Protector or predator?

Tackling police corruption in South Africa

Gareth Newham and Andrew Faull

Protector or predator?

Tackling police corruption in South Africa

Gareth Newham and Andrew Faull

Contents

Acknowledgements

About the authors

- **Gareth Newham** is the Head of the Crime and Justice Programme at the Institute for Security Studies. He has worked closely with members of the SAPS and undertaken research on policing in South Africa since 1998. He obtained his Masters in Public and Development Management from the University of the Witwatersrand with a dissertation on managing police corruption at station level. He also trained station-based commanders on improving performance management and addressing police corruption as part of the Joint University Public Management Education Trust Police Management Training Programme.

- **Andrew Faull** is a Senior Researcher in the Crime and Justice Programme at the Institute for Security Studies. In 2010 he published a book titled *Behind the Badge: the untold stories of South Africa's Police Service members*. He has also been an active police reservist member for a number of years in different police precincts in the Western Cape and Gauteng.

Both authors have published widely on the topic of police corruption and police oversight in South Africa.

Executive summary

Despite the positive changes that have occurred within the South African Police Service (SAPS) since the birth of democracy in 1994, police corruption remains a substantial challenge for the organisation. While the extent of police corruption cannot be easily or accurately measured, there is evidence that the problem is a widespread and systemic one. This is not to say that most or a majority of police officials engage in corruption. However, the prevalence of the problem is such that it substantially hinders the extent to which to the SAPS is able to achieve its constitutional objectives and build public trust. This is not a unique challenge facing the SAPS. Corruption is a challenge throughout the country's public and private sectors and is a specific occupational hazard of policing agencies world-wide. Given the nexus of power, discretion and inadequate accountability that often arises in policing, this profession is particularly prone to the problem of corruption.

Typically, police management will respond to incidents or allegations of corruption as a problem of a few 'bad apples' who must be punished or removed from the organisation. Yet, international research and commissions of inquiry into police corruption consistently emphasise that corruption is more a manifestation of organisational weaknesses than a challenge of bad employees. As such, punitive action against individuals who commit acts of corruption, while necessary, will on its own do little to change the factors that allow for police deviance and corruption to occur in the first place. To address corruption effectively a more holistic approach is required that focuses on strengthening the integrity of both the organisation and its employees.

While post-apartheid police and political leaders have not been blind to the challenge of corruption within the SAPS, the organisation has struggled to adequately address the problem. Police corruption was identified as a 'national priority problem' as early as 1996. Consequently, the SAPS established an internal

National Anti-Corruption Unit (ACU) with branches in all provinces. The unit was successful until 2002 when it was controversially closed down by the SAPS National Commissioner Jackie Selebi. Unfortunately, Selebi was himself later convicted on corruption charges, marking a particularly low point for the public image of the organisation.

In response to ongoing public and internal police concerns about persistent police corruption, the SAPS has over time developed a number of anti-corruption strategies, with the latest unveiled in 2010. However, there is little evidence that any of these strategies have been effectively implemented and the SAPS generally continues to employ anti-corruption rhetoric that blames deviant individuals rather than reflect the recognition that fundamental organisational and management failures allow it to occur.

This monograph reflects international and local research and findings about the causes of police corruption and applies them in explaining why police corruption is a persistent challenge in South Africa. This allows an understanding of how and why police corruption occurred during apartheid and why it continues to persist well into democracy.

This monograph also provides details of the SAPS's approach to tackling corruption and identifies the reasons for the lack of progress. Moreover, it presents a set of recommendations that, if implemented, are likely to strengthen the ability of the SAPS to promote police integrity which would have the effect of reducing corruption, improving public trust and the ability of the organisation to tackle crime more effectively. In essence it is argued that the SAPS should pursue an approach that involves the following inter-related strategies:

- **Enhancing internal accountability**: by establishing effective systems to receive and deal with public complaints, through dedicated internal capacity to investigate allegations of police abuse and criminality, and improve the management of discipline throughout the organisation.
- **Promoting a culture of organisational integrity**: by fostering a culture that adheres to the SAPS Code of Conduct and Code of Ethics, that respects the Constitution and that puts service to the people first.
- **Mobilizing community support**: by encouraging communities to promote professional, honest, corruption-free policing by recognising and supporting good police conduct and reporting all incidences of poor service or police criminality.

1 Introduction

Almost two decades after the end of apartheid, the South African Police Service (SAPS) continues to struggle with one of the major occupational hazards of policing, namely the abuse of power. While progress has been made since the outright brutalities of apartheid-era policing, corruption is one of the biggest challenges facing the SAPS. Perhaps the lowest point was the conviction of South Africa's former National Commissioner of police, Jackie Selebi on corruption charges in 2010.

In 1996 the National Crime Prevention Strategy (NCPS) identified 'corruption within the criminal justice system' as one of the 'crime categories of particular concern'. This remains the case. While it is generally accepted by international experts that some corruption occurs in most, if not all law enforcement agencies, the key issue is to manage and control the extent and nature of the abuse.[1]

The closure of the Anti-Corruption Unit (ACU) in 2002 was a step backwards for the SAPS in terms of combating corruption and resulted in a reduction in the numbers of arrests and convictions of police officials involved in corruption. In 1999, before the closure of the ACU, the SAPS began developing a Service Integrity Framework (SIF) to help manage corruption in a more holistic manner. Yet the SIF remained in draft form for a number of years. In 2007/08 it was re-worked and

renamed the Corruption and Fraud Prevention Plan (CFPP) and in 2010 was again repackaged and renamed the Anti-Corruption Strategy (ACS). While a significant amount of work went into developing the ACS and its predecessors, there is little evidence to suggest that any of the measures provided for in the strategies were implemented effectively, if at all.

The current ACS does not include the establishment of a dedicated anti-corruption investigation capacity in the SAPS. There is in fact no independent unit serving this role and consolidated statistics for police corruption are no longer publicly available (although within the SAPS, the Crime Intelligence division should have this data). Although in late 2010 an anti-corruption unit was established within the Directorate for Priority Crime Investigations (DPCI), also known as 'the Hawks', the unit was understaffed, remained relatively unknown and was established without the knowledge of those who compiled the ACS. It therefore did not exist as part of, or act in accordance with, the SAPS anti-corruption strategy. In addition, the Hawks unit (including the Anti-Corruption Unit) suffered a blow in March 2011, when the Constitutional Court ruled that it was 'insufficiently insulated from political influence in its structure and functioning' to meet the constitutional requirements for a dedicated corruption investigation agency.[2]

In addition, the expertise for tackling corruption (both proactively and reactively) that the SAPS's former Anti-Corruption Unit developed was lost. In the months of uncertainty that prevailed before the unit was finally closed, many ACU investigators left the SAPS altogether. Once the unit was closed, some of those investigators who had stayed in the SAPS were transferred to units or posts where they were no longer involved in investigating police corruption. Following its closure, both members of the public and the SAPS who were previously able to report corruption incidents to a specific unit could no longer do so.

At the time of writing the SAPS did not have a dedicated, centralised corruption reporting system. Instead complainants and victims are expected to report police corruption at stations, to the 10111 emergency number or to the Public Service Commission's national hotline. Therefore, the SAPS has no way of monitoring all the corruption allegations and investigations taking place throughout the organisation. When contacted with corruption allegations, the hotlines typically refer these to the relevant provincial, cluster or station commander to deal with. While it is the responsibility of these senior managers to combat corruption and ensure that thorough investigations are undertaken into any allegations they

receive, the extent to which they have the willpower, ability and capacity to do so differs significantly across the country.

In addition, the type of support from head office required for ensuring that corruption is adequately dealt with throughout the organisation has not been forthcoming for many years. It has generally been difficult for commanders willing to tackle corruption to do so. In addition to not having the necessary organisational support to ensure that allegations are thoroughly investigated, they could also find themselves being threatened by those against whom action was being taken. Proactive and confidential 'sting' operations are only used if adequate information is obtained about an impending corrupt act, but such operations have not been common.

Even where investigations have resulted in disciplinary steps being taken against corrupt members, weaknesses within the SAPS disciplinary system have meant that many corrupt police members have remained in the SAPS. For example, between 2001 and 2008, the Independent Complaints Directorate (ICD) recommended disciplinary action in 928 cases where its investigations found police officials to have been involved in misconduct, however the SAPS only took action in 48 (5,1 per cent) of these cases.[3]

Although the strategic and policy responses of the SAPS to tackle corruption and promote integrity have been largely *ad hoc*, reactive and inadequate, there is a growing recognition both politically and within the SAPS that corruption remains a serious challenge facing the SAPS and that it needs to be addressed.

This monograph examines the concept of police corruption and contemporary approaches to tackling the problem, from an international perspective. It also provides an assessment of the information about the problem of police corruption in South Africa and corruption management efforts in the SAPS. Finally, it offers practical suggestions on how the management of police corruption can be improved in South Africa.

2 Defining police corruption

Public sector corruption is broadly defined as the abuse of official power or authority for personal gain.[4] Police, however, are in a unique position when it comes to committing corrupt acts, because unlike other public servants, police officials have a monopoly on the state-sanctioned use of force. They also have powers that allow them to deny people their freedom, and they have access to both public and private places, and information not readily available to other civil servants.

Definitions of police corruption that emerged in the sixties and seventies defined it as any 'deviant, dishonest, improper, unethical or criminal behaviour by a police official'.[5] However, definitions such as this do not distinguish between corrupt acts committed in the course of duty and other criminal acts. This means that there would be no way to differentiate the abuse of power issue, for example, between a police official who accepts a bribe from a criminal suspect and one who steals a cellphone from his colleague.

More recent definitions state that for an act to be labelled as police corruption, it must involve the abuse of power specific to the occupation of policing. Therefore, it is an act of police corruption if a police official steals property from a crime scene while investigating a crime, since the official would only have been able to commit the theft because of his or her authority to be present at the scene.

But, if a police official commits theft that does not rely on police authority (for example from a colleague, or while off-duty), then this would be seen as an act of criminal theft rather than one of corruption.

Another distinction between contemporary and older definitions is that earlier definitions contained an implication that the purpose behind the abuse of official power was personal or private gain. Contemporary definitions recognise gains that might not be immediately personal or private.[6] For example Syed and Bruce define police corruption as 'any illegal conduct or misconduct involving the use of occupational power for personal, group or organisational gain'.[7]

This definition includes abuses of power that are perceived to be advantageous for the unit or police agency as a whole. An example would be planting

Table 1 Types and dimensions of police corruption[10]

Type	Typical situation
Corruption of authority	Receiving some form of material gain by virtue of an official's position in the police but without violating the law *per se* (e.g. free drinks, meals, services)
Internal payoffs	Prerogatives available to police officials (holidays, shift allocations, promotions) are bought, bartered or sold
'Kickbacks'	Receipt of goods, services or money for referring business to particular individuals or companies (e.g. police referrals of recently arrested suspects to defence lawyers in exchange for a portion of the fee paid by the suspect)
Opportunistic theft	Stealing from arrested suspects, from crime victims (who may be disorientated, unconscious or dead) or from crime scenes (e.g. burgled homes or jewellery stores)
'Shakedowns'	Acceptance of a bribe for not following through on a criminal violation, such as failing to make an arrest, failing to file a complaint, or failing to conduct a search or seize contraband
Protection of illegal activities	Police protection of those engaged in illegal activities (e.g. sex work, illegal selling of drugs, illegal selling of liquor, illegal gambling)
'The fix'	Undermining of criminal investigations or proceedings through losing or failing to collect evidence and/or selling of dockets
'Flaking' or 'padding'	Planting of, or adding to, evidence to secure a conviction or increase a sentence
Direct criminal activities	Committing any crime against a person or property by virtue of the official's police knowledge or the opportunity presented by his or her job (e.g. murder, rape, armed robbery, theft)

evidence on suspects to improve the conviction rate and status of a particular police unit. Another example would be the manipulation of crime statistics to meet performance targets, as was done at the Mountain Rise police station in KwaZulu-Natal in 2009.[8]

The Prevention and Combating of Corrupt Activities Act passed in 2004 provides a lengthy definition of corruption that contains a number of clauses and sub-clauses.[9] This underscores the difficulties inherent in defining corruption legally if it is to adequately frame the range of behaviours and omissions that could be understood to be corrupt. The challenges inherent in applying this legislation have become clear as over the three-year period between 2007/08 and 2009/10, the SAPS Annual Reports reveal that a total of only 13 people had been convicted in relation to this Act.

A TYPOLOGY OF POLICE CORRUPTION

A number of analysts have developed typologies of police corruption to demonstrate the range of activities that may be included in the phenomenon. Table 1, which highlights the better-known types of police corruption, is one such example. While typologies such as this are useful, their necessarily generic nature means they don't capture the specific contextual factors that so often determine how corruption happens within individual policing agencies.

HISTORICAL CHANGES IN POLICE CORRUPTION

The 1994 report of the Mollen Commission of Inquiry into corruption in the New York City Police Department (NYPD) noted that the characteristics of police corruption could change over time.[11] Twenty years earlier the Knapp Commission of Inquiry into Police Corruption in the NYPD had identified the corruption problem as pervasive but relatively petty in nature. This type of corruption, labelled 'grass-eating', occurred as part of everyday policing when the opportunity arose (e.g. accepting bribes to not arrest sex workers or people in possession of a small amount of illegal drugs). However, by the 1990s acts of corruption in the NYPD tended to be carried out by groups or 'crews' of police officers who spent considerable time planning and aggressively looking for situations that could be exploited for financial gain. This proactive type of corruption, referred to as 'meat-eating', was considered far more damaging than 'grass-eating'.

A distinction was also made between 'grand corruption' and 'petty corruption', referring to the scale of the corrupt activity, usually measured in cash value.[12] Grand corruption is usually understood to involve large sums of money (hundreds of thousands, if not millions of Rands), is generally well planned and involves a number of police officials. 'Petty corruption' typically involves relatively small amounts of money taken in bribes on an *ad hoc* basis as and when the opportunity arises.

Politicians and police senior managers typically refer to corruption as a problem involving a small number of 'rotten apples', but this is rarely the case in reality. As illustrated in Box 1, if it is not consistently and proactively addressed, corruption tends to become systemic.

