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SAPU Conference Report

Policing Perspectives in South Africa

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This Paper is submitted to the ICPRA conference held on the 24 to 28 May in Denmark, Copenhagen. Typically the paper discusses three issues, perspectives of SAPU on the international policing and key issues for discussion with the UNPOL. Secondly, it discusses the issue of salaries of police officers and compares it with salaries of other public service workers and lastly, is discusses the violence nature of crime on police officers.

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Introduction

The South African Policing Union is the second largest union in the South African Police Services with close to 70 000 members. Since its formation in 1993, the South African Policing Union has become an important feature of the modern police in South Africa and in the Southern Africa region. Despite its troubled past, SAPU has undergone radical transformation to become a model and an organisation entrenched in democracy and transparency hence its popularity amongst the thousands of police and prison officers in South Africa. SAPU is an apolitical organisation with no direct relations to party political organisations, though supports progressive organisations who are working towards consolidating the fruits of our young democracy. Our vision, therefore, is work towards bargaining for the improvement of salaries, working conditions and allowances for its members. SAPU also work towards strengthening norms of democratic policing and culture.

The South African Policing Union derives its resources from membership fees of its members. Our resources are enhanced by full time union staff members in all the 9 provinces of South Africa. Using its buying power, SAPU engages service providers to provide discounted rates and prices to our members. SAPU engages with business in an open and transparent manner. The executive of the organisation sanction all businesses dealing that SAPU enters into as long as they are conducted ethically and within the principles of corporate governance.

SAPU is excited to submit its report to this (24th to 28th ICPRA) meeting being held in this historic city in Denmark, Copenhagen. As requested by the general secretary of ICPRA, this paper will deal with three issues;

1. SAPU perspective on International policing regarding the United Nations;
2. SAPU analysis of salaries of police officers compared to employees in the public sector;
3. The state of violence against police officers in South Africa.

International Policing and the Role of United Nations

The perspective of the South African Policing Union is that the United Nations through the United Nations International Policing Mission and the United Nations Department of Peace Keeping Operations – Police Division (UNDPKO – UNPOL). Our view is also informed by our understanding of the role of the United Nations and its Peace Keeping missions. SAPU views the involvement of the UNPOL in the ICPRA meetings as a stepping stone for ICPRA to become a truly international partner which can play a more meaning role in assisting the UNPOL in addressing global security problems. In particular, ICPRA can play an important role in introducing through the UN system the issue of labour relations and rights of police officers. Given the global appeal and reach of the United Nations and perhaps their legitimacy globally, we think that it will be an excellent vehicle to tap into to expand the issue of labour rights of police officers internationally.

Given the security sector reforms that are taking place globally as a result of new threats posed by global terrorism, drug and human trafficking and impact of globalisation the role and priorities of police agencies have also shifted. The problems surrounding illegal immigration, the international drug trade, and, arguably most important of all, international terrorism, attention towards international crime problems among police of many countries will remain a crucial factor in world-wide police relations. A central question for the future is whether labour rights of police officers can also be entrenched in this new policing approach.

Without any doubt the future of international policing transcends the borders of national states so are the values. The issue of entrenching labour rights especially in democracies ensures the protection of fundamental rights of citizens as well as police officers. We believe that while the UN systems that seek to provide protect humanity provides legitimacy to entrench these values in their security sector initiatives.

Supporting democratic political life

A widespread assumption is that democratic reform is concerned with ‘de-politicising’ the police. Arguably it is more correct to think of this process in terms of a ‘re-politicisation’ of the police, in terms of which the police are obliged to protect the exercise of democratic political rights, such as rights to freedom of assembly, but have to refrain from interfering with politics

conducted within the parameters of democratic norms. This is important value systems which SAPU holds and which seem to be consistent in democratic countries internationally.

Governance, accountability and transparency

The standards applied in relation to management of the police organisation in complying with the exercise of authority by components of government or the courts; in relationships with the public or other agencies; and in attending to internal management and supervision are critical in any democracy.

Service delivery for safety, justice and security

The nature of the basic services that police provide in a democracy, and how these are delivered is very important. In other words, the end cannot always justify the means. The democracy can only work when rules are applied equally and not selectively and police officers cannot be expected to protect citizen rights when they do not enjoy any.

Proper police conduct

The principles of integrity, fairness and respect for human rights and dignity that guide the conduct of democratic police, and how police services support and ensure adherence by police officers to these principles.

Police as citizens

The rights of police officers themselves, as part of a democratic society, to non-discriminatory recruitment and promotion practices, to decent conditions of service, to collective bargaining, to fair disciplinary procedures, and to a high level of support in attending to issues of safety.

