

No-man's-land

The uncertain existence of SAPS specialised investigative units

Johan Burger

Summary

Since 2012 there has been a surge in serious, violent and syndicated crimes in South Africa. Despite having over 152 000 trained officers, the South African Police Service (SAPS) is not able to carry out its mandate effectively. This is due to the loss of the necessary expertise to undertake proactive intelligence-led investigations. While the SAPS' intelligence capacity collapsed under the command of the disgraced Richard Mdluli, much of its investigative capacity was lost between 2000 and 2009, when most specialised investigative units were either closed down or their capacity distributed across selected police stations. This created uncertainty and low morale among members. Specialised units are a necessity given the complexities of the various crimes facing the SAPS.

THE RESEARCH METHODOLOGY for this paper was largely qualitative, focusing primarily on a review of the literature and personal interviews. The literature review included official South African Police Service (SAPS) reports, media reports, public statements, speeches in Parliament, legislation, books, articles and other publications. Personal interviews were conducted with former and serving members of some of these units. Some of the interviews were conducted in 2008 and 2009 for an earlier unpublished ISS study on police restructuring.¹ More recently, interviews were conducted with senior officers involved in the restructuring or reorganisation of specialised units. Interviewees were members who had either worked within the units that were closed down, or who were or still are attached to units that were decentralised. Former members were prepared to be identified for the purposes of this study, but serving members required anonymity as a condition for being interviewed.

Among the interviewees were former detectives from the Anti-Corruption Unit (ACU) and the South African Narcotics Bureau (SANAB), as well as former and serving members of the Serious and Violent Crime (SVC) units. This paper also benefited hugely from the research report in 2009 by Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN) on the restructuring of the Family Violence, Child Protection and Sexual Offences (FCS) units.²

Rationale for specialisation

There is little doubt that specialisation is an important and necessary attribute in any policing organisation. However, as much as there is a case to be argued in favour of specialisation, so too is there the risk of over-specialisation. The challenge is to find the right balance and to create specialised units only in those areas where they are clearly required, and for as long as is necessary. It would not, for example, make good management sense if a specialised capability was created for every crisis that occasionally crops up in all organisations. In other words, the establishment of a specialised unit can only be justified where there is a persistent problem requiring special skills and expertise on an ongoing basis.

For police organisations, crimes such as murder and robbery and crimes against women and children may justify special units as a continuous necessity. On the other hand, crimes such as those related to gang violence and that happen in particular geographical areas may be of a passing nature. It is possible that appropriate strategies may eventually eliminate the need for the continued existence of the units concerned. However, administrative decisions to establish and close down specialised units require careful consideration in each case, and should be based on sound research and consultation with the relevant stakeholders.

Not all experiences of such units have been positive. If not properly managed they may degenerate into ill-controlled and even corrupt fiefdoms

Specialised police units are found in most police organisations, but not all experiences of such units have been positive. If not properly managed they may degenerate into ill-controlled and even corrupt fiefdoms. In this regard Casey remarked as follows:³

The creation of specialised squads [units] is based on the assumption that [certain] crimes and offenders cannot be dealt with by routine policing responses and require specialised expertise. However, the use of such squads can often present a considerable challenge as agencies struggle with finding the right balance between ensuring that officers develop the specific skills, knowledge, experience and team spirit needed to work successfully in a specialised operational area, but at the same time avoiding creating a closed environment and group loyalties that can often lead to corrupt and ineffective behaviour.

Anyone familiar with the popular and academic literature on policing in the United States (US) will probably be able to think of relevant examples of specialised units that have gone bad. For example, police personnel in narcotics or gang units may start to act like the criminal organisations that they were established to eradicate. The Los Angeles Police Department's anti-gang 'Community Resources Against Street Hoodlums' (CRASH) units that resulted in the Rampart Bay police corruption scandal in the late 1990s are a good example.⁴ These specialised units operated like gangs and became involved in widespread corruption and brutality, resulting in 106 criminal convictions being overturned and over 140 civil cases costing the city US\$125 million in settlements. One reason why specialised units may turn bad is the phenomenon of turf protection and information being held close within the group.



SPECIALISED UNITS BECAME INVOLVED IN WIDESPREAD CORRUPTION AND BRUTALITY, RESULTING IN 106 CRIMINAL CONVICTIONS BEING OVERTURNED AND OVER 140 CIVIL CASES

Even where specialised units are effective, they may cause increased friction and conflict within police departments. However, various North American academic studies have concluded that while specialised law enforcement units tend to encounter inter-unit friction and the mutual withholding of information, the benefits outweigh the disadvantages.⁵

Typically, studies on specialised units tend to conclude that '[s]pecialisation appears to be a sure path to operational effectiveness'.⁶ The advantages of specialisation in large police organisations include:⁷

- *Placement of responsibility:* Responsibility for the performance of a given task can be assigned to specific units or individuals.
- *Development of expertise:* A specialised unit can have a narrow field of interest, attention or skill, and specialisation is also helpful during the investigation of narrowly defined technical crimes such as computer-related fraud.
- *Promotion of esprit de corps:* Groups of specially trained individuals sharing similar tasks, and who to some degree depend on each other for success, can come to form highly cohesive units with high morale.
- *Increased efficiency and effectiveness:* Specialised units tend to show a higher degree of proficiency in task performance.

Investigative unit specialisation within the SAPS

The Public Service Commission (PSC), in its 2001 report on South African anti-corruption agencies, expressed its concerns over the restructuring of the SAPS' Commercial Crimes Unit (CCU), and formulated the need for specialised units as follows:

The amalgamation of these units under the organised crime structure, or the devolution of their functions to police stations, do not necessarily make sense either for the existing units or for the units into which they would be merged. This is because of the uniqueness of the mandate and methodology of the commercial crime units ... another important argument against a too dramatic change in structure is that most complex cases involving violations of company law, regulations governing the stock exchange, and the like, are unique. Moreover, they are not typical organised crime cases. Linking these investigations to other organised crime investigations would, therefore, make little impact on effectiveness.⁸

Then senior superintendent⁹ in the SAPS, George Mason (now retired), in 2008 argued that given the focused attention required for policing of crimes, such as drug production and distribution, commercial crimes and corruption, specialist policing would be needed. Mason, who was the national head

of the SAPS' specialised unit for the combating of drug-related crimes, SANAB, at the time of its closure in 2004, believes that dedicated capacities specialising in particular fields are a necessity to combat complicated and sophisticated crimes. According to him it would be unfair to expect the general detectives to address these crimes effectively.¹⁰ With specialisation the additional requirement of dedicated resources is possible. For instance, according to Mason, 'in the policing of drug-related crimes, the execution of controlled deliveries, the use of undercover officers, interception and monitoring, and inter-agency cooperation on a domestic and international level are a requisite'.¹¹

Mason was supported in his assessment by another senior officer of the SAPS who, at the time of his interview in 2009, was attached to a specialised investigative unit in KwaZulu-Natal that had already been 'decentralised' for almost three years:

[T]he biggest threat to democracy is violent crimes, commercial crimes and corruption ... with the current structure, the capacity of the specialist function at station level is too minimal given the high rate of violent crimes. In theory it is fine, but it is not practical ... there is a dynamic in teams, an ethos is developed, and the esprit de corps was lost after the specialist units were closed.¹²

Another serving senior member of the SAPS agreed with the need for specialised units, but cautioned against over-specialisation. In his view the restructuring of specialised units between 2000 and 2006 also had positive results, since 'many managers had built their own empires within specialist units and the restructuring managed to break this down'.¹³ Moreover, some crimes had not been reduced despite the existence of a specialised capacity to counter them.

Many managers had built their own empires within specialist units and the restructuring managed to break this down

Before closing specialised units, as opposed to strengthening them, police managers need to consider 'the requirements in international instruments for a dedicated capacity to combat a particular crime'.¹⁴ Examples are the so-called Palermo Convention and the United Nations Convention against Transnational Crime.¹⁵ Acceptance or ratification of such instruments means adherence and compliance to their rules and laws.