Box 1 Systemic police corruption in the United States

The Knapp Commission into police corruption in New York City during the early 1970s found examples of systemic corruption. In particular, it was discovered that all plainclothes police officials would collect regular bi-weekly or monthly payments from illegal gambling establishments. This money would be collected at a specific location at the same time every month. The proceeds from all the gambling establishments would then be pooled and distributed equally among all the plainclothes police in that division. Police supervisors of the rank of lieutenant would receive 50 per cent more than regular officers and more senior-ranking commanders would receive double the regular officers' allocation.[13]

In another example, in October 1999 the Los Angeles Police Department experienced one of its biggest police corruption scandals. An anti-gang unit called CRASH (Community Resources Against Street Hoodlums) was accused of routinely fabricating evidence, stealing cocaine, intimidating witnesses and planting guns on unarmed suspects. During the early stages of the investigation, 70 police officers were implicated and 40 criminal convictions were overturned as a result of discredited evidence and improper means of investigation. Up to 4 000 anti-gang cases were thought to have been affected by the activities of this unit. Corruption had become systemic over a period of two years because those concerned had agreed to a code of silence and supervisors had turned a blind eye.[14]

A HAZARD OF THE POLICING PROFESSION

Very often the explanations given for the existence of police corruption tend to be rather simplistic, such as the common explanation that corruption is the result of the greed, and by implication moral inferiority, of a small number of individuals. However, when it is recognised that the problem is more widespread and systemic in nature, the explanations are often that police officials become corrupt because they are underpaid for working under very difficult conditions. While some individuals are more prone to corruption than others, there is also important perspective in the notion that certain conditions can promote higher levels of corruption than can be explained simply by individual factors. Indeed, when it comes to policing, there is substantial evidence that a range of risk factors converge to cause the profession of policing to be more corruption prone than many other professions.[15]

A well-known rule of thumb for understanding what drives public-sector corruption in general comes from academic Robert Klitgaardt. Using the economic principle-agent model, Klitgaardt argues that 'corruption equals monopoly plus discretion minus accountability'.[16] Simply put, the principle actor (in this case the police agency) employs agents (the police officials) to carry out certain activities. If the police official (agent) has a monopoly of power over clients (in this case ordinary citizens), and enjoys substantial discretion in a context where accountability is poor, then the opportunity for corruption will be great.

Bearing in mind Klitgaardt's formula, one can see how the specific features of policing make corruption a very real occupational hazard. Unlike other public servants, police officials have a monopoly on the state-sanctioned use of force. They also have discretionary powers that allow them to deny citizens their freedom, and they have access to places and information not readily available to other civil servants. These powers are legally constrained, but out on the streets the right to later legal recourse for those who are abused holds little comfort. Practically speaking, police officials can enter buildings, search people, seize property, and if necessary, arrest and detain ordinary citizens, with little immediate accountability for the decisions they make.

Police have substantial discretion about when to invoke these powers, and on a day-to-day basis police commanders seldom monitor the way ordinary officials exercise discretion unless a serious complaint is lodged and thoroughly

investigated. Given that both parties to corruption usually benefit (for example, the police official gains money while a criminal suspect escapes arrest), and both are guilty of an offence, it is not surprising that very few cases of corruption are ever reported. And if corruption is reported, the credibility of the person reporting it may be questionable, especially if he/she is a criminal suspect, and corrupt police officials are usually in a position to intimidate witnesses or hide evidence as soon as they realise that they are under investigation.

In a recent contribution to the canon on police corruption, Maurice Punch reminds readers of three common themes in related literature:

- Policing and corruption are inseparable
- It takes many forms and changes over time
- It typically involves group behaviour encouraged by the organisational context[17]

However, the thrust of Punch's message is that one cannot effectively understand or address police corruption from the perspective of the 'bad individual'. Rather, police organisations create environments in which officers are encouraged to bend rules and keep silent about it. Good cops can turn bad by the nature of their work and the organisation in which they work.[18] Punch's thesis fits snugly with Klockard's equation: 'corruption equals monopoly plus discretion minus accountability'.

CORRUPTION AT ALL LEVELS

In this section of this monograph we explore the dynamics of corruption as it relates to three levels of social organisation:

- The individual (i.e. the police official)
- The organisation (i.e. the specific agency)
- The 'environment' (the broader social context in which the police agency is located)

Individual level

Research has suggested that most adults reason at what Lawrence Kohlberg called the 'conventional level of cognitive moral development', which he

characterised as valuing the maintenance of familial, group or national expectations, regardless of consequences.[19] Many individuals are therefore intensely loyal to those whom they consider as part of their group. At the same time the moral values of most organisations (including police organisations) are shaped by broader societal values.[20] Therefore, we can assume that police within a unified, stable and largely law-abiding society would be less likely to be corrupt than those in disjointed and fractured societies characterised by high levels of crime and corruption.

Apart from the most obvious and common motivation, namely greed, there have been attempts to understand which personal characteristics are thought to predispose a police official towards corruption. Suggestions include an inability to manage personal finances, a history of violent or criminal behaviour, involvement with narcotics, and a criminal record.[21]

The screening processes for recruiting police are often inadequate, and the result is recruitment of individuals who are not suited to the work.[22] Research in the US suggested that mass recruitment drives undermined the screening systems of police agencies, thereby yielding higher numbers of 'problem officers' because many people joined the police agency not for vocational reasons, but to gain status, or access to weapons, or merely because it was a job.[23] This is a particular risk in South Africa where there are high levels of unemployment.[24]

Between 2001 and 2010, the SAPS grew substantially, having recruited approximately 80 000 personnel. In 20010/11 the recruitment pace began to slow. The SAPS's 2011/2012 Annual Performance Plan predicted that it would recruit roughly 7 500 new employees each year until 2013/14, and lose roughly 5 000 each year. This means an annual gain of around 2 500 employees, which would take the SAPS to a projected total membership of approximately 205 000 by 2014.[25] However, in 2010 General Bheki Cele, National Commissioner at the time of writing, admitted to Parliament that, 'We have not been big on quality, we have been big on quantity. People have been thrown in by chasing quantity rather than quality.'[26] Fortunately, the 2011/2012 SAPS Performance Plan recognised the importance of quality recruitment stating, 'We need to ensure that we are able to recruit the right kind of people and then to train and develop these people into the kind of Cop we want to see.'[27]

The SAPS stands out as one of the few options for formal employment for South Africa's unemployed matric graduates.[28] As a result, many people apply

to become police officials if they meet the minimum requirements, primarily because they view policing as a job rather than a vocation, and many are thus not particularly well suited to the work. The greater the number of such individuals in a police organisation, the more likely it is that it will have problems with corrupt officials. This reasoning, however, does not account for all instances of corruption, since there are police officials who, despite being suited in many ways to the vocation, have become corrupt.

Since it is difficult to find a universal explanation for all types of corruption, theorists have tried to understand the process through which an individual police official may become corrupt. Much has been written about the 'slippery slope' theory, which claims that corruption begins with minor misconduct then escalates until it is serious.[29] Often, minor incidents of misconduct initially represent genuine ethical dilemmas for police officials. It might begin with an official accepting a small gift (against the rules of the police agency) from a grateful citizen who has been helped. Alternatively, it might begin with 'bending the rules' to get the job done – in the literature this has been referred to as 'noble cause corruption' or the 'Dirty Harry Problem'.[30]

At the heart of these problems lies the question of whether a morally good end can justify the use of ethically problematic means. The problem is that once a police official decides that circumstances justify the use of illegitimate means (e.g. the planting of evidence) for what could be considered a morally good end (in this case to ensure a known drug dealer goes to prison), the official inevitably becomes tainted. Regardless of the nature of the initial indiscretion, once the official starts to bend or break the rules of professional police conduct it becomes increasingly difficult for him/her to draw the line as to what is acceptable or unacceptable behaviour. Through a process of moral redefinition, the official may eventually begin to routinely take gifts of bigger and bigger amounts, or use other illegitimate means as ends in themselves (e.g. meting out punishments to those who would otherwise escape sanction due to the inefficiencies of the criminal justice system).[31]

While individual accountability lies at the heart of the fight against corruption, the approach of apportioning total blame to the individual involved (the 'bad apple', or 'rotten potato' as it is often phrased in South Africa) has increasingly lost currency.[32] In attempts to minimise the damage of a corruption scandal to the overall image of the organisation, senior police commanders often lay all the blame on a few 'bad apple' officials. Inquiries into police

corruption reveal that corrupt behaviour, for which an individual or a few individuals are initially blamed, turns out to be part of an organised and more extensive systemic weakness, reinforced by the tolerance of non-participating officials or commanders.[33] The 'rotten apple' theory is not only insufficient for understanding police corruption, but it can also be detrimental if it is relied on too heavily to provide solutions.

It is now well recognised that corrupt police officials are neither natural criminals nor morally wicked people, but rather that their attitudes and actions are a product of the environment in which they work. A rotten barrel breeds rotten apples, not the other way around. It is therefore the whole barrel – the police organisation, its leadership, systems and culture – rather than the individual official that needs to be examined if the problem of police corruption is to be effectively and sustainably addressed.[34] Managerial reference to 'rotten apples' deflects attention away from the systems and culture within an organisation that allows corruption to thrive, and hinders effective organisational reform.[35] Much of the rhetoric from SAPS leadership over the past decade, when referring to police corruption, has used this very analogy. In January 2011 General Cele told a group of new recruits that, 'There is no place for *tsotsi cops* in the SAPS and we are rooting the rotten elements out diligently.'[36] In September 2010 Gauteng's police commissioner, Lieutenant-General Mzwandile Petros, said, 'We need to get rid of these rotten potatoes,'[37] while in December that year the Minister of Police, Nathi Mthethwa, said, 'We shall never get tired of ridding the SAPS of rotten apples.'[38] In December 2009 the Deputy-Minister of Police, Fikile Mbalula, said 'rotten potatoes' would be weeded out of the SAPS.[39] While these sentiments may serve to suggest that the problem of corruption is receiving attention, it does not reflect any recognition of the need for organisational changes to address shortcomings with police integrity.

In mid-2011 a new discourse started to emerge at a political level in public statements in relation to police corruption. Minister Mthethwa, speaking at an anti-corruption summit hosted by the South African Police Union (SAPU) in June, suggested a far more nuanced understanding of the challenge when he said, 'Dealing with corruption … is not just about dealing with the individual cases and people that that come to our attention, but also about making sure our systems and process are able to prevent corruption.'[40] This may represent an important change in the way that police corruption is understood and addressed in the future.

Organisational level

The culture that prevails within a policing organisation has a significant influence on whether officials engage in corrupt activities or not. It is after all the organisation that recruits and trains each police official, sets standards, and either holds (or fails to hold) each official accountable.

Sherman *et al* and others have argued that police departments are organised according to a number of informal, unwritten rules.[41] These rules are not learnt during training but during the early years of a police official's career on the street and are important tools for his or her socialisation into the agency. Most of these 'rules' serve to establish networks of loyalty within the police and often undermine external control. In recent years a number of researchers have written about the informal rules that have developed among some SAPS units, including practices of corruption and torture, but also practices of compassion.[42]

One of the most significant generic characteristics of police culture that promotes corruption is what has been called the 'code of silence', as described in Box 2. This is a strong informal agreement among police officials that no officer will report the misconduct of a fellow officer, or cooperate with any investigations against them. In this way secrecy becomes 'a protective armour shielding the force as a whole from public knowledge of infractions'.[43]

Box 2 How the code of silence fuels corruption

Police officials rarely see the 'code of silence' as negative, but rather as a sign of group solidarity, empathy and support for colleagues in difficult circumstances (e.g. battling to deal with the stress of the job, or being the subject of an investigation). Nevertheless, it plays a major part in fuelling corrupt practices in a police agency. For example:

- It may lead honest and inexperienced police officials to accept corruption as part of the job
- It may engender a sense of futility among managers who no longer believe that corruption can be challenged and the police organisation reformed
- It can allow corrupt officials to manipulate and control fellow officials
- It can undermine internal investigations into police corruption[46]

In some police agencies this culture is so strong that officials who report infringements committed by their colleagues are isolated, intimidated and sometimes harmed. A culture such as this does much to protect corrupt police officials, since those most aware of their movements and activities (their colleagues) will not cooperate with investigations against them. As one SAPS member told an interviewer regarding his knowledge of colleagues' criminal actions: 'I heard about it, I knew about it, but when the internal investigators came and asked me if I would speak against them I said, "I know nothing." Those guys will kill you.'[44] In April 2011 the Independent Complaints Directorate (ICD) complained of a lack of cooperation from police when investigating police shootings, suggesting that the 'code of silence' was effective in hampering investigations into misconduct.[45]

A key causative factor in police corruption is a low level of managerial supervision and therefore of accountability. While out on the streets there is little direct managerial oversight, and the work of the police is largely incident-specific 'not subject to generic decisions by remote commanders'.[47] This allows most street-level police officials to resist managerial edicts, policies 'and even disciplinary action' should they wish to.[48] Indeed, past detailed research and analysis revealed that there was often conflict between 'line officers' (street level commanders) and administrators (senior desk-based officers).[49] Because of this conflict any 'rule tightening' imposed from the top could easily be disregarded by police members on the ground. As Chan describes in *Changing police culture, policing a multi-cultural society*:

> The street cops who are still into the old ways of doing things are confused and often enraged at the apparent change of the rules of the system. So they fight back in the only way they have at their disposal: foot dragging, absenteeism, and a host of similar coping mechanisms and self-defending techniques.[50]

Over the past twenty years the SAPS has experienced significant and repeated organisational restructuring, rule-changing, and a re-articulation of its mandate. The changes have not always been easily accepted by officials and commanders, who have developed informal and unofficial ways of dealing with the new rules.[51] This contributes to a breakdown in managerial control and organisational cohesion and discipline.

One of the most challenging aspects of police management is to establish effective systems of internal control and accountability. Low direct supervision is

an occupational reality about which little can be done. However, police managers are socialised in the same way as other officials and tend to share the same values and concerns. Generally, relationships between patrol officials and commanders are defined by the extent to which the patrol official feels supported by the superior.[52] Street-level police officials consider 'good' commanders to be those who identify with and protect the ranks.

Most managers would rather exercise their authority through acquiescence and agreement than through questioning and confrontation. They may be willing to 'overlook' a range of malpractices as long as certain targets are met (e.g. numbers of arrests per month). There is a particular danger of this in the SAPS with the organisation's emphasis in recent years on a station performance measurement system. Although this measurement system aims to be holistic in nature, it is often interpreted by police on the ground as emphasising levels of reported crime beyond other measurements. This misinterpretation, encouraged by political and public discourses that are crime-statistic focused, has led to the development of illicit practices as some commanders attempt to manipulate the statistics to reflect declining crime trends in their jurisdictions.[53] Once this type of practice starts to take root, it fundamentally affects organisational integrity at a systemic level.

