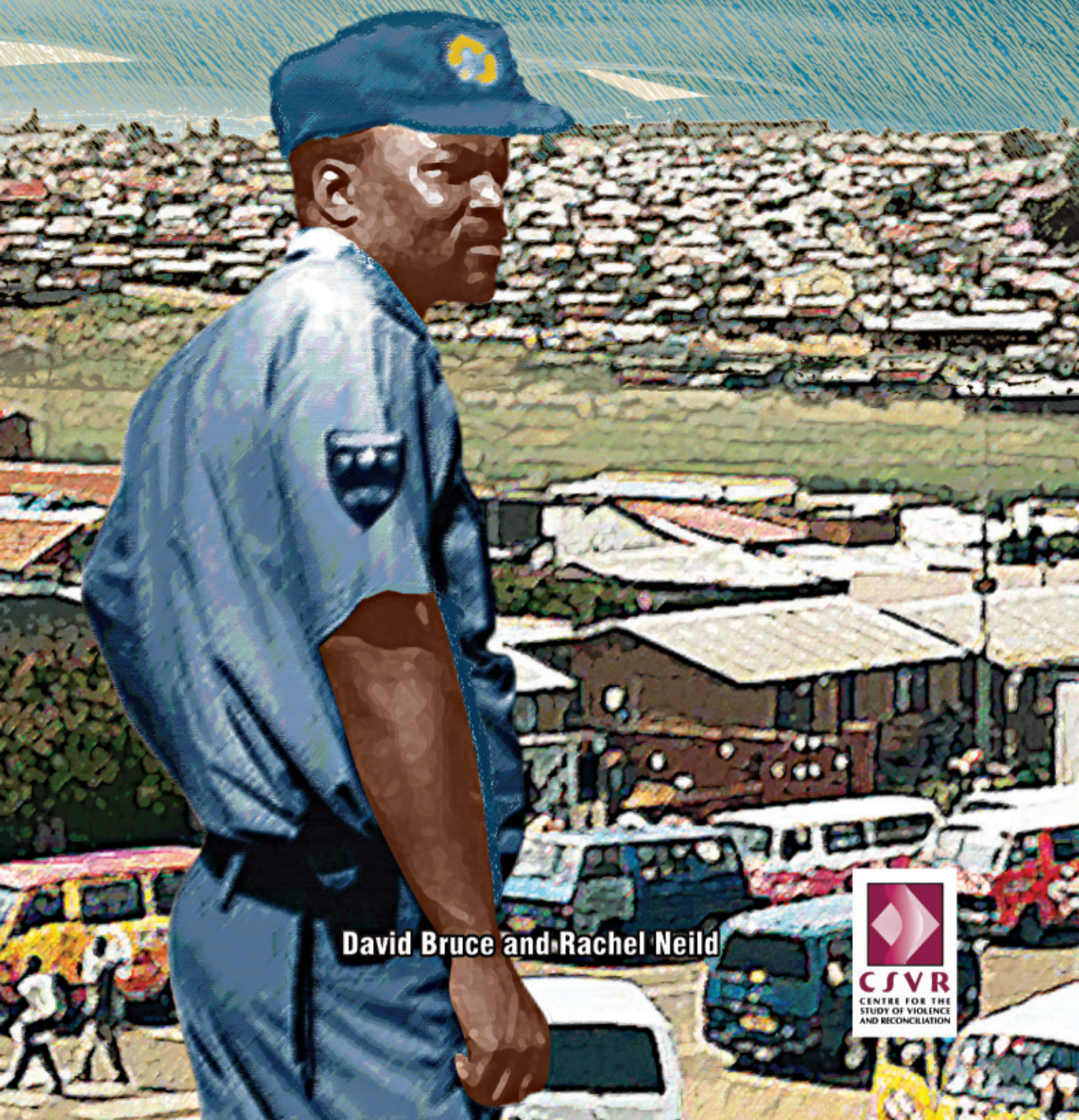


The police that we want

a handbook for oversight of police in South Africa



David Bruce and Rachel Neild



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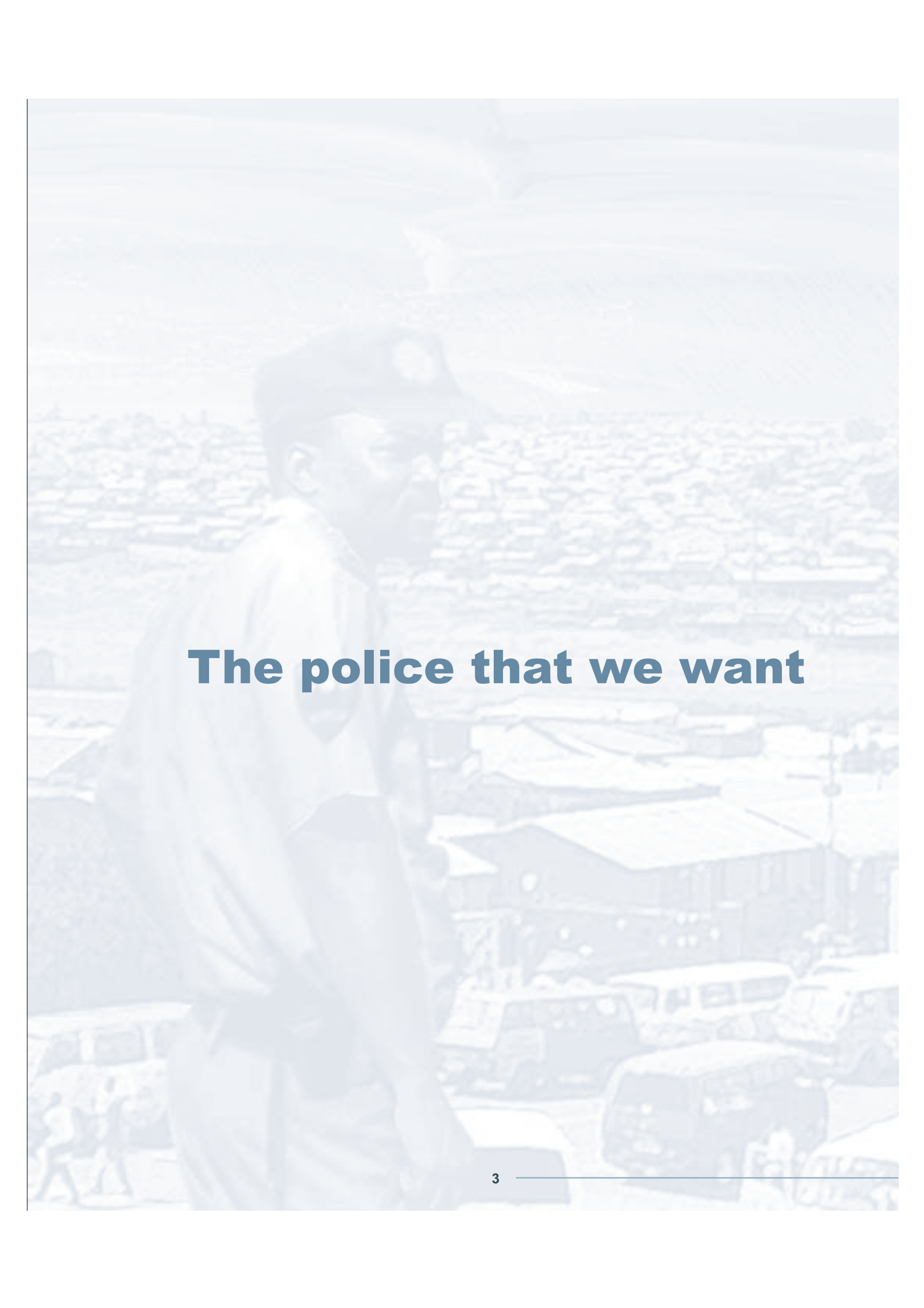
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A faded, light blue-tinted background image showing a police officer in profile, wearing a uniform and cap, looking out over a cityscape. The officer is in the foreground, and the city with various buildings and vehicles is visible in the background.