The general consensus appears to be that there is a need for specialisation within the police. However, the establishment of such units has to be the result of careful consideration,

and be based on a thorough analysis of the problem and whether the allocation of special skills and expertise on an ongoing basis would be the most appropriate way of addressing the problem. Similarly, the decision to close down a specialised unit must be based on solid evidence that the unit is no longer required or that it is so ineffective that measures to improve its performance will not save it.

Position of specialised investigative units in the SAPS

The necessity for such units is re-iterated in the SAPS' Strategic Plan 2010–2014, where 'specialised investigations' are described as police operations which

provide for the prevention, combating and investigation of national priority offences including the investigation of organised crime syndicates, serious and violent crime, commercial crime and corruption.¹⁶

In 1995 the SAPS, like its predecessor, the pre-1995 South African Police (SAP), was already a highly bureaucratised organisation with a well-defined division of functions among a variety of specialised overarching structures. The distinction between the uniformed and detective branches had long been, and has remained, the most fundamental division among operational police personnel. This paper focuses only on the specialised investigative capability of the SAPS that falls within the Detective Division, and in particular on how this capability has been structured since 1995.

The paper adopts a three-stage approach in considering specialised units in the SAPS. In particular, it examines the importance of the national commissioner of the SAPS, the organisation's top official, with regard to how this issue was approached:

- *The George Fivaz era (1995–1999)*: The SAPS was established in terms of the South African Police Service Act 1995 (Act 68 of 1995) and George Fivaz, a career policeman, became its first national commissioner.
- *The Jackie Selebi era (2000–2008)*: When Fivaz retired at the end of 1999 he was succeeded by Jackie Selebi, a former director-general of the then Department of Foreign Affairs, who took office as national commissioner in January 2000.
- *The reconstruction era (since 2009)*: With the departure of Selebi in January 2008, Deputy National Commissioner Tim Williams acted as national commissioner until the appointment of Bheki Cele in July 2009. Cele, in turn, was suspended in October 2011 and dismissed in June 2012. During Cele's suspension Lieutenant-General Nhlanhla ('Lucky') Mkwana was appointed acting national commissioner until the current national commissioner, General Riah Phiyega, was appointed in June 2012.



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George Fivaz era (1995–1999)

The formation of the SAPS in 1995 was a complex process resulting in the amalgamation of 11 police agencies into a single national police service. Section 214 of the interim Constitution of the Republic of South Africa 1993 (Act 200 of 1993), which came into effect on 27 April 1994, provided for the establishment of the SAPS in terms of an act of Parliament. The constitution stated, in section 236(7), that at its commencement the SAP and all other police 'forces' established by law would be deemed to constitute the SAPS. This was followed by the Proclamation for the Rationalisation of the South African Police Service (No. 16239–R5, 1995), promulgated on 27 January 1995. Eight months later, on 4 October 1995, the establishment of the

new national police service was formalised with the promulgation of the South African Police Service Act.¹⁷

Fivaz, a career policeman, became the first national commissioner of the newly formed SAPS with his appointment by President Nelson Mandela in January 1995.¹⁸ Fivaz, who had risen from the SAP ranks, was a trained detective and had served in the National Inspectorate and Efficiency Services. He had also qualified as a work study officer and as a police administrator.¹⁹ These skills were sorely needed in the following five years as the police faced unprecedented administrative and reform challenges.

When the various police agencies joined forces they brought with them a number of specialised units, including specialised investigative units

Among Fivaz's many responsibilities was the amalgamation of 11 police agencies (the SAP plus the 'homeland' forces) into a single police service. This included the integration of personnel and disparate logistical, financial and other systems; the appointment of a new management echelon; and the development of a new rank system. He was also expected, in terms of the provisions of the interim constitution and the directives of the minister of Safety and Security, to manage the fundamental transformation of the new police service, including the adoption and implementation of a new style of policing (community policing) and the demilitarisation of the police.²⁰

When the various police agencies joined forces in 1995 they brought with them a number of specialised units, including specialised investigative units. Little information about these units is available, but, given his transformational challenges, it is doubtful that Fivaz himself had much detailed information about their performance and effectiveness. According to his transformation status report of 1996, the National Crime Investigation Service was restructured and decentralised to ensure that 'only essential services are rendered at the national level, and operational command and control is placed within provinces'.²¹

The status report provided only limited information on investigative units such as the Commercial Crimes Unit (CCU) and on a shift in emphasis as far as organised crime was concerned, and no further information was given about the number and type of units that existed at the time.²² It did, however, refer to the establishment of national and provincial anti-corruption units for the investigation of police corruption.²³

In a media statement on 13 June 1996 announcing the 1995/96 Annual Police Plan, Fivaz was clearly also under pressure to react to rising crime levels, especially violent crime. The police plan was announced as a 'no-nonsense back-to-basics' plan 'aimed at crushing crime'.²⁴ The media statement referred to 'specialised SAPS units' dealing mainly, but not exclusively, with crimes prioritised in the police plan, and listed them as follows:

- Hijacking and other vehicle-related crimes
- Gang-related crimes
- Taxi violence
- Possession and trafficking in illegal weapons
- Narcotics-related offences
- Declared political massacres
- Robberies

In his media statement Fivaz announced the setting up of '42 additional SAPS Task Forces to track down known criminals', but made no further mention of permanent specialised investigative units (while the formation of 'task forces' adds another layer to specialised policing, their narrow mandate and limited existence warrants no further discussion in this paper). The police plan contained only slightly more information on the investigative aspects of the so-called 'specialised SAPS units'. For example (and citing only the relevant objectives):²⁵

- Taxi violence: 'To establish and enhance the capacity of multi-disciplinary taxi-violence investigation teams in afflicted provinces'
- Declared political massacres: '[To] enhance investigative capacity, ensure community collaboration and provide witness protection programmes'
- Organised crime (narcotics): 'To implement effective counter-narcotic strategies in conjunction with enhanced investigative capacity and skills, supported by related intelligence, education and awareness programmes'
- Commercial crime: 'To integrate the investigation of various components of commercial crime and ensure that problems common to all are addressed'
- Corruption: 'To enhance the capacity and investigative capabilities of anti-corruption units'

By 1997 the specialised investigative units had been organised into three broad groups:

- Serious and violent crimes
- Organised crimes
- Commercial crimes

By then most provinces had already ‘grouped’ those specialised units that focused on the reduction of violent crimes into a ‘Serious Violent Crime Component’.²⁶ This was essentially a ‘specialised crime investigation component’ and comprised the ‘Murder and Robbery Units’, ‘Firearm Investigation Units’, ‘Child Protection Units’ and ‘Taxi Violence Units’.²⁷

In addition to the focus on violent crime, there were Organised Crime Investigation Units (OCIUs) and, in some provinces, Organised Crime Threat Analysis Committees (OCTACs).²⁸ The OCIUs and OCTACs made use of clandestine operations and project-driven investigative techniques through the ‘Secret Fund’.²⁹ They were assisted by the establishment of a crime intelligence network throughout the country and close cooperation with neighbouring countries.³⁰

A number of other specialised units were also involved in the investigation of organised crime syndicates. These units are listed below with some of their primary responsibilities:³¹

- Vehicle Theft Unit (investigation of motor vehicle theft and motor vehicle insurance fraud)
- Stock Theft Unit (investigation of specific stock theft cases and the carrying out of monthly organised stock theft operations)
- Transito Theft Unit (investigation of all theft cases at ports of entry such as border posts, harbours and airports; assistance to Customs and Excise in the investigation of fraud and smuggling of illegal goods; and the investigation of copper wire theft)
- Diamond and Gold Unit (investigating and ‘combating’ all offences related to precious and semi-precious metals and stones, and the issuing of jewellers’ permits)
- Endangered Species Protection Unit (investigation and prevention of the illegal trade in endangered species, the smuggling and illegal dumping of toxic waste, and the smuggling of cultural and historical artefacts)

Then there was the Commercial Crime Component, which had its roots in the Commercial Crime Branch established in 1969.³² It comprised commercial crime units, syndicate fraud units and fraud units and was responsible for the investigation of criminal cases relating to fraud, corruption, money laundering, ‘kite-flying’, syndicate fraud and various other offences resulting from specific legislation.³³

Table 1: Three broad groups of specialised investigative units at the end of the George Fivaz era, 1999

Serious and violent crime component	<ul style="list-style-type: none"> • Murder and robbery units • Firearm investigation units • Child protection units • Taxi violence units
Organised crime [component]	<ul style="list-style-type: none"> • Vehicle Theft Units • Stock Theft Units • Transito theft units • Diamond and Gold Units • Endangered Species Protection Units
Commercial crime component	<ul style="list-style-type: none"> • Commercial crime units • Fraud units • Syndicate fraud units

Source: Author’s own compilation

1997

SPECIALISED INVESTIGATIVE UNITS WERE ORGANISED INTO THREE GROUPS:

- SERIOUS AND VIOLENT CRIMES
- ORGANISED CRIMES
- COMMERCIAL CRIMES

A specialised investigative unit that did not, strictly speaking, fall within the ambit of any of the above three groupings was the ACU, established in 1996.

