



‘Inspecting’ the SAPS National Inspectorate

INTRODUCTION

Providing effective and efficient service delivery to the public requires the police to perform in an exceptional manner. The South African Police Service (SAPS) is facing many challenges at local police level. Manipulation of crime statistics, missing case dockets, under-resourcing, inefficient management, lack of discipline and ineffective crime combating at police stations across the country are some of the issues confronting police management. These often lead to poor service delivery, hamper policing to communities, create feelings of insecurity and fail to bring down levels of crime.

These challenges are not new to police management. Nevertheless, many of the problems persist at police stations and specialist units. In any police agency, the key response to dealing with these problems is oversight, which takes various forms: internal oversight mechanisms, which include inspections, evaluations and management accountability; and external oversight mechanisms, which include civilian bodies outside the police and parliament.

In South Africa, studies have focused on external systems of accountability of the police such as the Secretariat for Safety and Security¹ and the Independent Complaints Directorate,² and few, if any, studies of internal police accountability systems have been undertaken. While accountability for police performance broadly lies ultimately with the national commissioner of police and minister of police at operational level, internal accountability functions are carried out by the National Evaluation Service (NES) or the National Inspectorate (NI), as it is currently named.³

Indications are that many of these problems are as a result of the declining ability of the NES/NI to carry out inspections and evaluations as regularly and as efficiently as it should. Additionally, like the rest of the SAPS, NES has undergone many structural changes in the past decade, not all of which have contributed to the creation of an efficient and accountable SAPS. Some of the more

recent changes undertaken by the current leadership raise questions about priority within the SAPS to ensure adequate checks on police activity, and about police procedure in implementing changes.

This paper provides a synopsis of the policy changes that have impacted on the core function of the NES and thus on the provision of an efficient police service. It describes the NES, its structures and reporting lines, the process undertaken to conduct the inspection function and the associated policies. The impact of organisational change on the division is then discussed, and the paper concludes with alternatives for effective functioning.

WHAT IS THE NATIONAL EVALUATION SERVICE?

The national commissioner of police is the head of the SAPS and falls under the direction of the Ministry of Police. Five deputy national commissioners provide support to the national commissioner at national level, and nine provincial commissioners provide support at provincial level. Under each deputy national commissioner are divisional commissioners, each in charge of specific components such as detectives, training, and legal services. The NES falls under the command of Deputy National Commissioner Hamilton Hlela, who is also responsible for Supply Chain Management and Protection and Security Services (see diagram 1).

The NES is the division of the SAPS that is responsible for operational and organisational evaluations and inspections, as well as investigations of complaints against the service.⁴

Evaluations are thus meant to ensure ‘that all policing activities and the implementation of the operational and organisational priorities are evaluated against set standards in order to advise management on the status of service delivery in the SAPS’.⁵

Operational Evaluations involve the appraisal of operational policies. This component consists of five teams with approximately seven members per team at the

Table 1 History of National Evaluation Service

Years in operation	Name of division	Designation of head
1995–1999	The Inspectorate	Deputy national commissioner
1999–2001	The Inspectorate National Evaluation Services	Assistant commissioner Divisional commissioner
2001–2005	National Evaluation Services	Divisional commissioner
2005–2008	National Evaluation Services	Divisional commissioner
2008– current	National Inspectorate	Divisional commissioner

rank of director (at the highest level) and that of captain (as the lowest level).

Organisational Evaluations comprise appraisals of support services within the SAPS, including human resources, supply chain management, training, policy development and the Dog Unit. This component consists of one team with about seven members, also at the rank of director (at the highest level) and a captain (at the lowest level).

Complaints Investigations, which falls under the command of Organisational Evaluations, deals with complaints by the public to the minister for safety and security and the national commissioner.

Each provincial police office consists of provincial inspectorates that are tasked with undertaking inspections and evaluations within their provinces. The head of the provincial inspectorate in each province reports directly to the provincial commissioner of police.

The division NES has undergone many changes in the last 10 years. Table 1 illustrates the history of the division from 1995.

All police divisions operate within a policy framework and are guided by national instructions or standing orders. From the late 1990s, however, the division NES has been operating according to the Draft National Instruction, which mandates it to conduct evaluations at all levels of policing within the SAPS jurisdiction. This includes national, provincial, area, station and unit level, as well as during an operation. It also includes evaluations of projects that involve the use of SAPS resources.

In terms of reporting lines, the divisional commissioner, who heads the NES, reports directly to a deputy national commissioner, who then reports to the national commissioner of police (see diagram 1).

As well as inspections conducted by the NES at station or unit level, other forms of inspections take place within the SAPS. A station commissioner can request an inspection to be undertaken in his or her station; a provincial commissioner can request the NES or a provincial inspectorate to inspect a station; and the provincial NES can decide to undertake an inspection without a specific request to do so. Other national divisions with a vested interest in a particular station or unit can also request an

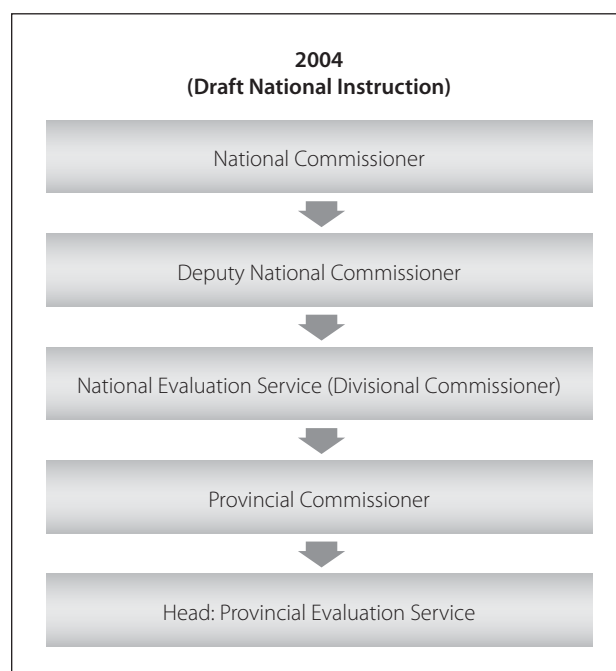
inspection. For example, the national head of detectives can request the NES to do an inspection of detectives' performance at a particular station with a history of under-performing.

