

Key SAPS External Accountability Systems

- The Secretariats (National and Provincial);
- Independent Complaints Directorate;
- Parliament (Annual Reporting).

Other Accountability Systems in SA

- The media (state & privately owned radio and television);
- Organised business (BAC);
- Community organisations (CPFs);
- Academic and research organisations;
- NGOs working in crime prevention and victim empowerment sectors.

Police Views of Accountability Systems in South Africa

- Antagonistic and aggressive;
- Primarily concerned with crisis and problem;
- Too many police oversight bodies;
- Interfere with police work;
- Work against the police;
- Positive - Improve police performance by sharing resources and information;

Recommendations

- Common vision and purpose;
- Improve communication & relations;
- Develop clear protocols for co-operation
- Improve co-ordination of external oversight structures;
- Review public complaints system;
- Review SAPS disciplinary system.

Conclusion

- Greater focus needs to be paid to strengthening Police Accountability Systems;

- Unfortunately, South Africa is still saddled with a serious crime problem and the police have a critical role to play with regards to establishing the rule of law and ensuring stability in the future. We can not rest on our laurels and only focus on the achievements, but we need to constantly strive to improve accountability systems so that even greater achievements can be possible in the future.

6. Responding to South Africa's evolving security landscape: Improving the role and image of the ICD - Julie Berg, Institute of Criminology, UCT

The diversification of policing in South Africa

- ❖ Development of new security arrangements involving a range of policing entities, especially since 1994.
- ❖ Policing entities are becoming involved in co-ordinated, co-operative (sometimes ad hoc) joint operations and/or street level interaction in public, private and quasi-public spaces.
- ❖ State no longer sovereign in policing, now a diversity of players: the state, businesses, NGOs, informal sector who engage in *policing* in its broadest sense.
- ❖ 'Pluralised', 'nodal' or 'multi-choice' policing networks may include the state police, other 'state' or 'hybrid' police, private security, community organisations and even the military.

Challenges of Plural Policing

- ❖ Sharing of resources, for e.g. sharing of vehicles and manpower between security entities in City Improvement Districts (CIDs).
- ❖ Sharing of responsibilities for crime management and prevention.
- ❖ Blurring of state versus non-state activities.

- ❖ Blurring of public versus private spaces which are being policed.
- ❖ Public confusion – individuals increasingly engage with a variety of policing entities. Appropriate redress available?
- ❖ Development of more CIDs and similar situations leading to more and more complex plural policing networks in South Africa? International research.

The problem of many hands...

“...where so many people contribute that no one contribution can be identified; and if no one person can be held accountable after the event, then no one needs to behave responsibly beforehand” (Rhodes, 1996:663).

The more complex the network where authority is shared the more difficult to hold individual policing organisations to account.

From *police* to *policing oversight*

- ❖ Need to address the changing nature of policing in South Africa.
- ❖ Whereas policing networks are developing on the ground the oversight thereof remains fragmented and incomplete.
- ❖ As state and non-state policing entities link up on the ground is it not necessary for the oversight mechanisms to do the same?
- ❖ As policing evolves and co-ordinates should the oversight thereof not also evolve and become co-ordinated?

The role of the SAPS

- ❖ Should it be the responsibility of SAPS to oversee other policing groups?

- ❖ Holding one policing organisation more accountable than another in situations where entities work closely together is not feasible especially when they perform identical or similar tasks.
- ❖ Need rather for a co-ordination of oversight structures and pooling of resources.
- ❖ International studies call for regional policing boards to monitor *and* co-ordinate the range of policing bodies – What solution for SA? Role of the secretariats vis-à-vis the ICD.

A new role for the ICD?

- ❖ Need for a synchronisation of oversight activities or even an overarching coordinator of activities to hold ALL bodies involved in policing equally accountable – state/non-state, volunteer/business, public/private, formal/informal.
- ❖ What role does the ICD have to play in new security arrangements?
- ❖ Development of a more proactive, grass roots interaction?
- ❖ The ICD needs to engage with the policing accountability framework in its entirety and therefore become more akin to the challenges faced by the SAPS and public in this new landscape of ‘multi-choice’ policing.