The broader social environment or 'task environment'

One of the longest-standing approaches to understanding police corruption has focused heavily on the 'task environment' in which police officials operate.[54] The task environment includes both the broader socio-political environment as well as the particular environment of policing activities. It has often been argued that 'societies differ in their mores, customs, and standards of behaviour. These differences in turn may account for the differing degrees and kinds of corruption found across countries'.[55] However, as noted in 1996 by Transparency International: 'While different societies may draw the line of acceptable conduct at different levels, there is no country where the people consider it proper that those in positions of political power enrich themselves through illicit agreements with commercial contractors at the expense of the best interests of the citizenry.'[56]

With regards to policing, however, much of the engagement between police officials and citizens occur at the lower ends of society that fall outside of established elites. Those dealing with certain crime categories may consistently be

exposed to many possibilities for corruption. This is particularly true for the policing of activities such as gambling, drug dealing, sex work and undocumented foreign migrants, where officials are expected to enforce restrictive laws against activities in which many ordinary people willingly engage, and for which there is substantial demand and considerable profit. Such 'illicit markets' or 'victimless crimes' have been recognised as contributing significantly to police corruption.

One of the most insightful perspectives on how such a 'task environment' can lead to police corruption comes from Manning and Redlinger's 1983 paper 'Thinking about police: Contemporary readings' in which they explain how the policing of illegitimate markets such as drug purchases positioned police members on the 'invitational edge of corruption'. They wrote:

> The structural constraints of legally suppressed markets expose the agent (police official) to an accumulation of attempted influence. Because sellers want effective control over their markets, they must find ways to neutralise enforcement agencies. If they cannot avoid at least arrest and charge, and it is probable that eventually they cannot, then they must attempt to gain favourable influence with agents.[57]

The temptations certainly exist, since the very manner in which certain activities have to be policed opens up police officials to corrupt practices. Newburn identifies the features of 'illicit markets' that promote police corruption as follows:

- There is generally no 'victim' as the individuals are involved by consent
- Police officials themselves may not see the 'crime' as morally reprehensible
- The use of informers is widespread (meaning police must develop good relationships with 'criminals', relationships which can become mutually, but criminally, beneficial)
- The 'crime' is extremely difficult to regulate given the extent to which it occurs throughout society
- Political rhetoric (e.g. 'war on drugs', 'crackdown on illegal immigrants') increases pressure for results and therefore gives police more monopoly power over those involved
- Securing sufficient evidence to convict perpetrators of these crimes is often difficult and leads to an increased temptation for police to become involved in 'process corruption' (planting evidence)

■ Large sums of money may immediately be available to police officials for pro-
tecting or not enforcing the law against those involved[58]

Much of the writing about police corruption in the US has focused on the extent
to which 'politics, rather than professional principles, dominated most police
departments throughout the country' in the early part of the 20th century.[59]
The result was that police officers were often directed by their superiors not to
investigate the criminal activities of influential politicians who were supportive
of the particular police agency. Such cover-ups led to a situation whereby these
same politicians would also protect senior police officials and their subordinates
involved in systemic corruption. Thus, the political culture at the time allowed
for large-scale police corruption to flourish in several US cities.

Similar trends have become evident in South Africa's criminal justice sector
in recent years. There are many examples of this:

■ The appointments of career politicians as the SAPS National Commissioners
as opposed to experienced police professionals
■ Former president Thabo Mbeki's protection of Commissioner Selebi in the face
of hard evidence that he was involved in corruption[60]
■ Accusations of political interference in the National Prosecuting Authority's
corruption case against Jacob Zuma in 2008 and the subsequent closing of
the Directorate of Special Operations (known as the 'Scorpions'), which had
investigated him and his allies
■ The 2009 conviction of a senior police commander for meddling with a blood
sample drawn from ANC heavyweight Tony Yengeni, who was caught driving
under the influence of alcohol[61]

This chapter has introduced the concept of corruption in the police occupational
environment. Drawing on supportive literature, it has argued that police corrup-
tion and deviance should be understood as products of an organisation and its
culture, rather than simply as the actions of deviant or criminal individuals.

3 Police corruption in South Africa

POLICE CORRUPTION DURING APARTHEID

Although there is little information on the extent of police corruption in South Africa before 1994, there is sufficient evidence that the abuse of power for personal gain was relatively widespread and occurred at the highest levels.[62]

The trial record of apartheid hit squad commander Colonel Eugene de Kock in 1995 was an important source of information about the extent of corruption among senior commanders in the police. Throughout the duration of his 18-month trial, De Kock presented a litany of evidence that revealed how common fraudulent activities were within his unit and how easily these could be perpetuated. Many of the 89 criminal charges against De Kock were related to fraud.[63] Evidence at the trial revealed that members of the covert unit that De Kock commanded were frequently involved in activity related to the abuse of informers' fees and insurance claims. Moreover, the senior officers of the apartheid police force to whom he reported did not take action against the fraud, or directly benefitted from it. Other evidence given at the trial revealed how police members were involved in smuggling and dealing in drugs, diamonds, and weapons from which they profited handsomely.

While most of the evidence at the De Kock trial related to the powerful Security Branch of the South African Police, there are indications that bribery, protection rackets and theft were also commonplace among 'ordinary' police members. Corruption in the policing of illicit markets for gambling, sex work and sale of liquor was common throughout the apartheid police force.[64] Professor Tom Lodge explained how Auditor-General reports reflected an increase in cases of police fraud after 1966, and mentioned a 1975 criminal case that detailed corrupt connections between senior police officers and the leader of a well-known criminal syndicate.[65] He further noted how during the 1970s 'black policemen were commonly believed to refrain from charging pass offenders in exchange for bribes', and that 'the repeal of pass laws and restrictive liquor legislation ended the two most common opportunities for police bribery and extortion'.[66]

POLICE CORRUPTION SINCE DEMOCRACY

Police corruption is a notoriously difficult phenomenon to study due to its secretive nature. However, there are various ways in which researchers can obtain data that provides insight into the scale and nature of the problem. One of the first attempts in post-apartheid South Africa was undertaken by Syed and Bruce, who collected and analysed press reports of police corruption in the 15-month period from February 1996 to April 1997.[67] Of the 22 types of police corruption identified in the international literature on the subject, 16 were reported on in the South African press in the late 1990s. From this study they concluded:

> It seems reasonable to assert that the occurrence of reports on so many different types of corrupt activities in the South African press in little over a year may indicate that police corruption in South Africa is fairly extensive as well as being varied in nature.[68]

Since then a variety of studies have been undertaken that provide additional insights into the challenge of police corruption in South Africa since democracy. Below is a sample of some of this research:

■ A 1995 survey conducted by the country's biggest daily newspaper, the *Sowetan*, revealed that 67 per cent of its respondents believed that police members accepted bribes.[69]

- The following year, a victimisation survey conducted in Johannesburg revealed that of reported instances of bribery and corruption, 53,6 per cent involved members of the SAPS.[70]
- A 2001 nationally representative survey on police service delivery found that for those who believed policing services had deteriorated, the primary reason given was 'the police are corrupt'.[71]
- In a 2007 national victimisation survey conducted by the Institute for Security Studies, 38 per cent of respondents felt the police were not doing a good job in their area, and of these, 22 per cent said the police 'are corrupt', while 13 per cent said police 'cooperate with criminals'.[72]
- Another national survey conducted in 2008 found 46 per cent of respondents believed 'all' or 'most' police to be corrupt.[73] This was a slight drop from the 48 per cent who held this belief in 2006.[74]
- A 2007 survey measuring trust in police reported 39 per cent of respondents saying they 'trust' or 'strongly trust' police.[75] These figures suggest the majority of people did not trust police.
- A 2007 paper by Faull identified more recent South African examples of each of the corruption categories outlined by Tim Newburn in Table 1.[76]
- In 2009, research conducted in the Gauteng province found that 8,7 per cent (n=771) of asylum seekers detained at the Lindela Repatriation Centre in Johannesburg stated they had paid a bribe to avoid arrest or get out of jail; one in six claimed colleagues/friends had secured their release from detention by paying bribes to police; and during embedded research one in three engagements between police officials and civilians in a high-density migrant area involved the solicitation of a bribe.
- A 2010 survey of 2 000 adults found that one in 13 admitted to having bribed a traffic or police officer.[77]
- A 2010 study exploring civilian experiences of police corruption conducted by the Institute for Security Studies suggested the most commonly experienced abuse of citizens by the police is roadside corruption involving SAPS members working alone or in pairs. However, robbery, theft, torture and gross sexual harassment by police were also reported.[78]

The data below suggests that police officials' perceptions of corruption within their own organisation are at least as negative as those of members of the public.

- In a 2001 study into the police handling of sexual offences, three out of four (76 per cent) of the respondents (from all police stations in the Johannesburg metropolitan area) believed that there was room for corruption in the investigation of rape cases.[79] Of these, 37 per cent revealed that they knew of rape cases that had been mismanaged due to corruption.

- In a 2002 survey of police, 55 per cent of the respondents answered 'yes' to the question 'Police corruption is a problem at my station?'[80] One in three respondents (32 per cent) claimed that they personally knew of a police official who was involved in corrupt activities.[81]

- A survey conducted among 600 police members at 21 Johannesburg stations in 2004 found that 92 per cent of respondents believed corruption to be a serious challenge facing the SAPS.[82]

- A 2005 survey of 375 SAPS supervisors from seven provinces found that, 'At least one out of four supervisors (25%) would allow police bribery, theft from a crime scene, and theft of money from a found wallet to continue without reporting it and/or expected that others would not report it either.'[83]

- Similarly, research conducted at three police stations in 2009 showed that 85 per cent of respondents believed corruption to be a major problem in the organisation, although not necessarily at their own stations.[84]

In addition to the above studies, internal SAPS initiatives and high-profile corruption scandals in the SAPS have provided insights into some of the dynamics of the corruption challenge facing the organisation.

In 1996 the SAPS established the Anti-Corruption Unit (ACU) to address what it saw as a priority challenge to the organisation. The unit recorded, and made publicly available, data showing huge increases in corruption complaints, arrests and convictions during the six years of the unit's operation (this is presented in detail in Chapter 4). Unfortunately the unit's personnel were substantially reduced in 2001, and it was closed in 2002 amid some controversy. The ACU's anti-corruption mandate was moved to the Organised Crime Unit where it remains today, shared with the broader Directorate for Priority Crime Investigations (or Hawks) into which Organised Crime Units have been incorporated. Nevertheless, a high-level SAPS Policy Advisory Council report in 2006/07 stated that the SAPS had insufficient capacity to investigate corruption.[85] Since the closure of the ACU, statistics on corruption complaints and members convicted of corruption have

not been released, although data on corruption-related suspensions are published annually in the SAPS annual report.

A significant number of the thousands of cases reported to the ACU related to 'petty' corruption: 'once off' incidents of bribery or other misuse of police powers for personal gain. This is generally believed to be the most common form of corruption and largely involves low-ranking police. However, internal police investigations have revealed that corruption is prevalent at all levels of the SAPS and that police officials are part of, or working closely with, organised crime syndicates.[86]

Corrupt behaviour uncovered at the highest levels of the SAPS is particularly disturbing. In 2001 the national head of the Organised Crime Unit, Assistant National Commissioner Albert Eksteen, was arrested on more than a hundred criminal charges of fraud related to approximately R40 000 in false travel claims. He avoided a trial by pleading guilty. More recently, the commanding officer for the police's elite crime fighting unit, the Hawks, in Mpumalanga appeared in court for allegedly stealing R1 800 from a detained suspect.[87]

Certainly the most high-profile case involved former National Commissioner Jackie Selebi, under whose direction the ACU was shut down. In 2006 former airports security boss, Paul O'Sullivan, accused Selebi of involvement in criminal affairs. It subsequently emerged that Selebi was being investigated by the then Directorate of Special Operations (Scorpions). In 2008 he was charged with corruption and defeating the ends of justice, and was convicted in 2010.

It is important to note that investigations into the Selebi allegations were not conducted by the SAPS, but by Scorpions who were based in the National Prosecuting Authority and later disbanded. Currently, there is no independent structure that has the capacity to undertake a criminal investigation into the SAPS National Commissioner, as this capacity resides solely within the SAPS under his direct command. Disturbingly, Selebi was defended by various senior SAPS colleagues even after formal charges were laid against him. This sent out a negative message as it suggested that personal loyalty among police officials was more important than loyalty to the Constitution and the laws of the country.

The image of SAPS senior management was further damaged by allegations in August 2010 that Cele irregularly interfered to secure a tender for politically connected businessman Roux Shabangu.[88] The journalist who wrote the first story containing this allegation was arrested soon after the news broke, but was released without charge, suggesting that the arrest was an attempt at harassment.

A five-month investigation by the Public Protector and Special Investigating Unit (SIU) into the allegations found that both the Minister of Public Works, Gwen Mahlangu-Nkabinda, and Cele had acted improperly and illegally by approving funds for the leases of two buildings without it going out to tender, and that police deliberately manipulated the needs analyses to align them with Shabangu's building.[89]

Less than two weeks after the release of the Public Protector's first report, SAPS intelligence officials arrived at the office of the Public Protector and requested documents pertaining to the report. Their actions were widely perceived as police intimidation. The officers involved were briefly suspended before being reinstated in their positions as Crime Intelligence officials. These findings of integrity-related shortcomings involving the most senior of police officials are sure to damage the confidence of both the pubic and many honest police officials in the leadership of the SAPS. It also raises serious questions about political interference in the SAPS, and throws the organisation's independence into doubt. At the time of writing the President had not yet acted on the recommendations of the Public Protector that action be taken against those involved in the maladministration and illegal behaviour related to the leases in question.

