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CAMPAIGN DEMANDS

WHY THIS IS SO IMPORTANT

CAMPAIGN OBJECTIVES

PROPOSED APPOINTMENT PROCESS

SAPS NATIONAL COMMISSIONER

- IMPLEMENTING THE NATIONAL DEVELOPMENT PLAN

- CRITERIA FOR APPOINTMENT
- HISTORY OF NATIONAL COMMISSIONERS

THE STATS

THE HAMKS





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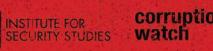
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### A FOR ACCOUNTABILITY





### CORRUPTION WATCH AND THE ISS DEMAND

TRANSPARENT SELECTION PROCESS THAT SOLICITS PUBLIC PARTICIPATION

> AND IS SET AGAINST CLEAR MERIT-BASED CRITERIA, AS RECOMMENDED IN THE NDP, IN THE APPOINTMENT OF THE SAPS NATIONAL COMMISSIONER AND THE HEAD OF THE HAWKS.



### ACCOUNTABLITY AND TRANSPARENCY



A SAFER SOUTH AFRICA THAT ENSURES THE PROTECTION AND RIGHTS OF ALL ITS CITIZENS CORRUPTION WATCH AND THE INSTITUTE FOR SECURITY STUDIES (ISS) HAVE LAUNCHED A PUBLIC AWARENESS CAMPAIGN THAT FOCUSES ON THE PROCESS DETERMINING THE APPOINTMENT OF THE SOUTH AFRICAN POLICE SERVICE (SAPS) NATIONAL COMMISSIONER AND THE HEAD OF THE DIRECTORATE FOR PRIORITY CRIME INVESTIGATIONS (THE HAWKS).

> The organisations believe that both appointments require a transparent selection process against clear meritbased criteria as recommended in the National Development Plan (NDP) adopted by the Cabinet in 2012. Implementing these recommendations would serve two important functions:

> > 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 the police and would more effectively drive plans aimed at improving the performance of the organisation that they are tasked with leading.

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.



### ACTIVITIES AND INTERVENTIONS



THE 3 CORE PRINCIPLES TO APPOINTING OUR NEW POLICE COMMISSIONER AND HEAD OF HAWKS

### AMARENESS

Our public awareness campaign will highlight the role of the SAPS national commissioner and the head of the Hawks, their functions and responsibilities, and the desired process of appointing individuals to these key institutions;

### PUBLIC ENGAGEMENT AND PARTICIPATION



We will develop avenues for public engagement and participation by surveying the public and police officials as to the values and qualities they would like to see in the persons appointed to lead the two institutions;

### ENHANCE TRANSPARENCY

We will campaign to ensure that a transparent and competitive process, as envisaged in the National Development Plan, is implemented.

## PROPOSED APPOINTMENT PROCESS

- A police leadership selection panel should be established by the minister of police on the advice and with the support of the Civilian Secretariat of Police and the parliamentary Portfolio Committee of Police. The objective of the panel will be to undertake a transparent and merit-based recruitment process that results in a shortlist of the individuals most qualified to effectively lead the SAPS and the Hawks.
- The panel should comprise of individuals who are able to impartially assess possible candidates against the agreed-upon criteria.

#### The panel could therefore consist of:

**a.** a retired police general who has served with distinction to assess knowledge of policing policy and practice,

**b.** an expert in criminal law and the laws applicable to policing. to assess knowledge of the legal principles within which policing should operate,

**c.** a representative from the Treasury to assess knowledge of the Public Finance Management Act and relevant regulations governing public sector procurement,

**d.** a representative from the Public Service Commission to assess for knowledge of generic executive public administration prescripts, legislation, planning and reporting obligations

**e.** an expert in executive decision-making and ethics, and

**f.** any other individuals from civil society who possess the necessary expertise to assist in evaluating candidates against criteria developed by the panel.

3. The first task of the panel will be to develop clear merit-based criteria for the post of SAPS national commissioner and head of the Hawks. These criteria must be benchmarked internationally on the necessary skills, expertise, experience, integrity and characteristics required for effectively leading a professional police agency.

