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Policing

*Pierre de Vos **

Introduction

In April 1992, Mr M S Mlambo, a resident in Hillbrow, Johannesburg, was on his way to the Small Claims Court in Hillbrow when he asked directions from a constable Sekgolele Mphaklele. The constable - in his police uniform - promptly assaulted Mr Mlambo. The following day Mr Mlambo reported the matter and laid a charge of assault against the constable at John Vorster Square. The case was sent for investigation to the Hillbrow Police station where the accused was stationed. Constable Mphaklele's colleagues proved to be rather reluctant to investigate the complaint. One year and ten months later the case was finally brought to court. When the case was heard in the Johannesburg Magistrates' Court in June 1993, the presiding magistrate severely criticised the handling of the case by the police. 'The matter of investigation leaves much to be desired - it is shocking,' he said. He convicted constable Mphaklele, but said that the conviction probably gave little comfort to the victim, quoting the famous maxim, 'justice delayed is justice denied'.¹

This was in no way a remarkable incident. Just one more anecdote about life in South Africa. The incident does, however, demonstrate the almost implacable difficulties encountered by those members of the South African Police (SAP) who are serious about the transformation of the SAP into a community based organisation trusted by people in townships and suburbs all over South Africa. It

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1 *The Citizen* 16 June 1993.

also explains the negative feelings of large sections of the population towards the police.²

The organisational culture of the police force is the biggest stumbling block in the way of transforming the SAP into an organisation where what happened to Mr Mlambo would be unthinkable. This culture, the set of informal values which characterise the police force and sometimes override the official policies, encourages secrecy and solidarity amongst members, thereby creating an attitude of 'we help each other against the outside world'. The mere reorientation of police training and the appointment of public relations personnel will not address the deeply embedded prejudices of the informal police culture which serves in practice to negate the effects of all kinds of training. Experts agree that nothing less than a fundamental reorientation of the entire institution is necessary.³ In 1993, the SAP tentatively began to grasp this reality and instituted many organisational and other changes to address these problems.

Structure and operation

Legislation

The structure and function of the SAP are regulated by the Police Act 7 of 1958. In 1993, the Police Act was amended by the Police Second Amendment Act 136 of 1993 to allow the Minister of Law and Order to issue regulations relating to labour relations, including the resolutions of disputes.⁴ The Act was further amended to compel members of the police force to exercise their rights with respect to labour matters only in terms of the regulations issued by the Minister.⁵ At the end of 1993, the Minister issued regulations which legalised unions within the SAP, but banned any strike action by such unions.

2 A survey conducted in May 1993 among blacks living in metropolitan areas found that 69% of men and 60% of women indicated negative feelings towards the SAP. Police were seen as perpetrators of violence by 21% of the respondents and as 'an enemy of the people' by 9%. The *Sowetan* 28 May 1993.

3 E Marais and J Rauch 'Contextualising the Waddington Report' unpublished paper for the Policing Research Project, October 1992 at 13.

4 Section 33(1)(mA).

5 Section 8A.

The regulations were formulated after consultation with the multi-party Police Board.⁶

In 1993, Parliament also adopted the Security Force Board of Inquiry Act 95 of 1993. The Act provides for the establishment of a Security Force Board of Inquiry.⁷ The three members of the board are appointed by the State President and must include a Supreme Court judge, an Attorney-General or an experienced lawyer, and an Area Director, also a lawyer.⁸ The object of the board is to inquire into the commission of serious offences by members of the security forces, to report to the State President, and make recommendations regarding the problems encountered in inquiring into the alleged offences.⁹ The Act compels the SAP or military policemen to withdraw from an investigation into alleged serious offences by security force members. It also compels members to deliver all documents and exhibits in connection with the offences to the Area Director.¹⁰ The Act constitutes an attempt to set up an independent and impartial body to investigate security force misconduct in an attempt to restore the credibility of the SAP.¹¹ It will come into operation on a date to be gazetted in the Government Gazette by the State President. By the end of 1993, no announcement in this regard had been made.

Unionisation

The unionisation of the SAP staff continued in 1993 and by the end of the year a large number of white policemen and women, who traditionally refrained from collective demonstrations and bargaining, formed themselves into a union. Once again, the Police and Prisons Civil Rights Union (POPCRU) was at the forefront of these events which transformed labour relations within the police. The tumultuous events were triggered by a march by POPCRU members on John Vorster Square in August. The marchers demanded improved service conditions. Some of the marchers shouted political slogans, including

6 *The Citizen* 26 November 1993.