PROCESS FOR INSPECTIONS AND EVALUATIONS

Inspections and evaluations are conducted on a de-centralised basis, with the head of the NES informing the provincial commissioner of the specific stations that should be inspected. The provincial commissioner then notifies the relevant provincial head of NES of the inspections.

The NES conducts inspections and evaluations, and a distinction must be drawn between these processes. 'Evaluations are the systematic, independent and objective assessment of the functions and procedures within the SAPS, based on the concept of efficiency and effectiveness, to measure the impact of particular outcomes and the extent to which set objectives have been

Diagram 1 Reporting structure of National Evaluation Services⁶



achieved.' Thus, evaluations determine 'whether the right things are being done'. Inspections, on the other hand, are defined as 'actions instituted to establish to what extent members in the policing environment comply with the set legislation, regulations, national instructions, standing orders and other directives'. Inspections therefore determine 'whether things are done right'.⁷

The process to kick-start inspections and evaluations is determined in a variety of ways. The most common method is by way of management meetings such as the management forum, usually held once a month – consisting of the national commissioner and all SAPS operational divisional commissioners – at which operational matters relating to police issues are discussed.⁸ Critical issues in relation to stations and specialist units requiring inspections or evaluations are raised at these meetings.

The head of the NES then coordinates an internal management information centre (MIC) meeting with inspecting teams and other staff, at which research results, audits of inspections and evaluations already undertaken, and analysis of statistics are discussed. More importantly, top management inputs and recommendations regarding stations or units requiring inspections are discussed and given priority.

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The NES head then forwards a letter to the relevant provincial commissioners, informing them of pending inspections. A team (or teams) of inspectors from the NES at head office or from the relevant provincial NES is deployed to undertake inspections. The deployments of teams are dependent on the outcome of discussions between the NES head and provincial commissioners to avoid duplication of inspections.

This practice, and the necessity of informing the provincial commissioner of pending inspections, is pertinent for two reasons. First, it is a matter of courtesy, and second, because protocol demands this – a provincial commissioner holds the same rank as a divisional commissioner. However, this practice does not preclude unannounced inspections of stations or units by the national division (below).

The procedure with regards to evaluations is as follows:

- An evaluation schedule (at national or provincial level) is drawn up
- A pre-evaluation preparation is conducted
- The physical evaluation is undertaken
- The collected information is consolidated and this is followed by an analysis and interpretation of the data
- A report is compiled
- The report is forwarded to the head of the NES and then to the provincial commissioner
- Feedback of implementation of the recommendations is done
- A follow-up evaluation is carried out (approximately six months later)⁹

An inspection takes place as follows:

- An inspection schedule is drawn up
- The inspection takes place
- A report is prepared and submitted to the head of the NES and then to the provincial commissioner
- A follow-up inspection is undertaken (approximately six months later)¹⁰

A standard form is utilised for both inspections and evaluations. The inspection of a small station takes approximately one day, and that of a larger station about one week. Personnel numbers and other resources such as vehicles, equipment and operational areas determine the size of stations. Specialised units and forensic audits are inspected over three weeks or so.

Once the inspection or evaluation has been completed, a report is compiled and submitted to the provincial commissioner and the head of the NES. Both have to ensure that recommendations in the report are adhered to and implemented. In the entire process of evaluation, this step is key to ensuring effective and efficient policing. 'If the desired results to enhance efficiency have not been achieved, the lessons learnt must be analysed and reviewed to develop a different approach to address the shortcomings or reasons for failure.'¹¹ The deputy national commissioner is the ultimate authority in this instance and is obliged to hold the provincial commissioner and the head of the NES accountable for subsequent failures.

Unannounced visits to stations and units also take place to ensure that policing services are rendered according to prescribed standards, to monitor the conduct of the police, to measure their morale and commitment, and to enable management to identify and address problems.¹²

Statistical overview of inspections and evaluations

It was difficult to gain access to figures on the number of inspections and evaluations¹³ undertaken by national and

provincial inspectorates. The limited statistics that were available from interviews demonstrate that the NES and SAPS are facing serious challenges.

At national level, in the early to mid 2000s, the NES undertook approximately 70 inspections and/or evaluations per quarter.¹⁴ This translates to 280 inspections and/or evaluations per year. The inspection team complement at the NES consisted of six teams with approximately eight members per team, which totals 48 inspectors.¹⁵ This means that each inspecting team undertook approximately 46 inspections or evaluations per year.

National inspection and/or evaluation figures for the mid 2000s were not available, but in 2009, at the time of writing, only one evaluation had been carried out by the national inspection team.¹⁶ This figure indicates a large drop in the inspection and evaluation functions of the national teams. Additionally, the national teams have to cover a larger geographical span with 1 113 stations and numerous specialist units.

'Visits to stations have revealed that at some stations proper inspections from the area/provincial and national level have not been conducted for long periods'

At provincial level in Gauteng currently, approximately six inspections and/or evaluations are undertaken at stations and units each month.¹⁷ This translates to 72 inspections per year. The staff complement at the Gauteng Inspectorate is five teams with eight members per team totalling 40 inspectors. This means that each team conducts about 14 inspections per year in Gauteng. The Gauteng team covers 144 police stations and an unidentified number of specialist units (several specialist units had been disbanded).

