City Blues

Corruption and Corruption Management in South Africa's Metropolitan Police Departments

INTRODUCTION

Police in South Africa are increasingly perceived as being corrupt. Research indicates that corruption is especially prevalent in the area of traffic regulation enforcement which, in the major urban centres, is primarily the responsibility of Metropolitan Police Departments (MPDs). As organs of local municipal councils, MPDs are also responsible for general crime prevention and crowd management, as well as other joint duties with the South African Police Service (SAPS).[1]

Metro Police Departments are set up and structured in partnership with local councils under relevant national legislation. From one local council to the next there is scope for considerable variation in approach to matters, including the control of corruption. This paper sheds light on how corruption (or 'integrity management' as it is sometimes called) is approached within each of the six major metro police departments.

Section 1 gives background on corruption among metropolitan police generally and reviews relevant survey data. Section 2 gives a detailed profile of each of the departments and their approaches to corruption management. The last section sums up and compares the various approaches to controlling corruption and offers suggestions on how this could be improved.

METHODOLOGY

Most data collected for this paper were acquired through semi-structured interviews with key stakeholders in the six MPDs during the final quarter of 2007 with follow-ups in 2008. In each of the departments, interviews were conducted with some or all of the following: the MPD chief or deputy chief, the head of MPD Internal Affairs or the equivalent body, and a chairperson of a Civilian Oversight or Public Safety Committee.[2] Interviews were also conducted in Tshwane with the MPD general manager for government services and the head of the Policing Governance

unit, in eThekweni with the city manager, and with the managing director and senior manager of an independent risk management firm consulting to the Ekurhuleni and Tshwane MPDs.

A questionnaire was put to the MPDs requesting data on issues such as their size and funding, and data regarding complaints, discipline and performance. The quality of response to these questionnaires differed considerably, making comparisons difficult. This process revealed a worrying lack of publicly available data relating to complaints about policing and disciplinary action taken for some MPDs, and thus a lack of transparency and public accountability.

An analysis of news articles relating to metro police corruption was carried out, along with an examination of legislation and previous research relating to the MPDs. News articles were extracted from over 50 daily, weekly and monthly newspapers and magazines spanning a period of seven years, up to August 2008. A professional service was engaged to identify relevant articles, but the method was by no means failsafe and numerous stories will have been overlooked. Nevertheless the articles give a good indication of the kinds of scandals and issues that have come to the fore within each MPD.

METRO POLICE AND PERCEPTIONS OF CORRUPTION

Between 2000 and 2003 the cities of Durban, Johannesburg, Ekurhuleni, Tshwane and Cape Town established metropolitan police departments. During the same period the Swartland area, north of Cape Town, established the country's first and only municipal police service.[3]

The departments were established under a 1998 amendment to the SA Police Services Act, which allowed municipalities to create local police services performing crime prevention, and by-law and traffic enforcement within their municipal limits. Most

personnel absorbed into the MPDs were drawn from the municipal traffic and security bodies that preceded them. (It should be noted that crime prevention is not the same as crime investigation, which remains a function of the SAPS.)

Many members of the public only encounter a metro officer is if they have violated a traffic rule, or are stopped at a roadblock, or are applying for vehicle or driving licences. It is not surprising therefore that in the public mind the kind of corruption most often linked to metro police has to do with traffic violations or vehicle licensing.[4]

At a national traffic policing conference in 2000, the same year that the first MPD was formed (and attended by many of those who would be absorbed into the new MPDs), it was acknowledged that accepting bribes was such a common practice in the traffic law-enforcement sector that 'it was not seen as such a big thing' (Swanepoel 2000:76). Participating traffic officials agreed that increasing salaries for officers would not improve the situation. They suggested that removing 'the market' (members of the public willing to pay bribes) was the only way to deal with the problem.

It would seem the best way to accomplish this would be by arresting and prosecuting the offending public and publicising the prosecutions. This argument has also been made with regard to dealing with other crime (Altbeker 2007). In a traffic enforcement context this would assume that an increased likelihood of being caught and punished would reduce the number of citizens willing to pay bribes and the number of law enforcers willing to solicit them.

The introduction of AARTO has the potential to increase the public's propensity to pay bribes

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But removing 'the market' can't be the only solution. Indeed such a solution suggests an inherent lack of integrity on the part of officers. It also suggests a belief that this lack of integrity cannot be changed. While there should be a high probability of being caught - both for corrupt police officers and members of public who offer bribes, it is imperative that issues of discipline, integrity and professionalism within the MPDs are simultaneously addressed.

With research, media discourse, and public perception all suggesting that corruption in policing , particularly traffic policing, is rife, it is obvious that something needs to be done.

The introduction of AARTO

Curbing corruption becomes even more pressing when one considers the implications of the new Administrative Adjudication of Road Traffic Offences Act (AARTO) that is currently being piloted in Tshwane and Johannesburg, as in some ways the new legislation has the potential to increase the public's propensity to pay bribes.

Among other changes introduced through AARTO, drivers who violate traffic regulations will have demerit points linked to their drivers' licences. Licences will be suspended or withdrawn once more than 12 demerit points have been accumulated.

The pilot system was launched in Tshwane and Johannesburg in the second half of 2008, after almost a decade of planning. The pilot will test the functionality of the overall system before the demerit aspect is introduced.

While a point system may sound like a good way to convince South African drivers to obey traffic laws, some MPD managers believe that drivers who are threatened with having their licences suspended or cancelled, especially those for whom driving is a profession, will have even more reason to resort to bribery. Thus effective anti-corruption management within MPD and other traffic policing agencies will be vital if the proposed system is to be effective.

While the introduction of AARTO poses the most pressing concern for the MPDs with regards to corruption management, not all MPD corruption offences relate to traffic policing. MPD employees and officers are also susceptible to the fraudulent issuing of driver's licenses, soliciting 'rent' from informal traders, sex from sex workers, finders fees from tow-truck drivers, selling deployment and operations information to criminals, leasing firearms, selling radios, negotiating with suspects over their arrest, and delaying responses to cash heists, to name just some examples.

Surveys, perceptions and corruption

National victim of crime surveys by the Institute for Security Studies (ISS) show that in all public service departments, it is the two spheres of 'traffic fines' and 'policing' in which bribes are most often requested by officials.[5] Police corruption is by no means unique to South Africa. Transparency International's 2007 Global Corruption Barometer illustrates that on average police are more than twice as likely as other public servants to request petty bribes (Transparency International 2007:6).

The ISS 2003 victim survey found that of the 29 per cent of respondents asked to pay traffic- related bribes, all of them (100 per cent) did so. The most recent survey of the public's perception of police performance (Louw

2008) found that after 'don't respond on time', the biggest reasons for negative perceptions were: 'police are corrupt' and 'police cooperate with criminals'. Since metro police are involved in both 'traffic fines' and 'policing' these findings do not reflect well on them.

Similarly, an Afrobarometer survey released in 2006 showed that 48 per cent of respondents believed that 'all' or 'most' police are corrupt, and 50 per cent trust them 'not at all' or 'just a little' (Mattes, Chikwanha & Sibanyoni 2006:). This data also showed that perceptions of corruption have the greatest influence in eroding public trust in the country's policing organisations (Mattes 2006:9-16).

Importantly, when considering perceptions of police in South Africa one should note the manner in which the public, the media, and even researchers and academics often conflate the various South African police bodies into a single 'police' discourse. The result is a discourse in which the infringements of one police organisation impacts on the way that all policing entities are perceived. Therefore when a victim survey asks respondents if they have experienced corruption in 'policing' it could refer to any metro, traffic or SAPS encounter.[6] One mismanaged organisation reflects negatively on all.

> The infringements of one South African police organisation impacts the way that all are perceived

CORRUPTION MANAGEMENT IN METRO POLICE DEPARTMENTS

This section provides a detailed summary of the background and structure of each of the country's six Metropolitan Police Departments, and the respective approaches taken to countering corruption. The departments (listed in the order in which they are discussed) are: Johannesburg MPD, Tshwane MPD, Ekurhuleni Metropolitan Police Service (MPS), Durban MPS, Cape Town MPD, and Swartland Municipal Police Services.

The Johannesburg Metropolitan Police Department

The Johannesburg Metropolitan Police Department (JMPD) was founded in 2001 with staff drawn predominantly from the city's former traffic department, its former security division, and from those formerly involved in by-law enforcement and administration (Newham, Masuku & Gomomo 2002).

The Johannesburg MPD is the country's largest, with over 2 200 officers and a total employee compliment, including administrative staff, of 3 115. It services an area that covers 1x642km² with a population of around 3.79 million. The department claims to spend 30 per cent of its time on traffic policing, 30 per cent on by-law management and 30 per cent on crime prevention with the remaining 10 per cent spent on crowd management. It is also responsible for vehicle registration and licensing. The 2010 employment target is 4 000 officers.

Salaries in the department are comparably good. In 2007 a fully qualified officer, after two years of college and in-service training at various pay scales, earned R8 767 per month. This equates to roughly the same amount as a SAPS sergeant with five to eight years' experience.

The Johannesburg MPD is headed by a chief and six directors, and its structure makes provision for two deputy chiefs. The chief reports directly to the city manager and has the power to dismiss employees without external consultation. The Johannesburg MPD is the only MPD to have had the same chief since its inception in 2001.

Senior management feel the most pressing corruption challenge facing the Johannesburg MPD is at middle management level, where, according to senior management, there is a lack of commitment to the principles of community policing and respect for clients (Faull 2007a).

Existing anti-corruption structures and policies

Of all MPDs the Johannesburg department has had the longest consistently running Internal Affairs (IA) division with a mandate to 'protect the council from litigation, protect the image and integrity of the department, protect employees of the Johannesburg MPD from false allegations, investigate allegations made against them and prosecute them when they are wrong,' (Faull 2007c). The Johannesburg MPD's Internal Affairs division is also larger than other MPDs with a complement of 22 investigators.The unit is based in the office of the department's chief and reports directly to him.

Johannesburg Internal Affairs members say they are treated with respect and accepted by their colleagues throughout the department. Two Internal Affairs officers have successfully made the transition from Internal Affairs back into functional policing. Both these points are important to note since it is usual in policing organisations for Internal Affairs officers to be viewed with mistrust by non-IA colleagues and to struggle to be accepted back into functional policing.

All Johannesburg MPD vehicles display the department's anti-corruption hotline number, albeit in very small print. Thus both members of the public and MPD

employees can phone and report instances of corruption. Corruption can also be reported in person at the Internal Affairs office (Faull 2007a).

Corruption in the Johannesburg MPD

In 2000 it was reported that the Johannesburg traffic department planned to fingerprint all its employees prior to establishing the MPD in order to check whether employees had criminal histories and to start the MPD with a clean record (Cox 2000). The Johannesburg MPD chief was quoted at the time as saying: 'We are doing this in response to allegations that we have hardened criminals in our midst. We need to determine whether this is true and we want to clear the names of those who have been tainted by these allegations. We want the status of the new force to be beyond reproach and we want to improve the level of acceptability of our police officials.'

This hard-line image is understandable in the midst of press reports at the time claiming that 'over one hundred' traffic officers in Johannesburg remained on the payroll despite having had accusations of rape, murder and corruption made against them. One article speculated that some of these allegedly corrupt officers would be incorporated into the MPD (Hamnca 2000).