- 4. The minister of police should, over a month-long period, publicly advertise the posts for the SAPS national commissioner and head of the Hawks and present the responsibilities and functions of each post along with the minimum criteria required to be shortlisted.
- The Civilian Secretariat should receive applications and supply the panel with a shortlist of candidates who meet the minimum criteria. To be shortlisted, the candidates must not only possess the necessary expertise, experience and qualifications, but must first be vetted for top security clearance and subject to a psychological evaluation.
- 6. The panel must then interview the shortlisted candidates in public against the criteria. The panel should also be able to receive submissions from the public on the shortlisted candidates.
- The panel must provide scores for each shortlisted candidate against the key criteria weighted by the most important functions of the post and assessments of integrity.
- 8. The panel should agree on a shortlist of no more than five candidates for each post, comprising those who achieved the highest scores from the assessment processes.
- The shortlist of appropriate candidates for the post of SAPS national commissioner will then be presented to the president who in terms of his constitutional mandate will appoint the new commissioner.
- The shortlist for the appropriate candidates for the post of head of the Hawks will be presented to the minister of police to make the appointment.

### IF THERE IS THE POLITICAL WILL TO IMPROVE THE PROCESS FOR APPOINTING THE SAPS NATIONAL COMMISSIONER AND THE HEAD OF THE HAWKS, THEN THE ADJACENT PROPOSAL COULD BE IMPLEMENTED WITH SHORTLISTED CANDIDATES AVAILABLE FOR SELECTION BY THE END OF 2017.

If there are concerns that the process may take too long to establish the proposed Police Leadership Panel, then it is proposed that an ad hoc Parliamentary Committee is formed consisting of members from the Portfolio Committee on Police and the Portfolio Committee on Justice and Correctional Services play the role of the envisaged panel.

## SAPS NATIONAL COWMISSIONER

# Since 1995, a total of eight people have held the post of SAPS national commissioner.

In accordance with section 207(2) of the South African Constitution, the president as the head of the national executive must appoint an individual to serve as the national commissioner, to control and manage the police service. The national commissioner shall occupy that office for a period of five years; however, the term of office may be extended by the president but cannot exceed a further five years.

#### POWERS, DUTIES AND FUNCTIONS

The national commissioner shall exercise control over and manage the police service in accordance with section 207 (2) of the Constitution of the Republic of South Africa. The SAPS Act of 1995 stipulates that the national commissioner shall:

- 1. Develop a plan before the end of each financial year, setting out the priorities and objectives of policing for the following financial year;
- 2. Determine the fixed establishment of the Service and the number and grading of posts;

- 3. Determine the distribution of the numerical strength of the Service after consultation with the board;
- 4. Organise or reorganise the Service at a national level into various components, units or groups;
- Establish and maintain training institutions or centres for the training of students and other members;
- 6. Establish and maintain bureaus, depots, quarters, workshops or any other institution of any nature whatsoever, which may be expedient for the general management, control and maintenance of the Service; and
- 7. Perform any legal act or act in any legal capacity on behalf of the Service.

## PLEMENG F. MTOMAL DENEDOPVENT

### Poor leadership at this level impacts directly on the performance of the police service as a whole.

The SAPS national commissioner is an allpowerful position and he or she has the final say on almost everything that happens in the organisation. Fortunately, government's NDP provides practical solutions to what has been described as a 'serial crisis' of police management. The NDP states the following:

"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 this 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."

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



### REQUIREMENTS, OR LACK THEREOF



THE ABSURDITY OF REQUIREMENTS IN RELATION TO THE POSITION OF POWER The lack of criteria for appointing a national commissioner has resulted in many individuals being appointed for political reasons rather than their ability and experience to lead to the police service.

## CRITERIA CURRENTLY REQUIRED FOR THE POSITION OF NATIONAL COMMISSIONER:

- Be over 18 years of age
- Be a South African citizen by birth
- Not have a criminal record or any criminal or departmental cases pending against him or her (all criminal or departmental cases must be declared).