ORGANISATIONAL CHALLENGES OF TRANSFORMATION

To understand current corruption within the SAPS, it is useful to briefly examine the history and transformation of the organisation and the current 'task environment' in which it operates. During apartheid, the police force was not constituted to provide services to all communities equally.[90] Its main concern was to suppress popular resistance to the apartheid state and enforce its racist laws. As a result, the organisation was highly centralised and secretive. Although there is no way of knowing the full extent to which corruption was occurring, there is evidence that it existed throughout the organisation.[91]

Democracy in South Africa was predicated upon political agreements that prevented radical transformation of the police force. The 'sunset clause', through which apartheid public servants were guaranteed their jobs for five years following the 1994 elections, was one such agreement. There was also agreement on mass recruitment of individuals from subsidiary and informal policing structures such as the 'kitskonstabels'[92], and the railway and municipal police. Many of those recruited into the new police service had received little or no professional

police training and were poorly educated. The third was the agreement on the amalgamation of 28 791 police officials from the ten 'homeland' police forces into the new national police service.[93] In his paper 'Political corruption in South Africa', Lodge detailed how corruption was routine at the highest levels of the homeland administrations throughout most of their existence. He argued that given the continuation of many former homeland administrators in post-1994 administration, 'it would be reasonable to expect the continuation of a certain amount of corruption'.[94]

Certainly the new national police service was far from homogenous. Its members spoke different languages, wore different uniforms, carried different types of firearms, used different ranking systems, and had received different levels of training. Approximately one third of the 120 000 members were functionally illiterate, 30 000 did not have driver's licences, and 20 000 had criminal records.[95] The scale of the problem following the transition period was evidenced by the fact that by the year 2000, as many as 14 600 members of the police service faced criminal charges ranging from murder, rape, armed robbery, assault, theft and bribery to reckless driving.[96]

At the same time substantial changes were made to the internal control systems of the SAPS. Research found that the transformation of the police service led to a deterioration in the levels of police discipline and supervisory control.[97] A new disciplinary system that was in line with the Constitution and Labour Relations Act was introduced at the end of 1997, and all senior officers were retrained to familiarise themselves with it. However, the new system was seen as daunting, slow and cumbersome by many station-based police commanders who were primarily responsible for instituting disciplinary steps against errant members. Presiding officers of disciplinary hearings were appointed from among more senior station-level commissioned officers on a rotational basis, but few had the required skills or experience to conduct the hearings.

On the other hand, police unions deployed experienced members to represent those facing disciplinary charges. Racial divisions further complicated matters and it was not uncommon for white commanders to complain that if they disciplined members of other races they would be accused of racism.[98] The result was the disparate and uneven application of disciplinary procedures. Most hearings took months and in some cases years to finalise and the ultimate decision on the sanction was made by the Provincial Commissioner, who could overturn the recommendations of a station-level disciplinary hearing without giving reasons.

Consequently, many station-level commanders were reluctant to institute steps against offenders with whom they had to continue working, which substantially weakened their authority.

The SAPS has been aware of its discipline problems for a number of years now. The internal SAPS Policy Advisory Council report of 2006/07 noted that station-level discipline was poor; that the codes of conduct and ethics were not adhered to; and that disciplinary issues were not dealt with timeously or effectively.[99] Limited attempts were made to remedy the problems: during 2009, there was talk of 'disciplinary units' being reinstituted. In April 2010 the adoption of military rather than civilian ranks in the SAPS was justified by police leadership as a move to improve discipline within the organisation.[100] However, it will require more than rank changes to bring about organisational reform. SAPS leaders need to review the current internal accountability system and mechanisms so as to identify shortcomings and ensure that they are properly rectified if police discipline is to be adequately strengthened.

THE ENVIRONMENTAL FACTORS

In South Africa large numbers of people work in informal or illegitimate markets, often as a means of survival. This means that police officials have ample opportunity to accept bribes for 'turning a blind eye' to illegal activities. And because of the marginal status and powerlessness of many of those who work in these markets, police officials have the opportunity to become predatory. Poverty and high unemployment contribute to many people becoming involved in illegal liquor selling, drug dealing and sex work, and therefore vulnerable to corrupt police. Furthermore, there are many thousands of illegal immigrants in South Africa, many escaping from war, poverty and political oppression in their home countries. They are particularly vulnerable targets for corrupt police who know that they will generally not report incidents of corruption and are easily intimidated if they do. Many police officials view these informal markets and marginalised communities as an easy way to supplement their income. As one Gauteng constable put it in 2009:

> I also took money from immigrants. You are surrounded by people who are doing it, so you find yourself doing it. … Even the people who are working organised crime, the people who are investigating the police, they are taking

> *tsho-tsho* [bribes] too. That's the problem. They are taking from the very same people we take from … everybody goes to the immigrants to get money. The booming business for the police is the immigrants.[101]

Certain inner-city areas notorious for high numbers of illegal immigrants, sex workers and drug dealers have been dubbed 'ATMs (automatic teller machines) for corrupt cops'.[102] In some areas, police corruption has at times been so rife that it is known as 'street tax' by residents.[103] Researchers working with foreign refugees, whether they are legally or illegally in the country, confirm that 'corruption is a common feature of immigration policing'[104] and that these groups are particularly vulnerable to police corruption:

> If suspects refuse to pay a set amount, they are usually detained and any documents they have are destroyed. At the same time, undocumented foreigners may be able to secure their freedom by paying for it.[105]

Abuse has been recorded among various other marginalised groups. A 2008 study of the sex work industry in Cape Town revealed that 12 per cent of street-based sex workers reported having been raped by police while 28 per cent reported having been asked for sex in exchange for release from police custody.[106] Research conducted with sex workers over a four-month period in Durban, Cape Town and Johannesburg in 2010 found that police contact with sex workers was high and included systematic brutality, corruption and harassment. Five per cent of sex worker respondents reported being raped or sexually assaulted by a policeman during the research period.[107]

The vulnerability of marginalised groups, however, is not the only 'task environment' factor that promotes corruption among SAPS members in inner-city and township areas. The high crime rate in many of these areas prompts small businesses to enhance their security by offering police cash or other gratuities to pay extra attention to them. There are thus plenty of opportunities for police officials to abuse their power to make extra cash for themselves.

In this chapter we have shown that the combination of the opportunity to engage in corruption, a weak disciplinary structure within the SAPS, organisational instability and evidence of corruption at the highest level in the police, has created a situation within which police corruption and deviance has been inadequately checked.

4 The SAPS track record on tackling corruption

This chapter explores the manner in which the SAPS has engaged with the challenge of corruption in its ranks in the post-apartheid era.

THE ANTI-CORRUPTION UNIT

In 1996, shortly after the transformation from the South African Police to the South African Police Service, tackling police corruption was identified as one of the organisation's national priorities. A national Anti-Corruption Unit was established in that same year, but little headway was made in subsequent years towards developing and implementing a coherent anti-corruption or integrity strategy. The Anti-Corruption Unit ensured that hundreds of corrupt police members were convicted and the activities of thousands more were disrupted. Broadly defined, the unit's functions were to:

- Investigate all allegations of corruption and related aspects in the SAPS
- Initiate and implement anti-corruption awareness in the service
- Identify and report dysfunctions
- Maintain an effective, integrated information management system to support corruption investigation

Figure 1 Anti-Corruption Unit statistics
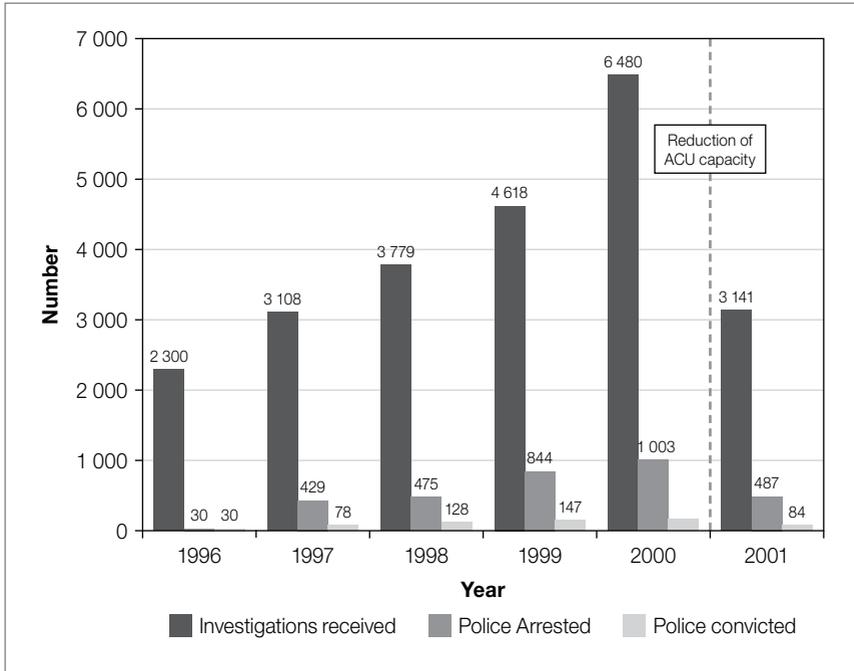
By the end of 2000 there were some 250 members of the ACU. The numbers of cases investigated by the unit, arrests made and convictions obtained are presented in Figure 1.[108]

Given that police corruption is known to be an under-reported phenomenon, the number of cases reported to the ACU is remarkably high. It is also clear from Figure 1 that corruption cases increased consistently during the unit's existence: in 1996 a total of 2 300 cases were investigated by the unit, this figure had risen to 6 480 by the year 2000. However, the increase in the cases investigated does not necessarily mean actual incidents of corruption increased during this time. As the ACU improved its systems for handling allegations and as it became better known publicly and throughout the SAPS, it is likely that the reporting levels of corrupt incidents increased.

Similarly, the drastic drop in figures for 2001 does not reveal that the battle against corruption was finally being won. Rather it reflects the closure of four of the nine provincial anti-corruption units, thereby reducing the national capacity

of the ACU from roughly 250 to 145 staff members. As a result, the ACU had fewer staff to deal with information about corrupt police members, register investigations, make arrests and ultimately contribute to the conviction of corrupt police members. It is possible if not likely, that had the number or personnel of units been increased, the number of cases received by the ACU and the investigations initiated would have further increased.

The huge discrepancy between the number of allegations made and the number of police members charged and ultimately convicted points to crucial shortcomings in the system. Apart from the substantial amount of time it takes to gather enough evidence to charge a police member, once formal charges have been laid the criminal case might take more than a year before the court reaches a verdict.

While these delays partly explain the discrepancy between the reporting, charging and conviction figures, the ACU faced bigger obstacles. A large number of people who provided information upon which the ACU relied, did so anonymously, were directly implicated in corruption and could themselves have been charged with corruption, had their identities been known.[109] They also feared repercussions if their identities were made known to the police member under investigation. Consequently, while the ACU may have received information that a certain police member had been involved in an incident of corruption, there was usually little other evidence that could be used to secure a conviction, and most cases did not progress very far.

In 2000 uncertainty emerged about the future of the Anti-Corruption Unit following the closure of some of its provincial offices. In 2002 a Public Service Commission Review of South Africa's national anti-corruption agencies forwarded this recommendation:

> Uncertainty around the future of the Unit must be cleared up as a matter of urgency. It is important to retain a specific and dedicated focus on addressing corruption in the Criminal Justice System, which this Unit has done effectively over the years.[110]

In spite of this recommendation the ACU was closed down during the course of 2002. The SAPS officially announced that this was part of the restructuring and amalgamation of all its specialised units. But what made this closure particularly surprising was that during the strategic planning process held in 1999 to develop

the SAPS Strategic Plan for 2000–2003, police corruption had been identified as a key obstacle confronting the police in achieving their goals. And for the first time the problem had been linked to the 'fundamental factor' undermining the delivery of policing services by the SAPS, namely 'a lack of integrity'.[111]

In retrospect it is clear that this lack of integrity extended to the top of the organisation. Parliamentary minutes from a 2001 presentation to the Safety and Security Portfolio Committee suggests Selebi and other senior officers had misled Parliament on matters of corruption. They told the committee that it wasn't possible to compare the SAPS Service Integrity Framework to anti-corruption strategies abroad because comparable strategies didn't exist, and that corruption was decreasing; a statement impossible to verify, and made in the absence of plausible supporting data.[112]

Despite these misleading statements, in the early 2000s senior police leadership became outspoken about corruption and emphasised that it would not be tolerated within the service. Anti-corruption messages from senior officers became a common refrain at both public meetings and police events. The former minister of Safety and Security, the late Steve Tshwete, referred to 'the small minority who are brutal or corrupt'[113] although Selebi publicly stated that there was 'an immense problem with corruption'.[114] While such statements suggested recognition of a problem, rhetoric was not supported by significant action. Comments about fighting corruption made by Selebi were severely undermined once allegations of corruption were levelled against him in 2006. For the subsequent four years until his conviction on corruption charges in July 2010, a permanent cloud of suspicion hung over the police commissioner and thus the service as a whole.[115]

ANTI-CORRUPTION STRATEGIES IN THE SAPS

In 1999 the SAPS began work on a Service Integrity Framework (SIF), which would inform a number of related documents over the next decade. Since 2001, SAPS annual reports have referred to various measures to address corruption in its ranks, all of which grew out of the early SIF: a Service Integrity Strategy (SIS) and a Corruption and Fraud Prevention Plan (CFPP). In 2010 the CFPP was renamed the Anti-Corruption Strategy (ACS). These documents were based on the four-pronged approach to corruption management recommended by the Department for Public Service and Administration (DPSA): *prevention, detection, investigation* and *restoration*.

The Corruption and Fraud Prevention Plan (CFPP) stated that it aimed to educate SAPS employees and the public about the nature and consequences of corruption and the actions to be taken to expose it, and described the measures the SAPS would take to address it.[116] It did this by briefly outlining activities such as corruption prevention training and risk assessments to be undertaken by different components of the organisation (although it did not state how these activities linked to the four prongs).

The SAPS admitted that it struggled to implement previous anti-corruption strategies, particularly due to lack of support from senior management and inadequate monitoring of implementation requirements.[117] It was also recognised that these strategies were not user-friendly and did not provide commanders with practical examples of what was required from them. While the documents were disseminated to SAPS Provincial Headquarters, there is little evidence that the strategy was implemented, even though the CFPP was mentioned in the performance agreements of all divisional, provincial and station commissioners, as well as national component heads.[118]

One of the additional challenges to addressing corruption following the closure of the ACU in 2002 is that comparable data on corruption complaints, investigations and arrests is not available in SAPS reports. Instead the SAPS started to report on the number of suspensions of police officials each year, and indicated what proportion of these suspensions related to corruption (except in 2006 and 2007, when corruption cases were not separated from other police offences). The lack of clear and consistent data makes it very difficult to assess whether the police are making any headway in addressing cases of corruption.

The number of cases dealt with as indicated in Figure 2, when considered as a proportion of the organisation as a whole, is very small. In the last financial year for which figures were available, 2009/10, only 362 SAPS personnel were charged under the Prevention and Combating of Corrupt Activities Act (2004), with 193 being suspended. With a staff of 190 199 in March 2010, this accounts for a mere 0,002 per cent of the workforce having been charged with corruption. When these figures are compared with the findings of research on public experiences of police corruption it would seem that the vast majority of members involved in corruption and other offences escape both detection and formal punishment.