7 Section 2(1)(a).

8 Section 3.

9 Section 2.

10 Section 11(1)(b).

11 *The Citizen* 10 June 1993.

'one settler, one bullet'. In reaction, the SAP identified 116 of its members who had taken part in the march and held 45 departmental hearings to investigate the alleged breaking of the SAP's disciplinary code.¹²

Before this matter could be solved satisfactorily, more than 200 members of POPCRU went on a wild cat strike in the Eastern Cape.¹³ The SAP management acted swiftly, arresting 88 policemen at the Motherwell police station, charging them with mutiny. The 88 policemen were also immediately suspended from the SAP.¹⁴ Nearly 2 000 POPCRU affiliated black policemen failed to report for work the next day in solidarity with their 88 colleagues. The next week, the SAP fired 375 POPCRU members, including the 88 charged with mutiny and other members who took part in the sympathy stay away.¹⁵ Despite the hard line taken by SAP management, POPCRU pressed ahead. The union organised another march to the KwaZakhele police station to hand over a petition protesting the dismissal of the 375 striking policemen in Port Elizabeth. The march was stopped by heavily armed members of the SAP's Internal Stability Unit.¹⁶

POPCRU regrouped and five days later it launched a campaign demanding the reinstatement of the 375 dismissed policemen and the dropping of the mutiny charges against them.¹⁷ The next day the government moved to defuse the crisis when the Minister of Law and Order admitted that members of POPCRU had legitimate grievances. He announced that all assistant constables with a standard 8 or higher qualification and suitable for permanent admission to the SAP would be 'incorporated' as soon as possible into the SAP.¹⁸ POPCRU nevertheless announced further plans to embark on a nationwide protest to highlight the 'crisis in policing' in South Africa.¹⁹ This protest seems ultimately to have been successful, because at the beginning of December, the Minister of Law and Order reinstated 405 POPCRU members dismissed after the strike in the Eastern Cape. He

12 *The Sowetan* 15 September 1993.

13 *Business Day* 30 September 1993.

14 *Business Day* 15 October 1993.

15 *The Citizen* 20 October 1993.

16 *Business Day* 21 October 1993.

17 *Business Day* 26 October 1993.

18 *The Sowetan* 27 October 1993.

19 *Business Day* 30 October 1993.

said 'unique mitigating factors' had been taken into account when the decision was made.²⁰ In another development, South African Labour Regulations, promulgated in terms of the Police Act, were gazetted at the end of November. The Regulations allow union activity within the SAP but still prohibit strike action by police members.²¹

This led to the launch of the South African Police Union (SAPU) at the end of November. A spokesperson for SAPU portrayed the new organisation as 'apolitical' - as opposed to POPCRU which was perceived to be pro-ANC. The new union aimed to attract 20 000 members by January 1994.²²

Statistics

The total compliment of men and women in police uniform rose in line with the continuing programme of expansion of the police force. The size of the force in 1993 reached 113 380,²³ up from just over 98 000 in 1992.²⁴ The 1993/94 budget reflected a 14,3% increase in the allocation for the SAP to R6 452 billion.²⁵ The budget reflected decreases in administration and training costs, but increases in the amounts for actual law and order operations and logistical support.²⁶

In 1992, 20 163 complaints were laid against the police, compared to 17 637 the previous year.²⁷ Police fired 2 466 members of the force in 1992 as a result of criminal and fraudulent activities. More than 870 policemen and women were convicted for crimes committed in the course of duty in the same year. The police had paid out more than one million rand in out-of-court settlements in the same year for alleged police misconduct.²⁸ This trend continued in 1993 with policemen convicted and jailed for an assortment of crimes, including

20 *Business Day* 3 December 1993.

21 *The Citizen* 26 November 1993.

22 *The Citizen* 18 November 1993.

23 *Daily Dispatch* 17 March 1993.

24 *Natal Witness* 28 February 1993.

25 *The Citizen* 18 March 1993.

26 *The Citizen* 18 March 1993.

27 *The Citizen* 28 May 1993.