The police that we want



1. Introduction

Police reform and oversight in South Africa

Since the beginning of the transition in 1990, and the first democratic election of 1994, the face of policing in South Africa has changed profoundly. One important advance occurred with the coming into operation of the “interim” Constitution (Act 200 of 1993) on April 27 1994, which created the South African Police Service (SAPS). This involved the integration of the former South African Police and ten “homeland” police services. While the Constitution formally declared that these eleven agencies were to become one entity, considerable work still had to be undertaken to integrate rank structures and administrative procedures. Other measures which have formed part of the process of police transformation in South Africa have sought to:

- ◆ Improve police-community relations;
- ◆ Improve policing facilities in communities that suffered discrimination under apartheid;
- ◆ Improve the representation of previously disadvantaged groups in police ranks;
- ◆ Change policing symbols such as uniforms and insignia;
- ◆ Address the selection system and the basic training curriculum;
- ◆ Introduce training on human rights and a code of conduct for the SAPS;
- ◆ Improve the system of public order policing;
- ◆ Prevent torture of people in police custody;
- ◆ Bring the police labour relations framework into line with democratic standards.

In addition to these measures, policies such as the National Crime Prevention Strategy (1996) and National Crime Combating Strategy (2000) marked important shifts in the approach to policing in South Africa. Other new initiatives enacted in legislation have also had important implications for policing. The Domestic Violence Act (116 of 1998), for instance, creates police responsibilities to assist complainants in domestic violence cases in accessing shelters where they require protection, as well as to provide them with information about their right to apply for a protection order. The South African Police Service Amendment Act (83 of 1998) provided for the creation of municipal police services, a number of which have now been established — mostly in major metropolitan areas. New laws govern the use of lethal force for purposes of arrest, and there is a new legal framework governing the issuing by police of firearm licenses.¹

1. The law on the use of lethal force for arrest, Section 49 of the Criminal Procedure Act (51 of 1977) was amended by Section 7 of the Judicial Matters Second Amendment Act (122 of 1998). The amendment was

Beyond these reforms to the police service itself, the entire framework for police accountability in South Africa has also been transformed, to enhance democratic oversight as well as to institutionalise police-community consultation. Broad provisions for oversight by parliament and the cabinet at national level, as well as by the provincial legislatures and provincial executives, were supplemented by the creation of a national secretariat for safety and security, and by provisions allowing for the creation of secretariats at provincial level, and requiring the creation of community police forums (CPFs) at each police station.²

In addition to this, South Africa now has an independent oversight agency, the Independent Complaints Directorate (ICD), with powers to investigate incidents of possible or alleged criminality by members of the SAPS or municipal police agencies. Other structures, such as civilian oversight committees for municipal police services³, are also provided for in legislation. Finally, civil society organisations also perform an oversight role.

Despite the impressive “architecture of police accountability” created through these reforms, accountability and oversight have faded on the public agenda as the democratic government’s control of the police has consolidated and as rising crime rates have instead come to dominate public and political concerns. The various oversight bodies have also grappled, unevenly, with questions regarding how best to engage with police and contribute to the improvement of policing.

During the first 10 years of democracy important progress was made in building a new system of policing in South Africa. The challenge in the next ten years is to consolidate and strengthen these reforms. Well structured and informed oversight offers the promise of improving policymaking and resource allocation, and reinforcing the process of police transformation and reform.

This handbook is intended as a resource for people involved in police oversight in South Africa.⁴ It may also be adapted for use in other contexts where reforms aim to bring policing in line with democratic principles. The handbook’s purpose is to stimulate reflection on key

brought into operation on 18 July 2003. Ownership of firearms is now governed by the Firearms Control Act (60 of 2000).

2. Parliamentary oversight of the police is provided for, inter alia, in Section 199(8) of the Constitution (Act 108 of 1996). Section 206(1) provides that a member of the cabinet must be responsible for policing. The powers of provincial executives are also dealt with in Section 206(1) as well as in sections 206(2), (3), (5) and (6) and 207(3) and (6). Section 206(7) provides that provincial legislatures may require the provincial commissioner to appear before it or its committees to answer questions. Section 208 provides for the creation of a national civilian secretariat for the police service. Section 2(b) of the South African Police Service Act (58 of 1995) provides that provincial governments may establish provincial secretariats for police. Community police forums are provided for in Chapter 7 of the latter Act, and were also provided for in section 215 of the ‘Interim’ Constitution (Act 200 of 1993).

3. Section 64J of the South African Police Service Amendment Act (Act 83 of 1998).

4. It should be noted that, in addition to the SAPS and municipal police services, there are a wide range of other bodies in South Africa performing policing or quasi-policing functions. These include traffic police and

questions about police and policing, and to suggest the type of information likely to be most helpful in answering these questions.