These numbers suggest that currently the national teams are performing very poorly compared with the figures in the early 2000s, when the national teams conducted three times as many inspections and evaluations. Provincially, half of the police stations and units in Gauteng do not receive yearly inspections or evaluations by the inspection teams. When compared with the period prior to 1994 – when each station used to receive four announced inspections and two unannounced

inspections per year¹⁸ – current inspection figures are very disturbing. They raise questions about performance levels within the SAPS, and about the management and reliability of the inspection and the evaluation functions (discussed below).

The absence of inspections and evaluations at stations was highlighted in the 2008 report of the Policy Advisory Council – which is a team of 14 retired SAPS police commissioners appointed by the previous national commissioner Jackie Selebi in October 2006 to advise him on the levels of service delivery and crime in the country. The report states: 'Visits to stations ... have revealed that at some stations proper inspections from the area/provincial and national level have not been conducted for long periods [years]. At most stations regular inspections are not done.'¹⁹

In keeping with the figures for inspections and evaluations, national inspection teams were only able to provide provincial operational inspections once a year.²⁰ The concern in this instance is that inspections and evaluations conducted by provinces concentrated mostly on 'support systems' of stations, despite the mandate including operational inspections as well. Operational inspections are undertaken only by inspectors from the national office. Given the importance to crime fighting of operations and operational efficiency, one inspection per year is insufficient. This means that operational functions – fundamental to successful policing and crime fighting – were not being given proper attention by the provincial offices and concerns relating to operations were being sidelined.

The concerns regarding operational inspections were also highlighted by the Policy Advisory Council report. The report states that 'teams from the provincial inspectorate are also mandated to do "full" inspections. However, provincial inspections 'are mostly focused on only certain issues, eg finance, human resources, case dockets, etc. It is seldom that a full inspection is done.'²¹

These figures, in addition to the lack of inspections and evaluations, emphasise the challenges facing SAPS management especially the NI. These concerns were also iterated in the Policy Advisory Council Report, which stated that 'sufficient appropriate capacity to manage and do inspections properly does not seem to exist at any level'. 'The NI has also been found wanting and is clearly not focused correctly or functioning optimally.' 'The National Inspectorate ... does not have the capacity to perform ... inspections, nor is it foreseen that it can be established in the near future.'²²

The crisis in the inspection and evaluation capacity demonstrates that similar statistical discrepancies regarding follow-up inspections of stations and units are likely to occur.

A NEW POLICY IS BORN

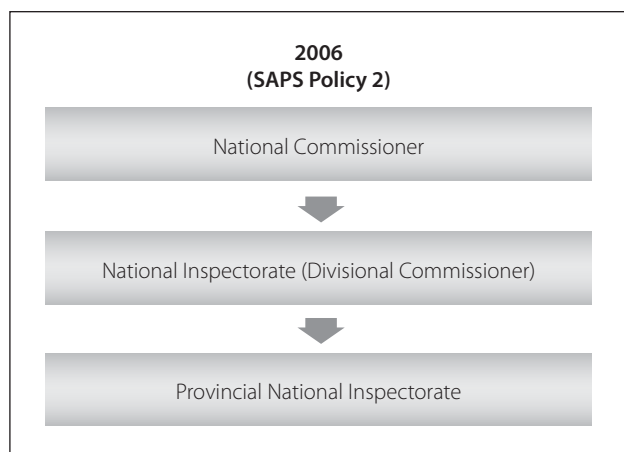
The NES is guided by the Draft National Instruction. In December 2004 the document was reviewed in the NES division and forwarded to the SAPS legal division for approval. While the draft was being reviewed, in April 2005, Divisional Commissioner Len Rasegatla, who had just taken office as NES head, made significant structural and operational changes to the contents of the document, and in 2006 SAPS Policy 2 came into effect with the approval of the national commissioner Jackie Selebi.

The new policy proposed vast changes for the division compared with the previous operational structure. As well as a name change from 'National Evaluation Service' to 'National Inspectorate', one of the fundamental changes reflected in the policy was the centralisation of the command and control structures of the division (see diagram 2). This meant that provincial commissioners, who had always been in command of provincial inspectorates, would in effect relinquish their command positions, and the provincial inspectorates would report directly to the NI head at national level.

These changes created deep resentment among provincial commissioners in the nine provinces. Most significantly, provincial commissioners had not been consulted on the changes and had been excluded from the entire restructuring process.

The secondary role delegated to provincial commissioners with regards to provincial inspectorates is highlighted in Policy 2 in a section which states that 'provincial commissioners are able to utilize employees of the provincial inspectorate within the respective provinces *in consultation* with the divisional commissioner of the National Inspectorate' (my italics).²⁴ Additionally, the six inspection teams that were based at national level were redeployed to the Gauteng Provincial Inspectorate owing to the lengthy restructuring which

Diagram 2 Reporting structure of National Inspectorate SAPS Policy 2, 2006²³



left them with no work during the reorganisation of the division. 'Members were in limbo; they were frustrated and began applying for other jobs. Many were successful in getting new jobs, with the result that the inspection team numbers began dwindling. To allay the frustration, the remaining national inspection teams were redeployed to the Gauteng Inspectorate.'²⁵ This move depleted the inspections component of the national division, with the result that inspections at stations countrywide ceased to take place.

Motivation for restructuring the NES

The motivation behind the decision of NES heads to centralise command and control was that provincial commissioners should not be both 'referee and player', implying that it was inappropriate for provincial commissioners to be participants in inspections as well as arbitrators of the process.²⁶ Theoretically, the reasoning made sense – the previous command structure defeated the purpose of inspections if a provincial commissioner was able to influence the findings of the provincial inspections.