Only three weeks after the launch of the Johannesburg MPD the media exposed an officer soliciting a bribe from a reporter

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Only three weeks after the launch of the Johannesburg MPD and despite the chief's assertion that the department would be 'beyond reproach', *The Star* newspaper exposed an MPD officer soliciting a bribe from one of its reporters. In response, the chief declared that disciplinary action had been taken against 21 licensing officials for engaging in fraudulent activities (*The Star* 2001). Later in 2001 five police officers were reportedly found guilty of corrupt practices committed while working in the former traffic department in 1999. The five were dismissed. In a statement the chief said: 'It was a difficult decision for me to make because we would have loved these officers to be part of our new department, but there is no place for such individuals in the City of Johannesburg' (Mngadi 2001). The following month a 'respected economist' made it his publicly declared mission to seek justice from an MPD officer he claimed had wrongfully arrested him after he refused to pay a bribe (Padayachee 2001).

In 2005 the Johannesburg MPD's chief was reportedly accused, in an independent report, of hiring those close to him for senior positions, and of irregularly dismissing an officer who had a criminal record (Msomi 2005). Similar accusations of nepotism were levelled against the MPD chief during strike action by officers in June 2008. Just prior to the completion of the 2005 report the Johannesburg MPD had gone on an anti-corruption drive, reports of which highlighted the arrests of a number of different officers and summarised action taken against officers since the department's inception (Sapa 2005; Marian 2005; Hagan 2005). In 2006 Gauteng province's MEC for Community Safety ordered metro police to arrest bribe payers (Ndaba 2006). Later that year a motorist was arrested for trying to bribe an MPD officer (van Reijden 2006). This is the only report of a bribe payer being arrested out of all the articles reviewed for this research.

In 2007 a traffic fine clerk was trapped in a bribe scheme. The clerk was soliciting bribes from traffic offenders in return for 'cancelling' their fines, then paying the fines with credit card numbers stolen from tourists by a criminal syndicate. According to the article, no arrests had been made despite sufficient evidence against the clerk (Rondganger 2007). That same year an eye test clerk was arrested for trying to solicit a bribe (Sapa 2007).

In 2008 there was a call from the MPD for the public to report incidents of corruption. The call came after two police officers were arrested for fraud (Vos 2008) and in the wake of 'a number of cases of alleged corruption coming to the fore' (Citizen News Service 2008). Soon afterwards an internal investigation was promised by the MPD after complaints by Zimbabwean refugees that officers were demanding money and cellular phones from them (*The Citizen* 2008)

Perceptions of corruption in the Johannesburg MPD differ across management and oversight structures. The chief concedes that between 1 per cent and 10 per cent of the department may constitute 'bad apples' but believes that most officers are honest and professional (Faull 2007a). The views of the Internal Affairs division and the Public Safety Committee differ somewhat from that of the MPD chief. Neither IA nor the Public Safety Committee believes corruption is a problem in the MPD, and they cite figures of complaints and disciplinary action against members as evidence of this (Faull 2007b, 2007c). According to the IA unit's head, '99 per cent of officers are clean'. The evidence for this statement is that between 2001 and late 2007 'only 90 officers have been dismissed for corruption' (Faull 2007c). While the inference is that this is a small figure, it means in reality that a full 4 per cent of the Johannesburg MPD staff compliment (at its 2007 size) were *dismissed* for corruption. In addition, as illustrated in Table 1, another 263

officers received written warnings for various offences; accounting for over 10 per cent of the department (based on 2007 numbers). It should be stressed that one cannot determine from these figures how many employees accused of corruption in particular were disciplined.

Although members of the Internal Affairs unit contend that '99 per cent' of officers are clean, they also believe that the public plays a large role in corrupting officers and therefore that the public can help put an end to corruption (Faull 2007c). The unit believes that MPD officers fail to arrest the bribing members of the public because 'it's human nature' to accept bribes. 'What are you supposed to do when the public is dangling a carrot in your face? We are not holier than thou' (Faull 2007c). The Johannesburg MPD chief, while being less defensive than the Internal Affairs head regarding the propensity of police officers to take bribes, nonetheless agreed that it is the public who cause corruption by bribing officials (Faull 2007a). It cannot be denied that members of the public play a role in enticing officers to take bribes, but for those tasked with controlling corruption to rationalise this phenomenon is an extremely serious cause for concern.

Senior management believes corruption is most common in the issuing and paying of fines, theft of credit card numbers in the fines payment department (although this was tackled in late 2007 through the introduction of new technology), the licensing of vehicles (including the registering of stolen vehicles) and the sale of drivers' licences (Faull 2007a). Misappropriation of property – considered a corrupt act by Internal Affairs – and the leasing of firearms to criminals are also considered to be prevalent (Faull 2007c).

Current and future plans to prevent corruption

The Johannesburg MPD leads the way in the use of new technologies that help reduce misconduct. In mid-2007 the department introduced tracking devices in patrol vehicles to monitor the movements of officers. Drivers of vehicles are registered with electronic tags so that they can be linked to a particular vehicle should a complaint be logged using only a vehicle registration number.

Basic discipline is an area that the Johannesburg MPD believes can make a major impact on corruption. The department puts emphasis on routine disciplines such as the saluting of rank, keeping pocket books up to date, and keeping uniforms neat. Wherever possible the MPD tries to warn members that they may have 'made a mistake' rather than dismiss them (Faull 2007a). However the June 2008 strike by some Johannesburg MPD officers, during which live ammunition was allegedly fired at SAPS members, indicates that far more needs to be done to instil a culture of respect and discipline.

In early 2007 the Internal Affairs unit established a 'proactive' component within its office (Faull 2007c). The eight members of this sub-unit, rather than waiting for complaints to come to the IA, visit the various directorates proactively. The sub-unit's task is to check that operational policies are adhered to, that members are at work or on patrol, that cashiers are banking their money, that officers are in possession of their firearms, and that ticket books are in order.

A different kind of proactive activity is in the form of the public awareness campaigns run by the Internal Affairs unit. These are held in shopping malls, churches and other community venues. They are meant to help people understand what corruption is – its negative effects on society and how to report it. The campaigns are somewhat limited in scope, amounting to little more than the handing out of information brochures (Faull 2007c).

Johannesburg MPD senior management, along with Internal Affairs itself, is placing much faith in the 'proactive' unit to send a message to officers that they will be caught (Faull 2007a). The Section 79 oversight committee

Table 1: Johannesburg MPD – Complaints and Disciplinary Action

Year	Total complaints against officials	Corruption complaints	Disciplinary hearings	Written warnings issued	Officials dismissed	Criminal charges against officials
2001	507	52	507	30	8	3
2002	704	67	704	33	9	11
2003	505	52	505	27	21	5
2004	600	77	600	33	15	7
2005	612	128	612	61	10	14
2006	522	77	522	49	17	13
Sept. 2007	345	35	345	30	10	5

Source: Johannesburg Metropolitan Police Department, September 2007

(consisting of council members) believes more could be done to encourage officers and the public to both refrain from and speak out against corrupt acts. However it is not specific about how to accomplish this (Faull 2007b).

Summary

As the largest, best funded MPD, with well-resourced, well-paid officers the Johannesburg MPD is an example of a professional police organisation whose employees can enjoy a comfortable standard of living and employment. It is the MPD that receives the most corruption-related media coverage, but possibly the MPD that has taken the most proactive steps to counter corruption. Its dedicated anti-corruption hotline and public education campaigns are unique and important initiatives among the country's MPDs, as is its vehicle/driver tracking initiative. Management's anti-corruption aims and actions are promising, although somewhat undermined by the attitudes (as evident in the views expressed) of members of the Internal Affairs unit. Aspirations to improve discipline have been marred by violent strike action.

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Tshwane Metropolitan Police Department

The Tshwane Metropolitan Police Department (TMPD) was formed in February 2002 out of the traffic and security departments of the 13 councils previously constituting Greater Pretoria (Newham, Masuku & Gomomo 2002). It is the country's second largest MPD, with 1 914 employees, 1 220 of whom are police officers. The department is responsible for policing an area of approximately 2 292 km² with a population of just over 2 million. Its responsibilities include the licensing of vehicles. The MPD chief (official title 'strategic executive director') reports directly to the city manager and has the power to dismiss employees without external consultation. In March 2008 the Tshwane Metropolitan Police Department merged with the city's Fire Brigade Services and Disaster Management Services to form the Department of Community Safety.[7] In August 2008, a former Tshwane MPD chief, Mpho Mmutle, was appointed as strategic executive director of the recently formed Department of Community Safety. This was a controversial appointment as Mmutle had four years earlier resigned from his post as Tshwane MPD chief following

allegations of corruption, mismanagement and nepotism. No case was brought against Mmutle, or against his two deputies, who had also been accused of the same allegations and who were reportedly cleared by a mayoral committee (Faull, 2008a). In October 2008 the Freedom Front Plus lodged a complaint with the Public Protector requesting that the 2004 allegations against Mmutle and the two other officials be revisited (Sapa 2008).

Existing anti-corruption structures and policies

Tshwane MPD has three units that engage in the investigation and regulation of corruption: the Conduct Investigations Unit (CIU), the Civilian and Internal Affairs Unit (CIAU) and a unit called 'Inspections'. Prior to the formation of the amalgamated Department of Community Safety, each of these units had reported to a different divisional head. To improve coordination, the new Department of Community Safety placed all three units under its 'Policing Governance'[8] structure, so that they currently report to a single director who reports to the strategic executive director (the chief).

The Conduct Investigations Unit

The Conduct Investigations Unit [9] was established with the founding of the Tshwane MPD and was modelled on a similar unit in the former traffic department. Its mandate is to investigate all complaints against MPD employees (Faull 2007f).[10] The unit has a staff compliment of nine: a unit head, two senior investigators, and three investigators under each senior.

The Conduct Investigations Unit investigators believe that the majority of Tshwane MPD employees accept them, but they admit that they are hated by some, and they have on occasion received threats. Such threats may indicate that the unit is working effectively and has become a thorn in the side of corrupt officers. The unit has struggled to access adequate resources, to the extent that in 2007 members paid for the painting of their offices with money from their own pockets (Faull 2007f).

Once a complaint is received by the Conduct Investigations Unit, the unit head assigns the case to an investigator, who has to contact the complainant within 24 hours. The investigator must maintain a progress report and notify the complainant of the result of the case. Once an investigation is completed, it is supposed to be registered on a computer by a docket controller, but as the unit doesn't have such a person, the docket is returned to the complaints desk.

Every fortnight a docket discussion panel of five senior officials from various spheres of the Tshwane MPD meets to discuss cases. Discussants have no knowledge of who the accused police officers are, and they decide in the meeting whether a departmental or

disciplinary hearing is needed. Departmental hearings are recommended for petty offences, and disciplinary hearings can result in dismissal and the laying of criminal charges. If a decision cannot be reached, the case is forwarded for further advice to one of the following: the head of Community Safety, the Independent Complaints Directorate (ICD), or the council's legal department.

Inspections

The Inspections section is responsible for monitoring and assessing all processes in the Tshwane Metropolitan Police Department. Its job is to ensure that the department effectively delivers on its mandate, that there is no duplication of functions, that standards and procedures are followed, and that there is no misconduct (Faull 2007d). The Inspections section is proactive in its functions, conducting both planned and random inspections of offices and units in order to uncover discrepancies such as unaccounted-for ammunition. If serious faults are discovered, the manager of the relevant unit is given a chance to apply corrective measures. If deliberate misconduct is suspected, the Conduct Investigations Unit is requested to investigate.

> Although the MPD has a complaints desk, this has never been linked to a dedicated number

Although Inspections is proactive in its monitoring, it does not have jurisdiction over operational officers (i.e. metro police officers in the field). It is up to operational supervisors to monitor their officer's performance and conduct. If there is reasonable suspicion of misconduct, the Conduct Investigations Unit will apply for entrapment orders in order to trap operational members.

