



**SUBMISSION BY CORRUPTION WATCH AND THE INSTITUTE FOR SECURITY STUDIES TO THE
PARLIAMENTARY PORTFOLIO COMMITTEE ON POLICE**

**CIVIL SOCIETY SUPPORT TO THE NATIONAL DEVELOPMENT PLAN RECOMMENDATIONS FOR
THE APPOINTMENT OF THE SAPS NATIONAL COMMISSIONER, THAT SHOULD ALSO APPLY TO THE HEAD
OF THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATIONS (THE HAWKS)**

12 September 2017

**Overcoming the serial crises of top management in the police so as to serve the interests
of public safety**

1. Corruption Watch (CW) and the Institute for Security Studies (ISS) represent leading civil society organisations that are actively working towards a South Africa that is free from crime and corruption. To this end, we keenly appreciate the role and importance of the South African Police Service (SAPS) and the Directorate for Priority Crime Investigations (the Hawks) in combating crime and corruption in the republic. We also acknowledge the importance of ethical and accountable leadership in the effective functioning and performance of both agencies.
2. In July 2017, CW and the ISS launched a public awareness campaign that focuses on the upcoming appointments of the SAPS national commissioner and the head of the Hawks. The core objective of the campaign is to promote awareness and support for the implementation of the recommendations of the National Development Plan¹ as it pertains to the appointment of the SAPS national commissioner and deputies. This requires a merit-based, transparent and competitive selection process be undertaken prior to the appointment of the SAPS national commissioner. Given the authority and status of the Head of the Hawks, we believe that the same should apply before appointments are made to this post.

¹ <https://www.gov.za/issues/national-development-plan-2030>

3. For too long, the individuals appointed to the post of SAPS national commissioner and more recently the Head of the Hawks, have tended to lack the necessary experience, expertise and integrity to effectively carry out the requirements of these crucial posts. The National Development Plan has identified this shortcoming as causing a “serial crises of top management” in the police. The consequences of poor leadership are increasingly becoming clearer.

3.1. The current budget of the SAPS at R87-billion is 50% larger than it was in 2011/12. The organisation has vast personnel resources numbering almost 195 000 people, many of whom are highly experienced and dedicated police officers. The SAPS also possesses world class technology and crime intelligence capacity to assist in identifying criminal networks and THEIR methods of operating.

3.2. Despite this, since 2011/12 there is evidence of deterioration in various functions of the SAPS; for example, by declining intelligence crime threat analysis and network operations, the detective services detection rates for violent crimes such as murder and robbery, and visible policing indicators such as numbers of roadblocks.²

3.3. The consequence of this is that since 2011/12 the number of armed robberies reported to the police has increased by almost 32% and the number of murders has increased by almost 20%.³

3.4. The “serial crises of top management,” as identified in the National Development Plan, has meant that the SAPS is not able to utilise its resources effectively and the consequences for public safety are substantial. More people are being murdered and being attacked on the streets, in their homes, places of work in shopping centres and hijacked while driving.

4. Highly professional, experienced and honest top leadership of the SAPS could change this situation. However, as with most employment, there needs to be a transparent and public participatory appointment process to ensure that only the best candidates are appointed to lead the SAPS and the Hawks. This could potentially render the following outcomes:

4.1. Both the public and police officials would be better apprised of the abilities and characteristics that the new appointee would bring to the job. An appropriately experienced appointee whose integrity was beyond reproach would therefore enjoy an enhanced level of support from both the public and police service, and thus would be more likely to effectively drive plans aimed at improving the performance of the organisation that they are tasked with leading.

² Based on assessments of the South African Police Service annual reports for the period 2011/12 to 2015/16.

³ Based on an assessment of the South African Police Service annual crime statistics for the period 2011/12 to 2015/16

- 4.2. Proper screening and vetting would ensure that the individual selected is less likely to become embroiled in scandals that may emerge after their appointment, thereby resulting in distraction and discord at a senior leadership level.

The lack of criteria for the post of SAPS national commissioner

5. Currently, it is concerning that the criteria to become a constable in the police service is much more stringent and arduous than the criteria to become the SAPS national commissioner.
6. In the SAPS Act there are only three requirements needed to assume the position of SAPS national commissioner. These are that the appointee:
 - 6.1. Be over 18 years of age;
 - 6.2. Be a South African citizen by birth;
 - 6.3. Not have a criminal record or any criminal or departmental cases pending against him or her (all criminal or departmental cases must be declared).
7. The importance and rank of the position of national commissioner as the chief of the police service requires that the employment requirements be further developed to ensure that the best possible candidate is appointed to this position using merit-based criteria.

Implementation of the National Development Plan

8. CW and the ISS have long supported the recommendations in the NDP, which was adopted by Cabinet in 2012, relating to the appointment of the SAPS national commissioner. We believe that the implementation of these recommendations would enable the best possible candidate to be appointed by the president as the national commissioner. The same benefit would accrue to applying these recommendations in appointing the head of the Hawks.
9. The NDP states that:

“The National Commissioner of Police and Deputies should be appointed by the President on a competitive basis. A selection panel, established by the President, should select and interview candidates for these posts against objective criteria. The President should appoint the National Commissioner and Deputies from recommendations and reports received from the selection panel. This would enhance the incumbents’ standing in the eyes of the community and increase the respect accorded to them by their peers and subordinates.”