In 2010 the SAPS began updating the CFPP, and renamed it the Anti-Corruption Strategy (ACS). An elaboration of the four-pillar approach envisaged for the ACS was presented by the SAPS as follows:

Figure 2 Corruption and related suspensions and charges, 2003–2010
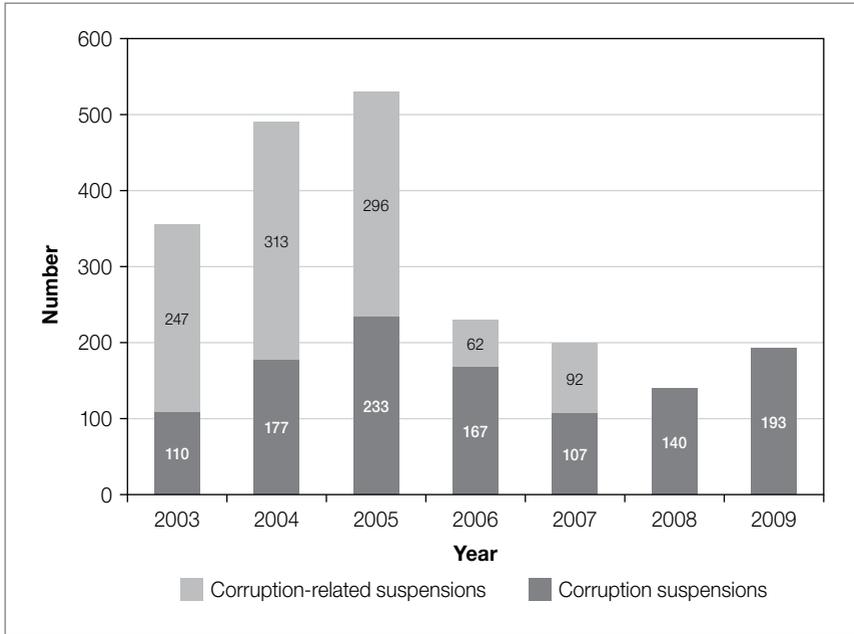
- Prevention: ensure the SAPS is compliant with the national prevention of corruption policy framework, introduce a conflicts/declaration of interests policy, introduce a gifts policy, review the SAPS discipline management policy, establish an ethics management capacity in the SAPS, conduct risk assessments, conduct anti-corruption training, conduct awareness raising and develop a communication strategy around the ACS.
- Detection: develop an integrated approach to corruption detection, develop a whistle-blowing policy and corruption reporting incentive policy, as well as a centralised information management system for corruption.
- Investigation: clarify the structure regarding the investigation of corruption, develop policy, procedure and standards relating to the investigations of corruption and to cooperation with other government departments.
- Resolution: establish policy and procedures to rectify SAPS systems compromised by corruption, integrate a loss management policy into the SAPS enterprise risk management framework, finalise discipline management policy and procedures.[119]

Earlier in this monograph reference was made to the difficulties of reporting a colleague for corruption in the police environment. Therefore one of the best ways to prevent corruption is to create systems through which employees can safely expose knowledge of corrupt behaviour by colleagues, and to foster a culture than promotes such reporting. Although the SAPS does not yet have a whistle-blowing policy of its own, all employees in South Africa are covered by the Protected Disclosures Act (No.26 of 2000). This Act, known as the PDA, is intended to protect employees who expose corrupt or unlawful actions by colleagues from 'occupational detriment'. Under the Public Service Code of Conduct, public servants, including police officials, must report acts that are prejudicial to the public service, including corruption, fraud and nepotism. While the PDA and its code of conduct are important, experience at home and abroad shows that employees seldom report one another. In addition, laws such as the PDA can only be effective in an environment of organisational integrity and in which whistle-blowers are supported throughout the organisation.

Throughout 2010, SAPS Strategic Management, the component that has been responsible for developing the Anti-Corruption Strategy, put significant effort into developing and implementing the ACS. Material aimed at sensitising police members to the dangers of corruption was developed, training was conducted, and a regular newsletter disseminated to members. However, top police leaders failed to proactively endorse and drive this strategy, which has limited the extent to which it could be implemented. It was therefore unlikely to have a significant impact on corrupt activities. This could be seen, for example, in the lack of progress made towards the adoption of an internal whistle-blowing policy specifically for the SAPS.

It remains the case that while efforts have been made to reduce corruption, as outlined in this chapter, none has had sufficient impact to noticeably reduce corruption and foster improvements in levels of public trust in the SAPS. The problem throughout seems to have been a lack of active support and exemplary leadership from the National Commissioner and other senior police managers.

In the next chapter we set out alternative measures that the SAPS could consider to reduce corruption and deviance in the organisation and build public trust in the SAPS.

5 Ways to tackle police corruption

Decades of research have shown that tackling corruption requires a multifaceted approach. One of the first multidimensional policy frameworks for combating public sector corruption was developed by Klitgaardt (see Box 3). In the late 1990s, the United Nations Development Programme argued that, 'as much as possible, strategies should combine three components for action: enforcement of law, prevention through institutional reforms, and mobilisation of the population'.[120]

Box 3 Robert Klitgaardt's policy framework for combating corruption

- Select agents for honesty and capability
- Change the rewards and penalties facing agents and clients
- Gather and analyse information in order to raise the chances that corruption will be detected
- Restructure the principle-agent-client relationship to remove the corruption-inducing combination of monopoly power plus discretion minus accountability
- Change attitudes about corruption[121]

Attempts to tackle police corruption in the US have generally addressed four sociological categories:

- Organisational rules – how these are established, communicated and understood
- Prevention and control mechanisms – the various control mechanisms and techniques to combat corruption employed in a given police organisation
- Occupational culture – the informal culture of a policing organisation, often including an element termed 'the code' (of silence) or 'the blue curtain', which prohibits or discourages police from reporting the misconduct of their colleagues
- Public expectations – the influence of social, economic, and political environments in which various policing organisations work[122]

In whatever way policy makers wish to define the multifaceted approach for addressing corruption, the single most important factor for success is sustained political will and managerial support for addressing the problem. As Sherman put it, 'corruption is both a management problem and a crime and has to be treated that way if it is to be effectively tackled'.[123]

Managerial support needs to be given at all levels of the organisation. This is particularly important in situations where corruption has become systemic or endemic, because large numbers of employees in those situations will 'lose out' as a result of anti-corruption initiatives. Anti-corruption strategies have to ensure the removal of both police managers involved in corruption and those who are complicit through 'turning a blind eye'. Palmer says it is essential that the 'big fish' (senior police officials) involved get caught so as to send out the message that no one is safe if they indulge in corrupt activities:

> For corruption to develop it must involve the organised cooperation of other police in equally relevant areas. It also involves usually some degree of continuity or at least a time factor. To achieve this involves either knowledge and acquiescence at various levels of supervision or a lack of knowledge, either real or pretended, the first implying incompetence and withdrawal from reality and the latter something close to complicity. The very nature of the supervisory structure usually found within a police force means that it is virtually impossible for it to exist without some involvement at different levels, although numbers may be fewer at the higher levels.[124]

Another matter to consider when developing a strategy for tackling corruption is the need to distinguish between, and provide for, both reactive and proactive approaches. Reactive components of a strategy cover the capacity of an organisation to respond to incidents of corruption that come to light, whereas the proactive components aim to prevent corruption from occurring in the first place.

Here we present an inter-related three-faceted approach to guide efforts to reduce police corruption in South Africa through:

- 'Enhancing accountability'
- 'Building a culture of police integrity'
- 'Promoting community mobilisation' (which incorporates 'public expectations' but also indicates an intention to involve communities in a dynamic and inclusive fashion)

ENHANCING ACCOUNTABILITY

It has been argued that the key variable affecting levels of corruption between police agencies with similar organisational resources operating in similar environments is the existence of controls (both internal and external) to hold police officials accountable.[125] Three ways to enhance police accountability are to:

- Establish effective systems for receiving external and internal complaints or allegations of misconduct and corruption
- Strengthen internal and/or external investigation units so they are able to thoroughly and rigorously follow up allegations
- Improve the effectiveness and efficiency of internal disciplinary systems so that appropriate sanctions can be applied quickly once evidence of wrongdoing has been gathered

Managing corruption-related information

If police managers are to be able to identify and respond to incidents of corruption, they have to have access to information, which in turn requires systems to collect information about police activities. In particular, information has to be available about the kinds of police malpractices that occur 'out on the street'.

Most information about police behaviour comes from ordinary citizens so there must be a publicly advertised and user-friendly system in place to collect and effectively responds to this information. This would send a message to both communities and police members that the organisation is serious about addressing police abuse and misconduct.

In addition to civilian reports, Newburn recognised that 'the best source of intelligence is that from police officers, both "honest" and "corrupt", though it is the latter who are of greatest use to investigators'.[126] It is thus necessary to establish internal systems for officials to report corruption without feeling that they will be victimised. There are also occasions on which police officials may find themselves 'blackmailed' into working for syndicates. There may be those who wish to stop corrupt behaviour and 'come clean', but fear the consequences if they do. There have to be internal systems in place to allow these individuals to come forward and offer a means of restoration if they work with internal investigators to identify and successfully convict corrupt colleagues. While there are inherent dangers in such systems, if well conceived and carefully managed, they could become a powerful tool for changing the dynamics of police culture that allow corruption to occur.

Early warning systems

Often police agencies respond only to information that provides clear evidence of corruption. However, many police agencies worldwide have begun to establish 'early warning systems'.[127] These systems typically centralise all information relating to reports or allegations of incidents implicating individual police officials in misconduct. Once a certain number of complaints have been received over a particular time period, the direct commander is expected to intervene in a structured manner. This could include an informal caution and increased supervision so as to let officials know that their conduct is being monitored.

Some police agencies, the SAPS among them, establish counselling programmes to identify the root causes of problematic behaviour (e.g. family problems, alcoholism, stress). Even where insufficient evidence is received to warrant administrative or investigative procedures, it is important that all information is collected and analysed so that trends and patterns can be identified over time. This allows senior managers to develop proactive strategic responses.

Specialised Internal Investigation Unit

It is imperative that the organisational response to reports of misconduct or corruption is quick and effective. This is important both so that offending officials can be removed, disciplined or counselled, and so that police who have been falsely accused can be cleared to carry on with their work. This is best achieved by having well-resourced and independent internal investigation units.

Such units are not necessary to deal with all allegations of police misconduct, but only those considered dismissible offences if allegations are found to have substance. Given the nature of police corruption and the culture of internal networks within police agencies, it is generally accepted that an independent specialised anti-corruption unit be used for this purpose. This unit should report directly to a committee consisting of the National and Deputy National Commissioners, only once investigations have been finalised to prevent interference and leakages of information about sensitive investigations.[128]

Such units need to be staffed by highly skilled, honest and motivated detectives, who will need strong protection and support from managers because they will be up against the 'code of silence'. Newburn argues:

> A strong proactive internal affairs initiative provides 'an excuse for being honest' that may be acceptable to many of the rank and file … as reluctance to engage in unethical conduct may be viewed not only as acceptable but also prudent. As a result, many officials who are seeking ethical guidance may secretly welcome such efforts if policies are realistic and fair.[129]

However, even where such units exist, if the necessary political or managerial will to seriously combat corruption is lacking, they are likely to be undermined and end up being ineffectual. The Mollen Commission into police corruption in New York City in 1994 had this to say about their internal investigation units at the time of a major inquiry into a police corruption scandal:

> For at least the past decade, the system designed to protect the Department from corruption minimised the likelihood of uncovering it. In a department with over one billion dollars, the basic equipment and resources needed to investigate corruption successfully were routinely denied to corruption investigators; internal investigations were prematurely closed and fragmented and

> targeted petty misconduct rather than serious corruption; intelligence-gathering was minimal; integrity training was antiquated and often non-existent.[130]

Moves within the SAPS over the past fifteen years contain hints of similar interference:

- The Anti-Corruption Unit was closed despite its successes, and its mandate was moved to the Organised Crime Unit. While the Organised Crime Unit had some success in acting against some corrupt SAPS members, its mandate was far broader than fighting corruption alone. This means the time and resources assigned to combating corruption were limited, and there were far fewer arrests and convictions against corrupt members after the Organised Crime Unit took over.
- The Directorate for Special Operations (also known as the Scorpions), which led successful investigations into the corruption allegations against Selebi, suffered a similar fate to that of the Anti-Corruption Unit. It was disbanded and had its functions moved to the SAPS through the establishment of the Directorate for Priority Crime Investigation (Hawks).
- With the establishment of the Hawks, Organised Crime Unit members were laterally transferred to the new unit, along with their caseloads, so that the DPCI assumed the responsibility for serious corruption investigations. Examples of the Hawks' anti-corruption effectiveness began being reported soon after its establishment, presumably as part of the new unit's publicity drive.[131]
- Towards the end of 2010 the DPCI established a small anti-corruption unit to investigate complaints of corruption against SAPS members above the rank of Colonel. The unit was also tasked with preventing and combating corruption within the SAPS and the country as a whole, a massive task for a unit of fewer than twenty members. It reported directly to the head of the DPCI. There is also an integrity unit within the Hawks, which conducts lifestyle audits of its members. However, since the legality of the DPCI was called into question by a Constitutional Court ruling in March 2011 its continued existence is uncertain.

Better administrative and disciplinary tools

It has been recognised internationally that improvements in the use of administrative and disciplinary tools rather than relying solely on prosecutions of

police officials for criminal offences are a critical component of any plan to tackle corruption.[132] There are two reasons for this: firstly, such tools allow managers to intervene in minor incidents of misconduct before they lead to more serious incidents of corruption. Secondly, taking disciplinary action for the types of misconduct often associated with corruption (such as failure to follow procedures) compensates to some extent for the difficulty of proving that a corrupt act has taken place.

The 'enhancing accountability' approach to tackling corruption is often the primary response of policing agencies and is referred to as 'rule tightening'.[133] It has been argued that almost all successful cases of corruption control have corresponded with moves 'from less authoritarian to more authoritarian (police) administrations'.[134] However, while it is accepted that rule tightening is a necessary aspect of any effective anti-corruption strategy, it has to be carried out carefully. A dangerous and unintended consequence of a punitive authoritarian strategy can be to strengthen rather than diminish the 'code of silence' and 'siege mentality' prevalent within many policing environments. A seminal case study of a Dutch police organisation's corruption scandal in the 1970s by Maurice Punch clearly illustrates this. An authoritarian approach resulted in widespread inter-rank animosity between upper and lower commanders as 'scapegoats' for the corruption problem were sought.[135]

Steps to enhance accountability should therefore be accompanied by initiatives that aim to change police organisational culture as part of a strategic institutional reform process. In this way the organisation's response can be seen as supportive rather than punishing of police officials who find themselves struggling to navigate what is a morally tenuous occupational terrain.