28 *Business Day* 25 May 1993.

rape,²⁹ theft,³⁰ murder,³¹ highjacking,³² robbery,³³ extortion,³⁴ indecent assault,³⁵ assault,³⁶ drug trafficking,³⁷ and attempted murder.³⁸

The SAP once again came under fire for the high number of deaths recorded in police custody. According to official figures, 114 people died in police cells in 1992. According to a breakdown given by the Minister of Law and Order, 53 died by suicide, 12 from injuries sustained before arrest and 28 from 'other causes'.³⁹

The SAP were also criticised by judges and commissions of inquiry in several cases, most notably by the Goldstone Commission who investigated SAP action during the World Trade Centre siege by the Afrikaner Weerstandsbeweging (AWB). The Commission stated that the siege succeeded because the police were 'completely ineffective' in their response, amounting to a 'dereliction of duty'. The Commission had the impression that no one was in clear command on the day of the siege. 'Not to have had an unambiguous, strong and visible show of force, at least at the entrance of the World Trade Centre, can only be regarded as a dereliction of duty on the part of the officers of the SAP responsible for the absence thereof.'⁴⁰

More bad news for the SAP was that the murder of policemen continued unabated. In 1992, 226 policemen and women were killed, 96 of these dying in unrest related incidents.⁴¹

It is therefore not surprising that the number of resignations in the force rose from 2 514 in 1991 to 3 369 in 1992.⁴² Another 1 098 policemen and women were retired because they were found to be

29 *The Sowetan* 6 October 1993; *The Sowetan* 1 December 1993.

30 *The Citizen* 19 March 1993; *The Citizen* 18 November 1993.

31 *Business Day* 23 February 1993; *Business Day* 24 November 1993; *The Citizen* 3 November 1993; *The Citizen* 21 December 1993; *The Citizen* 6 December 1993; and *The Citizen* 27 July 1993.

32 *The Citizen* 26 November 1993.

33 *The Citizen* 6 January 1993.

34 *The Citizen* 13 March 1993.

35 *The Citizen* 20 March 1993.

36 *The Daily Dispatch* 11 March 1993; *The Citizen* 5 June 1993; and *The Citizen* 6 August 1993.

37 *The Cape Times* 9 July 1993.

38 *The Daily Dispatch* 14 July 1993.

39 *The Daily Dispatch* 17 March 1993.

40 *The Sowetan* 16 July 1993.

41 *The Daily Dispatch* 17 March 1993.

42 *Business Day* 25 May 1993.

medically unfit.⁴³ Of these more than 700 were declared medically unfit for service because of stress-related psychological disorders. Most of the policemen who requested early retirement were officers, including five generals and 23 brigadiers.⁴⁴

The suicide rate among SAP members more than doubled from 1991 to 1993. In 1993, 134 suicides were reported compare to 65 in 1991 and 106 in 1992.⁴⁵

It was reported in September that the SAP is the most monitored police force in the world with a total of 20 organisations and groups partly or wholly involved in monitoring the actions of the police.⁴⁶

Reorganization of the SAP

Community Relations

In 1993, the SAP made real attempts to come to grips with the new concept of community policing. The reorganization of police administration continued. More civilians were hired to do many of the administrative tasks at police stations, thereby releasing trained policemen and women to do active police service. The SAP further decreased its spending on administration and training, and increased the spending for actual law and order operations and logistical support. This was done to assist with the implementation of community policing which requires greater visibility of police in all residential areas.⁴⁷

In May, the SAP also established a community telephone service line at their headquarters in Pretoria as a support service to the community when they have problems regarding the service rendered by individual members of the police. The service is known as the Community Service Line.⁴⁸

43 *Business Day* 25 May 1993.

44 *Business Day* 15 October 1993.

45 *The Weekly Mail & Guardian* November 11-17 1994.

46 *The Citizen* 1 September 1993.

47 *The Citizen* 18 March 1993.

48 *The Citizen* 6 May 1993.

Reorganisation of police units

In 1993, the SAP moved some way in taking cognisance of community perceptions in the reorganisation of its staff and units. In an apparent attempt to win the trust of the communities in which they had to undertake their most difficult and politically sensitive missions, two controversial units were closed down during the year.

The services of the so-called Organised Crime Support Unit - or Askaris - were terminated in May 1993. The Askari unit comprised 'turned' ANC guerillas who had been trained at the notorious Vlakplaas base during the 1980s. The unit had unofficially been linked with the alleged hit squads run from Vlakplaas.⁴⁹ In November it was reported that three senior members of the Vlakplaas 'Askari' counter-intelligence unit - including major Eugene De Kock - each received a 'golden handshake' of R1,2 million on retirement from the police. A police spokesperson said the figures mentioned were not correct but declined to give any further information.⁵⁰

A special Vaal Triangle police unit, known as the 'Yankee Squad', was also disbanded in July and three of its members were suspended pending criminal investigations against them. The unit was disbanded after intensive investigations into allegations of serious police misconduct by a team set up under the provisions of the National Peace Accord, by the Police Reporting Officer of the Witwatersrand. The 'Yankee Squad' was formed in February 1992 and consisted of about 100 former municipal policemen.⁵¹ It was reported that the squad worked closely with the so-called 'Vaal Monster' who allegedly killed several people before he was arrested earlier in 1993. He later died under mysterious circumstances in police custody.⁵²

Police Reporting Officers

The SAP started the year on a high note when it implemented the provisions of the National Peace Accord regarding the establishment of a Police Reporting Officer System in all regions of the country. In

49 *The Citizen* 15 May 1993.