In the next sections, the handbook will:

- ◆ Discuss the role of oversight and the use of indicators in assessing policing;
- ◆ Explain the term “democratic policing” and identify five key areas of concern relevant to evaluating police agencies;
- ◆ Identify and discuss key measures relevant to evaluating police performance in relation to each of these five areas. A total of 39 key measures are provided;
- ◆ Put forward some suggestions on improving indicators of democratic policing in South Africa. The annex at the back provides suggestions for indicators to evaluate the SAPS or other police services in relation to each of the key measures.

municipal security guards, both of which generally fall under the jurisdiction of local government. There is also an extensive private security industry — which outnumbers the SAPS, although members do not have full police powers. A Directorate of Special Operations (“the Scorpions”) was established in terms of the National Prosecuting Authority Amendment Act (61 of 2000), one of a number of special investigating units which falls under the Director of Public Prosecutions. Particularly in rural, but also in urban areas, both Permanent Force as well as Commando units of the South African National Defence Force (SANDF), are also involved in policing activities in varying ways. Members of the public may also participate in state “policing” systems as SAPS “Police Reservists” or through the SANDF Commando system (a plan is in place to dismantle the system and incorporate some Commando members as police reservists). Outside of these formal structures, forms of vigilantism that have received significant public attention in recent years may also be seen to represent forms of (extra-legal) policing by the public. While a democratic government and oversight systems may hold formal government agencies, and even subject private security agencies to systems of regulation, vigilantes by definition operate outside of the parameters of the rule of law, requiring in turn that the (state) police enforce the law against them.



2. Police oversight and the use of indicators

The role of police oversight

Those involved in overseeing the police will often have questions such as: What issues should we focus on when holding police accountable? What questions should we be asking the police? How best can we scrutinise the police? In answering these questions it is important to remember that, at heart, the function of oversight is to serve the public by ensuring that police provide a responsive, respectful and effective service.

It is the task of oversight bodies to hold police accountable and this may engender an adversarial relationship. But it is possible, and far better, for overseers to have a cooperative relationship with police officers and their leaders. This is most likely when the police themselves are strongly committed to democratic policing. When police commitment is present, strong oversight can create a dialogue that will assist them in evaluating the steps they are taking, and keep them committed to, and focused on, achieving high standards. Effective and collaborative oversight further benefits police by reassuring policymakers, who provide the budgets to support high policing standards, that they are getting value for money.

Oversight bodies committed to thoroughgoing police reform and to establishing high quality policing can promote and maintain police commitment to meeting the standards required of them in a democracy. In this view, effective oversight and accountability is about supporting police leadership in understanding and resolving the challenges they face. In order to do this, oversight bodies need meaningful approaches to evaluating police performance. They must understand the key issues to be explored and know what information is needed to evaluate police and policing.

The use of measures and indicators internationally

Oversight bodies must decide what to monitor and assess. This requires asking what is desirable and valuable in policing. In order to address these questions, an increasing number of countries have started to develop indicators to evaluate the performance of the police and police reform. These indicators have emerged in a range of contexts:

- ◆ in countries in transition evaluation is carried out by defining key aspects of police reform and monitoring compliance with these reforms;

- ◆ governments have pursued evaluation by developing more effective performance measures of service delivery in a range of public services, including policing;
- ◆ international agencies have sought to establish standards and measures of good practice; and
- ◆ NGOs and civil society groups are working with police in monitoring and calling attention to poor practices and abuses.

It is sometimes assumed that the term “indicators” refers to numeric performance indicators. In this handbook, however, “indicators of democratic policing” refers to information which is meaningful for evaluating democratic policing. The indicators provided are intended as a guide to thinking about the types of questions that it might be worth asking, and the kind of information needed to answer those questions.

Police reform in Northern Ireland

In 1999 the Independent Commission on Policing for Northern Ireland (often referred to as the Patten Commission) issued a report on the future of policing in Northern Ireland. The 175 recommendations in the report mapped out a police reform process to create a broadly acceptable police service out of the Royal Ulster Constabulary, as it was then called — a body seen as an instrument of British rule, which favoured the interests of Northern Irish Unionists.

The Patten recommendations were organised according to a range of headings, including: Human Rights; Accountability; Public Order Policing; Service; Composition and Recruitment; Training, Education and Development; Culture, Ethos and Symbols; and Structure and Size of the police service. Other themes of the report included “Policing with the Community” and “Policing in a Peaceful Society”, which dealt, among other things, with the appearance of police stations, the types of vehicles to be used, and the involvement of the army in policing (see www.belfast.org.uk).

The position of Oversight Commissioner was created to oversee the implementation of the Patten recommendations, and a team of experts developed a list of 772 performance indicators to measure progress in their implementation (see www.oversightcommissioner.org).

The experience in the United Kingdom

In the UK the government has developed “best value” performance indicators and performance standards for local government. In March 2004, the Home Office announced a set of 35 measures to be used in monitoring the performance of each of the 43 regional police forces. The measures include: user satisfaction; public confidence (the percentage of people who think the police do a good job); fairness and equity; crime levels; offences brought to justice; and detection rates. “Quality of life” measures focus on fear of crime and feelings of public

safety. “Enforcement measures” are focused partly on arrests in domestic violence incidents. “Traffic measures” are also used, as police forces in England and Wales are responsible for traffic policing (Home Office, 2004).

The Home Office has provided detailed and highly specific guidelines on how each measure is to be calculated. Each force is grouped with between five and eight other “most similar forces” for purposes of comparison (see www.policereform.gov.uk/psu/ppaf.html).

European regional measures

In 1997 the Council of Europe⁵ created a working group consisting of police officers, and NGO and government representatives, from across Europe. The group developed a guide to help police assess whether their practices “adhere to and promote the standards and broader democratic values underlying the European Convention on Human Rights”. The guide puts forward roughly 330 indicators dealing with: basic values; staff; training; management practise; operational policing; structure; and accountability (see: www.epphr.dk/download/hreng.pdf).

Another initiative of the Council of Europe in the policing field has been the adoption of the European Code of Police Ethics, intended to lay a foundation for common police standards in countries that are members of the council. The code was adopted on 19 September, 2001 by the council’s Committee of Ministers.⁶

The experience in the United States

Policing in the United States is the most decentralised in the world. There is no federal standard practice in the use of indicators. Policing in the United States is characterised by extensive research and partnership between academic institutions and NGOs in reform initiatives, and there is wide-ranging literature on the use of indicators and application of modern business approaches, such as “management by results”, to the sphere of policing.⁷ One weakness identified by US experts is a tendency to measure police performance and police conduct through separate systems, rather than treating them as closely related values in policing.

5. The Council of Europe was founded in 1949 and groups together 46 countries, including 21 countries from Central and Eastern Europe, with its headquarters in Strasbourg, France. The Council was set up to, among other things, defend human rights, parliamentary democracy and the rule of law. Since 1989, it has focused in particular on acting as a “political anchor and human rights watchdog” for Europe’s post-communist democracies and assisting the countries of Central and Eastern Europe in carrying out and consolidating political, legal and constitutional and economic reform. See: www.coe.int/T/e/Com/about_coe/.