The Inspections section has a staff compliment of four. Like the Conduct Investigations Unit it too has, for more than a year, been trying to bolster its numbers but without success. The unit seconds employees from other Tshwane MPD units when extra manpower is required during an inspection (Faull 2007d).

The Civilian and Internal Affairs Unit

The Civilian and Internal Affairs Unit co-ordinates civil claims and disciplinary and departmental action. It provides legal assistance to operations commanders and advises commanders on disciplining their officers. Complaint dockets from the Inspections section and

the Conduct Investigations Unit are forwarded to this unit for its recommendations. The head of the unit sits on the docket discussion panel to decide on disciplinary action (Faull 2007h). The unit has four members, all with policing backgrounds, who have also been trained in the legislation most relevant to their work.

A member of Corporate and Legal Services of the Department of Community Safety was tasked in late 2008 with dealing with all the department's legal matters. The Civilian and Internal Affairs Unit ensures that Corporate and Legal Services deals with matters appropriately.

Complaints procedures

Despite its several structures to deal with corruption, the Tshwane MPD does not have any formal complaints structure dedicated to the reporting of abuses of power. If a member of the public wants to report an incident they need to go to one of the Tshwane MPD's eight regional offices and report it at the service desk. Alternately they could call the MPD's switchboard as would anybody reporting any crime-related incident. Although the department has a 'Corruption Complaints Desk', this has never been linked to a dedicated number, nor for that matter to telephone access (Faull 2007f). The Inspections section and the Conduct Investigations Unit concede that it is likely that anonymous complaints are simply dismissed if phoned in to regional offices (Faull 2007d, 2007f). In instances where a complainant chooses to remain anonymous but alleges a serious crime, the Inspections section is asked to monitor the relevant officials. The Tshwane MPD receives many valid corruption complaints from the Gauteng Department of Community Safety's anti-corruption hotline (Faull 2007f).

There are also cases when officers report colleagues. This is usually done by directly approaching the Conduct Investigations Unit, and according to the unit this happens at a frequency of about twice a month (Faull 2007f)). The unit protects whistleblowers by building cases based on informant information so that the unit itself becomes the complainant in any criminal or disciplinary procedure. If an officer reports a colleague in his/her unit, the Conduct Investigations Unit will interview all members of that unit, including the whistleblower, so as to protect the whistleblower's identity. Where possible, officers employ the standard grievance procedures, reporting corruption to seniors they can trust.

Seven out of the eight Tshwane MPD regional offices regularly report having received corruption complaints. According to one respondent the absence of complaints from the eighth region can only indicate that everyone in that region is corrupt, or that seniors in the region

are suppressing complaints for fear that they will reflect negatively on them.

Corruption in the Tshwane MPD

Corruption in the Tshwane MPD does not feature very prominently in the media sampled. However there were some cases. In early 2003 two sibling police officers were arrested along with their father for soliciting bribes from motorists while drunk and off-duty. In response the department stated: 'We will not tolerate corruption within our own organisation or within the boundaries of Tshwane' (Chuenyane 2003).

In October 2003 the television programme Carte Blanche exposed alleged abuse of power and nepotism by the Tshwane MPD chief and three deputies (Burger 2003). At the same time death threats were made against the mayor's spokesperson, and a kidnapping attempt was made against the spokesperson's daughter after he showed an interest in the corruption allegations (Momberg 2003). Subsequent investigations resulted in the MPD chief and his deputies being charged with fraud and abuse of vehicles and petrol cards (Lewis 2004). In 2008 an off-duty officer was arrested for hijacking vehicles under the pretence that he was pulling them over for police business (Shonisani 2008); and another officer was sentenced to five years in prison for accepting a bribe (Sapa 2008).

Death threats were made against the mayor's spokesperson after he showed an interest in the corruption allegations

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Nevertheless, the Tshwane MPD's civilian oversight committee (consisting of a handful of civilian volunteers) and Inspections unit do not believe corruption to be a problem in the department (Faull 2007d, 2007e). This is in contrast to senior managers who view it as a serious problem, particularly at a traffic enforcement level (Faull 2007f, 2007g). The Conduct Investigations Unit sees it as a 'very big' problem, in fact, stating: 'corruption has become a hobby' (Faull 2007f). According to the Conduct Investigations Unit's head, traffic-related bribery complaints are received daily, nepotistic bias is prevalent throughout the MPD, and corruption in the licensing department is rife. Some control dispatchers allegedly earn R30 000 a week tipping off towing companies about accidents before reporting these over police radios, while some operational officers allegedly earn R6 000 per night extorting money from drunk drivers (Faull 2007f).

Current and future plans to prevent corruption

In 2007 the Tshwane MPD employed the services of an independent risk consultancy, PASCO Risk, to help improve their security and integrity systems. This led to the centralising of the Tshwane MPD's anti-corruption units into a Policing Governance structure, which is due to be renamed 'Inspections and Investigations'.

PASCO formulated its recommendations in 2007 after conducting focus groups and workshops with officers and relevant units to ascertain their feelings about corruption. They analysed disciplinary data and, where possible, the department's loss and aggression registers – all losses of goods and incidents of aggression by employees are meant to be recorded in these registers. PASCO's analysis was that the staff of the units were totally committed to reducing corruption but that they were not proactive or integrity-focused in their approaches (Faull 2007w).

The Tshwane MPD is able to track vehicles and identify their drivers at any time with technology introduced in 2008. Vehicle movement is electronically filed so that a driver's movement history can be retrieved should a complaint be filed. Unfortunately the system suffered a technical breakdown in late 2008 but is due to be repaired. It is not yet clear whether the system is utilised as well as it may be.

Other changes, which at the time of writing had been in a development phase for more than a year, include the development of a Code of Ethics for the department, the development of a centralised complaints desk (which may or may not be linked to a hotline), the introduction of a new vetting system, and the formulation of levels of security clearance (Faull 2007d, 2007w). The Code of Ethics was to be in place before the end of 2008, but the establishment of a complaints desk, hotline and vetting system had been delayed due to shortages of funds (Faull 2008a).

The Conduct Investigations Unit has a plan of its own to strike at corruption in the department, which involves setting up stings in which both the officer and the bribing member of the public are arrested. It hopes that this will send a strong message to both the bribing public and corruptible policeman. However it has been unable to realise this goal to date.

Opinions vary within the MPD on the best way forward to reduce corruption. Senior management and Inspections want the disciplining of Tshwane MPD officers to be moved from the broader Tshwane council to the MPD itself. This would allow employees to be disciplined within the context of a police rather than civilian environment, a move they believe would

significantly reduce corrupt practices (Faull 2007d, 2007g). The Conduct Investigations Unit believes it needs to be better resourced in order to carry out its sting operations to catch offenders in the act (Faull 2007f). The policing governance head and civilian oversight chair feel that vetting and security clearances are necessary, as well as bridging courses for newly promoted officers. They also recommend establishing simple and safe reporting mechanisms for employees and the public is (Faull 2007d, 2007e).

Summary

After more than a year of consulting and restructuring, the Tshwane MPD is starting to settle into its new structure. The engagements with PASCO Risk Consultants indicate the department's serious desire to improve corruption and integrity-related structures. The move towards a single anti-corruption unit operating directly under the chief is in line with the approaches of other MPDs, although Tshwane MPD's new unit has a broader mandate than its counterparts in other MPDs. The new structure will hopefully lend itself to a far more efficient governance of organisational integrity than before. The vehicle tracking technology is impressive though possibly underutilised. Of concern is the lack of financial support to effect some of the intended changes.

The Ekurhuleni Metropolitan Police Department

The Ekurhuleni Metropolitan Police Department (EMPD) was formed in February 2002 with an initial staff of 601 and by 2008 it had 700 operational officers (Faull 2008cc). All its founding employees were drawn from the former traffic departments. The MPD is responsible for a massive area covering 8 200km² with a population of approximately 2.1 million (Newham, Masuku & Gomomo 2002). The chief reports to the city manager. The Ekurhuleni MPD is not responsible for the licensing of vehicles.

The Ekurhuleni MPD faces a number of policing and management challenges. According to management these include a lack of resources (in particular staff and motor vehicles, though the vehicle shortage is being addressed)[11]; an increasing need to engage in crowd management without adequately trained officers; breakdowns in its cooperation with the SAPS organised crime unit; and, from an MPD point of view, interference by politicians (Faull 2007j, 2007l).

Tensions with the SAPS organised crime unit had arisen in response to their investigations into Ekurhuleni MPD officers' alleged links to criminal syndicates. According to senior management, the SAPS unit sometimes refused to arrest suspects held by the MPD, claiming they were SAPS informers (Faull 2007l).

Another major challenge is 'getting rid of the old traffic mentality' (Faull 2007j). Prior to the formation of the MPD, minimal qualifications were required of an Ekurhuleni council traffic officer. In the past there had been no accountability structures and little impetus to develop community relations. According to the MPD management, some of the older generation officers had been slow to respond to the new approach to policing (Faull 2007j).

The formation of the Ekurhuleni MPD raised important questions as to how the metro council's conditions of service affected discipline and corruption (Faull 2007l). SAPS members are governed by strict regulations particular to policing, whereas metro police are bound only by the metro council's general employee conditions of service. Firearm-carrying metro officers with immense amounts of discretionary power are governed by the same rules and disciplinary procedures as the metro's grounds and office staff. The same challenge exists for other MPDs in South Africa.

Another important challenge is that the Ekurhuleni MPD chief does not have the power to suspend or expel those beneath him/her. Only the city manager can do this. And, as is the case for all MPDs, disciplinary processes are run by council. One of its rules is that if an employee is suspended on a charge for which there is substantial evidence but when disciplinary procedures are not complete within three months, the employee must return to work (Faull 2007l). Ironically this is why the Ekurhuleni MPD chief was fired in September 2008 – for violating leave conditions that had been specially extended for him by the council (see box 'Ekurhuleni MPD leadership woes').

Existing anti-corruption structures and policies

The Ekurhuleni Metro Police Integrity and Standards Unit (ISU) was born out of the Germiston Council's Internal Investigations Unit founded in 1994. With the forming of the MPD the Germiston unit was absorbed into the new department. In 2004 the structure of the unit was changed again: it was split into an internal integrity unit and a loss control unit, with the loss control unit under the council, and therefore falling outside of the MPD.

The Integrity and Standards Unit is mandated to monitor and investigate all misconduct relating to MPD employees. The unit fulfils the function of an inspections/proactive Internal Affairs unit (like the Johannesburg MPD's Internal Affairs unit or the Civilian and Internal Affairs Unit of the Tshwane MPD) and a standards unit which conducts inspections of offices, vehicles and administrative processes, ensuring that

standing orders and conditions of service are upheld, and investigating all complaints against employees (Faull 2007m).

Despite the huge area in which the Ekurhuleni police operate, the Integrity and Standards Unit has only four members, one investigator for each of the council's three regions plus a unit head. Investigators report that they can only manage their heavy caseloads by working evenings and weekends (Faull 2007m). Members of the unit describe themselves as 'loners' who are not welcomed by operational officers. Unlike their Tshwane counterparts they do not, however, feel 'hated' by colleagues (Faull 2007m).

Like other MPD internal affairs-type units, the Ekurhuleni Integrity and Standards Unit works on a 'balance of probability': if, based on the evidence, it is probable that a member has transgressed regulations, then departmental action will be taken (Faull 2007m). The unit says it investigates all cases reported to it, no matter how minor. Even cases against dismissed employees are investigated since it is possible for a dismissed employee to be reinstated after an arbitration process.