This reasoning is supported by serving police officers involved in inspections. The acting head of the Gauteng Provincial Inspectorate, Director Rungasamy, avers that although a provincial commissioner is responsible for the proper management of the province, it stands to reason that a complaint against the particular provincial commissioner may not be followed up in an objective manner.²⁷ He also contends that for the same reason and with regards to crime stats analysis for example, it is possible that a provincial commissioner might not provide correct statistical feedback to the national commissioner at the National Management Forum.²⁸

Benefits of the new structure include:

- Having direct access by the NI to provincial inspectorate evaluation reports without having to be routed through the provincial commissioner
- Preventing the manipulation of provincial inspection reports
- Being able to hold provincial commissioners accountable for poor service delivery and under-resourced stations and units

The new centralised structure in effect promised to address all these concerns, including ensuring accountability of provincial commissioners regarding non-performance. More importantly, it provided the head of the NES with full authority over all of the provincial commissioners.

Dispute

The intention of the restructuring process was sensible, but, according to a number of serving and former

members of the NI, the implementation was bound to fail for several reasons:

- SAPS policies require that provincial commissioners, as well as other divisional commissioners at head office, should be consulted on any policy change. With regard to Policy 2, neither provincial nor other divisional commissioners were consulted about the process.²⁹
- SAPS Legal Service Division was aware that the process that led to the authorisation of Policy 2 was flawed as a result of the non-consultation of the commissioners, yet they recommended the approval of the policy.³⁰
- Senior managers in the NI division were not consulted on the changes regarding Policy 2, which resulted in disorganisation in the division and low staff morale.³¹
- The new policy allowed for provincial commissioners to be held accountable by heads of provincial inspectorates. This is not tenable, because provincial commissioners are more senior in ranking.³²
- The redeployment of the national inspection teams at head office to the Gauteng Inspectorate only was unbalanced, as the other eight provinces were not accorded the same benefit.³³

According to the former divisional commissioner of the NES, Denn Alberts, Policy 2 of 2006 raises many contentious points.³⁴

- First, if a complaint were to be made against a provincial commissioner, the provincial inspectorate would not be able to undertake the investigation, owing to the more senior ranking of the provincial commissioner over the head of the provincial inspectorate, who is an assistant commissioner. While it is implied that the NI, under the command of the national commissioner, could undertake an investigation of a provincial commissioner, the policy does not state this clearly.
- Second, a provincial commissioner has command powers over a provincial inspectorate, with the result that the head of a provincial inspectorate cannot give orders to a provincial commissioner. This is contrary to the SAPS rank and file system.
- Third, provincial commissioners are evaluated in terms of crime levels and the administration of their provinces. With the provincial inspectorates in command, the provincial commissioners lose command and control and are unable to execute instructions.

Because of the NES head's non-consultative centralisation process of the provincial inspectorates, the

provincial commissioners from the nine provinces collectively put in a grievance to the acting national commissioner, Tim Williams, as well as to the five deputy national commissioners of the SAPS, to address the issues arising from Policy 2 of 2006 and the exclusion of the provincial commissioners in the internal restructuring process.

Despite the grievance, Policy 2 remained in effect until 16 February 2009, when an instruction was sent out from the acting national commissioner to the head of the NI to reinstate the provincial inspectorate structures to their former positions, under the command of the provincial commissioners.³⁵

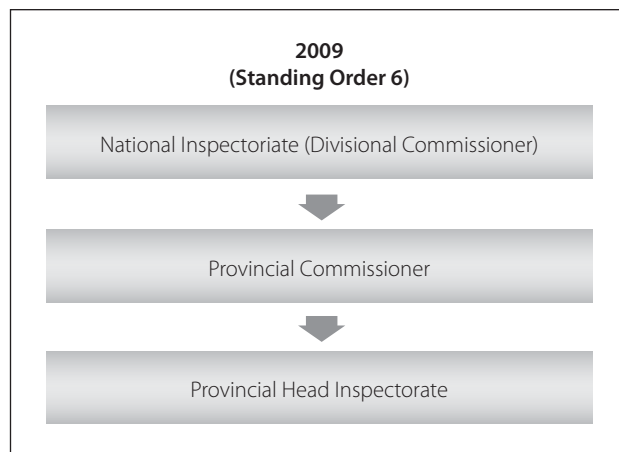
The instruction was acted upon only on 24 March 2009 when the NI head lodged a dispute with the acting national commissioner.³⁶ On 31 March 2009, the acting national commissioner responded by authorising SAPS Standing Order 6 of 2009 (NI) – effectively revoking Policy 2 of 2006. The standing order reversed the command and control structure of Policy 2, and provincial commissioners were once again given authority over the provincial inspectorates (see diagram 3).³⁷

Since Standing Order 6 was issued, the NI division has been in limbo, awaiting the outcome of the dispute lodged by its head. Senior managers based at the NI, previously tasked with conducting inspections, have no specific work and inspection teams redeployed to the Gauteng Inspectorate cannot be recalled to the national office until the dispute between the national commissioner and divisional commissioner has been addressed.

IMPLICATIONS FOR THE SAPS

The manner in which this process was executed, including the urgent intervention of the acting national commissioner in the matter, is worrisome. These developments

Diagram 3 Reporting structure of National Inspectorate, Standing Order 6, 2009³⁸



convey a lot about the organisational change process and leadership issues in the SAPS. The developments have also had a negative impact on inspections within the SAPS – something the service cannot now afford.