By the end of Fivaz's term as national commissioner in December 1999, the SAPS' specialised investigative units were increasingly being organised along the lines of the three main groupings in Table 1. Under Fivaz, some attempts were made to rationalise the administrative status of the specialised investigative units, including a new organisational chart that seemed to group like with like. As most of the more than 500 specialised units had existed before the democratic police transformation process, it would appear as though the Fivaz management's only meaningful contribution to the specialised units was the steps it took to rationalise them.

Jackie Selebi era (2000–2008)

The justification for many of the investigative units would soon be challenged when Selebi succeeded Fivaz as SAPS national commissioner in January 2000.

Unlike Fivaz, Selebi had no policing experience. He came from a political background. After detention for 10 months by the SAP in the late 1970s on charges of contravening the Terrorism Act 1967, he joined the African National Congress (ANC) in exile. After his return to South Africa he served respectively as South Africa's ambassador to the United Nations (1995–1998) and as director-general of the then Department of Foreign Affairs (1998–1999).³⁴

When Selebi took over from Fivaz, there were 537 specialised investigative units in the SAPS, spread across all nine provinces (see Table 2).³⁵

The changes to the specialised investigative units during Selebi's term of office can best be discussed as two distinctive phases of restructuring

Soon after Selebi's appointment, an extensive planning process was embarked upon to identify key strategic priorities to address the country's high levels of crime and violence.³⁶ During this process four operational priorities were set for the medium term:

- Combating organised crime, with a focus on crimes relating to drugs, firearms trafficking, vehicle theft and hijacking, corrupt public officials and organised commercial crimes.
- Countering serious and violent crimes, including the proliferation of firearms, which fuelled the high crime levels;

Table 2: Total number and type of specialised investigative units in January 2000

Type of unit	Number	Type of unit	Number
Stock Theft	100	Theft in Transito	11
Vehicle Crime Investigation	52	Syndicate Fraud	14
Fraud	51	Family Violence, Child Protection & Sexual Offences	46
Taxi Violence	13	Commercial Crime	16
Illegal Firearms	34	Vehicle Financing	1
Murder and Robbery	38	Internal Investigations	7
SANAB	47	Serious and Violent Crime	26
Gangs and Hijackings	3	Crimes Against the State	1
Diamond and Gold	29	Violence Investigations	5
Organised Crime	25	Special Investigations (Tsolo & Qumbu)	1
Anti-Corruption	17	TOTAL	537

Source: Author's own compilation

improving safety and security in high-crime areas; combating specific crime generators such as taxi and gang violence, and faction fighting; and maintaining security at major public events.

- Reducing crimes against women and children and improving the investigation and prosecution of these crimes.
- Improving service delivery at local level.³⁷

While the appointment of Selebi as SAPS national commissioner initially seemed to improve police morale and provide better focused policing, the concurrent review of the status of specialised units within the Detective Division was to lead to nearly 10 years of institutional turmoil. In particular, the need for specialised investigative units was called into question. The result was either closure or drastic re-organisation.

The changes to the specialised investigative units during Selebi's term of office can best be discussed as two distinctive phases of restructuring.

Restructuring of the specialised investigative units – the first phase (2000–2005)

Selebi became national commissioner in January 2000, but the first concrete signs of what was to come in terms of the restructuring of specialised units only appeared in 2001. In a report on the Detective Division, Redpath relayed some official reasons for this re-organisation of the specialised units:

The main motivation for the restructuring is to boost the capacity for crime investigation at station level. Another important reason is that the specialised units appear to have performed less well than the station level detectives who investigate less serious crimes. Possible reasons for this are the lack of communication among the units and between the units and station level detectives, and confusion regarding which unit should take responsibility for particular cases.³⁸

In keeping with the four operational priorities identified in 2000, it was accordingly announced in 2001 that the SAPS' specialist investigative units would be formally reorganised and consolidated into:

- The Organised Crime Unit (OCU)
- The Serious and Violent Crimes (SVC) Unit
- The Commercial Crime Unit (CCU)

The functions of SANAB and the vehicle crime units were taken over by the OCU. The Murder and Robbery Unit and the Taxi Violence Unit were incorporated into the SVC Unit. Only the FCS units and the Stock Theft units retained their status.³⁹

SAPS thus justified the restructuring during the first phase primarily on the need to empower police stations with the skills and expertise of the specialised units

By 2002, some of the more prominent units of the SAPS such as SANAB, the ACU, the Murder and Robbery (M&R) Unit and the Diamond and Gold Branch had also disappeared. The remaining prominent specialised units at the time, excluding the stock theft units, were:

- 24 SVC units, with 677 detectives
- 24 OCUs, with 723 detectives
- 17 CCUs, with 590 detectives
- 45 Family Violence, Child Protection & Sexual Offences units, with 500 detectives⁴⁰

Apart from restructuring in order to meet its strategic priorities, the SAPS thus justified the restructuring during the first phase primarily on the basis of the need to empower police stations with the skills and expertise of the specialised units. According to the SAPS, the advantages of restructuring included:

- An integrated and well-coordinated approach to the investigation of crime
- Sharing intelligence and eliminating fragmentation

2006

BY THE BEGINNING OF THIS YEAR, 355 SPECIAL INVESTIGATIVE UNITS HAD BEEN CLOSED DOWN AND ONLY 286 REMAINED

- Cost-effectiveness and effective use of resources
- Strengthening investigative capacity at station level⁴¹

By the beginning of 2006, 355 special investigative units had been closed down and only 286 remained (Table 3).⁴²

Table 3: Status of units by the end of 2005 or the beginning of 2006

Unit	Closed down	Existing units
Stock Theft	37	67
Vehicle Crime Investigation Unit (2005): reorganised with other units to form the Vehicle Identification & Safeguarding Sections in 2006	16	59
Fraud	51	0
Taxi Violence	13	0
Illegal Firearms	34	0
Murder and Robbery	38	0
SANAB	47	0
Gangs and Hijacking	3	0
Diamond and Gold (Precious Metals & Diamonds since 2006)	29	13
Organised Crime	2	28
Anti-Corruption	17	0
Theft-in-Transit	11	0
Syndicate Fraud	14	0
FCS	1	74
Commercial Crime	1	16
Vehicle Financing	1	0
Internal Investigations	7	0
Serious and Violent Crime	26	29
Crimes Against the State	1	0
Violence Investigations	5	0
Special Investigations	1	0
TOTAL	355	286

Source: Author's own compilation

Restructuring of the specialised investigative units – the second phase (2006–2008)

The second phase of the restructuring followed decisions taken at SAPS management forum meetings during December 2005 and March 2006.⁴³ The new round of restructuring was made public in September 2006 when Selebi, the apparent force behind the restructuring since 2000, stated that 'the restructuring of the police will lead to a decrease in crime ... [and] redeployment would see a substantial increase in staff at police stations'.⁴⁴

The stated intention of the new restructuring process was to address a duplication of functions, weak command and control, and poor service delivery at station level. The area offices of SAPS, found to be a redundant level of policing authority, were also closed down, ostensibly in keeping with the constitutional requirement of three levels of policing – national, provincial and station level.⁴⁵ In its place 176 so-called Accounting Stations were established around the country.⁴⁶