Once a case has been completed, the chief decides whether it should go to a tribunal or disciplinary hearing, even though these take place outside of the department. The council's Labour Relations directorate appoints officers to preside over these procedures. Ultimately nobody within the department can suspend or dismiss an employee. This can only be done by the city manager (Faull 2007l).

The biggest challenge, as perceived by the Ekurhuleni unit's members, is its lack of entrapment powers. Members may apply to the director of public prosecutions for entrapment orders, but they feel their work would be much more efficient if they were endowed with these powers themselves (Faull 2007m, 2007i). Other challenges include limited human resources and aging vehicles. The unit is well supported in terms of other equipment such as video cameras and recording devices.

Despite the rifts between the Ekurhuleni MPD and the SAPS organised crime unit, the Integrity and Standards Unit claims to have a good working relationship with the SAPS in general, as well as with the Independent Complaints Directorate (Faull 2007m).

Corruption reporting structures in the Ekurhuleni MPD are not very well established. If an MPD officer wants to report a colleague, s/he can do so either through the precinct commander, or by radio control, or by phoning the Integrity and Standards Unit (Faull 2007l, 2007m). Members of the public will generally be directed to the ISU if they want to lay a complaint. In late 2007 plans were afoot to establish an Ekurhuleni MPD anti-corruption hotline but by late 2008 this had yet to happen (Faull 2007l, 2007m, 2008z).

Corruption in the Ekurhuleni MPD

Just prior to Edenvale being incorporated into the new Ekurhuleni MPD, a 2001 verdict of guilt against an Edenvale traffic officer resulted in strike action and complaints of racism, corruption and discrimination in the department (Caxton News Service 2001). Around the same time a Brakpan traffic officer was arrested for soliciting a bribe from a motorist (Mabuza 2001), while a Boksburg officer was sentenced to three years for corruption (Sapa 2001). While these cases are not drawn from the MPD in its current form, they indicate the foundation on which it was built. The sample of news stories analysed for this paper contains no references to corruption in the Ekurhuleni MPD until the end of 2007 when a scandal erupted involving the service's former chief Robert McBride (see box).

It should be noted that neither McBride's alleged drunk driving, nor his being swiftly removed from the scene by officers are themselves corrupt acts, although if abuse of power and absence of integrity in a cover-up are proved,

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Ekurhuleni MPD leadership woes

In December 2006 it was alleged by civilian witnesses at the scene that the then chief of Ekurhuleni MPD, Robert McBride, was drunk when he crashed his state vehicle on the way back from an MPD Christmas party. McBride was whisked away by three officer colleagues. At the time they denied he was drunk, but changed their statements in mid-2007 (Eliseev 2007). The changed statements came after the three officers claimed that McBride had victimized and threatened them. They secured a protection order against McBride and four others, all of whom were senior members of the MPS and respondents in this paper. The resulting media furore led to McBride having to step down from his job pending completion of the drunk driving investigations. (At the time of writing the matter was unresolved)

In the third quarter of 2007 strong evidence emerged in the press that McBride's accusers had links to organized crime and that they may have turned against him once he started probing these matters (Basson 2007). In December 2007, McBride's doctor was charged with fraud for pretending to have examined McBride following the alleged drunk driving accident (Masombuka 2007). In early 2008 it emerged that McBride was himself being investigated by the SAPS for alleged involvement in torture and weapons smuggling, accusations which he denied. Dockets relating to these investigations were stolen from the Johannesburg High Court in a professionally coordinated robbery in April 2008 (Basson 2008).

In June 2008 the Ekurhuleni mayor resigned following repeated scandals involving the former MPD chief, including alleged financial mismanagement by the city manager regarding the payment of fees to PASCO Risk and McBride's legal fees (Serrao 2008). In September 2008, under a new mayor, McBride was dismissed as MPD chief after violating the terms of his special leave (Eliseev 2008).

they could be seen as such. What is more important than the allegations against McBride are allegations around organised crime. If the former chief's accusers have links to criminal elements, and if their accusations against him are being made in retaliation to investigations against them, then this drama further illustrates the complexities of managing and punishing corruption. It is of great concern that the Ekurhuleni MPD has been embroiled in these waves of scandal in recent years.

Interviewed while on 'special leave', McBride said he believed there was a 'crisis of corruption' in all the country's law enforcement agencies, including the Ekurhuleni MPD (Faull 2007l). On the operational side he said he knew there were officers taking bribes and leaking deployment information to criminal syndicates, while on the administration side staff enrich themselves and their friends through illegitimate tender processes. Other members of senior management agree that corruption is 'definitely a very serious problem' in the Ekurhuleni MPD (Faull 2007j).

By contrast, the Ekurhuleni MPD Integrity Standards Unit does not believe that corruption is a problem in the department, 'at least not for us' (Faull 2007m). Their view is based on the fact that corruption complaints make up only a small portion of their workload. The unit does however concede that there is wide public perception that corruption in the Ekurhuleni MPD is pervasive, and that the corruption reports it receives may only constitute the tip of a iceberg. The unit contradicts McBride, their former chief, as to the range of corruption in the department, claiming that bribery is the only form they are aware of, with no reference to organised crime (Faull 2007m). Some explanation for this contradiction may arise from the Integrity Standards Unit's caution over revealing too much information to a researcher.

> The Unit does not believe that corruption is a problem in the Department…because corruption complaints make up only a small portion of their workload

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While the Integrity Standards Unit blames the public for corrupting its officers, it does concede that officers should arrest would-be bribers. The unit believes that traffic transgressors lay false allegations of bribery solicitation against officers in order to get their fines

cancelled (Faull 2007m). The unit is aware that some officers illicitly steal money for fines, usually by convincing the motorist that he/she is paying a spot fine and issuing a legitimate ticket, but intentionally spoiling it in a manner that it cannot be processed. However, if the fine documentation is legible and error free and carries the name of the issuing officer, it seems nonsensical, at least to the unit, that the officer would have requested a bribe. The unit believes that false allegations of bribery account for 80 per cent of complaints against officers (Faull 2007).

An equally likely interpretation of this scenario, but one not considered by the unit, is that a motorist commits a legitimate offence and is stopped by an officer. The officer requests a bribe in return for not issuing a ticket. The motorist both denies committing an offense and refuses to pay a bribe. The officer then issues a ticket. Angered by the attempted solicitation of a bribe and in denial about the traffic offence committed, the motorist appeals the fine based on the premise that the officer acted illegally in trying to bribe them. Without witnesses it is impossible to verify the motorist's version of events. Whether the Integrity Standards Unit's version of events is more common than this one or not, the idea of corruption has become so pervasive that battles are being waged over its hypothetical presence.

Members of the Benoni Community Safety Forum (the Ekurhuleni MPD does not have a civilian oversight committee) more often complain about corruption in the SAPS than in the MPD. Yet the committee summonsed the former MPD chief in 2006 at a time when officers were towing cars away unless paid not to. The former MPD chief acted against a deputy director in the area and the practice ended (Faull 2007k).

Plans to prevent corruption

The Ekurhuleni MPD employed the services of PASCO Risk, although not in the same capacity as Tshwane MPD. PASCO Risk was engaged to assist with investigations of fraud and at the same time to address integrity management (Faull 2007w).

In 2007 the Ekurhuleni MPD was drafting a new disciplinary code in line with the SAPS code. The code was intended to justify harsher punishments for metro officers than for the average civil servant. The code also aimed to make it more difficult for officers found guilty to stay in the employ of the MPD. Ekurhuleni also intended adjusting the SAPS's Corruption and Fraud Prevention Plan for a metro policing context (Faull 2007j). By the last quarter of 2008 neither of these developments had come to fruition.

In late 2007 the MPD introduced a points quota system to encourage productivity and reduce corruption. Operational officers were awarded points for various

tasks (e.g. the issuing of a fine for an expired driving licence) and were expected to earn a certain quota of points on each work shift. The rationale was that a productive officer cannot be a corrupt officer: that instead of soliciting a bribe, an officer would be more intent on issuing a ticket to earn points (Faull 2007j). There are however serious faults to this system. Productivity in policing cannot be measured simply by number of fines or arrests. An officer carrying out crime prevention patrols may effectively reduce crime without having taken any measurable action. In addition management has subsequently realised that a productive officer could conceivably achieve their points in less than half a shift and then solicit bribes for the other half (Faull 2007j). If an officer does not meet his/her points requirements the only punishment is that he/she may not apply for overtime duties. For this reason the points system is not seen as an effective corruption deterrent by the Benoni Community Safety Forum (Faull 2007k).

Ekurhuleni MPD respondents had numerous suggestions about steps to take to combat corruption. Emphasis was placed on 'filtering out the crap before it gets in' i.e. introducing or upgrading vetting and security clearance hierarchies (Faull 2007j, 2007k, 2007m). Promotional procedures were also criticised as being flawed. At present advancement does not appear to be based on any system relating to the work history of the officer in question. The former chief believed that this allowed for undeserving but very articulate officers to talk themselves into positions ahead of hardworking but more reserved or modest candidates. Instead, he said, clear benchmarks should be set to qualify for promotion (Faull 2007l).

> McBride believed there was a 'crisis of corruption' in all the country's law enforcement agencies

To improve the curbing of corruption, a number of suggests were made. Amendments to the Protected Disclosures Act of 2000 were suggested to allow corruption witnesses to testify in camera. Respondents believed this would encourage victims of corruption, and officers with integrity prepared to disclose evidence of corruption, to come forward more readily (Faull 2007j). Other legislative amendments that made it simpler for Metro Police Departments to trap suspects were proposed (Faull 2007m). A functional hotline, an effective performance

target system and greater cooperation between the internal investigation units of all Gauteng MPDs were also suggested (Faull 2007k, 2007l).

Conclusion

Senior management and the former chief at the Ekurhuleni MPD come across as perhaps the most passionate among senior MPD respondents about fighting corruption. While this may sound positive, it should be remembered that the respondents interviewed for this research had protection orders issued against them in mid-2007 after allegedly making threats against colleagues. This might suggest that the vehement anti-corruption rhetoric of senior management and the former chief is a cover for their own misdoings. On the other hand, evidence has emerged that their accusers are involved in organised crime and that their complaints have been retaliatory and self-serving.

The Integrity and Standards unit speaks passionately about fighting corruption but seems to have ambivalent attitude towards proactive anti-corruption action. As mentioned earlier, this unit does not view corruption as a major problem, tending to suspect that members of the public falsely accuse officers in order to escape legitimate fines.

Although Ekurhuleni senior managers have many ideas about how corruption might be better managed, little action is being taken in its own territory. The MPD is leading the way in drafting a new disciplinary code and corruption strategy that could be applied across all MPDs. There have been delays and these strategies have yet to emerge. But if pursued to completion they could make a major impact in the management of corruption in MPDs throughout the country.

The Durban Metropolitan Police Service

Formed in 2000 out of the former Durban City Police, the Durban Metropolitan Police Service was the first to be formed within the ambit of the amended SAPS Act. The Durban MPS had 1 327 employees at the time of the research and was responsible for an area covering 2 293km² with a population of some 3 million (Faull 2007x). It is headed by a chief and two deputies, who report to the city manager.

The training period lasts for one year, during which trainees receive a R1 500 per month stipend. Salaries are good, starting at R7 020 per month for the first year as a qualified constable. Constable salaries increase each year in a band system ranging from R8 842 to R12 323 (Faull 2007x).