### CRITERIA REQUIRED FOR THE Position of <mark>constable</mark>:

- Be a South African citizen by birth
- Be at least 25, but under 40 years of age, of which documentary proof must be furnished
- Not have a criminal record or any criminal or departmental cases pending against him or her (all criminal or departmental cases must be declared)
- Complete a health questionnaire, at his or her own cost, which is confirmed by a registered medical practitioner
- Be medically, mentally and physically fit to perform duties
- Be of good and sound character
  Fit the psychometric profile and must
- successfully complete any other test that may be determined by the national commissioner
- Be in possession of at least a senior certificate (Grade 12) or must have successfully completed a SAQA accredited NQF level 4 qualification, of which documentary proof must be provided Be able to speak, read and write at least two official languages, of which one must be English
- Allow his or her fingerprints and a DNA sample to be taken
- Be prepared to undergo such training as may be determined by the national commissioner
- Be prepared to take the prescribed oath of office
- Understand that his or her services may be terminated at the age of 60
- · Complete an assessment questionnaire
- Be vetted or screened
- Be employed and provide proof of employment
- Provide proof of his or her residential address
- Not have a tattoo which will be visible if the person wears a uniform.

BASED ON THE ABOVE CRITERIA WHO DO YOU THINK Would be more qualified for the Job?

## NATIONAL POLICE COMMISSIONERS 1995 - 2017



## HISTORY OF MATIONAL COMMISSIONERS

### GENERAL GEORGE FIVAZ

### PERMANENT APPOINTMENT - JAN 1995 – JAN 2000

Former president Nelson Mandela appointed George Fivaz as the first SAPS national commissioner and tasked him with the responsibility of merging the existing 11 policing agencies that existed under apartheid into a single national police service, as well as aligning the police service to the Constitution and implementing a process of transformation. Fivaz stepped down after his five-year contract came to an end.

#### GENERAL JACKIE SELEBI

### PERMANENT APPOINTMENT - JAN 2000 - JUL 2009

Jackie Selebi was appointed by former president Thabo Mbeki in 2000 and previously served as the ambassador to the United Nations and director-general of Foreign Affairs. Selebi was perceived to be personally loyal to Mbeki and it later became obvious that Mbeki needed someone whom he trusted unconditionally to fill the position of national commissioner. Amidst the Mbeki-Zuma battles, tension began to increase between the police and what was then the Scorpions, under the National Prosecuting Authority (NPA). Allegations began to emerge that Selebi was in the pocket of underworld figure Glenn Agliotti. As a result, Mbeki proceeded to suspend former NPA head Vusi Pikoli for trying to arrest Selebi. In 2008, Selebi was placed on special leave pending his corruption trial and was convicted and sentenced in 2010 to 15 years' imprisonment.

#### LT-GENERAL TIM WILLIAMS ACTING APPOINTMENT - JULY 2008 – JULY 2009

When Selebi was placed on special leave, Mbeki appointed Tim Williams as acting national commissioner. Williams joined the SAPS in 1995 and was heading the SAPS Detective Services at the time of his appointment. He was generally held in high regard by his peers. In 2009, former police minister Nathi Mthethwa instructed Williams to appoint Richard Mdluli as the head of the SAPS Crime Division. Williams later publicly stated that the appointment of Mdluli was irregular. Williams resigned from the police service in September 2009. Mdluli currently is on suspension and is being prosecuted for a range of crimes including murder, assault, intimidation and corruption.

#### GENERAL BHEKI CELE PERMANENT APPOINTMENT - JUL 2009 – JUN 2012

President Jacob Zuma appointed the KwaZulu-Natal MEC for Community Safety, Bheki Cele, as national commissioner in 2009. Despite not having any policing background, Cele was seen at the time as a close ally to Zuma. During his relatively short term in office, Cele became closely related to ongoing attempts to militarise the police service when he established the controversial and para-militarised tactical response teams and reintroduced military ranks. Cele was suspended in October 2011 before eventually being fired by Zuma in 2012. This was a result of a recommendation by a board of inquiry probing Cele's fitness into holding office following an investigation by the Public Protector that found Cele's involvement in deals to acquire office space for the police service as "improper, unlawful and amounting to maladministration".