6. See the code at <https://wcm.coe.int/ViewDoc.jsp?id=223251&Lang=en> and explanatory memorandum at Memo <https://wcm.coe.int/ViewDoc.jsp?id=224783&Lang=en>.

7. See, for example, the reports available from the Police Foundations (www.policefoundation.org), and the Police Executive Research Forum (www.policeforum.org).

NGOs in the United States, most notably the Vera Institute of Justice, have explored the use of public surveys to monitor opinions and attitudes toward the police. Recently the Vera Institute has worked with the New York City Police Department (NYPD) and the police department of Seattle, Washington, to assess people's first-hand experiences with police officers and commanders. The NYPD and Vera developed two surveys — one for residents who had requested help from the police, and the other for community leaders who met frequently with precinct commanders. In another project with the Seattle police, a primary goal has been to learn more about whether members of minority communities are more likely than whites to believe that they have been poorly treated by police during routine stops. Other projects have surveyed people involved in "involuntary contacts" with the police such as arrestees and people who had been stopped and searched by police (See www.vera.org).

Initiatives at the United Nations level

Several United Nations conventions and standards also put forward basic standards for policing. These include:

- ◆ The Universal Declaration of Human Rights and International Covenant on Civil and Political Rights;⁸
- ◆ The Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment;
- ◆ The Code of Conduct for Law Enforcement Officials;
- ◆ The Basic Principles on the Use of Force or Firearms;
- ◆ The Convention on the Rights of the Child.

The South African framework

In line with global trends, an emphasis on the use of indicators has been one of the characteristics of government in South Africa since 1994. As a result, South Africa has various systems which support the evaluation of policing.

The SAPS Annual Report and Strategic Plans

The main mechanism for reporting on policing in South Africa is the SAPS annual report (www.saps.gov.za). This includes a set of indicators which have been developed to fulfil the requirements of the Public Finance Management Act (1 of 1999), and Treasury regulations, setting out the framework for reporting by government departments.

8. There are also several conventions dealing with the detention of prisoners and detainees.

Section 40 of the Public Finance Management Act provides details of reports, which must be submitted by government departments to the Auditor-General, the Treasury, the Executive and Parliament. One requirement is that annual reports must account for the performance of departments “against predetermined objectives” (Section 40(3)(a)). Treasury regulations require that public service institutions, including the SAPS, prepare strategic plans each year. These are to form the basis for the annual reports required by the Act. Current regulations (National Treasury, 2002: 17) provide, inter alia, that the strategic plan must:

- ◆ Cover a period of three years;
- ◆ Include constitutional and legislative mandates “that indicate the output deliverables for which the institution is responsible”;
- ◆ Include policy developments and legislative changes that influence programme spending plans over the three-year period; and
- ◆ Include the measurable objectives, expected outcomes, programme outputs, indicators (measures) and targets of the institution’s programmes.

Currently SAPS budget allocations are allocated to five programmes: Administration; Visible Policing (includes crime prevention, border policing, and “specialised interventions”); Detective Service; Crime Intelligence; and Protection and Security Services (responsible for protection of dignitaries and government interests).⁹

The SAPS has been involved in developing a set of performance indicators over several years. Due to the fact that the SAPS has been attempting to refine the indicators, as well as the way in which programmes have been restructured, these have tended to change from one year to another. The 2004 police budget vote (National Treasury, 2004: 667-692) records 33 service delivery indicators and targets for four of the SAPS programmes (no measures are provided for the programme “Administration”). For example, indicators for “Visible Policing” include:

- ◆ Percentage of customers who are satisfied with the service provided by the SAPS (target to be benchmarked in 2004/05);
- ◆ Extent of proactive partnerships (public and private) (target recorded as “established at the 145 priority stations in 2004/05”);
- ◆ Extent of proactive actions (target recorded as “undertaken in the 145 priority stations in 2004/05”);
- ◆ Other “Visible Policing” indicators include those regarding firearms recovered, stolen vehicles recovered, drugs seized, “extent of sector policing”, the rates of priority crimes, and a number of indicators on border policing and specialised units.

9. These reflect the programme breakdown in terms of the SAPS Strategic Plan 2004-2007 (SAPS: 2004a). The SAPS Annual Report 2003/2004 records six programmes (2004b: 3). The programme “Crime Prevention” and “Operational Response Services” have now been amalgamated in “Visible Policing” (National Treasury: 2004:667-8).

Provincial reports

Section 207(5) of the Constitution provides that “the provincial commissioner must report to the provincial legislature annually on policing in the province, and must send a copy of the report to the National Commissioner”. Reports are therefore produced in each of the provinces in terms of these provisions. These are based on a standardised format similar to that in the national annual report. They are submitted to the provincial legislature after the tabling of the national annual report in parliament in September each year.

Performance management chart for stations

The SAPS is also developing an information technology-based “performance management chart” for monitoring and comparing the performance of police stations. The performance chart currently relies on information that recorded on the Crime Administration System (CAS) regarding levels of recorded crime (as measures of crime prevention) and on detection rates and percentage of cases to court (as measures of crime investigation). Rather than serving as a means for comparing the performance of stations against each other, the system in fact compares the performance of a station against its own previous performance, ranking stations according to the level of improvement in performance that has been achieved. Performance standards are set using the station performance statistics from the past 48 months though weighted towards the more recent period. Data can be generated from the system on police stations, areas, provinces or on nationwide SAPS performance.¹⁰ Data from all 1093 SAPS stations is captured on the system. Where stations are not linked to the SAPS “intranet”, data is submitted monthly on a SAPS 6 form and captured manually at the area office.

It is envisaged that the system will ultimately make use of 35 indicators. In addition to indicators on crime prevention and investigation, the systems “operational dimension” will include indicators on the community service centre (charge office) and crime intelligence. Other indicators will cover human resource management, information integrity, and value adding and overall efficiency. (Open Society Foundation for South Africa et al, 2004:14).

The Independent Complaints Directorate Annual Report

Another source of information relevant to evaluating policing in South Africa is the ICD annual report (see www.icd.gov.za). The report provides statistical data, most significantly on the number of deaths as a result of police action and in police custody (it is mandatory for police to report all of these deaths to the ICD), as well as complaints lodged by members of the public with the ICD. Cases that the ICD receives are classified into one of three primary classes:

¹⁰. See footnote 27 for an explanation of the distinction between these different geographical command units.

- ◆ Class I deals with deaths in police custody or as a result of police action;
- ◆ Class III deals with alleged criminal offences (other than deaths);
- ◆ Class IV cases are cases of misconduct.¹¹

The ICD is currently in the process of strengthening its research capacity and creating a dedicated research unit, which may assist in improving the quality of data presented in the ICD report, and enabling the ICD to develop policy recommendations from analyses of the cases with which it deals.