The Durban MPS faces a number of challenges. One is the difficulty of adjusting to council requests for shifts of focus between traffic, crime prevention and by-laws and

other priorities (Faull 2007p). Another challenge is that some officers in management positions are former traffic officers who have not yet adjusted to their additional crime prevention mandate. A further challenge is that those who manage the MPS feel that their new recruits are not careerists with a passion for policing as was the case in the past, but people who merely want a job and money. This, management feels, translates into a lack of commitment from officers.

Existing structures and policies

In 2003 the city manager established an ombudsman's office to investigate irregularities in the city council. A Loss Control unit already existed within the council to investigate misappropriation of property. In 2005 an Internal Affairs unit was established in the MPS with the aim of complimenting the ombudsman's office.

The Internal Affairs unit focused on investigations within the MPS in response to the high levels of corruption in the service (Faull 2007q). The seven-member unit was mandated with investigating all instances of crime committed by or against Durban MPS employees, as well as all misconduct.

Around mid-2007, after having investigated over 400 cases, members of the Internal Affairs unit were informed that the unit was being disbanded (Faull 2007q). Although this was the first information the unit members had heard about it, plans to close the unit had been formulated at a city management level over the preceding year. The media were told that the Internal Affairs unit had moved to the ombudsman's office. In fact only the unit's function had been transferred there: its personnel were transferred to unrelated units. At the same time the council's Loss Control unit was also moved to the ombudsman's office. Despite the ombudsman's responsibilities increasing threefold, its personnel numbers remained unchanged.

> If pursued to completion, a new disciplinary code could make a major impact in the management of corruption

The rationale given for these changes was that investigations of the MPS would now take place outside of the service itself. Previously the Internal Affairs unit had faced challenges in investigating senior members of the service, especially since its head had the rank of captain, the lowest managerial rank in the department (Faull 2007o).

However new challenges have arisen, as the ombudsman's office does not have the same insight into police culture and structures that an internal unit would have had, nor does it have powers of arrest. One respondent described the ombudsman's office as 'a dog without teeth'.

Formerly corruption complaints were directed to the Internal Affairs unit and a council whistleblowing hotline (Faull 2007p). After the restructuring all complaints were routed through the office of the ombudsman and its anti-corruption hotline, which deals with all city council complaints (Faull 2007q). Unless they report to a more senior police officer there are no formal structures within the Durban MPS for officers to report their colleagues. They too are expected to go through the ombudsman. The ombudsman's office has been advertised to the general public but its presence has not been introduced to MPS employees (Faull 2007q). Neither the council nor the MPS has a policy to support and protect whistle-blowers (Faull 2007p).

Corruption in the Durban MPS

The articles sampled for this research reveal very little about corruption in the Durban MPS. Shortly after changing from the Durban City Police to the Durban Metropolitan Police Service, the DMPS used publicity about the bribery arrests of six officers to appeal to the public to report other cases of bribery (Makhanya 2000).

In 2007 a number of articles about corruption in the Durban MPS were published in the media. Early in the year a senior MPS officer and spokesperson, Alec Wright, along with a number of other senior members of management, quit the service in uncertain circumstances. While they gave no formal reason for leaving, Wright is quoted as saying: 'There are a lot of good, honest policemen, both in the Metro and the SAPS. But good names have been tarnished by crooked dealings among officers' (Andrew 2007). More alarming was a report from mid-2007 which stated that Metro police had written a letter to the city manager threatening to take bribes to make up for the cutting of their night and shift allowances (Mthembu 2007).

Then in 2008 a Durban MPS constable was reported to be under investigation by the Scorpions regarding his multi-million rand home and fleet of cars (Tolsi 2008). This officer was defended by the Metro Police Members Forum which was reported as stating: 'In the past, policing was a calling, now it's a job. [The officer] is one person showing police the way towards financial independence, which is so important because it steers them away from bribery and corruption' (Gerretsen, 2008). The implication is that bribery and corruption are widespread.

When asked about corruption, the city manager, Durban MPS senior management, and the former

Internal Affairs head all viewed corruption as a serious challenge within the service. Only the civilian oversight committee reserved comment.

The city manager, who led the restructuring of the bodies that deal with corruption in the Ethekwini municipality, believes corruption is 'absolutely' a problem in the Durban MPS (Faull 2007o). His view is not based on figures but rather on the acknowledgement that there is a potential for corruption and abuse of power in the department and that this needs to be taken seriously.

Senior management in the Durban service gives as evidence for its concerns about corruption the fact that at one stage it was dealing with 230 outstanding disciplinary cases. This at a time when in had 945 operational officers (Faull 2007p). The main areas of alleged corruption were in traffic policing, followed by extortion and exploitation of sex workers and misuse of vehicles. Corruption in processing fines is also a problem. One form of fraud concerning fines was the use of fake prosecutor rubber stamps, used to make it seem as if a fine has been withdrawn , when in fact the driver has already paid. The clerk then pockets the cash without detection. Other examples of ill discipline and conflict of interest occur when officers report for duty and then go home, or officers who own taxis but have traffic policing functions.

Another perception is that many members of the MPS are aware of corruption but few are willing to speak out about it. According to a deputy chief, 'that's the culture that's there, unfortunately, [there's an attitude of] we don't want to do anything about it' (Faull 2007p). This deputy believes that the more than 90 captains within the Durban MPS, who represent the first line of operational oversight, are the ones with the best potential to clamp down on corruption. If these captains enforced the codes of conduct among their subordinates, he said, there would be a far lower likelihood of ill discipline and corruption. He notes instances where captains of one ethnic group have clamped down on subordinates of a different ethnicity, and have subsequently been accused of racism and transferred out of their positions. In his words 'as soon as a guy gets too good he gets posted to the outer areas,' inferring that this occurs under union pressure (Faull 2007p).

> Many members of the MPS are aware of corruption but few are willing to speak out

The former head of the Internal Affairs unit sees corruption as a 'major problem' in the Durban MPS, both among uniformed and civilian personnel (Faull 2007q). Despite the council-led restructuring, he doesn't feel that management in the Durban MPS takes corruption seriously. In his former post, he said, officers would approach him for help in overcoming what they termed a 'corruption addiction': they could earn as much as R1 000 per day through corrupt practices (Faull 2007q). He believes that internal hearings are a farce because the presiding officers are minimally trained and are often well known to the employee being disciplined. He said there were no guidelines on punishment and no reference is made to previous cases when deciding on disciplinary procedures. This leads to officers getting off lightly for major crimes and acts of negligence, for example a two-day suspension for alleged 'loss' of a firearm (Faull 2007q).

The civilian oversight committee found it difficult to say whether corruption is a problem in the Durban MPS (Faull 2007n). It recognises the seriousness of the problem in as far as it is an undesirable element in the department, but would not go so far as to call it an endemically serious problem.

Plans to prevent corruption

In 2007 the Durban MPS and entire Ethekwini City Council went through significant changes with regard to internal regulation and anti-corruption structures. One of these, already mentioned, was moving the Loss Control unit and Internal Affairs unit functions into the office of the ombudsman. This was in line with the city manager's view that investigations of corruption and maladministration in the MPS should not be conducted by employees of the service (Faull 2007o).

The city manager also moved to establish an inspectorate-type unit. Provision was made for a 'professional standards' unit which in September 2008 was still being formed (Faull 2008bb). As with the Tshwane MPD, the plan is for this body to be responsible for uncovering conflicts of interest, checking whether vehicles are being abused, whether weapons are accounted for, and providing general oversight of systems within the department (Faull 2007o).

The monitoring of vehicles used by supervisory ranks has been under way since the second quarter of 2007, and an electronic tag system that identifies vehicle drivers was introduced towards the end of 2007. This has proved to be an effective system which has lead to a number of disciplinary enquiries (Faull 2008aa).

Suggestions offered by Durban MPS respondents on what more can be done include further training and empowering first line supervisors (captains) with the skills necessary to stamp out street level corruption, and introducing harsher disciplinary measures (Faull 2007p). They felt that general ethics could be ensured through more focused recruitment and a better-controlled work

environment, and that offenders should not be let off with minor punishments (Faull 2007p, 2007n).

Conclusion

As the country's oldest municipal police department the Durban MPS has a long history of management by local government. Corruption is considered a serious challenge by both the city management and MPS management, although not by the civilian oversight committee. An Internal Affairs unit charged with investigating internal misconduct was only founded in 2005 but was disbanded in mid-2007 and its functions moved to the office of the ombudsman without increasing the capacity of that office. While this move is designed to ensure independence of the investigating body, it has not been possible to ascertain whether the new structure has proven to be an effective means to deal with corruption within the MPS. The introduction of vehicle and driver tracking has proved effective in improving basic discipline.

The Cape Town Metropolitan Police Department

Introduction

The Cape Town MPD was launched in December 2001. The MPD employs approximately 740 operational officers and 40 civilians in an area of 2 461 km² occupied by 3.27million residents (Faull 2007y).

The Cape Town department is unique in being the only MPD in which the initial staff intake was not composed primarily of former traffic department personnel. Only 8.3 per cent of the first employees were former traffic officers. When the department was set up in late 2001, the traffic department remained a separate entity, but a process to integrate it with the MPD was put in place, which was meant to have been completed by 2007 (Newham, Masuku & Gomomo 2002). However in mid-2007 the Cape Town City council changed its mind about this plan and decided that the traffic control function should once again be separated from the crime prevention and by-law policing section. The rationale was communicated in a speech by the city mayor, Helen Zille, who described the Cape Town MPD as 'mismanaged' and accused it of spending too great a proportion of its time (75 per cent) on crime prevention rather than on traffic duties (Zille 2007).

Regarding corruption, in August 2006, following a string of news articles alleging abuses and illegal activities by metro police in Cape Town's Helderberg district (responsible for Somerset West and surrounds), a committee of inquiry suggested major interventions, some of which would apply to the entire Cape Town MPD. Alleged offences included breaches of codes of conduct, the misuse of council vehicles (for private sales

of meat, or to conduct freelance security work), irregular granting of leave and the neglect of duties. Although not all the allegations were proved, the committee recommended better training, the introduction of new vehicle control measures, and public education on how to deal with police misconduct (Yuill 2006).

Anti-corruption structures and policies

The Cape Town MPD has an Internal Affairs unit that employs nine investigators, two administrative staff and two people whose job is to initiate disciplinary procedures. Its mandate is to investigate all complaints against metro police officers (Faull 2007t). Until the 2007 MPD split, this included investigations against the traffic and licensing components of the department.

Complaints are usually directed to the head of the unit who forwards them to the Internal Affairs unit's registry. A file is then opened, registered and allocated to an investigator who investigates and provides feedback and recommendations to the head of the unit. If disciplinary action is required, the case is forwarded to the MPD chief who in turn forwards it to the council's tribunal system (Faull 2007t). The Cape Town MPD does not have its own disciplinary structures or powers.

Members of the Internal Affairs unit are sometimes seen as acting on behalf of management by fellow metro police officers (Faull 2007t). Some members of the unit have even received threats from metro officers, although this is not common. The Internal Affairs unit believes they have sent a strong message to the MDP that those who engage in corruption will be disciplined both internally and criminally.

In the absence of its own corruption reporting hotline, the MPD relies on a council-wide line that can be used both by employees of the department and by the public. The public can also contact the MPD directly and will be directed to the Internal Affairs unit. If employees of the MPD want to report their colleagues they can use the same council hotline or report their grievance to a senior. The city, although not the MPD, has a whistle-blower policy to pride for protected disclosures.