Lessons for organisational change process

Change is usually focused on strategy, structure, technology and personnel or combinations of these. In this regard, two approaches to organisational change exist within the SAPS: evolutionary and revolutionary. Evolutionary change is gradual and may not impact on all aspect of the organisation; revolutionary change is radical and has a wider impact. Prior to any change, systematic research and exploration are required to determine the impact of the proposed change in order that shortcomings can be countered and resistance can be managed.³⁹ Additionally, the cost to the SAPS as well as to communities has to be considered.

Change is important in order for organisations to develop and expand, but this must be planned and implemented effectively so that service delivery is improved. If the change process is defective, more harm than good is achieved.

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According to a senior police officer, the SAPS has four fundamental shortcomings.⁴⁰ First, it is very bureaucratic, with strong reliance on administration as a means of getting things done. Second, it is acutely short on basic operational skills. Third, in terms of experience, its fast tracking process has made many members vertically mobile without them spending sufficient time in ranks to learn their jobs. As a result, these managers are not able to mentor or guide junior members as required by the Affirmative Action Policy. Fourth, the SAPS is short of strong leadership, particularly in the senior echelons, thus the worth to the organisation of ‘fast trackers’ is questionable⁴¹. This point was also highlighted in the Department of Justice and Constitutional Development Criminal Justice Review.⁴²

Importance of good leadership

The point on leadership is demonstrated by reports on the divisional commissioner of the NI. In 2003, a Public Service Commission (PSC) Report⁴³ found that Name Rasegatla, who was the head of the Secretariat for Safety and Security (the civilian oversight body of the SAPS) should ‘be removed from his post for gross incompetence and failure to perform duties’.⁴⁴ Later, in 2005, at a presentation to parliament’s Safety and Security Portfolio Committee, the chairperson of the committee, the Honourable Maggie Sotyu, had to interrupt Rasegatla’s presentation because his reports were ‘confusing and incoherent’. Sotyu commented to the *Financial Mail* that ‘they [the Secretariat] seem to find it difficult to explain what is going on in their department. In the six years I have been in Parliament, I have always heard there are problems with the secretariat at budget time.’ On discussions with Minister Name Nqakula on the issue of Rasegatla, she confirmed that ‘he agrees an intervention is needed’.⁴⁵

Despite the damning PSC report and Sotyu’s dissatisfaction with the divisional commissioner who was holding a position equal to the post level of deputy director general at the secretariat at that time, he was transferred to the SAPS as a divisional commissioner in charge of the SAPS NES in 2005. He was also allowed to retain the post level. No known intervention was made on this issue by the relevant deputy national commissioner, the national commissioner or the minister. Indications are that political pressure from the minister led to the transfer of the divisional commissioner to his current post.⁴⁶

The National Secretariat for Safety and Security is the body responsible for oversight over the SAPS (see diagram 4). The blatant disregard of the Public Service Commission Report on the performance of the divisional commissioner in his previous position, as well as the intervention required by the acting national commissioner in the recent saga, raises grave concern over the secretariat’s oversight functions. It does not reflect well on senior managers across government who could have compelled some kind of action.

Additionally, the manner in which the post 2005 restructuring of the NES has been handled raises several matters with regard to leadership and management in the SAPS.

First, if the well-established process in the SAPS for organisational and policy change is taken into account, particularly the need for consultation with senior managers, it is unclear how Policy 2 was approved, since at the time the legal division was considering the Draft National Instruction governing the NES.

Second, Policy 2 was implemented in 2006, but despite the many negative effects of the new policy and

the deep dissatisfaction of senior managers such as provincial commissioners, it took more than four years for SAPS top management to act to remedy the situation.

Lastly, the appointment of Commissioner Len Rasegatla as head of the NES in 2005 – and the changes made by him in Policy 2 that were subsequently reversed – is worth closer contemplation. This is most significant, given his former position as head of the Secretariat for Safety and Security, tasked, among other things, with civilian oversight functions. The commissioner does have experience in police accountability issues, but his record at the secretariat was assessed by institutional oversight bodies – the Public Service Commission and parliament – and found wanting.