Analysis of Salaries for Police Officers Compared with Public Sector Employees

Without doubt, the salaries of police officers are either at par or slightly above that of employees in the public sector, if one considers that unlike many workers in the public service police

officers receive additional allowances such as danger allowance and clothing allowance for non-uniformed personnel. The salaries of police officers, just like in the entire public service sector, are closely linked to the job category or grade (rank) of employees. The job categories and salary scales are occasionally published in the press and subject to public scrutiny and available during the collective-bargaining process.

However, the biggest issue in the SAPS is more about promotion than by salaries being earned by police officers. Given that salaries are linked to job categories, it suggests that a police officer will earn more the higher the job category. The bulk of the grievances from our members indicate that job allocation has been one of the key areas in relation to grievances. There is also a perception of bias and racial bias with regard to promoting of especially Africans into higher ranks. The issue of promotion and lateral appointment of police officers to senior and better-paying ranks is one area which has caused unhappiness amongst the rank and file as well as our union.

Our analysis of the salaries paid to police officers is that our advocacy has indeed resulted in improvements to the salaries and benefits received by police members. For example, from 1995–96 to 2001–02, the average remuneration received by police officers grew at an annual average of 12.5%, which compared very well with an annual inflation rate of 6.5%, the inflation at that time. However, despite the improvements in the working conditions, salaries, fringe benefits and service bonuses, the SAPS has lost many experienced police officers to other sectors partly related to dissatisfaction with salaries and conditions of service but also because of the increasing danger associated with policing in South Africa. Hence, the salaries and benefits of police have been reviewed many times since 2004 in order to retain and attract young people into the SAPS. In an effort to retain skilled police officials, the SAPS came out with what became known as the “emergency rescue plan”. This plan aimed to retain skilled police officials by increasing their salaries and performance bonuses on a regular basis. The plan guaranteed functional members performance-based salary improvement, over and above the normal annual increase offered to all public servants.

In order to provide incentives police officials in specialised and rare skills were given a once-off amount of R30 000 to remain in the SAPS for at least six years. SAPU welcome this progressive and forward thinking because it was able to retain skilled police officers into the police service. Therefore, the pervasive view in South Africa that SAPS members are badly paid therefore does not reflect the considerable efforts to improve police salaries of police officers. In 2007 unions signed an agreement with the police management to substantially enhance police salaries and that is taking place. As a trade-union representing thousands of police officers we are proud of the efforts we are making in ensuring that policing is attractive to many young men and women at school. We want to assist the SAPS to become attractive to school leavers and not for school leavers to join the SAPS because they have failed to get employment or into other qualifications.

There has been marked progress regarding salary and benefits although we believe that more can be done for police officers with regards to payment of overtime. While we are happy of the improvements in pay and benefits for police officers we think that overtime payment can be substantially improved. Nevertheless, police officers in the SAPS are much better than other public servants at the same level. However, while the metro police officers, who are paid out of the budget of the municipalities, the difference in salaries has been substantially harmonized.

Some of the additional benefits that police officers enjoy that are not necessarily enjoyed by all public service sector employees include for example,

- An allowance of R400 per month for operational members (called danger pay).
- Housing benefits are provided to members from levels 1–10 (the package for levels 11 and 12 and for senior managers is structured differently).
- The medical scheme has an option of a lower or a higher plan; individuals choose a plan and contribute accordingly.
- Travel: normal public-service travel allowances.
- Trainees get three sets of uniforms while other police officials get a clothing allowance of R1 200 per year (detectives are allowed to spend this on “civvies”). Support-services (civilian) personnel also get a R600 annual clothing allowance.

- The SAPS also provides a special deaths grant of R200 000 to the families of members who are killed in the line of duty or who die as a result of the fulfillment of their duties. This will be paid over and above the pension paid to the member's family.

We would also like to pay tribute to the Safety and Security Sectoral Bargaining Council (SSSBC), the sector bargaining chamber for the space and platform it has created for negotiating salaries, working conditions and fringe benefits for police officials. The primary function of the SSSBC is to negotiate collective agreements on matters of mutual interest; implement, monitor and enforce collective agreements; prevent and resolve labour disputes; develop policy proposals that may affect the police; and to promote and establish training and education schemes for the police. Currently, there is the South African Policing Unions with three other police unions represented in the SSSBC.