Corruption in the Cape Town MPD

Just prior to the 2001 launch of the Cape Town MPD, The Cape Times reported a strike by Cape Town traffic officials who alleged that the head of the traffic and licensing department was guilty of corruption, nepotism, racism and mismanagement (Damon 2001). In 2008, seven years later, the same person was still head of the MPD, although he was suspended in mid-2008 following allegations that he had illegally converted a military driver's licence into a civilian one (Dentlinger 2008).

Later in 2001 it was reported that a group of newly employed Cape Town MPD officers were suspended for

Table 2: Cape Town MPD – Complaints and Disciplinary Action

Period	Complaints received	Corruption cases received	Criminal cases	Dismissals	Disciplinary hearings
2005 (Oct-Dec)	54	1	2	0	0
2006	290	23	12	10	60
2007	226	8	9	17	194
2008 (Jan-Sept)	74	3	9	3	78
Total	644	35	32	30	332

Source: Cape Town Metropolitan Police Department (2008)

lying about qualifications and criminal records on their applications. An executive from the city council stated at the time that the council was 'absolutely committed to provide the city with a corruption free, competent and outcomes-driven municipal police service' (Smith 2001). Again in 2001, charges were made against a senior Cape Town traffic officer, although the charges were temporarily withdrawn while investigations continued (Joseph 2001).

After 2001, the news reports sampled in this research carried no reports of Cape Town MPD corruption until 2007, with a number of reports in that year. One article reported that a senior Cape Town MPD manager was refusing to step down as acting-chief, claiming he was being forced out for exposing corruption (Joseph 2007). Another 2007 article refers to the exposure of corrupt licensing clerks in a Khayelitsha vehicle testing station. Once again, in response, the city emphasised its dedication to rooting out corruption (Maposa 2007). Two further misdemeanours reported in 2007 are that of an MPD officer caught reading a newspaper in his vehicle during rush hour and another officer having sex with a sex worker in his patrol car. Another 2007 article reports that two were officers arrested for theft, defeating the ends of justice, and corruption, but does not state whether these are SAPS or metro officers (Joseph 2007). In mid-2008 two MPD officers were arrested for soliciting a bribe from a motorist (Van der Fort 2008).

'The problem is people don't feel that it's illegal…in their minds it's part of their duty'

Interviewed before she resigned in October 2008, a deputy chief (appointed acting chief after the chief's suspension in 2008) of Cape Town MPD made reference to complaint statistics to support her view that corruption is not a problem in the department.[12] However she somewhat contradictorily admits: 'The problem is people don't feel that it's illegal, to them it's not an offence anymore. In their minds it needs to happen, it's part of their duty' (Faull 2007s). The acting chief conducted induction and awareness campaigns with new recruits on the importance of policing with integrity but she believed that within a relatively short period on the job some of them picked up corrupt practices from colleagues. She believes that everyone knows they can make money in the metro police by extorting bribes from motorists and protection money from hawkers. She says bribery, theft and extortion are the most prevalent forms of corruption in the Cape Town MPD (Faull 2007s).

The Internal Affairs unit confirms much of the deputy chief's view. Based purely on the figures, it would appear that corruption is not a problem, although the unit also recognises that figures do not reflect the whole picture (Faull 2007t). They are aware particularly of bribes extorted from motorists, of the issuing of fraudulent licences (although since mid-2007 the Internal Affairs unit stopped investigating these) and of theft by employees.

The civilian oversight committee feels that the Cape Town MPD takes corruption seriously, although they admit that their only indication of this seriousness is managerial rhetoric and statistical feedback in meetings. The committee tracks complaints and disciplinary procedures in the department, and has noted that nobody within the MPD has ever reported a colleague. It believes this is because 'everybody has some dirt on them' so to report a colleague would be to set oneself up for a revenge report (Faull 2007r).

Disciplinary figures for the MPD could be obtained only for the previous four years. The figures suggest a low number of corruption-specific complaints (see Table 2). Additionally, these figures do not indicate the outcome of corruption complaints in particular, making it impossible to know whether the criminal cases, disciplinary

hearings or dismissals resulted from corruption or other transgressions.

Plans to prevent corruption

Considering the 2007 structural change in the Cape Town MPD it is understandable that the department's anti-corruption plans are not yet in place. One important initiative is a recently developed anti-corruption strategy which aims to renew the focus on the proactive policing of corruption (Faull 2007s). Other plans include the education of MPD officers and the public about corruption and its repercussions, and the introduction of an anti-corruption hotline. The hotline was suggested in 2007 but by late 2008 had not yet been set up (Faull 2007s, 2007t).

Conclusion

In some respects the Cape Town MPD may be considered the least stable of the country's MPDs. It has struggled to establish a civilian oversight committee. It has received serious complaints about its (now suspended) chief as well as its officers in the Helderberg region, resulting in an independent inquiry. It has reversed its plans to incorporate traffic police into the unit. All of these things indicate a department struggling to find its feet. Taken as a whole, the views of management and the Internal Affairs unit are somewhat contradictory. On the one hand they draw attention to the low number of corruption complaints, while on the other hand they see the practice of corruption as integral to the job of a metro police officer. While the recent introduction of an anti-corruption strategy is encouraging, it is not yet certain how this works or whether it has been helpful.

The Swartland Municipal Police Service

Swartland (SMPS) is the only *municipal* – as opposed to *metropolitan* – police service in the country, and it differs in a number of ways from the metropolitan entities. With only 46 members the Swartland MPS is responsible for traffic and by-law enforcement, licensing and crime prevention. It covers a large and mostly rural area 50km north of Cape Town, with a population of roughly 80 000 including several small towns. The unit has two divisions, one in Malmesbury and the other in Moorreesburg. The head office and most of the staff are based in the Malmesbury office, which also has a precinct office in the town of Darling. The Malmesbury office started operating a 24-hour service in June 2007, while Darling and Moorreesburg close at midnight. The service is headed by a chief, a deputy and two divisional commanders. The chief reports to the Swartland Municipal Council, the SAPS provincial commissioner and the MEC for Community Safety.

Considering the vast open area being served, the Swartland MPS is short of human resources. It also faces the challenge of not having a best practice or even a similar municipal department against which to benchmark itself (Faull 2007v). It does however receive significant support and guidance from the Ekurhuleni MPD.

Anti-corruption structures and policies

If a member of the public calls the switchboard to lodge a complaint about municipal policing, he/she is usually transferred directly to the office of the municipal police chief. Most complaints relate to assault, damage to property or unbecoming conduct. The chief has never received any complaints regarding corruption, apart from those relating to licensing (Faull 2007v). The same reporting process applies to employees who want to report their colleagues, though this has only occurred once.

The Swartland Municipal Police Service does not have a formal structure for investigating corruption or other problems within the service. All complaints are investigated by the chief or an official close to the chief (Faull 2007v).

Corruption in the Swartland Municipal Police Service

The sample of news articles used for this research contains no stories about the Swartland MPS. While it can be argued that small town corruption is not considered newsworthy by urban publications, the Swartland police chief disagrees that this is the reason for the absence of such reports – for him it is a true reflection of the lack of corruption. As he points out, a resident wanting to highlight a problematic run-in with a police officer would have little problem getting front-page coverage in a local newspaper (Faull 2007v). The only way corrupt officers would avoid such coverage would be if officers patrolling freeways consciously targeted vehicles with number plates from out of the region. Such drivers wanting to lay complaints are likely not to know anything about the Swartland MPS or how to proceed with their complaints. However it is the police chief's view that corruption is minimal.

The chief has only ever experienced corruption in the licensing department and 'would like to think that everything is fine' elsewhere. In his view, if there are corrupt officers in his department they are hiding their crimes very well. In general his officers report each other for misuse of vehicles or misconduct, so it would follow that they would report corruption if they were aware of it (Faull 2007v). He believes that in any policing environment it would be impossible to prevent corruption unless officers were supervised throughout their shifts.

The civilian oversight and public safety committees were 'not at all' concerned about corruption (Faull 2007u).

Current and future plans to prevent corruption

The Swartland Municipal Police Service feels it has put general control measures in place, particularly in the licensing department, which make it difficult for any large-scale corruption to take place. It has no further plans for addressing corruption; apart from sending a message that it will not be tolerated and that offenders will be punished (Faull 2007v).

The chief of the police service notes that for his department, and in fact for all metro police departments, a new system of issuing and paying fines will need to be developed for the 2010 FIFA World Cup. Officers will not be able to issue fines to tourists because tourists cannot be summonsed once they have left the country. This may leave officers with arrest as their only recourse, something many tourists may be willing to pay bribes to avoid. The likelihood of corruption will be increased unless a good system is found.

Conclusion

The Swartland MPS, compared with the large metro police departments, has an extremely small employee base. Complaint reporting structures are simple and are linked directly to the chief, and no specialised corruption investigation units exist in the service. Neither the chief nor the oversight committees view corruption in the service as a problem or threat, nor have there ever been complaints of corruption.

If MPD managements are as concerned with corruption as they purport to be, one would expect them to provide guidance to units responsible for investigating it

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FINDINGS, SUMMARY AND COMMENT

Internal perceptions of corruption

The definition of corruption in MPD discourse is very broad. Senior management, internal investigators and oversight committees generally include within their definition abuse of vehicles, deliberate neglect of duties, soliciting bribes, lending or renting of firearms and passing information to criminals.

Senior management in all MPDs, other than the Swartland MPS, views corruption as a serious problem. Considering the Swartland service's uniquely small size (46 officers) and its mainly rural jurisdiction over small town communities where officers are known by name and can easily be exposed, this lack of concern may be justified. The Swartland service is also the only MPD without a dedicated internal investigation unit and the only one not to feature in the sample of news articles reviewed for this research. What follows therefore applies to the large metro MPDs.

While it is reassuring to note the seriousness with which senior management of MPDs appear to view corruption, it is concerning that most units mandated directly with the task of preventing and investigating corruption do not see it as a serious issue. For example in Johannesburg, members of the Internal Affairs unit of the MPD contend that '99 per cent' of officers are clean. Similar views are held by the internal investigation units of the Ekhuruleni MPS and Cape Town MPD, as well as the head of the Tshwane MPD's Policing Governance body. While members of these internal units appear passionate and committed about fighting corruption, the fact is that corruption investigations – as opposed to accident, assault or conduct unbecoming cases – do not occupy much of their investigative time.

To support their views that corruption is not much of a problem these units are quick to refer to the scanty data relating to corruption cases. This, however, is a flawed argument. Corruption, especially endemic corruption, is impossible to measure. So while quantitative data on complaints of corruption and related disciplinary action are useful, they should not be viewed as indicators of the level of corruption taking place. If they are indicators of anything, they show how actively an MPD engages with corruption over time and of the direction in which anti-corruption developments are moving.

It is not difficult to see the flaws in arguments that say statistics show that not much corruption is taking place. If corruption detection were made more effective, the immediate effect would be an escalation of complaints and information. Only after the detection measures had succeeded would the number of incidents decline. If the public is not aware of the existence of corruption reporting structures, or of how complainants will be treated, reports against officers are unlikely to be forthcoming and figures on complaints will be low. Were the public to be better informed of these mechanisms, and were they to begin using them, figures would rise. You would

see a similar trend if employees within MPDs were trained and encouraged to report misconduct amongst colleagues. Perhaps most importantly, if internal affairs units were proactive in their functions rather than waiting to receive complaints, then more corruption would be uncovered and higher statistics would follow.

The fact that the units mandated to investigate corruption within the MPDs are required to act on their managements' concerns, yet appear not to hold the same views as management regarding the extent of the problem, casts some doubt over managements' rhetoric. If MPD managements are as concerned with corruption as they purport to be, one would expect them to provide corrective guidance to those units within their departments responsible for investigating corruption.