10. The NDP further recommends that a National Policing Board be established with multi-sectoral and multi-disciplinary expertise. The board would set the standards for recruitment, selection, the appointment and promotion of police officers. This is particularly important because currently there are no clear criteria governing what is expected from the person holding the post of SAPS national commissioner.

11. The 2016 White Paper on Policing⁴ further supports the recommendations in the NDP and notes the following:

“The establishment of a National Policing Board, as per the NDP, with the responsibility for setting objective criteria for recruitment, selection and appointment must be explored, and the development of a two-stream system of recruitment must also be considered. These initiatives are essential to support the enlistment of high calibre officers needed for professional policing...In particular, the National Development Plan holds that the selection and recruitment of the National Commissioner and Deputies must take place against objective criteria to be determined through presidential appointment process. Said recommendation suggests that this will contribute to the goal of building a professional police service and also instil much needed confidence and trust by communities in the organisation.”

A proposed recruitment process:

12. A transparent and public participatory appointment process would potentially ensure that the best possible candidates are appointed to lead these important crime and corruption fighting institutions. An additional layer of checks and balances would serve in the best interests of the public and police service.

13. Section 199(7) of the South African Constitution states:

Neither the security services, nor any of their members, may, in the performance of their functions –

- (a) Prejudice a political party interest that is legitimate in terms of the Constitution; or*
- (b) Further, in any partisan manner, any interest of a political party.*

14. The above clause highlights the role of the police service, and all of its members, remaining non-partisan and apolitical. However, during the course of South Africa’s democracy many individuals have been appointed to lead public institutions, including the SAPS, for primarily political reasons.

⁴[https://www.policesecretariat.gov.za%2Fdownloads%2Fbills%2F2016 White Paper on Policing.pdf&usg=AFQjCNEqR0PLO018Nr9HAUvkQm7ZjldbSQ](https://www.policesecretariat.gov.za%2Fdownloads%2Fbills%2F2016%2FWhite%2FPaper%2FWhite%20Paper%20on%20Policing.pdf&usg=AFQjCNEqR0PLO018Nr9HAUvkQm7ZjldbSQ)

15. In the current political climate, the absence of an additional layer to conduct a transparent selection process could potentially result in the appointment of the SAPS national commissioner being regarded as unconstitutional.
16. We envision that a transparent and public participatory process to undertake the following activities:
 - 16.1. The establishment of a panel of experts who can develop key selection criteria for both leadership positions;
 - 16.2. Publicly advertising the positions and making the selection criteria known;
 - 16.3. Shortlisting the best possible candidates and releasing their CVs for public comments/objections;
 - 16.4. Conducting the interview process in public and objectively assessing the candidates against the selection criteria;
 - 16.5. Presenting no more than five of the best candidates to the president to choose from and appoint as SAPS national commissioner;
 - 16.6. Presenting no more than five of the best candidates to the minister of police to choose from and appoint as the head of the Hawks.

The role of Parliament

17. CW and the ISS believe that Parliament has the authority to play an important role in the appointment processes of both the national commissioner and the head of the Hawks.
18. Section 199(8) of the South African Constitution states:
“To give effect to the principles of transparency and accountability, multi-party parliamentary committees must have oversight of all security services in a manner determined by national legislation or the rules and orders of Parliament.”
19. In the interests of transparency and accountability, the above clause gives Parliament the constitutional authority to exercise oversight in the appointment process of both the national commissioner and the head of the Hawks. This can be achieved through:
 - 19.1. Advising the minister of police to establish the recommended National Policing Board or selection panel consisting of renowned experts in the requirement of executive leadership and policing that will develop the necessary selection criteria and requirements for

- employment for the national commissioner. This need not be an onerous task given that criteria already exist for the posts of SAPS divisional and provincial commissioners;
- 19.2. Advising the president to act on the recommendations of the NDP or selection panel that will advertise, shortlist and interview candidates for both the positions of national commissioner and head of the Hawks in a transparent manner;
- 19.3. The Parliamentary Portfolio Committee on Police could support such a panel by facilitating public participation in the process, as was done for example in the recent appointments to the heads of various Chapter 9 institutions. This could include circulating the CVs of the applicants, providing space in parliament for the interviews to be conducted, and facilitating public inputs on the candidates, so as to assist the selection panel in determining the shortlist of no more than five persons who meet the minimum criteria.
20. Parliament's participation in the appointment process will not remove the president's prerogative to make the final appointment of the national commissioner. Instead it will add an extra layer of transparency and accountability in this critical selection process. The same benefit would accrue to applying this process in appointing the head of the Hawks.

Conclusion

21. More information on this campaign can be accessed from a brochure at the following link: <https://issafrica.org/crimehub/> or <http://www.corruptionwatch.org.za/>
22. An online survey aimed at facilitating public engagement as to the characteristics and attributes that the SAPS national commissioner and head of the Hawks should possess can be accessed at: <https://issafrica.org/crimehub/analysis/survey>
23. Corruption Watch and the Institute for Security Studies wishes to thank the Portfolio Committee on Police for the opportunity to make this submission on an initiative to support the recommendations of the National Development Plan to improve policing and public safety.

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