Specialised investigative units that were affected by the 2006 restructuring process include the FCS and SVC units

Specialised investigative units that were particularly affected by the 2006 restructuring process include the FCS and SVC units that were established during the first phase (2001/02). These units were based at the 43 area offices of the SAPS. Unlike units such as SANAB and the anti-corruption units, which were closed down, the SVC and FCS units were decentralised to 169 high-contact crime⁴⁷ and 176 accounting police stations respectively.⁴⁸

At a conference hosted by the Institute for Security Studies (ISS) in October 2007 to discuss police restructuring, the author pointed out that the distribution of approximately 1 120 FCS detectives and 700 SVC detectives from only 43 offices to 176 and 169 offices respectively, in spite of the stated good intentions, was an uncertain undertaking with obvious risks to the cohesiveness and continued effectiveness of these units.⁴⁹

As a result of the relatively small size of these units, only four SVC detectives per station were available for transfer to the 169 high-contact crime stations and six FCS detectives per station to the 176 accounting stations.⁵⁰ Consequently, the decentralisation initiative effectively closed these units down. It should also be pointed out that in 2006 there were

approximately 1 115 police stations in the country, and not all of them benefited directly from the transfer of staff and resources. Those stations that were not classified as high-contact crime stations or accounting stations had to rely on priority police stations for the delivery of relevant specialised services.

According to Director Hannes Swart, of the SAPS Efficiency Services, in a presentation at the same ISS conference, the new restructuring process was about much more than the decentralisation of specialised units. It also included the complete closure of the 43 area offices and the 'migration' of their staff – particularly senior and experienced staff – to police stations.⁵¹ He summarised the rationale behind the restructuring as follows:⁵²

- To counter 'silo management' and promote integrated policing
- To capacitate priority police stations
- To migrate skilled police personnel/managers to police stations from area, provincial and head office levels
- To deploy senior and skilled police officers to police stations to enhance capacity and effectively execute policing responsibilities
- To migrate family violence, child protection and sexual offences members to an accounting police station cluster with the highest prevalence of crimes against women and children
- To migrate crime-combating members to contact crime and feeder police stations
- To allocate physical resources to identified police stations
- To optimise and improve data integrity (crime and personnel systems)
- To empower station commissioners to take critical and immediate operational decisions without seeking prior approval
- To hold station commissioners and other commanders accountable for desired operational results
- To align accountability frameworks, measure performance and reward good performers

On paper this may have seemed relatively sound reasoning, but it failed to take into consideration a number of realities facing policing in South Africa. In most police forces in Western countries, police stations function within a web of wider support services that include specialised investigative units. While the reforms under Selebi did not do away with this support network, they greatly weakened it. Another major problem was that turning around the performance of 'poorly performing' police stations proved a much more intractable task than had been envisaged in the 1990s. Police stations such as Hillbrow in the 1990s and Khayelitsha in 2013 suffered from low morale given that there was little incentive for police officials to work in these difficult areas.⁵³

The idea that simply moving one or two officers from previously specialised units to undefined functions at a police station would in and of itself somehow strengthen local policing was fundamentally unsound. The envisaged impact of these officers at station level did not materialise to any significant extent. The policy also ignored the issue of what specialised units were about. Once these units were 'decentralised' they lost their coherence and no longer functioned as a specialised entity. The morale and effectiveness of personnel subsequently plummeted. Moreover, specialised



DURING THE RESTRUCTURING PROCESSES, THE POLICE LOST A VAST RESERVOIR OF INVESTIGATIVE EXPERTISE

units provide an important function that was overlooked in this restructuring exercise, i.e., their ability to train and produce new specialised detectives ('experts') in the same field. This is possible because new members who join the unit are allowed to work with the experts and be guided by them. They also absorb the particular esprit de corps of the unit and develop a pride in its effectiveness.⁵⁴ These are indispensable qualities and if managed well can produce good results – if they are part of a functioning unit. Of course the opposite is also true, but the intention of the restructuring exercise was not to improve the effectiveness of specialised units, but to somehow improve local policing through transferring their resources to police stations.

Reconstruction era: post-Selebi

The restructuring processes of the SAPS from 2000–2008 undoubtedly created many problems for the organisation and its personnel, including the investigative units. The rationale behind the restructuring, while apparently well intentioned, showed poor consultation, planning and implementation. While the police lost a vast reservoir of investigative expertise in terms of being able to tackle complex crimes, there was little if any evidence that station-level policing benefited from the restructuring exercise.

This has been borne out by subsequent decisions by the current political administration and police leadership to re-establish some of these units and implement important changes to the original restructuring process.

In most police forces in Western countries, police stations function within a web of wider support services that include specialised investigative units

In the debate on the police budget vote in the National Council of Provinces on 1 July 2009, the incoming Minister of Police, Nathi Mthethwa, promised a new approach to specialised units:

[O]ur view is that we will review the decision to close specialized units. The closure of these units has led to significant debate regarding the need for certain types of crimes to be addressed by people with specialized knowledge and experience. Some of this knowledge and experience can only be acquired through concerted and focused knowledge acquired over time. We need to consider the reintroduction of some of these specialized units such as the child protection unit and sexual offences unit.⁵⁵

There is no indication as to whether an overall 'review' of the decision to close specialised units actually materialised. In his

speech the minister referred to 'some of these units', but identified only the FCS units for re-establishment. In a speech on 24 November 2010 he followed up on this announcement by indicating that the process of re-establishing the FCS units was underway.⁵⁶

It is instructive to note the use of terms such as 'reintroduction' and 're-establish'. Something is reintroduced or re-established only when it previously existed, and by implication the use of this terminology can be interpreted as an acknowledgement that in effect these units were so weakened by decentralisation that they were bound to fade away over time.

Once these units were 'decentralised' they lost their coherence and no longer functioned as a specialised entity

During the Detective Dialogue organised by Parliament's Portfolio Committee on Police in Cape Town on 5 September 2012, new information emerged on the progress in re-establishing the FCS units. According to the national head of the unit, Major General Masega Botshaleng, the FCS units were re-established in June 2010 and re-launched in October 2011.⁵⁷ By September 2012 an FCS unit was established at each of the 176 cluster offices, and the staff increased to 2 064 detectives with 132 support staff (at the time of decentralisation there were approximately 1 120 detectives). Of these detectives 1 727 underwent the formal FCS training (FCS Detective Learning Programme) and the rest were scheduled for the 2012/13 financial year.⁵⁸

Botshaleng acknowledged that in addition to infrastructure (offices, houses, transport, etc.) a major challenge for the FCS was the appointment of inexperienced members as FCS commanders. The destruction of this capacity continued to plague new units, resulting in low morale and outputs.⁵⁹ But at least the process appears to be receiving the focused attention of the political leadership and police management.

In July 2013 plans to reintroduce the anti-corruption unit were also announced. This was done in a speech at the launch of the Free State crime prevention strategy where Phiyega promised that a new anti-corruption unit within the SAPS would be launched soon.⁶⁰ At the time of writing (April 2015) such a unit has yet to be launched.

According to an anonymous senior SAPS officer, planning for the new anti-corruption unit is underway, but it will probably have a slightly broader mandate that will also include the other

departments within the Justice, Crime Prevention and Security cluster.⁶¹ This may be a little ambitious, but currently the only anti-corruption structure within the SAPS, apart from the limited capability at the OCU, is the anti-corruption unit within the Directorate for Priority Crime Investigation (DPCI, or 'Hawks'). However, the mandate of the unit is limited to the investigation of corruption claims against members of the Hawks and other SAPS members with the rank of colonel and above. Corruption by members below the rank of colonel and other SAPS employees is still investigated at station level by ordinary detectives.⁶²

Directorate for Priority Crime Investigation (DPCI)

A complicating factor in relation to the SAPS' specialised investigative units was the disbandment in 2009 of the Directorate for Special Operations (DSO, or 'Scorpions'), which fell under the Department of Justice, and its subsequent replacement by the DPCI, which is firmly located within the SAPS.