PROMOTING A CULTURE OF INTEGRITY

Organisational culture is an important determinant of the degree to which employees in an organisation behave ethically.[136] Organisational values and norms consist of the basic moral standards of society, as well as those prescribed by organisational policies and rules.[137] Within this context, managers and staff, through their speech and actions, establish the boundaries of what is considered suitable behaviour. Meaning is given to policies and rules depending on how managers enforce them and communicate them to staff.[138]

Whereas traditionally police culture was viewed as part of the corruption problem, analysts subsequently recognised its potential for being part of the

solution. The clandestine nature of corruption means that there will always be incidents that will not be discovered, and there will always be individuals who will find new ways of bypassing regulations and avoiding detection. Klitgaardt discussed how at some point the costs of controlling corruption will begin to overtake the losses being caused by the corruption itself.[139] Therefore, while improving internal controls is critical for accountability, this must be accompanied by strategies to change both the attitudes and the culture of the police agency. According to Carter:

> The ideal environment will be based on pride, professionalism, trust, autonomy and open accountability. It will capitalise on the positive aspects of police culture. The police culture … or *esprit de corps* of policing is one of the strongest and probably most under utilized positives of police organisations.[140]

In this ideal environment, the prevention and detection of corruption would depend less on expensive specialised investigative units and more on the colleagues of the corrupt police member. Changes in rules and procedures, training and organisational structure will all have an effect on police culture, however such changes will only be an improvement if promoting and enhancing police integrity is the objective of the change agenda. Thus core police ethics and key values have to be at the heart of the change process.[141]

The question then becomes what values to impart to police members and how to ensure that they are understood and adopted. It is best to have a clearly stated vision that includes a number of core values that promote police integrity: honesty, trust, respect for others, courage, fairness, carefulness and responsibility.[142] However, as Lindsay *et al* argue, 'failure to seriously monitor, measure and reward or punish the performance of individuals on an ethical plane will leave codes of conduct operating in a vacuum, of little use in actually promoting ethical behaviour'.[143] Moreover, McKeller has found that the factors with the greatest positive influence on the outcomes of ethics and compliance programmes are:

- Leadership commitment to ethics
- Consistency between an organisation's policies and practices
- Fair treatment of employees
- Open discussion of ethics in the organisation
- Perception that ethical behaviour is rewarded[144]

The same study also found that the greatest negative influences on the outcomes of ethics and compliance programmes are organisational cultures that demand obedience to authority or which have a 'self-interest' focus. This type of organisational culture is typical of many police agencies.

Training programmes aimed at changing police culture have to be practical and part of broader reforms in management and supervision.[145] It must be recognised that 'the impact of training dissipates quickly unless reinforced in daily practice.'[146] This implies that the way to align values with actual behaviour is through on-the-job training. Further, those who have the most experience and first-hand knowledge of policing can have the biggest impact on changing police behaviour. Thus one way of promoting a culture of integrity is to have experienced police officials recount their own experiences of ethical dilemmas to younger or less experienced officials.[147]

Organisations are socially constructed realities, and their leaders or managers act as the block builders, influencing and organising meaning.[148] This is also true for police agencies, so managers and police officials need to participate in negotiated rulemaking, 'in which police culture perspectives are drawn upon in formulating rules regulating aspects of police practice'.[149]

This in turn requires that police managers at all levels shift from a reactive to a proactive approach to management. There should be an ongoing discussion between managers and those under their command about the reasons for existing rules and how rules can be applied in different situations.

Managers also need to offer guidance on how to apply the core values of the police agency to make ethical decisions when faced with situations that are not explicitly covered in the rules. This requires that managers adopt an open-door policy with those under their command and develop a relationship of trust and understanding. Management training programmes should focus on building the capacity and confidence of police commanders to manage in this way, and their abilities in this regard should be positively considered when promoting officials to higher ranks. Some police agencies have made it a condition that managers spend some time working in 'internal affairs units' before being considered for promotion to senior ranks.[150]

COMMUNITY MOBILISATION

As previously mentioned, public sector corruption cannot be divorced from the particular political or social 'environments' in which the public sector operates.

It is therefore important that any government dedicates resources to educating the public about how to identify and report misconduct and corruption. This is necessary to positively influence the broader environmental factors that can curb corruption within an organisation.

In the 1970s turnaround of Hong Kong's public service from being notoriously corrupt to one of the world's cleanest, significant credit was given to the inclusion of a strategic public education drive. At the time, the police force was perceived as one of the most corrupt elements of the administration. A newly established Independent Commission Against Corruption Ordinance set out to educate citizens on the definition of corruption, to encourage the reporting of corruption, and to increase social disapproval of corruption. Although this drive was not led from within the police force, it is perceived to have had a direct impact on its reform.[151]

The key to such campaigns is to foster a culture of civic responsibility so that citizens support honest and professional police conduct, and punish dishonest or criminal conduct, through reporting incidences of both good and bad behaviour. As long as citizens are willing to put up with police extortion, for example, corrupt police are likely to take advantage of their position wherever they can. In South Africa, public participation in traffic offence related bribery has led metropolitan police to blame the public for making their officers corrupt.[152] A change in civic culture that takes

Box 4 The bribery arrest campaign of the New York City Police – 1971

In September 1971, in a speech to the New York City Chamber of Commerce, the Commissioner of Police launched an attack on the police-corrupting public, saying that it 'takes two to bribe'. He told the businessmen that police officers would no longer respond to bribery attempts by saying 'you can get into trouble talking like that'. Instead, he put the public on notice that the new response to bribe offers would be 'you are under arrest'. On the same day he issued a teletype messages to all officers ordering them to arrest any briber, whoever the person, whatever the occasion, including hotel managers, restaurant owners, merchants, building superintendents, housing contractors, tow truck drivers, and motorists. The rank and file responded immediately with a dramatic increase in the number of bribery arrests. The Commissioner held several press conferences at which he praised officers who had spurned large sums. Some of them were even promoted.[153]

action against all police misconduct, and supports and rewards police professionalism, will inevitably lead to changes in police organisational culture.

Police organisations can capitalise on community mobilisation by using 'corruption scandals' to drive key reform initiatives. Police reform analyst Lawrence Sherman highlighted how this can be done:

> If, in the long term, the likelihood of sanctions has not been perceived to have increased, the net result of scandal has been to encourage corruption in a number of cases. Conversely, if scandal has been followed by an increase in the likelihood of sanctions – as has been demonstrated by administrative sanctions and awareness of new control policies – then scandal seems to have been the initial force necessary to sever resilient relationships. Control policy is then left with the far easier task of merely preventing their renewal.[154]

The establishment of commissions of inquiry following a public scandal can play a significant role in supporting the reform of police agencies experiencing widespread corruption. A study by Newburn of a number of such commissions of inquiry following police corruption scandals led to the following conclusions:

- Institutionalised and widespread corruption may be significantly reduced if the right conditions exist (e.g. political will) and appropriate strategies are adopted
- Official public inquiries established in the aftermath of a corruption scandal may play a vital role in the establishment of successful corruption control strategies
- Without sustained vigilance, more organised corruption is likely to appear[155]

Such a commission of inquiry may be necessary in South Africa. The scandals around the conviction of Selebi, and the Public Protector's findings against Cele, suggest that police leadership alone may not be able to objectively address all the challenges facing the SAPS. However, rather than trying to ignore or cover up these scandals, the President and Cabinet could use them to kick-start a campaign to effectively professionalise the SAPS.

6 Conclusion and recommendations

The South African Police Service has come a long way since 1995 – it is no longer feared or mistrusted for the same reasons that the apartheid police were, and yet its legitimacy among many communities remains in question. One of the most prominent challenges facing the SAPS is the widely held perception, both within the organisation and among members of the public, that many of its members and leaders are corrupt. This monograph has explored the evidence that supports these perceptions and the measures taken by the SAPS to counter corruption in its ranks. The available evidence suggests that the problem is widespread and systemic in nature.

Corruption is a near-universal phenomenon in law enforcement agencies. The standard model of state policing in which individuals with powers of arrest and use of force work in largely unsupervised environments and have significant liberty of discretion in their decision making, is a model primed for abuse. Yet police agencies can put systems in place to mitigate against abuses. In the case of the SAPS such interventions have been inconsistent and unsustained. The finding of the Public Protector in July 2011 on the National Commissioner's 'unlawful' action and 'maladministration' sets the SAPS back. Indeed, the SAPS

appears far from attaining the public trust and support it seeks and badly needs. But this can be attained if the right action is taken.

Promoting police integrity has to start from the top. Police commanders at every level should be held accountable for adhering to clear standards of conduct and responsibility. All commanders should consistently highlight, and in their behaviour reflect, the core values of the SAPS, including integrity; respect for the law; and service excellence, and they must regularly articulate what they expect from those under their command. If commanders come across as arrogant, impolite, defensive, secretive or uncaring, they cannot expect their members to act any differently towards the public. If the police hold these attitudes, the public will generally see the police in a negative light. They will tend to not report incidents of misconduct or corruption, as they will not believe that their complaints will be accepted and properly dealt with. Similarly, if lower level and frontline commanders know that they are more likely to be blamed than supported by their senior commanders, they may rather turn a blind eye to unacceptable behaviour or go as far as covering it up.

At a high level, it is therefore recommended that:

- The Minister and National Commissioner of the SAPS continue to highlight the combating of police corruption as a national level priority and senior officials should speak out against and proactively act against corrupt behaviour.
- Greater attention must be given to improving the systems for promoting police officials, and retaining expertise where it is most needed by raising salaries in cases where promotion is not an option.
- The SAPS internal disciplinary system must be reviewed and substantially improved so that it can have a real impact on police misconduct at a station level. This must be publicly reported in the SAPS Annual Reports.
- Hardworking and honest police officials who are willing to speak out against and investigate colleagues who are either suspected of, or known to be undermining the police service through corrupt activities, should be formally recognised when it comes to career advancement, transfer requests and other career progression opportunities.

In addition to improving and, more importantly, implementing, the Anti-Corruption Strategy, we recommend that specific attention be given to the following areas:

PROMOTING A POSITIVE POLICE CULTURE

A positive police culture that supports honesty, hard work and dedication to the values and goals of a professional police service is one of the most powerful ways to prevent corruption and engender pride. The biggest threat to a corrupt member of the service is the presence of honest police officials who will not tolerate activities that undermine the profession.

In this respect the SAPS should:

■ Ensure that core police values (as found in the Constitution and Codes of Conduct and Ethics) become part of all police training. Training must make sure that police understand how and why doing their job to the correct standard is in line with the core values. Furthermore, police need to be trained in ethical decision-making. In situations where the rules and procedures do not provide adequate guidance, police officials need to know how to make decisions based on ethical imperatives.

■ Conduct a sustained campaign to identify, recognise and reward professional policing practice, behaviour and attitudes. 'Integrity certificates' should be considered for those who arrest people for trying to bribe police members, or who expose corruption within their ranks. The award of such certificates should support members' requests for transfers or promotion.

■ Improve management training so that it includes training about their responsibilities as leaders and role models. The training should enable managers to resolve conflict, manage diversity and ensure discipline.

ENHANCING ACCOUNTABILITY

The objective of enhancing accountability is to reduce the opportunities for police to become involved in corruption and other abuses of power. Members of the service should know that there are strong systems in place to hold them accountable if they abuse their powers. The following will help to achieve this aim:

■ Establishing systems for receiving, processing and analysing all complaints against police members. Even where allegations are too vague to warrant an investigation, the information needs to be captured so that it can be analysed for trends and patterns, allowing commanders to identify areas of concern for

strategic interventions (e.g. proactive investigations or better supervision or performance management).

■ The establishment of an Internal Affairs or Anti-Corruption Unit with an independent command structure that reports to a committee comprised of the National and Deputy National Commissioner only after investigations have been finalised. This unit must consist of the best and brightest police members. Selection to serve in this unit must be seen as career advancement. The unit must be responsible for thoroughly investigating all allegations of serious misconduct and corruption. It should be empowered to conduct random and ongoing 'integrity tests' where police members are put in everyday situations that present the opportunity to abuse their authority and where their actions are monitored. If they are found to act illegally or in a way that constitutes misconduct, disciplinary steps must be taken against them. Such a unit will send out a strong message that members who engage in misconduct or corruption will be held accountable.

■ The overall police disciplinary system should be strengthened so that it operates more effectively and efficiently. Promotion to a senior rank must include demonstrated ability to both positively motivate subordinates and take disciplinary steps in a fair and consistent manner. Managers who fail to provide proper guidance or to discipline their members must be held accountable for the actions of their subordinates. Any recommendations of disciplinary action made by Chapter Nine institutions (such as the Human Rights Commission) or the Independent Complaints Directorate (ICD) must be acted on immediately.

ENGAGING THE COMMUNITY

A sustained education campaign is necessary to ensure that members of the public are aware that corrupt acts are against police regulations, and that they are under no obligation to give any form of gratuity to any police official under any circumstances. Ideally, such an education initiative should also encourage the public to recognise good police work by sending letters, e-mails or text messages to a specific address set up for the purpose, or to the station commanders of the relevant officials. Other creative initiatives could be pursued, such as an automated telephone hotline that records supportive messages that can be transcribed and printed in official publications, or broadcast on platforms such as the internal SAPS television channel 'PolTV'.

Systems set up to receive complaints of misconduct must be well advertised to ensure that people know how and where they can report corruption and what will be expected of them when making a report. The public should know that they are free to make anonymous complaints but that the information may only be used for strategic service delivery improvement purposes and may not necessarily lead to investigations, as these require ongoing collaboration with the complainant.

In addition the SAPS could initiate campaigns showing that it is a criminal offence for a member of the public to try to corrupt a police official. If ordinary citizens know that attempting to bribe a police official will result in arrest and criminal charges, they will be less likely to do so, and fewer officials will be tempted to be corrupt.

The community engagement component of a police integrity policy should make it clear to the public that the role of the police is to make their communities safer. The public needs to be made aware of all initiatives that have been undertaken to promote a positive police culture and to enhance police accountability. A sustained awareness campaign undertaken at police stations, through the media and community structures, could:

- Educate the public about what the police do and what standards are expected from them.
- Encourage members of the public to verbally thank police, write letters or make efforts to inform the SAPS when they are satisfied with police service and actions.
- Educate the public about how to report poor service delivery, misconduct and corruption.
- In addition, structures for reporting must be accessible to the general public and the procedures need to be explained. Feedback must be given to those who do report as to what has happened with their complaint and why.