Civilian oversight structures

The views of oversight committees are equally worrisome. Councils have both general 'public safety'[13] committees (made up of council representatives) and civilian oversight committees linked to their MPDs. While any local government can establish the former structure, the latter has its roots in the SAPS amendment act[14] and is linked specifically to MPDs.[15]

MPD civilian oversight committees in their present forms were reconstituted after the 2006 local government elections. The Ekhuruleni MPS and Johannesburg MPD still do not have such committees. Almost all oversight committees have struggled to understand their mandate, despite support from the SAPS in this regard. This confusion usually arises from their perception that they replicate council's public safety committee functions. This concern is best illustrated in Swartland, where all civilian oversight members also sit on the council's public safety committee.

Civilian oversight committees have without exception adopted a blasé attitude towards corruption

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Unlike the SAPS community policing forum (CPF) structures in which local level community engagement is encouraged, MPD civilian oversight involves a handful of representatives from community and political sectors of a city's population. In general these committees provide oversight of MPDs at the request of council, rather than by raising their own issues and concerns. Civilian oversight is thus reactive, responding only to issues placed on

the agenda by the structures they should be overseeing. The only data available to them is supplied by the MPDs, rather than by independent research or on-the-ground citizen knowledge. MPD representatives, by contrast, are required to sit in at SAPS community police forum meetings within their jurisdictions, where they can be held to account by community members.

It is of concern that civilian oversight committees have without exception adopted a blasé attitude towards corruption, always referring to available corruption data to support their views. Corruption has never appeared on the agenda of any committee. The closest any have come to engaging with corruption is the monitoring of disciplinary data and proceedings in the Cape Town MPD and the Durban MPS.

Thus both the investigating units and the oversight committees demonstrate a reactive engagement with corruption. A country without effective crime reporting structures will produce low crime statistics, but this does not make it a crime free country. The same logic must be kept in mind when considering corruption statistics. Data about complaints and disciplinary matters, considering their illicit and often consensual nature, are likely to represent only a fraction of the corrupt acts being committed by employees.

It is also important to remember – as any MPD manager will verify – that police corruption almost always involves someone outside the organisation. As long as a corrupted public participates in a corrupted system, formal complaints about that system are unlikely to surface. This does not mean that the crime is not occurring or that it is without victims. While it may benefit the actors in the transaction at the time, both the bribe payer and the power abuser will lose a little faith in law enforcement and justice institutions each time they engage in such acts. The result is an ongoing withering away of national policing, citizen integrity, and faith in policing institutions, as evidenced by the surveys referred to earlier and general public discourse.

Anti-corruption structures and policies

In the absence of vigorous structures that make discipline enforceable and lay down clear consequences for corrupt action, there is little incentive, other than individual integrity, for officers to either avoid or expose corruption. The following is a summary of current reporting mechanisms along with suggestions of what can be done.

Mechanisms for reporting corruption

None of the MPDs have structures or guidelines for employees on how to blow the whistle on corrupt colleagues. Management simply expects them to report

matters to supervisors, contact internal investigations units directly, or utilise hotlines where these exist. No MPD encourages, educates or motivates its employees in this regard.

An anti-corruption hotline seems to be the most obvious starting point in the development of reporting structures. Council-wide hotlines may not be ideal in that many city residents remain unaware of the role councils play in managing metro police, and so would not see a council hotline as an obvious channel through which to lay such a complaint.

While it may not be necessary to separate police and civilian reporting structures or hotlines, awareness building and education around those structures is vital, both internally and externally. This is particularly important for educating would-be whistleblowers on how they might be protected. Few respondents in this research believed it possible to both protect a whistleblower and secure a conviction. In this regard testimony in camera might be an option worth considering.

Creating a more proactive disciplinary environment

All MPD bodies are primarily reactive in nature, responding to complaints rather than actively seeking out corrupt officers and employees. The only exceptions are the Tshwane MPD Inspections unit, a 'proactive' subsection within the Johanesburg MPD Internal Affairs unit, and to a degree Ekhuruleni's Integrity and Standards Unit. Nevertheless, it is unlikely any of these units' will not be able to reduce corruption through their current approaches.

Table 3 shows how the structure and mandate of internal investigation units varies between MPDs.

Unfortunately even the more proactive units are very limited in their scope for action. The reason given is that units require entrapment orders from the director of public prosecutions in order to trap officers or the public in a manner that can be criminally prosecuted. Even when an officer is caught on camera accepting a bribe, the case cannot be prosecuted unless the bribe payer admits to the offence. Instead, an independent witness/undercover officer needs to be present at the exchange. Units interviewed gave the impression that entrapment orders are difficult to obtain. In fact the Ekhuruleni MPD's Integrity and Standards unit views lack of entrapment powers as the greatest hindrance in its work.

Without an entrapment order, internal units are still able to pursue departmental action based on acts caught on camera or through other traps (entrapment orders are only necessary for criminal prosecution). One might then ask why such trapping and monitoring does not occur, as all internal units have access to the necessary

recording equipment to trap employees. Reasons given for not pursuing trapping include the following:

- perpetrators cannot be arrested as these would be labour offences rather than criminal offences
- perpetrators might not be adequately dealt with by the department
- if they are found guilty and are dismissed they can easily apply to another law-enforcement agency, and there will be no criminal record to prevent this
- there is a concern in MPDs that if offenders are seen to have been disciplined only at the departmental level it may create a perception that the department is soft and not sophisticated enough to build criminal cases

While these concerns may be legitimate, it seems clear that a unit that vigorously and proactively collects evidence against officials would hugely bolster the attempts of any MPD to fight corruption. The evidence collected could either be used to discipline employees departmentally or to justify applications for entrapment orders (in order to pursue criminal charges). On the other hand such units could threaten relations between management and operational officer.

Location of investigating units

The Durban MPS is the only service with an investigations unit situated outside the MPS. This is a good idea in some regards, but in the case of Durban it is still unclear whether the office of the ombudsman is as effective as the former Internal Affairs Unit. Staff in the ombudsman's

Entrapment and Integrity Tests in New York City

In both New York City and in South African metros, entrapment law stipulates that while nobody may be enticed or coerced to commit a crime, an opportunity to commit a crime may be created. Through close cooperation with prosecutors, the New York Police Department's Internal Affairs Bureau (IAB) has become creative in the manner in which it tests officers through 'field integrity tests'. Vehicles containing cash or narcotics can be left in police care after a staged accident, a 'missing bag' containing valuable jewellery or cash can be handed to an officer by someone posing as a stadium official at a sports event. Officers are monitored to test whether they process the items correctly, or pocket them for themselves. Unless they fail, officers are not told whether they have been 'tested' in a trap and therefore must assume that any engagement with the public could be a test. Although the unit conducts around 1000 tests per year, research conducted by the police department showed that on average officers believed closer to 6000 tests were conducted. The New York IAB stresses that police corruption cannot be addressed without proactive action, an approach which appears to be very weakly supported in South Africa's MPDs (Newham 2003).

Table 3: A comparison of anti-corruption bodies across departments

Johannesburg	Ekurhuleni	Tshwane	Durban	Cape Town
Internal Affairs Unit: In current form since inception of JMPD 22 officers report to chief mandate to protect image of council and JMPD and investigate misconduct. Primarily reactive, new 'proactive' unit monitoring and inspecting on friendly terms with operational officers	**Integrity and Standards Unit:** in current form since 2004 4 officers report to chief mandate to monitor and investigate all misconduct primarily reactive, some proactive monitoring and inspections consider themselves 'loners' but not hated by operational officers	**Policing Governance** **Inspections** in current form since inception of TMPD but merged with Conduct Investigations and Civilian and Internal Affairs in 2008 4 officers report to Chief mandate to monitor and assess all departmental processes proactive monitoring and inspections of offices and assets respected by operational members **Conduct Investigations Unit:** in current form since inception of TMPD but merged with Inspections and Civilian and Internal Affairs in 2008 9 officers report to head of policing governance mandate to investigate all complaints against TMPD reactive accepted by some but not all, have received death threats. **Civilian & Internal Affairs Unit:** in current form since inception but merged with Internal Conduct Investigations and Inspections in 2008 4 officers report to head of policing governance mandate to advise with regards to civil claims, disciplinary and departmental action, and legal assistance for operations. reactive accepted by colleagues	**Ombudsman's Office:** founded in 2003 but only assumed function of former Internal Affairs Unit in mid-2007, located outside of DMPS report to city manager mandate to investigate allegations of corruption and maladministration reactive	**Internal Affairs Unit:** in current form since inception of CMPD 9 officers report to deputy-chief mmmandate to investigate all complaints against CMPD officers. reactive accepted by some but not all operational members

office may be ignorant of the complexities of police organisations making them less effective. Nevertheless, the externally located model is worth monitoring.

In trying to understand which structure is most effective, a number of points stand out. It makes sense that all anti-corruption related functions are located within a single unit and that this unit is either independent of the MPD or independent within the MPD, reporting directly to the chief. If the unit is located outside of the department, members should have some investigative experience in a police environment.

Secondly, it seems important that investigations units fulfil the 'inspections' type function, monitoring systems and checking on adherence to policy. Apart from vehicle and driver tracking, this is the only proactive step currently being taken by some MPDs. The Johannesburg MPD's 'proactive' Internal Affairs sub-section could prove a useful model because unlike other inspectorates,

it has jurisdiction over operational members as well as district offices.

Plans to prevent corruption

The various MPDs all seem to be making positive changes in their fight against corruption.

Johannesbug MPD appears to be leading the way in creating awareness and making its corruption reporting structures accessible. It has a dedicated hotline and holds public education events (unfortunately the hotline number is printed in very small text and 'public awareness campaigns' are often limited to the handing out of brochures). Driver identification tags linked to vehicle tracking devices ensure that drivers of Johannesburg MPD vehicles can be monitored at any time. Similar technology is being used by the Tshwane MPD although the department has suffered technical difficulties in this regard. It is not clear whether either department is utilising the technology to its full potential. The driver identification tags and tracking devices used by the Durban MPS have reportedly proven very successful. MPDs not yet using such technology might do well to invest in similar technology.

The Johannesburg MPD's proactive sub-section in its Internal Affairs unit, and Tshwane MPD's similar unit known as its Inspections Unit. These units conduct spot checks of officers on the road and at district offices. The Durban MPS is in the process of establishing an similarly functioning 'professional standards' unit to monitor adherence to proper systems. The Cape Town MPD has developed an anti-corruption strategy which focuses on encouraging proactive processes, although it too believes it is restricted by lack of access to entrapment orders. The Cape Town MPD hoped to introduce an anti-corruption hotline in 2007 but has not done so yet.

> One of the most proactive ways of combating police corruption has yet to be pursued by South African MPDs

Although all these initiatives proactively address corruption, one of the most aggressively proactive ways of combating corruption – the field integrity test (see Entrapment and Integrity Tests in New York City) has not as yet been pursued by South African MPDs. While the ethics of the field integrity test are debatable, the knowledge that officers may be being set up should be enough to deter many.

The various restructuring processes of internal investigations units undertaken by the Durban MPS and Tshwane MPD are proactive steps worth monitoring and comparing into the future. The Tshwane MPD aims to launch a new code of ethics, establish a central complaints desk, and introduce new vetting and security clearance systems.

In 2007 the Ekurhuleni MPD claimed to be drafting a new disciplinary code for MPDs but by late 2008 nothing had manifested. Currently, as council employees, all MPD employees are governed by their council's general disciplinary code. This means that firearm-bearing officers with immense power, who drive fast cars, are disciplined in the same way and by the same criteria that any other council employee. It also means that discipline of MPD employees is carried out by council structures which may not be familiar with the police culture and environment, or with the serious implications of some offences. This flaw is currently a major obstacle to disciplining all MPD employees.