With the establishment of the DPCI in July 2009, the bulk of its investigative staff were drawn from the SAPS' Commercial Crime and Organised Crime components, as well as from the former DSO.⁶³ In effect this meant the transfer of these units and much of their functions to the DPCI, and members not transferred to the DPCI were placed elsewhere in the SAPS. The DPCI was tasked with the prevention, combating and investigation of national priority crimes, which were defined as 'organised crime, crime that requires national prevention or investigation, or crime which requires specialised skills in the prevention and investigation thereof'.⁶⁴

It is debatable whether the provisions of the 2012 Amendment Act provide the kind of 'adequate independence' the Constitutional Court had in mind

On 17 March 2011, less than two years after the creation of the DPCI, the Constitutional Court decided that the legislation that had created it – the SAPS Amendment Act 2008 – was constitutionally invalid as it did not secure adequate independence for the DPCI to combat corruption and organised crime. In addition, the court found that the DPCI was insufficiently insulated from political influence in its structure and functioning. However, the court suspended implementation of its decision for 18 months to allow Parliament the opportunity to remedy the defect.⁶⁵

As a result of the Constitutional Court judgment, the South African Police Service Amendment Act 2012 (Act 10 of 2012) was passed on 14 September 2012. In terms of this act the DPCI remains within the SAPS, but the role of the national commissioner is largely limited to consultation with the head of the DPCI on staffing and budgeting matters and joint policing operations. The performance of the DPCI, although still to be reflected in the SAPS Annual Report, has to be reported on as a separate programme. The head of the DPCI, the deputy head and the provincial heads are appointed by the minister of Police and not by the national commissioner of the SAPS.

According to Phiyega, a SAPS task team is currently 'conceptualising an overarching, aligned detection strategy to facilitate the realisation of both mandates [Detectives and DPCI] and the proper distribution of resources'.⁶⁶

In her written communication to SAPS personnel on 25 June 2013 to address the ongoing rumours and uncertainty about the implementation of the Amendment Act,



CURRENTLY THE ONLY ANTI-CORRUPTION STRUCTURE WITHIN THE SAPS IS THE UNIT WITHIN THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATIONS OR 'HAWKS'

Phiyega informed members about the process's progress and emphasised the difference in the mandates of the DPCI and the Detectives. In this regard she pointed out that in terms of the Amendment Act, the DPCI will in future focus on the prevention, combating and investigation of 'serious organised crime, serious commercial crime and serious corruption', while the Detectives will continue with its 'broad-based investigations into various crime trends' [own emphasis].⁶⁷

Although the mandate of the DPCI, in terms of the 2012 Amendment Act, still makes it responsible for 'national priority crimes', the term 'serious' appears to limit its mandate in relation to the 2008 Amendment Act. As a result of the new mandate, the SAPS task team had to consider moving the Commercial Crime and Organised Crime components back to the Detectives in order to allow the DPCI to focus only on 'serious' offences.⁶⁸ However, the work of the task team has since been affected by another constitutional court judgment in 2014, and it remains to be seen how this will pan out in practice.

The 2012 Amendment Act was itself challenged in the Constitutional Court and, in its judgment on 27 November 2014, the court found it 'regrettable' in some respects that there was an 'apparent reluctance to strengthen the DPCI as directed by this Court [in 2011]'.⁶⁹ The court, accordingly, found it necessary 'to put an end to the uncertainty about the particular functions that the DPCI is required to perform', and ruled certain sections, or parts of it that continued to impede on the independence of the DPCI, to be constitutionally invalid.⁷⁰ The judgment confirmed the functions of the DPCI, but with certain amendments:⁷¹

A clear identification of the functions of the DPCI is ... crucial. To achieve that all-important objective, the segments of section 17D [of the Amendment Act] that are toxic to the operational independence of the DPCI must be excised. This is to be done as follows:

(i) Section 17D(1)(a) needs to and will be relieved of the words "subject to any policy guidelines by the Minister and approved by Parliament". The effect of doing so would be to clarify the mandate and function that is bestowed upon the DPCI by section 17D(1)(a) as being to prevent, combat and investigate "national priority offences, which in the opinion of the National Head of the Directorate need to be addressed by the Directorate".

(ii) Section 17D(1)(a) is to lose the words "selected offences not limited to". What the DPCI is empowered to investigate would then clearly be "offences referred to in Chapter 2 and section 34 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)".

At the time of writing it is still unclear how the two constitutional court judgments, and the concomitant changes to the SAPS Amendment Act, will impact on the division of mandates between the DPCI and the rest of SAPS, and how this will affect the structure of specialised investigative units.

It is now clear that the Hawks is not adequately insulated from political interference

However, in spite of the Constitutional Court rulings and resulting legislative changes, it is debatable whether the provisions of the Amendment Act can provide the kind of 'adequate independence' it has in mind. An example is the resignation of the head of the DPCI, Lieutenant General Anwa Dramat, in April 2015, which was announced by the national commissioner on 21 April 2015.⁷² This happened after the minister of police had managed to 'convince' him to resign, and after repeated attempts to suspend him, which the courts ruled to be unlawful. It is now clear that the DPCI is still not adequately insulated from political interference and therefore its effectiveness in tackling organised crime and corruption is seriously compromised.

Impact of restructuring on four specialised investigative units

In order better to understand the impact of the continuous process of restructuring and reorganisation on specialised investigative units, it is useful to briefly consider how some of the senior members attached to these units experienced these changes. The relevant findings of the RAPCAN study on the FCS units will also be considered. This discussion will focus on the four investigative units that were arguably most affected by the ongoing processes of restructuring and reorganisation since 1995:

- SANAB
- The ACU
- The SVC
- The FCS

South African Narcotics Bureau (SANAB)

SANAB was one of the first units that were closed down during the restructuring process that started in 2000, albeit in a phased process from 2000–2003.

In 2000, during the first phase of the restructuring process, SANAB was directed to refer all drug cases related to

syndicated crime to the OCU. Other crimes that SANAB previously investigated, such as sex work and offences under the Liquor and Gambling acts, were moved to police stations. SANAB was left with the investigation of all other drug-related crimes, largely street drugs. Thereafter SANAB units were gradually phased out, with the first 20 units being closed down in May 2001⁷³ and the remaining 27 units by June 2003.⁷⁴ The national office of SANAB was finally closed almost a year later in May 2004.

After SANAB's closure the SAPS' Organised Crime component appointed 24 'task teams' across the country, each of which in principle contained at least one officer with specialised narcotics expertise.⁷⁵ These were never enough to deal effectively with the growing drug problem, especially at street level, and some provinces, notably KwaZulu-Natal, attempted to create their own 'drug units' by using former SANAB members. However, none of these attempts was successful and the task teams also gradually disappeared – by 2006 there was little evidence of their existence.⁷⁶ As a result the SAPS was left with only an organised crime approach to the drug problem and street-level drug-related crime was largely neglected.

A specialised unit or investigation team could have addressed the corruption problems, and the transformation issues could have been dealt with by re-allocating members

Mason, the former national head of SANAB, believes there were two reasons for the closure of SANAB. First, there was the perception that SANAB was corrupt; and second, there was the argument that SANAB had not yet transformed concomitant with the rest of the SAPS. According to a former commander of the Pretoria SANAB unit, Superintendent Doep du Plessis, the apparent lack of transformation within the specialised units in general and SANAB in particular appeared to be a major concern to management.⁷⁷ In terms of the corruption problem within SANAB, Du Plessis contended that the issue could have been resolved by implementing specific measures such as separating members who had worked together for a long period; placing new members with older members; and maintaining strict control and supervision.⁷⁸

Mechanisms such as an anti-corruption unit or a corruption investigation team could have addressed the corruption problems, and the transformation issues could have been dealt with by re-allocating members. Redpath in her 2002 study also concluded that reasons such as the poor performance of specialised units did not necessarily justify their closure.⁷⁹ If poor performance had to do with factors that could be addressed without closing down the unit, it would be logical to intervene. Closure would then be an indication that all else had failed, unless of course the purpose for which the unit had been created in the first place no longer existed.