#### LT-GENERAL NHLANHLA MKHWANAZI ACTING APPOINTMENT - OCT 2011 – JUN 2012

Following Cele's suspension in 2011, Nhlanhla Mkhwanazi was appointed as acting national commissioner. Mkhwanazi was

heading the Special Task Force at the time of his appointment and was widely recognised as an honest and highly trained professional. In 2012, Mkhwanazi did not succumb to political pressure to protect Richard Mdluli and subsequently signed notices of suspension against Mdluli and the financial head of Crime Intelligence, Major-General Solly Lazurus, asking them to provide him with reasons as to why they should not be suspended. It is thought that Mkhwanazi's resistance to undue political interference in the operations in the SAPS resulted in him not being appointed permanently to the post of SAPS national commissioner.

#### GENERAL RIAH PHIYEGA PERMANENT APPOINTMENT - JUN 2012 – JUN 2017

In 2012, President Zuma appointed Riah Phiyega to the post of national commissioner. At the time of Phiyega's appointment, her lack of police experience and any proven ability to address the types of organisational challenges facing the SAPS was publicly raised as a concern. During her tenure, Phiyega caused substantial damage to the morale and performance of the police service by irregularly removing some senior and experienced officers and replacing them with individuals who lacked experience and integrity. Phiyega also took no action to rectify the incorrect crime statistics she released in 2012/13 which provided a misleading picture of the crime trends. The Marikana Commission of Inquiry eventually made damning findings against Phiyega with regards to the mass killing of 34 striking mineworkers by the police. President Zuma formally suspended Phiyega in 2015 and the Klaasen Board of Inquiry found that she was not fit to hold office and recommended that she be dismissed. Nevertheless, Zuma failed to implement the recommendation and allowed Phiyega to continue receiving her full salary and benefits while on suspension until her contract concluded.