The information generated by the ICD should also be integrated into assessments of the SAPS and of municipal police services.¹² The present SAPS annual report makes no mention of ICD statistics, including statistics on deaths in police custody or as a result of police action. Indeed, the SAPS annual report is largely silent on critical questions regarding the conduct of its members and their observance of human rights standards, thereby neglecting a set of issues which should be seen as central to evaluation of the SAPS.

The ICD annual report also contains indicators on its own institutional performance. The primary indicators used include “average number of days taken to finalise investigations”, “percentages of investigation reports finalised”, numbers of cases “substantiated”, number of prosecutions recommended and convictions obtained. These in turn raise questions about how best to evaluate the performance of the ICD itself.¹³

Other mechanisms

Other mechanisms for reporting on and evaluating the police in South Africa include:

- ◆ The National Secretariat of Safety and Security has developed a Monitoring and Evaluation Tool for Police Stations, currently being piloted in some provinces;
- ◆ Initiatives have also been undertaken to improve monitoring of municipal police services. In December 2001, for instance, the Gauteng Provincial Department of Safety and Liaison produced a Framework and Standards for the Monitoring and Evaluation of Municipal Police Services;
- ◆ Research organisations, notably NGOs such as the Institute for Security Studies, have done significant work in conducting surveys which provide data on victimisation and perceptions of police (see for instance Burton et al, 2004).

¹¹ Class II for cases referred to the ICD by Provincial MECs, appears to have fallen into disuse.

¹² The 2003-04 ICD annual report indicates that of 714 deaths in police custody or as a result of police action, 16 were linked to municipal police departments and 698 were linked to the SAPS.

¹³ Experts recognise this is also a complex undertaking. For example, Walker (2001:120) cautions against reliance on the ‘sustain rate’ (‘percentage of complaints sustained in the complainant’s favour’) suggesting alternative criteria (ibid: 119-142). See also the discussion on page 39 and footnote 20.



3. Democratic policing: Key areas of concern

Why use the term “democratic policing” instead of “modern policing” or “community-based policing” or any of the other police reform labels in use? The idea of “democratic policing” has emerged relatively recently, largely through the reflections of practitioners and the writings of scholars on efforts to reform police in transitional or post-conflict settings.¹⁴ In such countries, the need for police reform has been abundantly clear, but international consensus about the appropriate process and values of these reforms has emerged more slowly.

The term “democratic policing” sets out a normative framework for police agencies in a democracy to adhere to, even though they may adopt quite different structures, systems and operational strategies. The term is also useful because, beyond the question of internal police transformation, it addresses the place of policing in a democratic state — the relation of the police to government and other institutions, as well as their relation to the general public. It deals with the governance of policing as well as the conduct of policing.

Democratic policing provides a common frame of reference for national policymakers, international donors, civil society and human rights groups advocating reforms, and for the police themselves. This handbook is an effort to support oversight bodies in applying the principles of democratic policing to police in South Africa. The idea is to create a set of measures and indicators of democratic policing which will allow for evaluation of the priorities and progress of police reform in a transparent and objective fashion, making clear to the non-expert what choices are being made and how public monies are being spent.

While issues of safety and security are of profound concern to the entire population, they are too often “owned” by a narrow group of police and politicians, rather than being viewed as public issues. In addition to providing measures for the progress of reform — which is otherwise not always visible to the general public — democratic policing indicators can inform public debate about values and priorities in public security policies.

There have been various attempts to define the elements of democratic policing. US scholar David Bayley (2001) is probably the most renowned expert on world policing. For Bayley,

¹⁴ See, for instance, the seven principles for policing in a democracy put forward by the UN International Police Task Force (1996) during its mission to assist in police reform in Bosnia-Herzegovina. Also see Call (2000) Stone and Ward (2000), Bayley (2001). An early use of the term is in Bayley (1985).

democratic police forces must act in accordance with the following four norms:

1. Police must give top operational priority to servicing the needs of individual citizens and private groups.
2. Police must be accountable to the law rather than to government.¹⁵
3. Police must protect human rights, especially those that are required for the sort of unfettered political activity that is the hallmark of democracy.
4. Police should be transparent in their activities.

Many writers emphasise that democratic policing requires that police adhere to high standards of conduct while also providing high standards of service. Stone (2004: 1) refers to this as a “double demand” on police in a democracy, stating that: “citizens demand that police protect them, but do so only legally and respectfully”.

A further concern is that the police themselves are fairly treated. If we demand effective and respectful policing, we must give the police the professional skills and conditions of service that allow them to deliver services of this kind to the public.

Drawing on these ideas, this handbook sets out the following five areas of concern in relation to democratic policing:

- 1) Protecting democratic political life:** As Bayley sets out in his third norm, the protection of democratic political life is a central aspect of the protection of human rights and of democracy. The police practices discussed in this area are prioritised, as they are foundational to democracy. In their absence, democracy will be in danger and democratic policing a remote possibility.
- 2) Governance, accountability and transparency:** It is not sufficient that police provide policing services legally and respectfully, and protect democratic political life. Democratic policing requires that police services operate in terms of principles of democratic governance, including accountability and transparency. Many of the issues addressed in this area are relevant to the functioning of all government sectors in a democracy.
- 3) Service delivery for safety, justice and security:** The nature of the basic services which police provide in a democracy, and how these are delivered.

¹⁵ This statement is disputed by other experts, who argue that police in democratic countries are accountable to both the law and to government. We understand the formulation to stress the importance of non-partisan policing, given that police in many countries are or have been the political tools of oppressive governments. Until accountability structures are created and functioning, strict accountability to law may be a more prudent standard. At the same time regimes may ‘tailor the laws’ to suit the repressive goals set for the police. In this sense, police can act repressively within the law as well as by ignoring it (Goldsmith, 2003: footnote 9). While the statement is quoted here, this handbook, and other commentators on democratic policing, place strong emphasis on the accountability of police to democratic governments, to the law, as well as to standards of human rights. See further the discussion on “Transparency and restraints on inappropriate interference” on page 24 of this handbook.

- 4) **Proper police conduct:** The principles guiding the conduct of democratic police, and the manner in which police services support and ensure adherence by police officers to these principles.
- 5) **Police as citizens:** The rights of police officers. Democratic police are not just subject to the law; like other citizens, the police are part of the community, and must be treated in a manner consistent with their dignity, and enjoy decent conditions of service.

These areas are not entirely distinct from one another. For instance, the first area, “protecting democratic political life”, deals partly with questions of service delivery and conduct, which are the primary focus of areas three and four. Questions of non-discrimination, fairness and non-partisanship cut across a number of areas, and all five areas are relevant to accountability. Some issues dealt with in area three, on “police service delivery”, may also concern “police conduct”, covered under area four. Nevertheless, the five areas provide a useful way of scrutinising police organisations in democracies.