The closure of SANAB had a negative impact on the concentrated attention required by the SAPS to address drug-related crime. Incorporating some SANAB members into the OCU only served to dilute the specialist function of SANAB with other organised crime priorities. According to a report by the UN Office on Drugs and Crime in 2002, there was also a lack of clarity on the 'precise mandate regarding jurisdictional roles and operational functioning' of SANAB (with its offices being closed down at the time), the OCU's task forces and the Scorpions in respect of drug law enforcement.⁸⁰



AFTER SANAB'S CLOSURE, SAPS' ORGANISED CRIME COMPONENT APPOINTED 24 'TASK TEAMS' ACROSS THE COUNTRY CONTAINING AT LEAST ONE OFFICER WITH SPECIALISED NARCOTICS EXPERTISE

The importance of fighting drugs by tackling organised crime syndicates is not disputed, but fighting drugs and drug-related crime at local level is equally important. Neglecting the policing of street-level drug crimes means there will always be a market for drugs. From a policing or law enforcement point of view, the implementation of strategies to tackle users, sellers and larger distributors has to be assured and the action has to be sustainable. This requires a dedicated capacity capable of operating across station boundaries, working in close cooperation with trained staff at station level and with the OCU in a well-coordinated relationship.

Anti-Corruption Unit (ACU)

Prior to the establishment of an anti-corruption unit within the SAPS, corruption was investigated by 'police docket units', with offices only in Pretoria and Johannesburg.⁸¹ With the establishment of the SAPS in 1995 it became clear that there was a growing need to strengthen the capability of the police to effectively combat police corruption. This led to the reorganisation of the existing capability, which was located within the Detective Service, and the formation of a new national ACU in January 1996 with its subsequent move to National Management Services. The ACU had a national office and nine provincial offices. The provincial commanders of the ACU were responsible for the development and composition of each office.⁸²

A study conducted by the ISS in 1997 found that early in its existence the ACU already faced several difficulties: first, it was not independent, as it remained within the SAPS and reported to various senior police commanders, and was viewed with some scepticism from within; second, the creation of the Independent Complaints Directorate in 1997 to independently investigate allegations of police misconduct and criminality led to uncertainty about the long-term future of the ACU; third, members of the unit were uncertain about their brief; and fourth, it had a shortage of skilled personnel and resources.⁸³

The study subsequently recommended that 'if the criminal justice system is to effectively control corruption, improved training of law enforcement and justice personnel active in [the] field is needed'.⁸⁴ The study goes on to make an important recommendation about

[the] establishing [of] independent anti-corruption bodies ... by governments, signalling that corruption will not be tolerated and that significant steps will be taken to eradicate it ... Importantly, these institutions must be independent of government but subject to the rule of law, or risk becoming forces of repression in their own right.⁸⁵

The PSC in its 2001 report on anti-corruption agencies in South Africa said that the location of the ACU within the SAPS was 'something that potentially hampers the effectiveness of the unit since police investigating police is not an ideal situation'.⁸⁶

There are, of course, also arguments in favour of an internal capacity to investigate police corruption. For example, the former national head of the ACU, Director Stefan Grobler, argues that nobody knows the police better – and thus all the 'tricks of the trade' – than the police themselves.⁸⁷ Experienced police detectives attached to such a unit not only bring with them their police experience, but they also develop a unique expertise in this kind of investigation. However, it is important that members of such a unit be specially selected, regularly evaluated and tested, and protected from intimidation and influence by colleagues whom they may have to investigate.

According to the SAPS' Annual Police Plan for 1998/1999, the mandate of the ACU was by then more directly aimed at reducing corruption within the SAPS by increasing the detection, apprehension and/or dismissal of offenders.⁸⁸ However, soon after Selebi became national commissioner in 2000, the ACU was moved from Management Services back to the Detective Service. This was apparently done to position it as part of a group of specialist investigative services, along with organised crime and commercial crime.⁸⁹ At that time, approximately 4 000 cases were being investigated by the ACU.⁹⁰ With a personnel count of 250 members, this meant that each detective was investigating approximately 16 cases,⁹¹ which was difficult but not unmanageable.

Nobody knows the police better – and thus all the 'tricks of the trade' – than the police themselves

The question of placement became a contentious issue. The ACU preferred to be placed under the Commercial Crime Branch of the SAPS, as 'corruption always has an element of fraud, of abuse of official power, misrepresentation and so it would fit more comfortably within commercial crime'.⁹² The continuing attempts at reorganising the ACU also had an inhibiting impact on the unit and its staff. The PSC Report of 2001 found that the 'uncertainty around the restructuring of the unit is impacting on the morale and effectiveness of the unit, and ... the budget of the unit as well as the dedicated staff appears to be declining with the restructuring process of the SAPS [while] the cases of corruption dealt with by the unit was increasing'.⁹³

The worst fears of ACU members were realised in 2003 when the unit was finally closed down and the function dispersed. Responsibility for the investigation of organised crime-related corruption was moved to the OCU and intelligence gathering in connection with corruption was moved to the Crime Intelligence Division. All other corruption investigations were placed at station level. In the words of Grobler, 'that destroyed the last vestiges of anti-corruption investigation in the police and the function all but ceased'.⁹⁴

In view of Selebi's proven involvement in corrupt activities, it seems plausible that his decision to close down the ACU had an ulterior motive

Various reasons have been cited for closing down the ACU. According to Grobler, the decision came directly from Selebi, ostensibly on the grounds that the closure of the ACU was necessary because 'corruption is an organised crime function and it was decreasing'.⁹⁵ It is obvious that many corruption cases happen as a result of organised crime, but it is also true that probably most corruption cases are unconnected to organised crime. Selebi's assertion that corruption was decreasing is strongly disputed by Grobler, and he is supported by the findings of the PSC's 'Review of South African Anti-Corruption Agencies' in 2001, where it was found that cases of police corruption were on the increase.⁹⁶

Marius Bouwer, another former senior member of the ACU, believes that

[i]t was an irrational decision ... there was no justification for closing down the ACU as success of the units as well as the conviction rates were extremely high. The investigations were of such a nature that some identified suspects were too close for comfort to the decision-makers.⁹⁷

Bouwer made this observation in March 2009, more than a year before Selebi's conviction on 5 July 2010 on a charge of corruption in contravention of section 4 (1) (a) of the Prevention and Combating of Corrupt Activities Act 2004 (Act 12 of 2004).⁹⁸ At the time Bouwer gave no indication to whom he referred, but it seems probable that the ACU at the time was aware of irregularities in relation to the former national commissioner. In fact, according to Grobler, in 2002 he became so concerned about Selebi's regular contact with certain individuals under investigation by the ACU that he felt it necessary to send him a note, through one of the deputy national commissioners, cautioning him that he was running the risk of being called to testify should the concerned individuals be charged.⁹⁹ Consequently, and in view of Selebi's subsequent proven involvement in corrupt activities, it now seems plausible that his decision to close down the ACU had an ulterior motive.

According to Mason, the new approach to organised crime resulted in a tendency to move almost everything to the OCU. This had a detrimental impact on capacity in other areas of investigation, such as anti-corruption, where it resulted in a loss of expertise in a unique and complicated area of investigation.¹⁰⁰ To this Grobler added the following:

The decision by top management to create a so-called 'one-stop' investigative capacity at station level where all types of investigations previously done by specialist units, could be done by local investigators was also doomed to fail.



THE SERIOUS AND VIOLENT CRIME UNITS WERE DECENTRALISED TO THE 169 HIGH-CONTACT CRIME STATIONS COUNTRYWIDE

The reason being that corruption must, for reasons of security and protection of evidence, witnesses and whistle-blowers, be investigated separately. Corruption investigations face unique and serious threats, the least of which is intimidation, loss, theft and destruction of case dockets and the interference by colleagues and even from those at the very top.¹⁰¹

Presently, there is no dedicated capacity in the SAPS to investigate corruption, apart from a limited capability within the Hawks. As a consequence there is little dedicated specialised capacity to deter police officials from becoming involved in corruption. As a result, corruption is a major problem and is seen by the South African public as being pervasive in the SAPS.¹⁰²

Serious and Violent Crimes Unit (SVC)

With South Africa's murder rate at almost 50 per 100 000 people and an aggravated robbery rate of 260 cases per 100 000, there was concern in 2000 when the specialised M&R Unit was integrated into the newly created SVC Unit. Members were worried that the restructuring implied that serious crimes would no longer receive the kind of dedicated focus that specialised units were generally assumed to provide. However, reassurances were given that the SVC Unit would improve the investigation of serious and violent crimes.