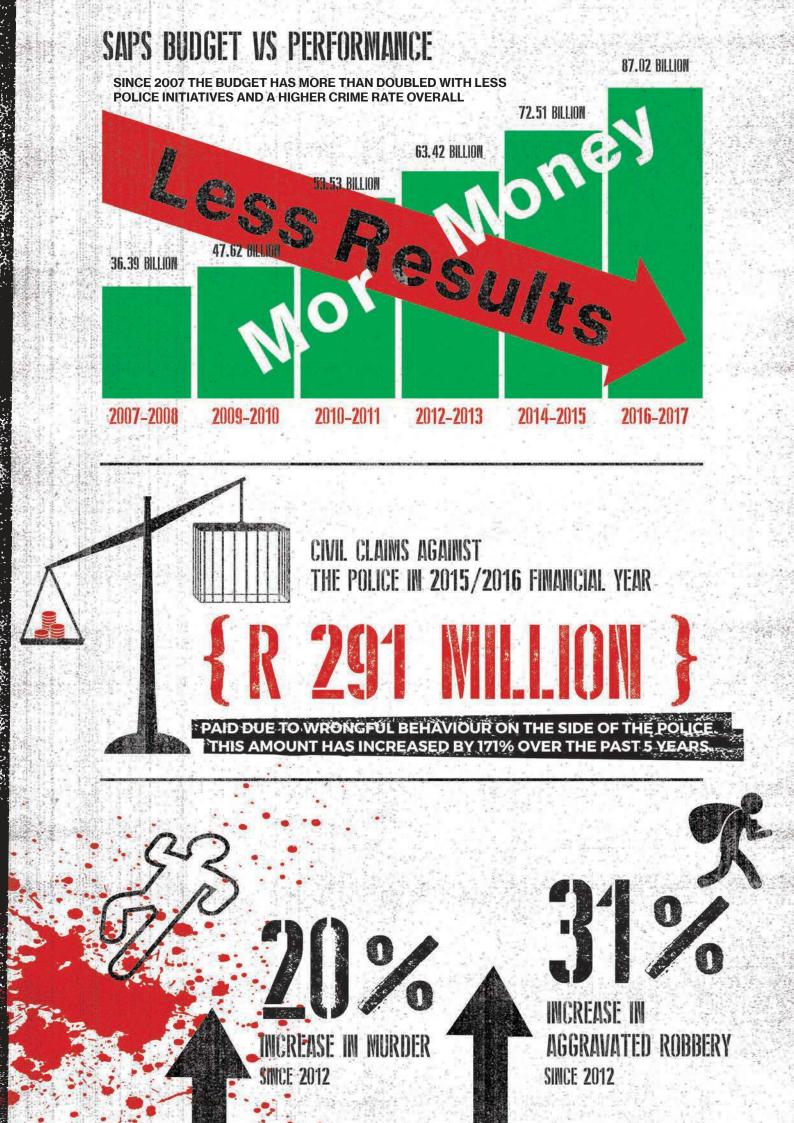
### LT-GENERAL JULIUS PHALANE ACTING APPOINTMENT - OCT 2015 – MAY 2017

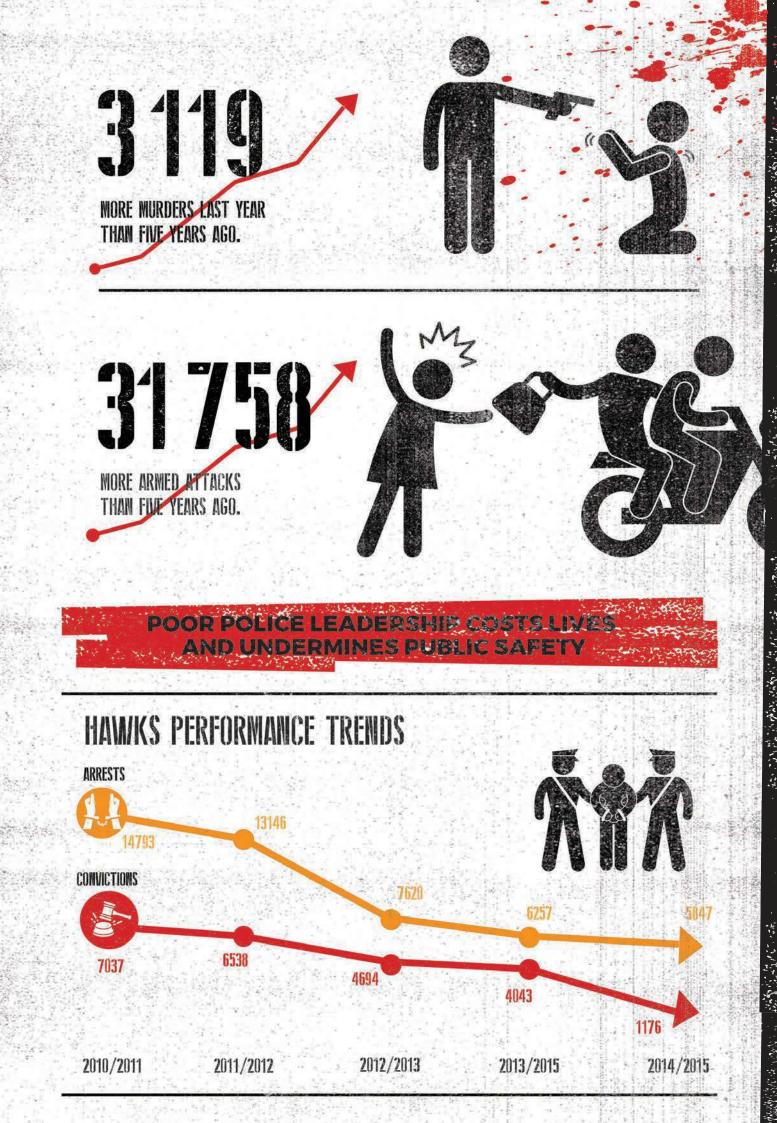
Julius Phalane was appointed as acting national commissioner in October 2015 after Zuma formally suspended Phiyega. Phalane was a career police officer with 28 years of experience and formally headed the SAPS forensic component. Phalane commenced his term by undertaking a thorough diagnosis of the SAPS performance, as well as restructuring the police service in line with his "Back to Basics" plan; he made around 70 appointments. While there was evidence of improvements in the SAPS National Headquarters, Phalane became embroiled in conflict with the Independent Police Investigative Directorate (IPID) who started to investigate allegations of corruption against him. The publicity around the investigation and Phalane's response to it started to further damage the police morale and his credibility. Phalane's acting appointment came to an end in May 2017 and he was replaced.

#### LT GENERAL LESETHJA MOTHIBA ACTING APPOINTMENT - JUNE 2017 – TO DATE

President Zuma appointed Lesethja Mothiba as acting national commissioner to replace Phalane. Mothiba is a career police officer with 35 years of experience and he has held a number of top management positions in the police service, including national head of visible policing and Gauteng provincial commissioner.