The violent strike action by Johannesburg MPD officers in May 2008 would not have occurred if metro officers had been governed by the same code as SAPS members, who are considered essential services and are thus legally barred from striking. The Ekhuruleni MPS is hoping to adapt the SAPS Corruption and Fraud Prevention Strategy for application in a metro context. However this is being delayed by the fact that the SAPS has yet to complete the development and implementation of this strategy.

Lessons and suggestions

This paper has highlighted a number of key gaps in MPD corruption management. Some of these may remain beyond MPD control for the time being. However the most effective practical steps, according to what MPDs have described, can be summarised as: a) the need for a more relevant code of conduct for governing employees, b) the need to overcome limitations in relation to disciplining employees, and c) the need for more appropriate and better understood entrapment and investigative powers.

Improving the code of conduct

MPD employees are governed by the same code of conduct that governs other council employees, and disciplinary actions are currently more appropriate to ordinary council employees. Consequently MPD officers may be disciplined in minor ways for offences which, given their role as law enforcers, should be considered serious.

Senior managers repeatedly complained of the 'soft' punishments dealt out to offending officers. They were in

favour of a new disciplinary code in line with the code of the SAPS rather than the council codes.

More effective disciplining powers and structures

Complaints from MPDs about appropriate discipline relate both to the code of conduct but also to the fact that, with the exception of the Johannesburg MPD, serious disciplinary actions (tribunals) are handled by councils, and expulsions can also only be handled by councils. There is no case law to suggest how officers can be disciplined. The result is that officers may receive very different degrees of punishment for the same acts at different times and in different MPDs.

MPDs also complain that councils prolong disciplinary procedures. A practical consequence is that employees who might be blatantly guilty may be allowed to return to work because of the legally stipulated three-month maximum suspension preceding disciplinary action. Even officers caught red-handed may remain unpunished and return to their previous jobs due to these disciplinary failures.

Managers suggest the shifting of disciplinary processes to the MPDs. This would not only allow actions to be considered within policing contexts, it will also allow MPDs to develop and share precedents on the punishment of offences. This in turn would send clear messages to employees about the punishment they might expect should they be caught engaging in corrupt activities.

For criminal cases, MPD investigators do not have the same investigative powers as SAPS detectives. As a result criminal investigations against MPD offenders must be handed over to SAPS detectives who are already overburdened with work and are unlikely to consider MPD corruption a priority. Such cases may receive minimal attention, or be only partially investigated, or withdrawn by senior prosecutors.

> Councils prolong disciplinary procedures resulting in guilty officers returning to work

MPD managers complain that even when an MPD unit has gathered the necessary statements and evidence, progress often slows down once dockets are handed to the SAPS. Then because of the three-month suspensions limit, this can result in a blatantly guilty officer continuing with duties. To remedy this, changes would need to be made to legislation in order to endow MPD investigators with the necessary powers. Alternately, attention should be give to section 64F, paragraph 2 of the SAPS Amendment Act of 2002 which allows the minister to grant some MPD officers the same powers as SAPS members.

More effective entrapment powers

The inability to trap officers without prior orders issued by the Director for Public Prosecutions is considered a major restriction to the independence and power of MPD units when it comes to weeding out corrupt officers. Some MPD units believe this would require amendments to legislation, but it is possible that the use of entrapment is not fully understood by these units, or has not yet been sufficiently tested.

Other measures

There are a number of other steps that could be taken by each MPD to bolster their organisational integrity and their capacity to fight corruption. These include: the introduction of tracking technologies as pursued by the Johannesburg, Tshwane and Durban MPDs; a greater focus on basic discipline (including zero-tolerance for basics like speeding and not wearing seatbelts); performance monitoring systems that encourage honest and efficient police; improved recruitment, vetting and promotion strategies. The upgrading and advertising of corruption-reporting structures linked to functional investigation and prosecution mechanisms would also be effective.

Hotlines and public awareness

Considering the expense of establishing and publicising hotlines, one option would be for all MPDs to partner with the SAPS or the Public Service Commission (PSC) or the National Anti-Corruption Forum to create a national police anti-corruption hotline. This hotline could easily disseminate complaints to the relevant structures in each MPD, and to the Independent Complaints Directorate (ICD) in cases of serious crimes. Budgets for advertising and public education programmes linked to the hotline could be pooled and shared by the MPDs and SAPS. This suggests an integrated, national campaign against police corruption. This option would fit well with existing SAPS plans to embark on a public anti-corruption campaign. An even simpler plan would be for these organisations to partner and to run an intensive public awareness campeign linked to the already established PSC's hotline.

Besides publicising how to report corruption, any public awareness campaign should also discourage public participation in corruption by highlighting its criminal nature and publicising the arrests of bribe payers. This is extremely important in light of the Ekhuruleni MPS belief that members of the public falsely accuse officers of offering bribes in order to avoid

legitimate fines issued to them. Whether this is true or not, it is clear that the idea that police corruption is extremely widespread, and that both officers and the public can take advantage of this perception in a manner that makes a mockery of systems of justice. A similar undermining of justice occurred when Durban MPD officers in 2007 threatened to accept bribes if their pay was reduced. Without making well-publicised examples of both the corruptors and the corrupted, the public will continue to consider itself innocent, laying all blame on MPDs and further eroding faith in institutions of justice.

Ultimately, a culture of organisational and public integrity needs to be fostered if we hope to move forward with a functional justice system. As draconian as it may seem, the best way to achieve this might be through proactively 'testing' officers in the field while simultaneously demanding full adherence to all organisational, municipal and state laws.

CONCLUSION

Metro and municipal police often engage the public on what are considered by many to be 'soft' crimes, such as speeding and loitering. In a country where the rules of the road are only partially respected by many drivers, and infringements of by-laws are seen as inconsequential by most, it is easy to see how both police and the public might consider a brief exchange of cash to be a simpler solution than the formal fining process. With research suggesting policing and traffic related bribery to be the most rife forms in a country plagued by crime, it is vital that attention is paid to the control and reduction of corruption in the country's MPDs. The long term consequences of leaving things as they are could mean that all of us – not only MPD employees and members of the public who engage in corruption, but also those who are increasingly aware of its presence – will lose faith in the structures of justice in South Africa. This is particularly worrying, considering the predicted rise in traffic-related bribery when the new drivers licence points demerit system, AARTO, is implemented.

But in addition to the policing of 'soft' crimes, MPDs also police the most violent and criminal members of our population. Corruption-related cracks that open up in the area of traffic or by-law enforcement can carry over to crime prevention duties, so that officers collude with criminals for personal gain and seriously undermine criminal justice systems. The decent middle-class salaries paid to MPD officers mean that any monetary corruption is based on greed rather than need.

All of the metropolitan police departments have ideas about how they might better clamp down on corruption. The changes that have to take place in order to implement these ideas are sometimes beyond the control of the MPDs, falling within the realm of city councils or national police policy and legislation. City councils and the SAPS could improve law enforcement by considering the restrictions experienced by the MPDs, and moving to rectify them.

Overall, the situation of South Africa's MPDs corruption is relatively promising. Even though attitudes need to change regarding the value of disciplinary statistics, and external oversight structures need to be strengthened, leaders in all MPDs seem at least rhetorically motivated and busy, seeking to curb the prevalence of corruption. Investigations need to become proactive, and the limitations of entrapment orders need to be explored. It is vital that this enthusiasm does not wane, that the momentum in reforming structures does not slow down, that urgent attention is giving to questions of trapping and investigation, and that stronger cultures of discipline and integrity are fostered.

NOTES

1   Such duties might include joint operations at large public events like concerts or strikes, joint crime prevention operations such roadblock initiatives, and cooperation during times of crises such as during the xenophobic attacks of May 2008.

2   Due to the rather haphazard nature of MPD civilian oversight with regard to corruption management, little focus is given to these structures. For a detailed introduction to civilian oversight of MPDs see Newham, G. 2004 'Local Level Civilian Oversight of the Metropolitan Police Departments in South Africa', Johannesburg: Centre for the Study of Violence and Reconciliation.

3   Metropolitan and municipal police departments are established under the same legislation. The difference in name results from the fact that urban areas must constitute a certain size to be considered 'metropolitan'. The Swartland MPD is included in this study because it is essentially a metropolitan department but in a peri-rural setting.

4   Many of the areas in which MPDs are susceptible to corruption would also apply to municipal and provincial traffic enforcement agencies in other parts of the country. MPDs function in most major cities, have a broader mandate, are generally better funded and more complexly organised than traffic agencies, and constantly cooperate and share information with one another. For these reasons this paper does not address any traffic agencies.

5   This trend is found in both the 2003 and 2007 ISS surveys (Burton et al. 2004; Louw 2008)

6   For examples of ambiguous media discourses on police see Venter 2003 in *The Citizen*; *Sapa* 2003 in *The Sowetan*; and Joseph 2007 in *The Cape Argus*.

7   In effect the Tshwane Metro Police Department no longer exists as an independent council department, and has been amalgamated into the larger Department of Community

Safety. For the purpose of this paper however, the acronym MPD will be used for ease of reading, and because officers remain 'Tshwane Metro Police Officers'.

8   This name is expected to change to "Inspections and Investigations' in the near future.

9   Until August 2008 the unit was known as the 'Internal Conduct Investigations Unit'. The Conduct Investigations Unit is linked to the Incident Investigations Unit (IIU) which investigates losses in and against council such as theft of council property. The IIU does not deal with cases involving Tshwane MPD officers. The IIU has 18 members and was previously called Forensic Investigations.

10 The unit is also be tasked to investigate allegations of corruption against Disaster Management and Fire Brigade Services personnel should these arise. This mandate was introduced in late 2008. Traditionally the unit has only investigated TMPD personnel.

11 In October 2008 the media lambasted the EMPD for having almost 500 new vehicles standing idle in their lot, allegedly since May. The EMPD responded by promising that most would be in action by November (Eliseev 2008, Sapa 2008)

12 At the time of the interview she was a Deputy Chief.

13 Although these go by different names such as 'Health and Safety' or 'Safety and Security' Committees.

14 Republic of South Africa, 2002 South African Police Service Act 68 of 1995, Amended 2002

15 For a thorough overview of MPD oversight structures see Newham, G. 2004 'Local Level Civilian Oversight of Municipal Police Departments in South Africa', Centre for Study of Violence and Reconciliation

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PASCO Risk (consulting to EMPS and TMPD)

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RELEVANT E-MAIL CORRESPONDENCE

x   Email correspondence with Deputy Chief Middleton, DMPS, 22 October 2007

y   Email correspondence with Deputy Chief Mathabahte, CTMPD, 26 October 2007

z   Email correspondence with Deputy Chief Armstrong, EMPD, 29 July 2008

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ABOUT THIS PAPER

Police in South Africa are increasingly perceived as being corrupt. Research indicates that corruption is especially prevalent in the enforcement of traffic regulations which, in the major urban centres, is primarily the responsibility of Metropolitan Police Departments (MPDs). As police organisations established and managed by city councils, MPDs are independently responsible for integrity and corruption management in their departments. This paper represents the first attempt of its kind to understand and compare the manner in which the different MPDs try to address these challenges.

ABOUT THE AUTHOR

ANDREW FAULL is a researcher in the Crime, Justice & Politics Programme at the Institute for Security Studies. He would like to express his gratitude to all those who made this paper possible, especially senior management of the metropolitan and municipal police departments.

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