Factors impacting on the inspection function of SAPS

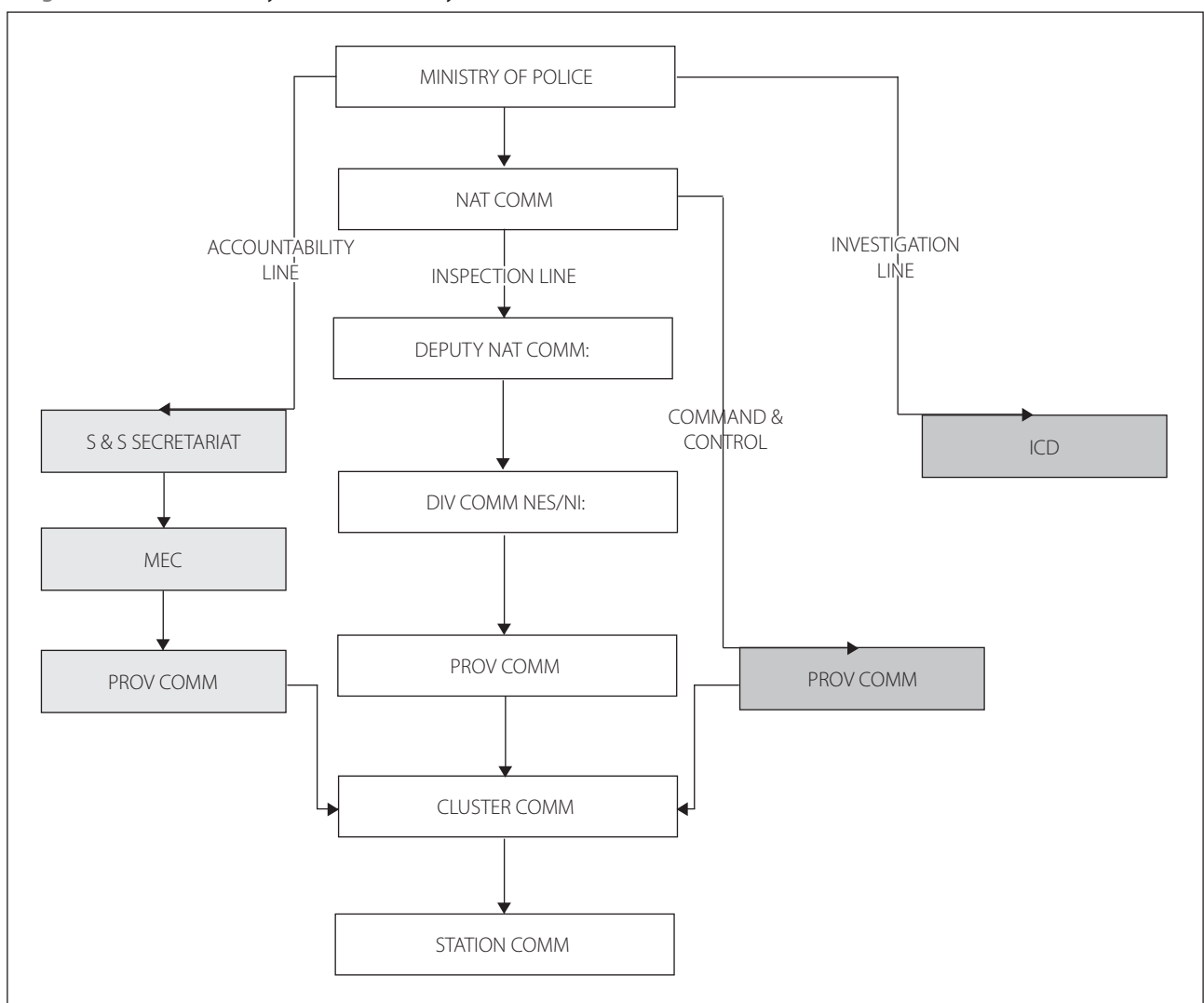
The core function of the NI is to conduct evaluations and inspections of police stations, specialist units and other national divisions, as well as attending to complaints

lodged by the public. But complaints of poor service delivery at police stations and damning audit reports on the state of the SAPS are recurring themes. Either the quality of inspections is mediocre or recommendations arising from inspections are not taken up by management.

Recent media reports on the manipulation of SAPS crime statistics at police stations provide just one example of the ineffectiveness of the NI or the inaction by managers in relation to inspection reports. Allegations have been made against 10 police stations countrywide, with the Independent Complaints Directorate (ICD) investigating six stations in Gauteng, Western Cape and KwaZulu-Natal.⁴⁷ Indications are that the problem is serious.⁴⁸

For some time now, senior police officials have known about the manipulation of crime statistics and have received numerous reports to this effect. The NES/NI has been aware of the problem and carried out inspections at many identified stations – but SAPS management ignored the issues.⁴⁹ In this instance, the case of the Porterville Station stands out – although a recent media brief by Western Cape Provincial Commissioner

Diagram 4 SAPS functionary and accountability lines⁵⁸



Source Adapted from various SAPS organograms by the author

Mzwandile Petros to the *Mail & Guardian* claims that the report is a 'fake'.⁵⁰ When reports of crime statistics manipulation first surfaced, the Western Cape Provincial Evaluation Service filed a report, but its recommendations were reportedly not acted on.⁵¹ The MEC for Community Safety in Western Cape, Lennit Max, was informed of these manipulations and confronted Mzwandile Petros, the Western Cape provincial commissioner. The provincial commissioner, however, claimed ignorance in some instances and dismissed allegations as 'malicious' in others.⁵² In response, the MEC reported the allegations to the national commissioner and the ICD.⁵³

The MEC for Community Safety does not have line function control over the provincial commissioner or indeed over any police station. His reporting line is directly to the minister of safety and security, and these issues should probably have been directed to the minister (see diagram 4). It is heartening, though, that the ICD has been investigating the matter, and despite recent claims by Commissioner Petros over the veracity of the report, for the sake of transparency and accountability further investigations into the matter should continue.

'If you look at the statistics, they have complied. But it's malicious because they are sabotaging what the government should do'

Perhaps most damning for the SAPS and the NI in particular is the recent statement of the minister of performance monitoring and evaluations, Collins Chabane, 'accusing some sections of the police of malicious compliance with the government's efforts to cut crime'. To support his statement, he said, 'If you look at the statistics, they have complied. But it's malicious because they are sabotaging what the government should do. By malicious compliance, we mean that people give the impression that they are complying, but in essence they are not.'⁵⁴

Further evidence of poor performance of the NI is manifest in the absence of inspections and evaluations in some stations, especially the low number of evaluations undertaken in 2009. While the drop in the number of inspections may be attributed to the restructuring of the NES and the redeployment of the national inspecting teams to the Gauteng Provincial Inspectorate, the performance of a division as important because the NI should not be compromised for a change process.

The disjuncture in operational and support inspections at provincial level, given the importance of operations and operational efficiency to crime fighting, is worrisome. Similarly, the procedure for follow-up inspections is flawed, given that in cases in which recommendations are not adhered to, 'station commissioners are given a warning, but this does not solve the problem'. In addition, when a provincial inspection head of a province describes a national inspection division as 'a fire brigade', saying 'it rectifies the situation for the moment, but it is not sustainable'⁵⁵ this should raise alarm bells in the SAPS management.

