service and many are not promoted beyond inspector, or to the rank of inspector within 15 years. A second salary band for inspectors allows for annual salaries up to R166 212. Captains earn between R143 823 and R174 984, superintendents between R181 983 and R221 409, senior superintendents begin at R327 741 with the salaries of more senior managers exceeding R400 000 per year.

6 The first figure represents the total number of 'corruption-related' suspensions. The figure in brackets represents the portion of those suspensions which are specifically classified as 'corruption'.

7 The 2002 report is ambiguous and appears unreliable. It first lists 872 members suspended for 'corruption', 833 without pay. This is immediately contradicted by a graph titled 'Police members suspended' listing only 188 suspended for corruption. The cumulative suspensions including theft, assisting escapes, murder, fraud, AWOL, attempted murder, defeating the ends of justice, armed robbery and corruption listed in the graphs add up to only 657. The result is ambiguity in the use of the term 'corruption' in the original statement and graph. It is stated that for the years 2001 and 2002, 2 370 'corruption-related' cases were investigated resulting in 1 332 criminal prosecutions and 641 internal disciplinary hearings. These cases relate to corruption, defeating the ends of justice, fraud/theft, assisting escapees and bribery/extortion. Notable outcomes of criminal cases present 704 pending, 255 DPP declined to prosecute, 39 not guilty, 100 withdrawn and 252 guilty. Importantly these figures relate to the final two years of ACU activity. Among departmental hearings results the large number of pending cases at 250, 164 not guilty, 143 guilty and 5 suspensions are worth noting. It is not clear how many prosecutions or departmental hearings relate to 'corruption'.

8 'Non-cash payments' refer to the use of credit cards, debit cards or cheques for the payment of fines, for example.

9 These would be undercover members who administer a form of integrity tests by cajoling members to engage in corrupt behaviour - only to arrest them once they do. If members know that such agents exist, they are less likely to accept such offers because they know they might be being set up.

10 Concealment of audit bodies allows for their being able to infiltrate stations without that stations prior knowledge.

11 For examples of participatory research with the SAPS, see Altbeker 2005 and Marks 2005.



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## About this paper

In 2002 the South African Police Service's (SAPS) anti-corruption unit was shut down after six years of apparently successful work. Since then the organisation has struggled to develop and implement a new corruption combating plan. While it is arguably impossible to measure the extent of corruption in the SAPS, research points to a correlation between rising public perceptions of police corruption and a loss of faith in policing institutions. Corruption thus threatens the legitimacy of one of the country's central structures of justice. In 2007 the SAPS was due to roll out a barrage of anti-corruption measures as part of an ambitious plan to clamp down on corruption in its ranks. In light of these developments this paper provides an overview of previous research on corruption in the organisation together with an introduction to SAPS's latest approach to corruption busting.

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