The following five sections of this handbook provide a set of key measures for each of these five areas. The handbook concludes with a general discussion on how to best use indicators to strengthen systems for assessing police in South Africa. The annex at the end of the handbook provides a rough set of indicators for each of the measures in the five areas. These indicators are intended as a guide to the types of questions, and information, which would be helpful in evaluating each of the key measures.¹⁶

The measures presented here are “outcome focused”, that is, they propose to measure the quality and results of democratic policing. They are not “output” (activity) or process measures that examine the means or processes by which those outcomes are achieved. Indeed, each area and measure raises questions about the resources, leadership, training, policies, technologies, and systems that might be needed, or that might assist in achieving these outcomes. The handbook’s focus on outcomes is not intended to diminish the importance of performance indicators, which, by measuring and supporting improved processes, more productive tactics, and better resource allocation, are vital to the proper functioning of the police. The focus in this handbook, however, is on the question of where to go rather than how to get there. Output or activity indicators must be based on clearly identified objectives, and these objectives, or “outcomes”, are the primary focus here.

¹⁶ For a helpful guide on the use of indicators in the criminal justice system see: Vera Institute of Justice (2003) Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators Across the Justice Sector, http://www.vera.org/publication_pdf/207_404.pdf



Area 1: Protecting democratic political life

Democracy requires not only that the police, part of the executive arm of the state, be constrained by law but also that they make a special effort to safeguard activities that are essential to the exercise of democracy. These activities are freedom of speech, association and movement; freedom from arbitrary arrest, detention and exile; and impartiality in the administration of the law (Bayley 2001, p. 14).

Key measures

Democratic police:

- ◆ Police public gatherings and demonstrations in a manner which supports freedom of association and assembly;
- ◆ Provide equal protection under the law to individuals and political parties in exercising their political rights;
- ◆ Investigate, arrest, and bring before court members of groups who seek to promote their political ends through violence;
- ◆ Do not exercise their powers to favour or prejudice individual political interests or causes.

Discussion

The first area of concern in evaluating democratic policing is whether the police act in a manner which supports democratic political life itself. Democratic policing requires that police simultaneously stand outside of politics and protect democratic political processes and activities. The issues here concern an area of police practice that is foundational to democracy. Unless police practice conforms to a minimum standard in protecting democratic political life, democracy itself will be threatened. This is not to say, however, that police reform may lead to political democracy. In the words of Bayley:

Democratic government is more important for police reform than police reform is for democratic government. Police reform is a necessary, but not a sufficient, condition for democratic government. The police tail cannot wag the government dog (Bayley, 2001,13).

In situations where illegitimate and/or repressive states use police powers to their own advantage — where policing may be described as “regime policing” rather than democratic

policing — these indicators may help independent and/or external monitors to highlight the breach between actual practice and good practice as defined by norms of democratic policing. Responsibility for police abuse of authority and force in such cases lies firmly on the shoulders of the state, as well as the police themselves, who may have wide discretion in their implementation of regime policing.

Public gatherings and demonstrations

In South Africa the current Regulation of Gatherings Act (205 of 1993) is intended to promote the right to freedom of assembly and freedom of expression and the exercise of these rights “peacefully and with due regard to the rights of others”. The Act provides procedures for the authorisation of marches, in which case the essential role of the police is to escort the march whilst minimising impediments to vehicular or pedestrian traffic or the obstruction of access to property.

The Act outlines several types of offences. A person may be prosecuted, for instance, for convening a gathering without giving adequate notice (Section 12(1)(a)), or for attending a gathering which has been formally prohibited (12(1)(e)). Nevertheless a person commits no offence merely by attending a gathering, if the gathering is not formally prohibited, even if the gathering is not formally authorised in terms of the provisions of the Act.¹⁷ If police are to uphold the freedom of assembly and expression, their role is essentially to support people in exercising these rights. It is not necessary for police to disperse demonstrations, if they are not authorised, and even if they have been prohibited, unless there is a clear danger to persons or property or there is another clear reason for doing so.¹⁸ Where demonstrations are carried out in a peaceful manner, the essential responsibility of the police is to protect the rights to freedom of assembly, as long as this does not involve a serious denial of the rights of others.

Protect individuals and groups in exercising their political rights

Police involvement in protecting political rights includes protecting other aspects of democracy such as the guarding of polling stations, and the protection of voters on election days, to ensure that they can vote free of intimidation.

17. Procedures in terms of which gatherings may be prohibited are laid down in Sections 5 and 6 of the Regulation of Gatherings Act. Section 108 of the Electoral Act, 73 of 1998, also provides that “on voting day no person may - hold or take part in any political meeting, march, demonstration or other political event”. But a person commits no offence merely by attending a gathering which is not on a voting day, or prohibited in terms of the procedure laid down in the Regulation of Gatherings Act.

18. Note that Section 9(2)(a) of the Regulation of Gatherings Act indicates that police may disperse demonstrations which have been prohibited or where there are “reasonable grounds to believe that danger to persons and property, cannot be averted” by other measures. See also Article 11 of the European Convention on Human Rights and Fundamental Freedoms which allows restrictions on the exercise of the rights to freedom of assembly and association as may be “prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others” (See also footnote 25).

While police have a general duty to protect the public, the importance of protecting democratic political life also requires that they give priority to investigating criminal acts against political parties, especially where there is a chance that these are politically motivated. If there are politically motivated arson attacks against the offices of political parties, or property is destroyed or vandalised, police should regard these as priority cases as they threaten democracy itself.

Essentially this principle even applies to groups involved in “civil disobedience” (passive resistance) activities which are non-violent but which fall outside of the law. The police may enforce the law against these groups where necessary, but this does not mean that these groups should not be protected in exercising their lawful political rights.

Groups threatening or engaging in violence

Police agencies will also be protecting democratic political life if they are involved in the monitoring and investigation of groups who use, or conspire to use, violence to pursue their political objectives. There are risks in putting forward this principle, as the need to investigate such threats may be used by the police as an excuse for the harassment of groups or individuals who are involved in legitimate political activity. In carrying out such investigations police must therefore act with care, and due attention, to the rights of all people to freedom of expression and association. Nevertheless, if police fail properly to investigate groups who are conspiring to violently overthrow a democratically elected government, they are failing in their duty.

Not used for party political purposes

The police should protect civilians and political parties in the exercise of their rights, and take action against groups that threaten democracy. Beyond this police must be politically impartial and stand outside of politics. This principle is emphasised in Section 199 (7) of the South African Constitution which states that:

Neither the security services, nor any of their members, may, in the performance of their functions:

- (a) prejudice a political party interest that is legitimate in terms of the Constitution; or
- (b) further, in a partisan manner, any interest of a political party.