Of most disquiet is the Policy Advisory Council's pronouncement on the future of the NI: 'The National Inspectorate ... does not have the capacity to perform ... inspections, nor is it foreseen that it can be established in the near future.'⁵⁶

Incidentally, when the Policy Advisory Committee extended an invitation to the head of the NI to discuss issues arising out of the report, 'he chose not attend the meeting'.⁵⁷

RECOMMENDATIONS

The restructuring of the NI has caused many challenges for the division and the organisation, and performance has suffered as a result. The SAPS and the minister of safety and security should undertake a compliance audit of the national division as well as all provincial inspectorates and ensure that continuity in departmental and divisional policies is assured. In terms of restructuring the division, two alternatives are recommended:

- The function can be removed from within the SAPS (see example of the Her Majesty's Inspectors of Constabulary (HMIC) provided below) and be adapted to the South African situation.
- The function can be retained within the SAPS – which would be the preferred method, given police culture and the strong resistance to outside interference.⁵⁹

An alternative: The Inspectorate of Constabulary model

The dynamics of policing in the SAPS is unique and requires an approach befitting it. The UK example of Her Majesty's Inspectors of Constabulary (HMIC) provides a useful model of an effective police inspectorate. The HMIC is an institution that is independent of the police force. It is tasked with examining and improving the efficiency of the Police Service in England and Wales, and its statutory duties are laid down in the Police Act of 1996.⁶⁰ Inspectors are appointed by the Crown, on the recommendation of

the home secretary. Until 1993 the selection of inspectors included senior officers from the provincial forces and the Metropolitan Police. To include a 'lay element' capacity, as requested by the Citizens Charter and in line with the inspectorate's commitment to objectivity, independence and openness, the inspectorate has also taken to appointing personnel without a police background.⁶¹

The HMIC report their findings directly to the chief inspector of constabulary, who is the home secretary's principal professional policing adviser.⁶² More importantly, the chief inspector is independent of the Home Office and of the Police Service.

HMIC work includes inspections and assessments in which they conduct 'detailed examinations of those areas of policing organisation and practice judged to be central to the efficient and effective discharge of the policing function'.⁶³ The needs of the public have to be considered in any work undertaken by the HMIC, in addition to building effective community and criminal justice and emergency systems partnerships. The HMIs also provide professional advice and support on all aspects of policing, including operational and management matters.⁶⁴

This model has been in operation for the past 50 years. While it has proved effective in the UK, it may not be fully suited to the South African situation. Dixon, a lecturer and leading research specialist in crime and police accountability in South Africa and the UK, cautions that 'unlike South Africa, Britain has many independent police forces, which enables HMIC to keep its distance from any one of them'.⁶⁵ However, despite the warning, many of the concepts from the HMIC model can be borrowed and adapted to South African conditions. The main values of the model lie in its independence of the police, and its proven sustainability.

- If the inspection function is to be located outside the SAPS, it is recommended that the NI should be reorganised in the following way:
- The inspection function should be allocated to a separate entity in government.
- The Monitoring and Evaluation Committee based in the Presidency is most suited to serving this function.
- The committee should be responsible for appointing senior staff that will be based at the Presidency. The staff component should include former police members who have left the SAPS or retired from the SAPS and have the necessary investigation and management backgrounds. Additionally, to provide objectivity to staffing, credible civilian members should serve on this committee.
- The new head of the 'Inspectorate' should then undertake to set up provincial inspectorates and appoint relevant staff in the provinces. The staff must

be equipped with the necessary investigating skills and objective oversight abilities.

- The national and provincial inspectorates will be separate entities from the SAPS national and provincial offices, as well as from the offices of the minister of police and MECs for community safety.
- Inspections should be coordinated from the office of the NI and must include contributions and concerns from divisional commissioners within the SAPS.
- Inspection reports from the provincial inspectorates should be provided directly to the head of the NI for assessment and intervention.
- Feedback meetings should take place between the NI and divisional commissioners to discuss the findings of the inspection reports, and potential implementation strategies should be forthcoming.
- The minister and national commissioner should be provided with feedback reports and ensure that the recommendations are implemented without delay. They should also ensure that frequent monitoring and follow-ups take place.
- The minister of police and the national commissioner should ultimately be held accountable for transgressions with regards to recommendations not being enforced.

The new structure should not be regarded as just another 'oversight' body such as the Secretariat for Safety and Security and the Independent Complaints Directorate. Its location within the Presidency Monitoring and Evaluation Committee is vital to ensuring enforcement.

The former national commissioner, Jackie Selebi, initiated a similar model, namely the Policy Advisory Council in 2006, albeit in a temporary capacity and at policing level. The Policy Advisory Council concept has many parallels with the approach recommended above. It is an independent operationally experienced body, providing an objective inspection and evaluation function to the police, while simultaneously being disengaged from the police.

The two reports produced by the Policy Advisory Council provide detailed challenges at every level of policing and make recommendations on resolutions. Unfortunately, enforcement of the recommendations has not been done as a result of 'administrative blockages' and the change in leadership. More importantly, senior managers within the SAPS have yet to acknowledge the problems that exist within their divisions – and until such time the recommendations will not be enforced.