He served in the SAPS Management Interventions Unit overseeing initiatives to improve policing in three provinces at the time of his appointment.







HAWKS DIRECTORATE FOR PRIORITY CRIME INVESTIGATION

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The Directorate for Priority Crimes Investigations (the Hawks) was **established in 2008** as a replacement for the effective anti-corruption unit, the Directorate for Special Operations (the Scorpions). The Scorpions were responsible for investigating high-profile individuals such as former SAPS National Commissioner Jackie Selebi, and Jacob Zuma when he was the deputy president of South Africa. **The Hawks are responsible for the combating, investigation and prevention of national priority crimes such as serious organised crimes, serious commercial crime and serious corruption** in terms of Section 17B and 17D of the South African Police Service Act, 1995 as amended.

## APPOINTMENT PROCESS AND CRITERIA

The Minister of Police, with the concurrence of Cabinet, shall appoint a person who is –

- (a) A South African citizen; and
- (b) A fit and proper person, with due regard to his or her experience, conscientiousness and integrity, to be entrusted with the responsibilities of the office concerned, as the National Head of the Directorate for a non-renewable fixed-term of not shorter than seven years and not exceeding 10 years.

## HISTORY OF HEAD OF HAWKS

#### ANWAR DRAMAT PERMANENT APPOINTMENT - 2008 – 2012

Anwar Dramat was appointed as the first head of the Hawks and by general account did a good job of providing stability to the unit. Shortly after requesting the dockets of criminal investigations involving people close to President Zuma, he was suspended by then minister of police Nathi Nhleko, in December 2014.

While the reason given was his alleged involvement in an illegal rendition of Zimbabwean nationals, he was allowed to resign with a reported R3.1-million pay-out. To date, no credible evidence has emerged implicating him in any crimes. Dramat successfully overturned the police minister's attempts to remove him in various court applications until he accepted the pay-out.

### BERNING NTLEMEZA PERMANENT APPOINTMENT - 2014 – 2017

Berning Ntlemeza was appointed as the acting head of the Hawks following Dramat's suspension. Prior to his permanent appointment in 2015, Ntlemeza was found by the courts to have lied under oath. Pretoria High Court Judge Elias Matojane found that Ntlemeza, as acting head of Hawks at the time, "lacks integrity and honour."

Despite this, former police minister Nathi Nhleko permanently appointed Ntlemeza in 2015. Under Ntlemeza's leadership, the Hawks had sent 27 questions to the former finance minister Pravin Gordhan in relation to an apparent "rogue unit" located within the revenue services (during Gordhan's tenure as commissioner), just before he was due to deliver the 2016 budget speech.

This came just two months after President Zuma had fired finance minister Nhlanhla Nene in favour of littleknown ANC back-bencher Des van Rooyen, and then quickly replaced Van Rooyen with Gordhan. After causing much damage to the Hawks' morale and public credibility, Ntlemeza was eventually suspended by current police minister Fikile Mbalula. This followed a High Court ruling that overturned his appointment on the grounds that he was not a fit and proper person to lead the Hawks.

#### LT-GENERAL YOLISA MATAKATA ACTING APPOINTMENT - April 2017 – to date

Matakata was the deputy national head of the Hawks and the former Western Cape Hawks boss.

She was appointed by Mbalula as acting head until the legal processes involving the removal of Ntlemeza were completed.

SECURITY SERVICES OF THE REPUBLIC CONSIST OF A SINGLE POLICE SERVICE AND ESTABLISHED IN TERMS OF THE CONSTITUTION. FORCE IS THE ONLY LAWFUL MULITARY FORCE IN THE IER THAN THE SECURITY SERVICES ESTABLISHED IN TERMIS MATIONAL LEGISLATION MUST ACT, AND MUST TEACH CONSTITUTION DER. 7) NEITHER PREJUDICE PRINCIPIES TRANSPARENCY TELLIGENCE SERVICES 



## POOR POLICE LEADERSHIP COSTS LIVES AND UNDERWINES PUBLIC SAFETY REPORT CORRUPTION IN THE POLICE SERVICES

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