The SAPS Act also addresses this issue, stating in Section 46(1) that members are forbidden to “publicly display or express support for or associate” themselves with or “hold any post or office in” or “wear any insignia or identification mark” with respect to any political party, organisation, movement or body; or “in any other manner further or prejudice party political interests”. A proviso to this is inserted in subsection 2 which says that subsection 1 does not prohibit members from joining a political party, organisation, movement or body of his

or her choice, exercising their right to vote, or attending meetings of such groups, provided that they do not do so in uniform.

The SAPS Act therefore seeks to ensure that the police are not politically partisan, while balancing this with a concern to uphold the political rights of police as individuals and as citizens. This is a difficult balancing act, but it is profoundly important to democratic policing to uphold the political neutrality of the police.

The Constitution and SAPS Act therefore give support to democratic policing by forbidding use of police powers to promote party political ends, thereby also discouraging potential misuse of police by politicians. The party in power may be most likely to abuse these principles given that it has direct authority and influence over the police. Essentially police should not do, or be asked to do, for one political party, what they would not do for others.

The requirement that political authority over the police be exercised in a transparent fashion (see Area 2) is also directly relevant to discouraging misuse of the police.



Area 2: Governance, accountability and transparency

[Accountability is] no more nor less than [the] requirement to give accounts. It entails a set of normative prescriptions about who should be required to give accounts, to whom, when, how and about what (Stenning 1995: 5).

[P]olice activity must be open to observation and regularly reported to outsiders. This requirement applies to information about the behaviour of individual officers as well as to the operations of the institution as a whole, especially whether the police are achieving the results expected in a cost-efficient manner (Bayley, 2001: 14-15).

Key measures

Democratic policing requires the following institutional and policy framework:

- ◆ Government supports democratic policing through fiscal, legislative and other measures;
- ◆ Police are under the authority of a civilian ministry or authority, and there is regular review and meaningful oversight of the police by parliaments, legislatures and local authorities;
- ◆ Government sets policy and holds police accountable in a clear and transparent manner, while refraining from inappropriate interference in policing matters;
- ◆ Police and military mandates, powers and command are clearly distinguished and separated;
- ◆ An independent and effective oversight mechanism exists to ensure that complaints against police are investigated.

Democratic police services:

- ◆ Account to the legislature, congress or parliament, the criminal justice system and civilian oversight bodies such as human rights commissions or civilian review boards, when required to;
- ◆ Demonstrate transparent budget management and adhere to controls on the integrity of reporting on expenditure and procurements;
- ◆ Support outside scrutiny and cooperate with bodies responsible for oversight of the police as well as with civilians, in civil society and research centres, and in the communities they serve;
- ◆ Make use of effective mechanisms for police-community dialogue, outreach and cooperation;

- ◆ Work in a cooperative manner with other public and private policing agencies, while supporting their adherence to standards of integrity and human rights;
- ◆ Have reliable systems for recording information relevant to evaluating their performance and the conduct of their members, and make results available publicly;
- ◆ Ensure that individual members are held accountable for their performance and conduct;
- ◆ Exercise effective control over covert or “undercover” activities;
- ◆ Strive for efficiency in their use of resources.

Discussion

Governmental support for democratic policing

As noted in the previous section, democratic policing alone is unlikely to bring about political democracy, although democratic police reforms make a critical contribution to larger democratic political reforms. Democratic policing can probably only be fully enjoyed when political democracy has been established with democratic constraints on the state’s exercise of power. In the absence of democracy, police may seek to uphold the principles of democratic policing, but this is likely to be difficult for them and may bring them into conflict with government or their superiors.

For democratic policing to be fully established it is therefore necessary that the government, to whose authority police are subject, is itself committed to democracy and sees the police as an instrument for protecting the safety and democratic rights of the people. This democratic political will is an essential condition for the establishment and practice of democratic policing. Yet political will alone is inadequate if it is not reflected in the structures and procedures that support the practice of democratic policing.

Executive and parliamentary authority

Government control of police is partly exercised through legislation, the approval of police policies, plans and budgets. The South African Constitution, for instance, provides that a member of the cabinet “must determine national policing policy” after consulting the provincial governments and the needs and priorities of the provinces as determined by the provincial executives (Section 206(1)).

Democratic governments therefore have a right to frame police policy, although it may be preferable that this be done in consultation with the police, or alternatively, that they approve policy frameworks developed by the police themselves. It is also desirable to have mechanisms for community and civil society input into policy discussions.

In democracies, governmental authority over the police may also be exercised through the appointment of senior police officials. In South Africa, the Constitution also provides for the

National Commissioner of the SAPS to be appointed by the President (Section 207(1)), while Provincial Commissioners are to be appointed by the National Commissioner with the concurrence of the provincial executive (Section 207(2)).

Transparency and restraints on inappropriate interference

While principles of democratic government require that governments have authority over the police, democratic policing also requires that police be protected from undue political interference. One aspect of concern relates to the potential for political interference in individual cases, such as attempts to influence police decisions on investigations or arrests, and whether to press charges against specific individuals. Political power should not be used to guarantee the impunity of political allies through deterring police investigations of them. This is not to say that political authorities should not scrutinise police operations, but generally they should do so after-the-fact, in an examination of policy implementation and procedural correctness, not in an attempt to influence specific outcomes of investigations and other operations.

Inappropriate political interference may also involve interference in decisions regarding appointments, promotions and discipline. Politicians may wish to have individuals appointed who will favour them in one way or another, thus impacting on the ability of the police to apply the law impartially. While it is accepted that democratic governments may have a role in appointing the most senior police chiefs, other appointments and promotions should be regarded as an internal police matter.

While there is reasonable clarity on the principles barring political interference in police investigations, promotions, appointments, and discipline, there is less clarity on where to draw the line between appropriate government involvement in the setting of policy and improper interference in police operational decisions.¹⁹ Even in democratic countries, for instance, police may be accustomed to consulting government leaders on how to deal with public order situations, particularly where these pose a risk of serious economic disruption. Despite the challenges of establishing a precise distinction between appropriate direction of the police versus inappropriate interference, the concern to prevent inappropriate political interference and for police to operate independently in relation to operational matters should not be understood as preventing the police from being fully accountable to government.

¹⁹ These debates are reflected in arguments over the concept of the “operational independence” of the police, a term that was put aside by the Patten Commission in Northern Ireland in favor of the police’s “operational responsibility”. In the view of the Patten Commission the notion of operational independence was viewed as giving police too much scope to argue that virtually any engagement by civilian governmental authorities constitutes unwarranted political interference. There are significant challenges to striking a good balance, explored by Philip Stenning in *The Idea of the Political ‘Independence’ of the Police: International Interpretations and Experiences*, conference draft, June 29, 2004 (see www.ipperwashington.ca/policy_part/pdf/Stenning.pdf).