Senior detectives believed that the establishment of the SVC Unit would enable the police to address most of the problems handled before their merger by various smaller units such as murder and robbery, taxi violence and gang violence.¹⁰³ The new unit would allow them to pool resources, improve internal communication, share intelligence and expertise and enhance cooperation and coordination. The SVC Unit was also able to retain the services of most of the experienced and skilled detectives previously involved in the investigation of violent crimes in the smaller units.¹⁰⁴

According to Redpath, the approved 'terms of reference' of the SVC Unit stipulated that it would investigate:

- Specific incidents relating to crimes against the state, as determined by the national commissioner or the relevant provincial commissioner.
- Murders involving prominent persons, the judiciary, politicians or members of the SAPS.
- Actual or attempted armed robberies of financial institutions, as determined by the crime threat analysis (CTA) or organised crime threat analysis (OCTA).
- Actual or attempted armed robberies of registered cash-in-transit carriers.

- Vehicle hijackings in which a victim has been shot, or vehicle hijackings that appear on the CTA or OCTA.
- Specific identified robberies or the theft of firearms, at the discretion of the national commissioner or the relevant provincial commissioner.
- Specific identified series of crimes of a serious or violent nature, such as serial murders or serial rapes.
- Inter-group violence that appears on the CTA or OCTA under the heading 'flashpoint areas', including political violence, taxi violence, train violence, gang violence and faction fighting.
- Actual or attempted attacks on residents of farms and smallholdings and all actions aimed at disrupting the farming activities of commercial concerns.¹⁰⁵

However, only four years after the establishment of the SVC Unit in the 'first phase' of restructuring, the unit was affected by the 'second phase', a process that began in 2006 and continued until 2008. Unlike SANAB, the ACU and some of the smaller units that were either closed down completely or integrated into the OCU, the SVC units were decentralised to the 169 high-contact crime stations countrywide.¹⁰⁶

Very little came of assurances that SVC members would not be burdened with the investigation of cases unrelated to the SVC's mandate

The situation had thus changed dramatically when contrasted with the preceding four years. In the 'first phase' the reasoning was to centralise or concentrate capacity within fewer units with a broader mandate but with better resources, while strengthening investigative capacity at station level. But in the 'second phase' precisely the opposite happened when units such as the SVC and FCS were 'decentralised'.¹⁰⁷ Some of the former SVC Unit members argued that the term 'decentralised' was a misnomer for 'dispersed', because this is how many of the members of the unit experienced the change.¹⁰⁸

The decentralisation of the SVC Unit has had a serious effect on it and its members, who saw this as a demonstration of the police management's uncertainty about the SAPS' strategic direction and a lack of understanding of the need for and the 'mechanics' of specialisation.¹⁰⁹ These include an esprit de corps or team spirit, the development of expertise, the ability to provide in-service training to new members, and the sharing of expertise and information.

According to a senior serving member of SAPS who previously served in the SVC Unit in KwaZulu-Natal, very little came of the assurances that SVC members would not be burdened with the investigation of cases unrelated to the SVC's mandate. He cited examples of senior and experienced detectives who were given case dockets for fairly minor transgressions such as the illegal crossing of railway lines.¹¹⁰ Another former member of the SVC unit at the SAPS Head Office stated that detectives were over-burdened with dockets and that the detective function became diluted after the restructuring, because every detective who was decentralised was now doing general investigations.¹¹¹

There is no longer a 'centralised' unit that can produce new 'experts' in the field of serious and violent crime investigations

An even more serious consequence of the restructuring has been the loss of senior and experienced detectives formerly attached to the SVC Unit. This has had a further negative impact at station level, because the ability to transfer skills, which was intended as part of the process, has increasingly been lost. Since there is no longer a 'centralised' unit that can produce new 'experts' in the field of serious and violent crime investigations, the fear is that that kind of expertise will continue to fade away.¹¹²

It is uncertain what the current position of the SVC Unit at the 169 stations is, but indications are that the unit will eventually cease to exist and the function will again be divided among the general detectives and other specialised units such as the Hawks.

Family Violence, Child Protection and Sexual Offences Unit (FCS)

FCS units deal specifically with crimes against women and children. Prior to the establishment of these units, crimes against children were investigated separately by the Child Protection Units (CPUs), with the first CPU being established in 1986. When the need arose 'to broaden the services of the CPU because cases involving children required more sensitivity and training', the child protection component was incorporated into the component dealing with adult domestic violence and sexual offences.¹¹³

The first FCS unit was established in 1996, and by 2006 there were 49 FCS units and 17 CPU units in the country, most of which were located at the SAPS' 43 area offices.¹¹⁴ The units had a national coordinator, as well as provincial coordinators in each of the nine provinces.¹¹⁵ The conversion of CPU units to FCS units depended on the availability of resources and the occurrence of particular crimes investigated by the FCS units.¹¹⁶ The unit fell under the Detective Service, where it was initially funded by the Organised Crime component, but was later moved to General Detectives.¹¹⁷

In 2000, when most of the specialist units were restructured, the FCS units were retained for their specialist skills and facilities, and because of concerns within the SAPS over a public outcry at the closure of these units.¹¹⁸ This status was not to last, as in 2006 the units were decentralised to the so-called accounting stations.

After the further restructuring of the Detective division in 2004, the FCS units were relocated from Organised Crime to General Investigations, which is also responsible for the overall control of general detectives at police stations.¹¹⁹ The move away from



BY 2006 THERE WERE 49 FAMILY VIOLENCE, CHILD PROTECTION AND SEXUAL OFFENCES UNITS AND 17 CHILD PROTECTION UNITS

the OCU made sense as FCS-related cases are not organised crimes, but it did raise some concern among FCS members that the specialisation of the unit might be compromised if it was given non-FCS cases to investigate.¹²⁰

In 2006 the FCS underwent yet another restructuring process, when the units were decentralised to the 176 accounting police stations. In a press statement at the time, Selebi explained the rationale behind this process as follows:

The intention and indeed the end result are to ensure that these services are available 24 hours a day where they are most needed, at the local police station, close to the homes of the victims, easily accessible, readily available, by skilled and trained personnel. There is the utmost commitment from management to ensure that skills are not lost, but are in fact enhanced and transferred ...¹²¹

Again, as with the overall restructuring process, the reasoning sounded logical, but it ignored the fundamental strengths of specialised units (i.e., their cohesion, team spirit and ability to continue the in-service training of new members). When the unit is decentralised to the extent that it loses its cohesion, it also loses its team spirit and over time its ability to produce new specialists or experts.

There was no longer a national pattern that demonstrated the allocation of dedicated personnel, resources and specialised management of FCS cases

A year after the restructuring, when no information on the impact of the process on the FCS units' service delivery was forthcoming, RAPCAN (a Cape Town-based non-governmental organisation involved with the protection of the rights of women and children) undertook a study to assess services to victims before and after the restructuring. The study found that there was no longer a national pattern that demonstrated the allocation of dedicated personnel, resources and specialised management of FCS cases.¹²² Services were devolved to the local level without an articulated national strategy, specialised management and oversight, or dedicated budgets and resources. Restructuring resulted in the demoralisation and demotivation of FCS members and caused confusion and uncertainty (internally and externally).¹²³

Ironically, the SAPS' strategic plan for 2002–2005 with regard to crimes against women and children promised that 'the capacity of specialised units is being enhanced to deal with cases of family violence and sexual abuse'.¹²⁴ Fortunately, the

FCS units were re-established in 2010 and 2011. All indications are that these units are being strengthened in relation to staffing and resources to levels beyond that of 2006, despite the continuance of some concerns.