Inspections under the command of the SAPS national commissioner

If the inspection function is to be retained within the SAPS, then these recommendations should be considered:

- The function should be elevated and relocated under the direct command and control of the national commissioner of police in his or her office.
- The national commissioner should establish new provincial inspectorates in each of the nine provinces, based at specific geographical locations outside the provincial police offices. This arrangement will ensure that inspections of stations and specialist units are independent and objective, and that impartial inspection reports are written and provided to the national commissioner. Provincial commissioners will only have access to the reports until after being perused by the national commissioner so that they are able to facilitate the implementation of recommendations in each report.
- Inspection reports from the provincial national inspectorates should be provided directly to the national commissioner for assessment and intervention.
- Feedback meetings should take place between the national commissioner and divisional commissioners to discuss the findings of the inspection reports and their implementation.
- The national commissioner should be provided with feedback reports and ensure that the recommendations are implemented by frequent monitoring and follow-ups.
- The national commissioner, as well as the minister of police, would ultimately be held accountable for any transgressions with regards to recommendations not being enforced.

These recommendations may appear extreme, but the NI is clearly in a crisis situation. The words of the deputy minister of police, Fikile Mbalula, during the budget vote in parliament this year perhaps lend credence to these recommendations. He stated:

In order to make a telling difference in the war against crime, we need a robust, well-oiled and efficient administrative machinery to support our initiatives. This remains a daunting challenge as division programmes and plans lack in synergy, strategic coordination and cooperation in programme planning and implementation. At the very strategic level work needs to be done to improve levels of accountability, coordination, and ensure strategic focus in communication interventions. A comprehensive system of monitoring and evaluating the impact of the work the police has on the ground will be put in place to ensure a systematic approach to interventions.⁶⁶

CONCLUSION

Current factors in policing that hamper service delivery to the communities require adequate checks

on policing activity and sound mechanisms to ensure these checks are undertaken. An internal oversight mechanism for this purpose exists within the SAPS – in the form of the NI.

Many of the policing challenges can be attributed largely to the NI not executing its mandate, owing to poor leadership and unwarranted reorganisations. Given the strict procedural code in the SAPS to effect policy change, the current disorder in the NI should not have been allowed to take place. The only way to improve current conditions and effect a well-functioning and efficient NI and police service, and ultimately service to the public, is therefore for the NI to be restructured once again.

This paper provided an outline of the impact of policy changes on the core function of the NI and of the subsequent provision of an effectively functioning police service. It described the structures and reporting lines of the NI. It also explained the process undertaken by the division when conducting inspections and the policies associated with this. The impact of organisational change on the NI was postulated and the paper concluded with two alternatives to the current functioning of the NI.

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- 6 Diagram 1 was drawn up by the author, based on the command and control structure in Draft National Instruction of 2004.
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- 8 These meetings apparently do not take place anymore and have been replaced by Management Forum meetings.
- 9 Timeline provided by Director Rungasamy, provincial head of Gauteng Inspectorate.
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- 13 Figures for inspections and evaluations could not be distinguished.
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- 26 Anonymous (1), SAPS, personal interview, Pretoria, 17 June 2009.
- 27 Rungasamy, personal interview, Pretoria, 20 August 2009.
- 28 Ibid.
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- 30 Anonymous (3), SAPS, personal interview, Pretoria, 10 July 2009.
- 31 Ibid.
- 32 Alberts, personal interview, Pretoria, 8 May 2009.
- 33 Anonymous (3), SAPS, personal interview, Pretoria, 10 July 2009.
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- 38 Diagram 3 was drawn up by the author, based on the command and control structure in Standing Order 6 of 2009.
- 39 Anonymous (2) SAPS, 2009.
- 40 Ibid.
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- 56 South African Police Service, Policy Advisory Council Report, October 2007 to November 2008, 48.
- 57 Alberts, personal interview, Pretoria, 8 May 2009.
- 58 Diagram 4 was drafted by the author to demonstrate the accountability and functionary lines of the SAPS.
- 59 For discussions on police culture and resistance to interference from external structures, see Janet B L Chan 1997, *Changing police culture: Policing in a multicultural society*, UK: Press Syndicate.; John P Crank 2003, *Understanding police culture*, Ohio: Anderson.; Eugene A Paoline 2003, Taking stock: Toward a richer understanding of police culture, *Journal of Criminal Justice*, Volume 31, Issue 3, pp 199-214; and Monique Marks 2005, *Transforming the robocops*, Durban: University of KwaZulu-Natal Press.
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South Africa's criminal justice system is in crisis, and has been for many years. The police and courts are overwhelmed, and prison overcrowding is a perennial problem. This book is a contribution to understanding where and how the criminal justice system is going wrong and what needs to be done to fix it. The book opens with a detailed story of a real crime in a small town as told by the victim. Following the stages of this story, it takes the reader through the whole criminal justice process, from the police investigation to the court case, sentencing and incarceration of the perpetrators. At each stage the wider issues of laws, policies and disparities are analysed and constructive recommendations made.



IN SOUTH AFRICA
A CIVIL SOCIETY PERSPECTIVE

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ABOUT THIS PAPER

The current rate of crime in South Africa, as well as the numerous challenges facing the SAPS (including accusations of crime stats manipulation at police stations and organisational changes that have hampered policing at every level) has highlighted the need for sound oversight mechanisms to deal with the problems.

Internal oversight is available within the SAPS in the form of the National Inspectorate. This is a division of the police tasked to conduct inspections and evaluations of police stations and specialist police units as well as investigations of complaints against the SAPS. The service ensures an effective and well-functioning organisation and ultimately contributes to a crime-free and safe country.

The National Inspectorate is facing a crisis at the moment. Structural changes within the division have led to deteriorating conditions in the operational functioning of the police – to the extent that intervention was required by SAPS leadership. This paper provides an account of the impact the changes have wrought on the SAPS as well as service delivery to the public and offers alternatives to strengthening the function.

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Bilkis Omar is a researcher in the Crime and Justice Programme. She has been working at the Institute for Security Studies since 2002 and has a particular interest in policing and criminal justice issues. She is currently studying for a master's degree in criminology.

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