If these recommendations are integrated with the reforms currently under way in the SAPS, they will contribute to the creation of a police organisation characterised by integrity and professionalism. Interventions need to be implemented in unison and across the board if they are to be effective, and must become part of the daily practice of all SAPS personnel.

Notes

1   See, for instance, D L Carter, *The identification and prevention of police corruption*, Unpublished paper presented as part of the Public Lecture Program, Japanese Ministry of Justice, Tokyo, Japan, 1997.

2   SAPA, Hawks law sent back to parliament, *IOL News*, 17 March 2011, http://www.iol.co.za/news/politics/hawks-law-sent-back-to-parliament-1.1043485 (accessed 22 March 2011).

3   L. Vetten, T Le, A Leisegang and S Heiken, *The Right and the Real: A Shadow Report Analysing Select Government Departments Implementation of the 1998 Domestic Violence Act and the 2007 Sexual Offences Act*. Johannesburg: Tshwaranang Legal Advocacy Centre, 2011. http://www.tlac.org.za (accessed 12 August 2011).

4   T Newburn, *Understanding and preventing police corruption: lessons from the literature*, London: Home Office, Research Development and Statistics Directorate, Police Research Series Paper 110, 1999, http://www.popcenter.org/problems/street_prostitution/PDFs/Newburn_1999.pdf (accessed 21 July 2011).

5   J B Roebuck and T Barker, A typology of police corruption, *Social Problems* 21(3) (1974), 423–437.

6   J Kleinig, *The ethics of policing*, Cambridge: Cambridge University Press, 1996.

7   T Syed and D Bruce, Police corruption: towards a working definition, *African Security Review* 7(2) (1998), http://www.csvr.org.za/index.php?option=com_content&view=article&id=1486:-police-corruption-towards-a-working-definition-in-african-security-review-vol-7-no-1&catid=138:publications&Itemid=2 (accessed 21 July 2011).

8   S Alcock, Crime stats scam exposed, *Mail & Guardian Online*, 5 July 2009, http://www.mg.co.za/article/2009-07-05-crime-stats-scam-exposed (accessed 8 June 2010).

9   The Prevention and Combating of Corrupt Activities Act No. 12 of 2004 defines corruption as follows: 'Any person who directly or indirectly accepts or agrees or offers to accept any gratification from any other person. Whether for the benefit of himself or herself or for the benefit of another person: or gives or agrees or offers to give to any other person any gratification for the benefit of that other person or for the benefit of another person in order to act personally or by influencing another person so to act in a way that amounts to the illegal, dishonest, unauthorised. incomplete or biased or misuse or selling of information or material acquired in the course or exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statute or contractual or other legal obligation that amounts to the abuse of a position of authority, a breach of trust, or the violation of a legal duty or a set of rules designed to achieve an unjustified result, or that amounts to any other unauthorised or improper inducement to do or not to do anything is guilty of the offence of corruption.'

10   Newburn, *Understanding and preventing police corruption*, 4.

11   M Mollen, The City of New York, *Report* of the Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department (Mollen Commission), 1994, http://www.parc.info/client_files/special reports/4 Mollen Commission – NYPD.pdf (accessed 10 March 2011).

12   Ibid.

13   W Knapp, *Report* of the Commission to Investigate Alleged Police Corruption (Knapp Commission), New York: George Braziller, 1972.

14   M Marks, Crash and burn: LAPD and the Rampart Scandal, *Crime and Conflict* 20 (2000).

15   M Punch, Editorial, *Policing* 4(4) (2010), 315-321, in which he reflects on discussions of his 2009 book *Police corruption, deviance, accountability and reform in policing*

16   R Klitgaardt, *Controlling corruption*, Berkeley, California: University of California Press, 1988.

17   M Punch, *Police corruption, deviance, accountability and reform in policing* (ibid).

18   Punch, *Police corruption, deviance, accountability and reform in policing* (ibid).

19   L Kohlberg, State and sequence: the cognitive-development approach to socialization, in D Goslin (ed), *Handbook of socialization theory and research,* Chicago: Rand-McNally, 1969, quoted in K Lasthuizen, *Leading to integrity: empirical research into the effects of leadership on ethics and integrity,* Amsterdam: VU Amsterdam, 2008.

20   Ibid.

21   See for example B C Parks, *Los Angeles Police Department Board of Inquiry into the Rampant Area Corruption Incident, Executive Summary*, 1 March 2000, p 4, www.lapdonline.org (accessed 12 August 2011)

22   J M Wilson and C A Grammich, Conference Proceedings. Police Recruitment and Retention in the Contemporary Urban Environment, Washington, Rand Corporation, 2009, www.rand.org/pubs/conf_proceedings/2009/RAND_CF261.pdf (accessed on 12 August 2011)

23   J J Fyfe, Transcripts of the Symposium on Police Integrity, Annual Conference on Criminal Justice Research and Evaluation: Enhancing Policy and Practice, Washington, DC, 18–21 July 1999.

24   In June 2010 the unemployment rate of male South Africans was reported to be 23,3 per cent and the female unemployment rate 27,6 per cent: Statistics South Africa, *Stats in brief: 2010*, Pretoria: Statistics South Africa, 46-47, http://www.statssa.gov.za/publications/StatsInBrief/StatsInBrief2010.pdf (accessed 21 July 2011).

25   South African Police Service, *Annual Performance Plan 2011/2012*, http://www.saps.gov.za/saps_profile/strategic_framework/strategic_plan/2011_2012/annual_perf_plan_2011_2012.pdf (accessed 14 July 2011).

26   SAPA, Police sacrifice quality for quantity – Cele, *News 24,* 14 September 2010, http://www.news24.com/SouthAfrica/News/Police-sacrifice-quality-for-quantity-Cele-20100914 (accessed 18 July 2011).

27   South African Police Service, *Annual Performance Plan 2011/2012*

28   The Organisation for Economic Co-operation and Development (OECD) has identified low employment as the overriding policy challenge in South Africa, noting the problem is most severe among black youth: OECD, *Economic survey of South Africa*, http://www.oecd.org/document/20/0,3343,en_2649_33733_45637781_1_1_1,00.html (accessed 14 July 2011).

29   Newburn, *Understanding and preventing police corruption*, 12; Punch, *Police corruption,* 46.

30   C B Klockars, The Dirty Harry problem, In C B Klockars and S D Mastrofski (eds), *Thinking about police: contemporary readings*, 2nd ed, New York: McGraw-Hill, 1991.

31   Newburn, *Understanding and preventing police corruption*, 12.

32   Punch, *Police corruption*; A Faull, Need or greed: corruption and integrity management in a Gauteng police station, *South African Crime Quarterly* 28 (2009), 11–19, http://www.issafrica.org/uploads/CQ28FAULL.PDF (accessed 21 July 2011).

33   Ibid, 15.

34   M Palmer, Controlling corruption, In P Moir and H Eijkman (eds), *Policing Australia: old issues, new perspectives*, Melbourne: Macmillan, 1992, 115.

35   S Kutnja Ivkovi , To serve and collect: measuring police corruption, *Journal of Criminal Law and Criminology* (2003).

36   South African Police Service, Media release, 24 January 2011, Minister Mthethwa and General Cele urge new police recruits to uphold discipline and fight crime without fear or favour, http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=15797&tid=27205 (accessed 21 July 2011).

37   SAPA, 30 cops arrested – Petros, *News 24,* 30 September 2010, http://m.news24.com/news24/SouthAfrica/News/30-cops-arrested-Petros-20100930 (accessed 22 March 2011).

38   E Ngomane, Police fired 199 'rotten apples', *The Citizen,* 7 December 2010, http://www.citizen.co.za/citizen/content/en/citizen/local-news?oid=157119&sn=Detail&pid=40&Police-fired-199-%E2%80%98rotten-apples%E2%80%99 – – (accessed 22 March 2010).

39   JP du Plessis, Police "rotten potatoes" to be rooted out, *Eyewitness News*, 7 December 2009, http://www.ewn.co.za/articleprog.aspx?id=28008 (accessed 3 August 2011)

40   Remarks by Minister of Police, E N Mthethwa, MP at the South African Police Union (SAPU) Anti-Corruption Symposium, Protea Hotel, Midrand, Gauteng, 24 June 2011, http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=19444&tid=35935 (accessed 21 July 2011).

41   L W Sherman (ed), *Police corruption: a sociological perspective,* New York: Doubleday Anchor, 1974. For examples of contemporary informality with regard to corruption in the SAPS, see D Vigneswaran and J Hornberger (eds), *Beyond 'good cop' / 'bad cop': understanding informality and police corruption in South Africa*, Johannesburg: University of the Witwatersrand, 2009, http://www.cormsa.org.za/wp-content/uploads/2009/05/beyond_good_cop_bad_cop_-_understanding_informality_and_police_corruption_in_south_africa.pdf (accessed 21 July 2011).

42   See, for example, M Marks, *Transforming the RoboCops: changing police in South Africa*, Durban: University of Kwazulu-Natal Press, 2005; A Altbeker, *The dirty work of democracy*, Johannesburg: Jonathan Ball, 2005; A Brown, *Street blues: the experiences of a reluctant policeman*, Cape Town: Zebra Press, 2008; J Steinberg, *Thin blue: the unwritten rules of policing South Africa*, Johannesburg: Jonathan Ball, 2008; Vigneswaran and Hornberger (eds), *Beyond 'good cop' / 'bad cop'*; A Faull, *Behind the badge: the untold stories of South Africa's Police Service members,* Cape Town: Zebra Press, 2010; Hornberger, *Policing and human rights;* J Hornberger, *Policing and Human Rights: the meaning of violence and justice in the everyday policing of Johannesburg*, Abingdon: Routledge, 2011,

43   R Reiner, *The politics of the police*, 4th ed, Oxford: Oxford University Press, 2010, 122.

44   Faull, *Behind the badge*.

45   SAPA, ICD hampered by SAPS members, *News24*, 15 April 2010, http://www.news24.com/SouthAfrica/News/ICD-hampered-by-Saps-members-20100414 (accessed 15 April 2010).

46   J R T Wood, *Final report* of the Royal Commission into the New South Wales Police Service, Volume 1: Corruption, Sydney: Government of the State of New South Wales, 1997, http://www.pic.nsw.gov.au/files/reports/VOLUME1.pdf (accessed 21 July 2011).

47   D H Bayley, *Police for the future*, Oxford: Oxford University Press, 1994, 65.

48   P K Manning, The social control of police work, In S Holdaway (ed), *The British Police*, London: Edward Arnold, 1979, 63.

49   E Reuss-Ianni and F A J Ianni, Street cops and management cops: the two cultures of policing, In M Punch (ed), *Control in the police organization*, Cambridge: MIT Press, 1983.

50 J L B Chan, *Changing police culture, policing a multi-cultural society*, Cambridge: Cambridge University Press, 1997, 55.

51 See, for example, Marks, *Transforming the RoboCops*.

52 Newburn, *Understanding and preventing police corruption*, 18.

53 D Bruce, 'The ones in the pile were going down': the reliability of crime statistics, *South African Crime Quarterly* 31 (2010), 9-17; A Faull, Missing the target: when measuring performance undermines police effectiveness, *South African Crime Quarterly* 31 (2010), 19–25.

54 Sherman, Police corruption.

55 Klitgaardt, *Controlling corruption*, 64.

56 L V Ryan, Combating corruption: the 21st-century ethical challenge, *Business Ethics Quarterly* 10(1) (2000), 331–338.

57 P K Manning and L J Redlinger, Invitational edges, In Klockars and Mastrofski (eds), *Thinking about police,* 356.

58 Newburn, *Understanding and preventing police corruption*, 26-27.

59 Klockars and Mastrofski (eds), *Thinking about police,* 101.

60 SAPA, Mbeki stopped Selebi arrest, *News24*, 28 September 2007, http://www.news24.com/SouthAfrica/News/Mbeki-stopped-Selebi-arrest-20070928 (accessed 12 April 2010).

61 J Williams, Why I let Zuma go – Mpshe, *IOL News*, 6 April 2009, http://www.iol.co.za/news/south-africa/why-i-let-zuma-go-mpshe-1.439267 (accessed 4 August 2009); J Witten, Yengeni cop found guilty, *IOL News*, 30 November 2009, http://www.iol.co.za/news/south-africa/yengeni-cop-found-guilty-1.466252 (accessed 12 April 2010).

62 See, for example, A Elsdon, *The tall assassin*, Cape Town: Umuzi, 2009; H van Vuuren, *Apartheid grand corruption: assessing the scale of crimes for profit in South Africa from 1976 to 1994*, Pretoria: Institute for Security Studies, 2006, http://www.issafrica.org/uploads/APARTHEIDGRANDC2.PDF (accessed 21 July 2011).

63 J A Kalley, E Schoeman, L E Andor et al, *Southern African political history: a chronology of key political events from independence to mid-1997*, London: Greenwood, 1999, 550, http://www.sahistory.org.za/dated-event/de-kock-convicted-six-killings (accessed 18 July 2011)

64 Revealed in an interview on 6 August 1999 with an ex-detective in the then South African Police Force (SAP) during the 1980s and early 1990s. He had been convicted on corruption charges and spent time in prison as a result. Name withheld as per request for anonymity. See also testimonies of former SAP members confessing involvement in routine corruption in Faull, *Behind the badge*.

65 T Lodge, *Political corruption in South Africa*, University of the Witwatersrand, Institute for Advanced Social Research, Paper 425, 1998.

66 Ibid.

67 T Syed and D Bruce, Inside and outside the boundaries of police corruption, *African Security Review* 7(2) (1998), 11, http://www.iss.co.za/Pubs/ASR/7No2/SayedAndBruce.html (accessed 22 July 2011).

68 Syed and Bruce, Inside and outside the boundaries of police corruption.

69 Lodge, *Political corruption in South Africa*.

70 B Naude, To catch a cheat: comparing corruption and fraud victimisation data, *Crime and Conflict* 21 (2000).

71 A Louw and E Pelser, Community policing and police service improvement study, Unpublished report for the Department of Safety and Security, February 2001.

72 The breakdown of this data has not been published by the ISS. Raw data can be obtained by contacting the Crime and Justice Programme at the ISS. Some relevant data is available in M O'Donovan, *South Africans' perceptions of the police and the courts: results of the 2007 National Victims of Crime Survey*, Occasional Paper 176, 2008, Pretoria: Institute for Security Studies.

73 Citizen Surveys, *AfroBarometer: summary of results South Africa*, 2008, http://www.afrobarometer.org/index.php?option=com_docman&task=cat_view&gid=180&Itemid=31 (accessed 4 August 2011).