Conclusion and recommendations

Crime is a complex business, ranging from common assault and theft to heinous murder and sophisticated commercial crime. Within this range there is a wide spectrum of crimes that include interpersonal violence, crimes committed by individuals or small groups, and crimes committed by organised criminal groups or syndicates. Moreover, new sophisticated crime types such as cybercrime and copper cable theft are increasing and costing the country billions of rands in losses.

Some individual criminals and certainly most crime syndicates possess a level of expertise or sophistication that makes it difficult, if not impossible, for the average police station detective to successfully investigate them. In fact, it would be unreasonable to expect all station detectives to have the same levels of skill, expertise and experience to investigate all of these varied crimes. It is for this reason that police agencies across the world form specialised teams of detectives and provide them with suitable training and equipment to investigate specific types of crime that require particular skills, expertise and experience.

There are a number of factors that could assist in the decision to establish, retain or terminate a specialised unit, three of which are crucial:

- The establishment of specialised investigative teams must be based on the result of an in-depth study of the crime problem, why it has become a problem and what is needed to address it. It should include a thorough investigation of why existing police methods and practices are not effective and how a specialised team of detectives could make an impact. In addition, there should be at least some form of consultation with interest groups to assess the level of acceptance and support for a particular specialised group or team. A similar approach should be followed when the closing down of such a specialised investigative team is being considered.
- The major strength of specialised investigative units lies in the fact that they are able to focus their combined talent and attention on the problem at hand. With this focus in mind, these units are able to attract suitably qualified and talented investigators and to add to their expertise, knowledge, training, techniques and equipment. In these circumstances individual members of such units usually develop a certain pride in their unit. Collectively they develop a team spirit that is unique to that unit. When new members join the unit, they

learn the 'trade' from those with more experience, and as the older members leave the younger ones are able to replace them.

- It is almost natural that membership of a specialised unit is accompanied by a certain degree of elitism. This is not necessarily a bad thing since it enables the unit to attract and select the best candidates. At the same time, the unit has to guard against fame- and fortune-seekers who only join the unit for personal gain and to exploit the good reputation of such a unit. Therefore, specialised units also have a particular responsibility to guard against abuse of the unit and must be seen to take immediate steps to root out corrupt and criminal elements within their ranks.

Looking at the position of specialised units in the SAPS, it would appear that since the inception of the SAPS in 1995 these units have had an uncertain existence. During the Fivaz era this was largely as a result of the amalgamation of the 11 police forces that began to take place after the transition to the new Government of National Unity in May 1994. After his appointment in early 1995, Fivaz had to integrate, consolidate and reorganise all these police forces and the specialised units they brought with them into a single national police service. In the process of establishing the SAPS it was almost impossible to re-organise the specialised units so that they fell comfortably within the new parameters of the overall police bureaucracy. One positive outcome of these early years was the development of three broad and more focused specialised investigative groups towards the end of Fivaz's term.

Specialised units also have a responsibility to guard against abuse of the unit and must be seen to take immediate steps to root out corrupt and criminal elements

Unlike Fivaz, his successor, Selebi, had no policing background and certainly no appreciation for the nature and value of specialised investigative units. A national police commissioner is, of course, surrounded by advisers and subject to political control. But the office bestows wide powers, particularly if the incumbent is a forceful personality – Selebi could be famously abrasive – and enjoys higher political support. As national commissioner Selebi appears to have employed his prerogatives to the full, and to have impressed his opinions in an unusually expansive fashion. When it came to reorganising the specialised investigative units he appeared to lack any understanding of their unique character and what it was that made them special. He also either failed to appreciate or simply did not care about the demoralising impact of ongoing management interference with the structure, role and future of specialised units. A good example was the closure of SANAB, where he held the simplistic view that drug-related crime was purely an organised activity, when in fact it is much more complex than that. (Another fateful decision was the restructuring in 2006 of the dedicated public order policing units and the closing down of 20 of the 43 units and the transfer of 64% of their trained members to other units or stations.)

Selebi (with or without his advisors) failed to understand that decentralising the members of specialised units was bound to result in at least two negative outcomes: first, the unit that produced them no longer existed (or no longer existed as a meaningful entity) and therefore no further experts would be forthcoming; and



THE FAMILY VIOLENCE, CHILD PROTECTION AND SEXUAL OFFENCES UNITS WERE RESTRUCTURED IN 2006

second, when the unit was closed down or weakened in terms of its former unity and cohesion, the pride and team spirit disappeared. This also demoralised the remaining members of such units and had a negative impact on the quality of their work. When they eventually became disgruntled and left, the organisation would be unable to replace them.

With unstable leadership changes after Selebi's forced departure in 2009, little appears to have changed with regard to the uncertain status of the leading investigative units within the police bureaucracy. The implications of the closure of the Scorpions and the placement of the Hawks inside the SAPS itself remain cloudy. As noted, anti-corruption mechanisms have been weakened. The failure of public order policing, which resulted in the shooting of striking mineworkers at Marikana in North-West Province in 2012, has had both policing and political consequences. The abandonment of much of the well-grounded specialisation within the police service over the past decade and a half, and particularly within its investigative units, must increasingly be seen as a spectacular failure.

There are, however, positive indications that things are set to change. The new Minister of Police, Nkosinathi Nhleko, in a media statement on 29 March 2015 announced that a decision had been taken to consider the re-introduction of specialised 'crime fighting units'.¹²⁵ The National Development Plan (NDP) 2030, approved by cabinet in 2012, also recommends that specialised units should be re-established, 'staffed with highly trained and professional police officers, to respond to changing crime trends such as narcotics, cyber crime, human trafficking ... and international crime syndicates'.¹²⁶

But the focus of the NDP, as far as the police are concerned, is also on broader measures to professionalise the SAPS. It would be difficult to establish specialised units staffed by 'professional police officers' without the SAPS itself, as an institution, being professionalised. One of the most pressing obstacles in this regard, in the words of the NDP, is the 'strain' the SAPS has been under 'as a result of serial management crises over the last few years'.¹²⁷ In essence, this means that success in rebuilding the specialised units will depend on whether the SAPS has a professional leadership corps, and is able to plan effectively, consult meaningfully and ultimately drive the implementation of an effective specialised capacity.

Notes

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 - Superintendent (Lieutenant-Colonel)
 - Senior Superintendent (Colonel)
 - Director (Brigadier)
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- 40 SAPS, *Annual report of the National Commissioner 2001/02*, Strategic Management, 52.
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- 46 The 176 accounting stations were larger police stations that, at the time, exercised overall control over a number of smaller stations (in 2009 the concept of accounting stations was abandoned in favour of a system of 'Cluster Commanders' who were not attached to a single police station, but were responsible for overseeing and coordinating policing and operational activities at an average of six police stations per cluster, i.e., 176 clusters).
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About the author

Dr Johan Burger joined the ISS in August 2006 and is a senior researcher in the Governance, Crime and Justice division. He served in the South African Police Service (SAPS) for 36 years, the last nine as Assistant Commissioner (Major General) and Head of Operational Coordination in Pretoria. He has an MA in strategic studies and a DTech in policing.

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ISS Pretoria

Block C, Brooklyn Court
361 Veale Street
New Muckleneuk
Pretoria, South Africa
Tel: +27 12 346 9500
Fax: +27 12 460 0998
pretoria@issafrica.org

ISS Addis Ababa

5th Floor, Get House
Building, Africa Avenue
Addis Ababa, Ethiopia
Tel: +251 11 515 6320
Fax: +251 11 515 6449
addisababa@issafrica.org

ISS Dakar

4th Floor, Immeuble Atryum
Route de Ouakam
Dakar, Senegal
Tel: +221 33 860 3304/42
Fax: +221 33 860 3343
dakar@issafrica.org

ISS Nairobi

Braeside Gardens
off Muthangari Road
Lavington, Nairobi, Kenya
Cell: +254 72 860 7642
Cell: +254 73 565 0300
nairobi@issafrica.org

www.issafrica.org