The State of Violence Against Police Officers in South Africa

The police in South Africa work in a very dangerous and violent society where according to police statistics 50 people are murdered every day. The police who are supposed to be the guardian of our society are not immune to these murders. As will be demonstrated in this section every year police officers are murdered while either off duty or while on duty. The murders of police in full police uniform while at work are the most chilling not that police officers who die off duty often after placing themselves on duty are less chilling. Take for example the massacre of four police officers on a Sunday of the 25th of June 2006, in what is now commonly referred Jeppetown 'massacre', this incident captures the vulnerability of police officers in South Africa. In this incident, eight members of the gang of robbers, or other occupants of the house, were also killed in the incident. The violence against police officers has also raised important policy issues especially around ambiguities of our Criminal Procedure Act, which provides that lethal force can be used only when the life of a police officer is under threat. Often than not, police officers have been killed while exercising this restraint. Other questions that have been raised around police killings is police officers are provided adequate training to exercise appropriate judgment when faced with dangerous situation.

An analysis that we have done at SAPU involving cases of police officers who have been killed raises a number of concerns. Firstly, our analysis shows that the majority of police officers are murdered while approaching the ‘conflict zone’ or ‘crime scenes’. Police officers are often not sure whether to use maximum force or fight their way out of perilous circumstances. However, because when police kill even when performing their lawful duties, they are charged and also investigated for murder just like anyone else makes it creates doubt for many police officers who then succumb to violent criminals.

The many police massacres – and many other incidents violence against the police suggests that, despite the fact that the killing of police is been a major source of concern in South Africa there is still much that can be done to improve police preparedness in relation to their own safety. A major point of emphasis has been improving the training provided to police and equipping them with high caliber ‘fire power’. The 9mm that police officers carry are not match to the AK47 and the R5 that criminal gangs use against the police. Since 2006 police officers are required to attend in-service training, and shooting exercises on a quarterly basis. An annual firearms assessment and a short course based on high-risk scenarios also have also been developed and introduced. However, the current emphasis on *en masse* recruitment and training inevitably detracts from the quality of training provided to new recruits, although the curriculum itself is of a high quality. In-service training faces the perennial problem of ensuring the attendance and participation of operational members.

While there has been investment in improving police equipment for safety, including the provision of bulletproof vests, such equipment remains in critical short supply.

Figures on death of SAPS members

2004- 2005	95
2006- 2007	127
2007–2008	105
2008–2009	109

Source: SAPS annual reports.

As reflected in Table above, there has been a dramatic increase in the death of police officers in the past three financial periods from 2006 /2007 to 2008/2009. The high point during this period was the death of 127 police officers in 2006/2007. There are a number of reasons that we have tried to make sense of the dramatic increase in the death of police officers. One cannot ignore that South Africa is the economic hub of Africa. Given many failed states in some African states which has resulted in the military personnel deserting their barracks and coming to South Africa has meant that our police officers are no just dealing with ordinary or common criminals but are dealing with well trained security personnel. It is reasonable to make those assumptions given the military precisions; ambushes and use of weaponry that often accompany violent acts against the police.

Without doubt, police officers are the public face of government authority and beacon of the law and order, rule of law and democratic values. In many democracies, the murder of police officers is often met with rage and shock because that is viewed in serious light as an attack of democracy itself. Given the high numbers of violence against the police various measures are being introduced to ensure that police officers are properly equipped and trained to deal with dangerous situations. One such development has been the introduction of police ranks. While we do not agree with the process which was followed in bringing these changes we are certain that police officers require to be disciplined in order to deal with violent criminals. The second issue involves the ambiguity in Section 49 of our Criminal Procedure Act which deals with the use of lethal force. We support the direction the police management is going about this though we disagree with the process which undermined the SSSBC.

However, the violence and murder of police officers is not isolated to the murder and violence taking place in South Africa. As already indicated, approximately 18 000 people are murdered in South Africa every year, which suggests that about 50 people are murdered every day. As a result, police officers have had to use lethal force too against criminals. The Independent Complaints Directorate (ICD), a statutory body which is tasked with monitoring murders related to the police and custody deaths are investigation many cases involving murders as a result police action. As a result of increased violence against the police the police had to retaliate and the murder of suspected criminals has increase.

Conclusion

The South African Policing Union wishes to congratulate ICPRA for the efforts it is making in putting this conference together and for its efforts to join the family of Nations. SAPU is excited about the possibility this initiative is likely to bring to ICPRA and retrospectively to the United Nations. At SAPU we are convince that the international policing in the twenty first century will entrench the labour rights and treat police officers with dignity and as workers. We believe that it is an irony that the police officers can continue to be required to protect the democratic, political and labour rights which they themselves to no enjoy. We are confident that this conference will deal with some of these issues that we are raising.