74 Citizen Surveys, *AfroBarometer: summary of results South Africa,* 2006, http://www.afrobarometer.org/index.php?option=com_content&view=category&layout=blog&id=24&Itemid=51 (accessed 4 August 2011)

75 B Roberts, Between trust and skepticism: public confidence in institutions, *HSRC Review* 6(1) (2008), http://www.hsrc.ac.za/HSRC_Review_Article-85.phtml (accessed 13 September 2010).

76 A Faull, *Corruption and the South African Police Service: a review and its implications,* Occasional Paper 150, Pretoria: Institute for Security Studies, 2007, http://www.iss.co.za/uploads/PAPER150PDF.PDF (accessed 21 July 2011).

77 SAPA, 1 in 13 has bribed a cop – survey, *News* 24, 21 February 2011, http://www.news24.com/SouthAfrica/News/1-in-13-has-bribed-a-cop-survey-20110221 (accessed 4 March 2010).

78 A Faull, 'When I see them I feel like beating them': corruption and the South African Police Service, *South African Crime Quarterly* 34 (2010), 33-40.

79 South African Law Commission, *Sexual offences: process and procedure*, Discussion Paper 102, Project 107, 2001, 134, http://www.justice.gov.za/salrc/dpapers/dp102.pdf (accessed 21 July 2011).

80 G Newham, *Management of Police Integrity at the Hillbrow Police Station*. Unpublished Masters Dissertation. Johannesburg: Graduate School of Public and Development Management. University of the Witwatersrand, 2000

81 Ibid.

82 G Newham, *The SAPS Johannesburg Area Police Transformation Survey results*, Johannesburg: Centre for the Study of Violence and Reconciliation, 2005, http://www.csvr.org.za/docs/policing/saps-joburg.pdf (accessed 21 July 2011).

83 S K Ivcovik and A Sauerman, Measuring the Code of Silence amongst South African Police: Findings from a SAPS Supervisor Study, in C Gould (ed) *National and International Perspectives on Crime and Policing. International Conference: Towards a coherent strategy for crime reduction in South Africa beyond 2010*. Pretoria: Institute for Security Studies, 1 & 2 December 2010

84 This statement is based on research conducted by Andrew Faull at three stations in 2009. Findings related to only one station have been published in Faull, *Need or greed*.

85 South African Police Service, Policy Advisory Council, unpublished report, 2006–07.

86 A Faull, Private communication with a provincial organised crime and DPCI commander who stated that every organised crime investigation conducted by his units uncovered the involvement of police officials with criminal syndicates.

87 Mckeed Kotlolo, Hawks commander in court for theft, *Times Live*, 21 June 2011, http://www.times-live.co.za/thetimes/2011/06/21/hawks-commander-in-court-for-theft (accessed 18 July 2011).

88 M wa Afrika and S Hofstatter, Bheki Cele's R500m police rental deal, *Times Live*, 1 August 2010, http://www.timeslive.co.za/sundaytimes/article579403.ece/Bheki-Celes-R500m-police-rental-deal (accessed 6 March 2011).

89 Public Protector of South Africa, *Against the rules,* Report 33 of 2010/11, 22 February 2011, http://www.info.gov.za/view/DownloadFileAction?id=142293 (accessed 21 July 2011).

90 Janine Rauch, Police Reform and South Africa's Transition, a paper presented at the *South African Institute for International Affairs* conference, 2000, http://www.csvr.org.za/wits/papers/papsaiia.htm (accessed 16 August 2011).

91 Hornberger, *Policing and human rights*.

92 Translated as 'instant constables', these members were brought into the SAP as a force multi-plier in the late 'eighties. They were not subjected to the same recruitment criteria or training as full time members, and were given menial tasks. Later they were absorbed into the SAP and became indistinguishable from other permanent members.

93 J Rauch, Police reform and South Africa's transition, Paper delivered at conference on Crime and Policing in Transitional Societies, Jan Smuts House, University of the Witwatersrand, Johannesburg, 30 August – 1 September 2000, http://www.kas.de/db_files/dokumente/7_do-kument_dok_pdf_4865_2.pdf#page=104 (accessed 21 July 2011).

94 Lodge, *Political corruption in South Africa*, 10–11.

95 E. Mabuza, *Business Day*, 27 August 2001.

96 S Masuku, Policing the police: SAPS members charged and convicted of crime, *Nedbank ISS Crime Index* 5(2) (2001), http://www.iss.co.za/pubs/CRIMEINDEX/01VOL5NO2/policing.html (accessed 21 July 2011).

97 G Newham, *Transformation and the internal disciplinary system of the South African Police Service*, Johannesburg: Centre for the Study of Violence and Reconciliation, 2000, http://www.csvr.org.za/wits/papers/papnwhm6.htm (accessed 21 July 2011).

98 A Faull, E-mail correspondence with former SAPS Superintendent Ivan Myers, 14 June 2010.

99 Policy Advisory Council, South African Police Service (unpublished report, 2006–07).

100 South African Government Information, Statement, Police Ministry announces new police ranks, 11 March 2010, http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=9243&tid=9260 (accessed 21 July 2011).

101 Faull, *Behind the badge*.

102 Interview conducted by Gareth Newham with a police sergeant based in Gauteng, March 2001.

103 P Thulare, Welcome to Hellbrow: talking to Johannesburg's drug syndicates, *Crime and Conflict* 16 (1999), 17–21, 19.

104 D Vigneswaran and M Duponchel, *One burden too many? A cost-benefit analysis of immigration policing in Gauteng*, FMSP Research Report, Johannesburg: Forced Migration Studies Programme, 2009, 21.

105 B Harris, *A foreign experience: violence, crime and xenophobia during South Africa's transition*, Johannesburg: Centre for the Study of Violence and Reconciliation, 2001.

106 C Gould and N Fick, *Selling sex in Cape Town: sex work and human trafficking in a South African city*, Pretoria: Institute for Security Studies, 2008.

107 M Richter, M Chersich, D Ndlovu, G Maritz, M Temmerman & Sisonke Johannesburg, Rustenburg & Cape Town, *'Maybe it will be better once this World Cup has passed': research findings regarding the impact of the 2010 Soccer World Cup on Sex Work in South Africa,* http://www.nswp.org/sites/nswp.org/files/SWEAT%20report%20-%20low%20res%20(2).pdf (accessed 21 July 2011).

108 Newham, *Tackling police corruption in South Africa*.

109 Under the Prevention and Combating of Corrupt Activities Act (Act 12 of 2004) both the 'corruptee' and 'corruptor' are liable for criminal charges for incidences of corruption. According to ACU Director Stef Grobler, it took on average 18 months to complete such a 'project' (corruption investigation).

110 Public Service Commission, *A review of South Africa's national anti-corruption agencies*, Pretoria: Public Service Commission, 2001, 41.

111 South African Police Service, *Service integrity framework for the South African Police Service, dealing with corruption,* A discussion document handed out at a seminar titled Police Integrity and Discipline: Internal Systems of Control in the SAPS, held at the Centre for the Study of Violence and Reconciliation, Johannesburg, 22 November 2000, 1.

112 Parliamentary Monitoring Group, Corruption within SA Police: personnel establishment, equity plan and disciplinary regulations of SAPS: briefing, 17 October 2001.

113 South African Government Information, Safety and Security Budget Vote and Independent Complaints Directorate Appropriation Bill address by Minister S V Tshwete, National Assembly, 7 June 2001, http://www.info.gov.za/speeches/2001/010608945a1002.htm (accessed 21 July 2011).

114 E Mabuza, *Business Day,* 2 March 2000.

115 These perceptions were recorded by Andrew Faull during interviews with approximately 80 police employees in the first six months of 2009.

116 South African Police Service, *Annual Performance Plan for the South African Police Service 2008/2009,* Corruption and Fraud Prevention Plan, Pretoria: SAPS, (unpublished)

117 Ibid.

118 A Faull, Telephonic interview with SAPS Strategic Management member Craig Mitchell, 26 October 2010.

119 C Mitchell, Tackling police corruption in South Africa, In G Newham and A Dissel, *Conference report: policing in South Africa, 2010 and beyond*, Pretoria: Institute for Security Studies, 2011, http://www.iss.co.za/uploads/PolicinginSA2010.pdf (accessed 21 July 2011).

120 United Nations Development Programme, *Corruption and integrity improvement initiatives in developing countries,* 1998, http://mirror.undp.org/magnet/Docs/efa/corruption.htm (accessed 21 July 2011).

121 In Klockars (ed), *Thinking about police,* 96–97.

122 C B Klockars, S Kutnjak Ivkovi , W E Harver and M R Haberfeld, The measurement of police integrity, *Measurement of police integrity, final report* (NCJ No 171654), Washington, DC: US Department of Justice, Office of Justice Programs, National Institute of Justice.

123 L W Sherman, Scandal and reform, In Klockars (ed), *Thinking about police.*

124 Klockars (ed), *Thinking about police,* 121.

125 Sherman, Scandal and reform, 41.

126 In Klockars (ed), *Thinking about police*, 35.

127 D Samual and G Alpert, Police accountability: establishing an early warning system, International City/County Management Association (ICMA) Inquiry Service, 32(8), 2000.

128 S Altbeker, J Klipin and D Bruce, A new day? Controlling police violence and corruption, *Crime and Conflict* 18, 1999, http://www.csvr.org.za/index.php?option=com_content&view=article&id=1443%3Aa-new-day-controlling-police-violence-and-corruption&Itemid=2 (accessed 21 July 2011).

129 Klockars C B (ed), *Thinking about police,* 37.

130 Mollen, The City of New York, *Report,* 2–3.

131 See SAPA, Cops arrested by Hawks in court, *Independent Online*, 13 July 2009, http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=nw20090713172135121C467662 (accessed 12 April 2010); SAPA, Cops held for corruption, *IOL News,* 28 January 2010, http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=nw20100128160901961C334384 (accessed 12 April 2010).

132 This was one of the four main conclusions reached at the workshop entitled 'Creating an Honest Police Force', held at the 10th International Anti-Corruption Conference, Prague, 18 September 2001, http://www.10iacc.org/content.phtml?documents=109&summ=21 (accessed 10 March 2010).

133 Chan, *Changing police culture*.

134 L W Sherman*, Scandal and reform: controlling police corruption*, Berkeley, Calif: University of California Press, 1978, 375.

135 Punch describes how in their haste to try and limit the damage to the police department following the public exposure of a corruption scandal, lower level front-line commanders were blamed as a group. In response, these front-line commanders felt that they were taking unfair 'heat' for the scandal and retaliated with accusations of their own directed at senior commanders. This led to a situation where distrust within the organisation increased so much that the credibility of the entire department was significantly undermined.

136 A Sinclair, Approaches to organisational culture and ethics, *Journal of Business Ethics* 12(1) (1993), 63–73.

137 Lasthuizen, *Leading to integrity.*

138 Ibid.

139 R Klitgaardt, *Controlling corruption,* Berkeley, Calif: University of California Press, 24–27.

140 Carter, *The identification and prevention of police corruption*, 116.

141 Chan, *Changing police culture*.

142 US Department of Justice, *Police integrity: public service with honor*, Report from the National Symposium on Police Integrity, Washington, DC, 14–16 July 1996, 1997.

143 R M Lindsay, L M Lindsay and V B Irvine, Instilling ethical behavior in organizations: a survey of Canadian companies, *Journal of Business Ethics* 15 (1996), 393–407.

144 P MacKeller, Intrasight: a diagnostic tool, Presentation at a workshop entitled 'National integrity systems: Can their effectiveness be measured?' held at the 10th International Anti-Corruption Conference, Prague, 18 September 2001, http://www.10iacc.org/content-ns.phtml?documents=116&summ=45&c=ractices (accessed 21 July 2011).

145 C E Stone and H H Ward, Democratic policing: a framework for action, *Policing and Society* 10 (2000), 11–45.

146 Ibid, 22.

147 US Department of Justice, *Police integrity,* 28.

148 S Worden, The role of integrity as a mediator in strategic leadership: a recipe for reputational capital, *Journal of Business Ethics* 46(1) (2003), 31–44.

149 A Goldsmith, Taking police culture seriously: police discretion and the limits of law, *Police and Society* 1(2) (1990), 91–114.

150 Bayley, *Police for the future*, 93.

151 M Manion, Lessons for Mainland China from anti-corruption reform in Hong Kong, *The China Review* 4(2) (2004), 81–97.

152 For example Thandi Skade, 'Crooked' cops caught on tape, *IOL News*, 28 March 2011, http://www.pretorianews.co.za/crooked-cops-caught-on-tape-1.1048226?pageNumber=2 (accessed 14 July 2011).

153 Newburn, *Understanding and preventing police corruption*, 40.

154 Sherman, *Scandal and reform,* 378-379.

155 Newburn, *Understanding and preventing police corruption*, 42.

Corruption remains a serious challenge to the effectiveness and legitimacy of the South African Police Service (SAPS). This monograph explores corruption in the SAPS prior to and after democratisation in 1994, contextualising the discussion with reference to international and domestic literature on the subject. It explores the causes of police corruption in the South African context and assesses the efforts taken by the SAPS in response to this challenge. Practical recommendations are made as to how the SAPS can significantly reduce incidents of police corruption by enhancing internal accountability, promoting a culture of organisational integrity and mobilising community support. Consolidating decades of research on the subject, this monograph represents the most comprehensive analysis of police corruption in South Africa to date. It also offers an approach that could assist in transforming the SAPS into a police agency that all South Africans want, one that is widely respected for its integrity and professionalism.

La corruption demeure un véritable challenge pour l'efficacité et la légitimité des services de police Sud Africains (SAPS). Cette monographie rend compte de la corruption chez les SAPS avant et après la démocratisation en 1994, en plaçant comme contexte de la discussion des références à la littérature internationale et locale sur le sujet. Elle explore les causes de la corruption de la police dans le contexte sud africain et évalue les efforts faits par les SAPS pour répondre à ce challenge. Des recommandations pratiques sont faites pour indiquer comment les SAPS peuvent réduire de manière significative les incidences de la corruption de la police en mettant l'accent sur la responsabilité en interne, pour promouvoir une culture d'intégrité organisationnelle et mobiliser un soutien de la communauté. Rassemblant des décennies de recherches sur le sujet, cette monographie représente l'analyse la plus complète de la corruption de la police en Afrique du Sud à ce jour. Elle offre également une approche qui pourrait aider à faire des SAPS l'agence de police que souhaitent tous les Sud Africains, une agence qui soit largement respectée pour son intégrité et son professionnalisme.

OPEN SOCIETY FOUNDATION
FOR SOUTH AFRICA

9 781920 422608