50 *The Citizen* 8 November 1993.

51 *The Citizen* 19 July 1993.

52 *The Sowetan* 19 July 1993.

compliance with the Peace Accord, the Minister of Law and Order appointed Police Reporting Officers for each region. These officers were empowered to hear complaints and monitor and investigate any incidents damaging to police/community relations.

But in May, the chief Police Reporting Officer in the Witwatersrand, Mr Jan Munnik, complained that the reporting system on the Witwatersrand had failed because police lacked commitment to it. He said he had received between 25 and 30 complaints since 1 March 1993, in which allegations had been made against the police of involvement in murder, assault, harassment, torture and bribery. Reporting officers had been prevented from examining police dockets as a result of action taken by senior police officers in the region. He stated that he had been hampered in his efforts to investigate police misconduct because of resistance from local police against the reporting system. Police were reluctant to have their own investigations checked. Mr Munnik said his impression was that certain senior officers were trying to minimise the role of reporting officers who were seen as outsiders meddling in police affairs.⁵³

Police Reporting Officers in other regions did not report similar complaints.

Police Vigilante Violence

KwaZulu Police (KZP)

In March, it was announced that a committee of the Goldstone Commission had been appointed to examine several KwaZulu Police investigations into allegations of violence.⁵⁴ Also in March, the Minister of Law and Order appointed a former State-Attorney and prosecutor to investigate complaints of serious misconduct by members of the SAP and the KZP. He was instructed to refer cases to the newly established Complaints Investigation Unit.⁵⁵

In July, the activities of alleged KZP hit squads came under official investigation by the Goldstone Commission. A KZP member told the commission that he had been given an AK-47 rifle and ammunition by

⁵³ *Business Day* 7 June 1993.

⁵⁴ *The Citizen* 17 March 1993.

⁵⁵ *The Daily News* 5 March 1993.

Inkatha Freedom Party (IFP) members and KwaZulu officials. He said he was told to kill people causing problems for the IFP in Esikhawini township near Empangeni.⁵⁶ He was one of 200 recruits trained by the South African Defence Force (SADF) in the Caprivi strip in 1987.⁵⁷

In December, the Goldstone Commission announced that the police had arrested three SADF trained former KZP members who were allegedly involved in hit squads responsible for nine murders. The commission said investigation had established the 'high probability' that a hit squad of five KZP members had been responsible for the 1992 and 1993 murders of nine people, including ANC leaders and members. The probe had been at the request of KwaZulu Police Commissioner Lt Gen Roy During after the earlier Goldstone commission of enquiry into alleged hit squad activities in the KZP.⁵⁸

In the same month the Transitional Executive Council (TEC) established a task group to investigate hit squads in KwaZulu and Natal. The TEC summoned the KZP commander, Roy During, to answer questions about the alleged hit squads within its force, but During followed instructions from his political superiors and refused to attend.⁵⁹

The Reopened Goniwe inquest

The reopened inquest into the murder of Matthew Goniwe and his three colleagues took a surprising turn in June when the SADF council alleged that two security policemen might have killed the four activists. It was also heard that the security police killed three of their colleagues and an alleged police informer because they threatened to make public their knowledge of police involvement in the murder of Matthew Goniwe and three other activists in 1985.⁶⁰

The inquest also heard that the police had intensified their surveillance of Mr Goniwe shortly before he was murdered. It was admitted that if normal procedures had been followed, Goniwe would

56 *The Daily Dispatch* 29 July 1993.

57 *The Sowetan* 29 July 1993.

58 *Business Day* 9 December 1993.

59 *The Sowetan* 23 December 1993.

60 *The Citizen* 12 August 1993.

have been followed on the night of his murder.⁶¹ The year ended without a finding having been made on these issues.

Conclusion

Despite some genuine and sometimes even drastic steps taken by SAP management to reorganise the police force and make it more community oriented, the SAP in 1993 still battled to change its negative image with the vast majority of South Africans. In this process it became very clear that the transformation of the SAP into a community based police force will take time and considerable skill and effort to achieve. But in 1993, some decisive steps were taken on the road to transformation which would make turning back to the old ways next to impossible.

⁶¹ *The Sowetan* 16 September 1993.