A new image for the ICD?

- ❖ Plural policing networks are inevitable and are happening. Should oversight mechanisms not engage with the new challenges in holding them accountable?
- ❖ The means to develop cordial relations between oversight mechanisms/police/policing agencies/civil society/broader public is to address new challenges and the evolving needs of those involved in the delivery of security and those on the receiving end.

7. Group Discussions

Lack of basic relationship harmonies within and between organizations has often led to futile yet costly pursuits of common ends. Favourable relationships are therefore important in ensuring the achievement of common goals within groups. The criminal justice sector in South Africa comprises of various role players (SAPS, MPS, oversight bodies, civil society, etc.) with the broad interest to see crime levels drop and justice served to all citizens of the country.

The establishment of a cordial relationship among stakeholders in this sector was addressed as a starting point with focus on the following attributes:

- Mandates of stakeholders
- Communication among stakeholders
- Stakeholder relationship management

All three discussion groups were tasked with drawing relevant issues from the papers presented in relation to the topics under discussion.

Group A – Mandate

- ❖ Current status
 - The is element of adversarialism between ICD, SAPS and Secretariat;
 - Legacy of mistrust;
 - Too elaborate architecture-overkill;
 - Finger-pointing and scape-goating;
 - Vague mandates;
 - Unclear procedures;
 - Lack of education and awareness;
 - Siege mentality amongst cops-FEAR-suspension.
- ❖ Co-operative and Cordial relationship
 - A common vision: Good Governance;
 - Introspection and information exchange;
 - Task team-30/03/2006;

- ICD to lead this process;
 - Relationship building;
 - Define key areas for exploration;
 - Realistic and pragmatic engagement with mandate and resources;
 - Expand existing protocols;
 - Management has critical role.
- ❖ Overview of mandate
- ICD-Investigation of all deaths and offences;
 - Secretariat-Service Delivery Complaints, policy development;
 - SAPS-Internal Discipline on misconduct.

Group B – Communication

- Duplication in terms of requests from SAPS;
- Request instead of instructing;
- Coordination at National level;
- Clear channels of communication;
- Development of 'MOU'-Memorandum Of Understanding;
- Lack of uniformity as a result of lack of formal communication links;
- Development of clear protocols to clarify roles of stakeholder;
- Shared complaint database;
- Interdepartmental forums.

Group C - Relationship management

- Clarification of mandate is clarification of roles and it facilitate good relationship;
- ICD vision 2005 needs to be revised;
- Need of complaints database accessible by stakeholders;
- Further research on stakeholder perception;
- Liaison and strengthening of relationship between national and provincial level;
- Formalization of relation in a form of policy;

- Saps to participate in reference group of their research unit in order to share ideas.

8. The way forward

- ❖ Nominate Secretariat to ensure the Minister appoints the co-ordinator of the task team (At plenary). The nominations for the convenors of the task team were as follows: Ms Alfredeen Jenneker from the ICD; Mr Amichand Soman from the Secretariat for Safety and Security; and Supt Johan Boning from SAPS.
- ❖ Task Team to have commenced work before 30 March 2006. A report is expected by the 30 June 2006.
- ❖ ICD to lead process.
- ❖ To comprise ICD, SAPS, Secretariat, MPS, Civil Society groups and Portfolio Committee on Safety and Security.
- ❖ Task Team member to be the highest ranking members of the above organizations.
- ❖ The foreseeable financial implications would be traveling expenses to attend task team meetings.

Issues to be dealt with by the task team

- Mandates
- Research issues
- Channels of communication
- Liaison officers at all levels
- Inter-departmental forums to deal with issues
- Station audits
- Integrated database/ Access to CAS
- Protocol
- Memorandum of Understanding
- Weaknesses in the legislative framework

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