Democratic governments therefore have a right to guide what the police do in some ways, but not in others. Police need to be responsive to legitimate government concerns and inevitably work in consultation with government.

The reality — particularly in countries undergoing democratic transitions — is that governments are likely to be involved in directing police in a manner that goes beyond national policies, plans and budgets. This introduces an inevitable risk that government will misuse the ability to direct the police for partisan ends. The best safeguard against such an eventuality is the existence of clear and transparent procedures for the exercise of governmental control of the police service. This includes procedures for the nomination and appointment of senior police officers.

Separation of police and military mandates

A basic principle of democratic policing is that the military be excluded from a role in domestic law enforcement. Restraints on the police's exercise of their powers will be directly undermined if the military also have powers of law enforcement. While there may still be scope for deployment of sections of the military to assist the police in certain clear and prescribed circumstances, this requires that the military operate subject to police authority. When there is a state of emergency, military personnel should operate subject to legislative approval and oversight at all times. Furthermore, there must be clear legal guidelines for the military's exercise of their powers in internal security settings, and military personnel should receive training in law enforcement standards, particularly as they pertain to the use of force. Essentially, however, democracy requires that the military not be used for law enforcement or crime prevention purposes, as the military are not trained or equipped to work with civilians on a one-to-one basis, as is required of the police, but to overcome and defeat an enemy force.

The authority and capacity of oversight bodies

In democratic countries there are typically a range of bodies exercising oversight over the police. In South Africa the most important of these include:

- ◆ Parliament and the provincial legislatures, specifically through their committees charged with oversight of safety and security;
- ◆ Executive branch agencies, including the national and provincial secretariats;
- ◆ Local government public safety committees (for municipal police services).

In recent decades it has increasingly been recognised that, in addition to the executive and legislative arms of government that perform a general role of holding police accountable, it is important to establish a specialised agency responsible for ensuring that there is proper

investigation of complaints against police or of other incidences of possible criminality or misconduct by police members. These agencies are commonly referred to as civilian review bodies.

The Independent Complaints Directorate (ICD) in South Africa is widely regarded as one of the leading examples of agencies of this kind. The ICD places a strong emphasis on its own investigative capacity and takes responsibility for independently investigating many of the cases which it receives. In other countries, some agencies of this kind place more emphasis on ensuring that police internal investigations are conducted properly.

While civilian review has a range of strategies, for democratic policing it is important that these agencies have the necessary personnel, resources, and legal powers to enable them to demand cooperation from police agencies. As civilian review is a relatively recent development in policing accountability, experts note that there are no established standards in many areas, such as the number of personnel relative to the number of police officers, but US experts argue that civilian review should be evaluated according to three criteria: integrity, legitimacy and learning.²⁰

Proper accounting

On a formal level, the requirements of accountability and transparency are that police agencies account properly to official or other bodies, and cooperate with them when required to do so by legislation.

This pertains also to the manner in which police manage and account for public money, and the other resources they receive. Proper financial controls are one way of guarding against abuses of public money. Unless there is a proper account of expenditure, the control exercised by parliament over the police is rendered ineffectual.

Supporting outside scrutiny

Police agencies in support of accountability and transparency should not simply conform to reporting requirements, but should actively cooperate with bodies responsible for oversight of the police, as well as other activities, which contribute to transparency. As recommendation 37 of the Patten Commission states:

20. “*Integrity* refers primarily to the thoroughness and fairness of the complaint procedures. *Legitimacy* refers to how the complaint investigation process is perceived by its clients, stakeholders and audiences. [. . .] *Learning* refers to the extent to which the process provides meaningful feedback to responsible officials in such a way as allows them to make improvements in both the complaint process and the police department.” (Walker, 2001: 60).

The police service should take steps to improve its transparency. The presumption should be that everything should be available for public scrutiny unless it is in the public interest — not the police interest — to hold it back.²¹

Those police agencies that support outside scrutiny see it as a means of building public confidence in, and understanding of, policing, and of improving the effectiveness of service delivery and ensuring good police conduct. Supporting external scrutiny determines the attitude of police to requests for information, their willingness to engage in dialogue, their accessibility to researchers, and their response to other methods of scrutiny, such as lay visitor schemes.

The Patten Commission for instance recommends that:

- ◆ “lay visitors should be empowered not only to inspect the conditions of detention ... but also to observe interviews on camera subject to the consent of the detainee (as is the case for cell visits)” (Recommendation 64);
- ◆ “the training curricula for the police service should be publicly available, and easily accessible e.g. on the Internet” (Recommendation 147); and
- ◆ “some training sessions should be open to members of the public to attend, upon application, priority being given to members of the policing board, ... lay visitors, or other bodies, statutory or non-governmental, involved in working with the police” (Recommendation 148).

A police agency which supports accountability and transparency therefore goes beyond formal requirements and supports additional forms of outside scrutiny.

Police-community dialogue

The basic role of the police is to serve the public and this requires some level of consultation with communities at a local level. There is not necessarily a formula for doing this, but, without such consultation, the police will inevitably in some ways be imposing their services on the community rather than serving the community in a manner responsive to its needs.

While dialogue with communities is essentially about consultation, the police need to see this relationship as involving an element of accountability to community members. Community structures will not have direct authority over the police, but the police still need to be willing to explain their actions to the community.

In South Africa, Community Police Forums (CPFs) have been a valuable tool for police in building bridges with communities since the early and mid-1990s. Though, when they were established, CPFs were regarded as a mechanism for holding police accountable, they

21. For more on the Patten Commission see the discussion of Northern Ireland (p. 9).

have tended to be more successful when focused on providing support and assistance to police. More recently, the SAPS has also adopted sector policing, which, in its South African variant, involves dedicating police members to a geographical sub-component within the station area, and working collaboratively with community members within that area through 'sector forums'. But while both CPFs and sector forums may be useful for building relationships with the community, police should not rely entirely on them as a means for engaging in dialogue with community members, as they are usually not representative of communities. The police, therefore, need to go beyond these structures and actively reach out to different groupings and individuals in the community. CPFs and sector forums, which see their role as supporting the police, may be able to assist them in this task.

With or without the assistance of CPFs or sector forums, police should explore possibilities for working with community members to build community cohesion and strengthen the ability of communities to prevent crime. At the same time, police should maintain their impartiality in relation to different groupings in the community, notwithstanding the relationships they establish with them through dialogue.

Other police agencies

One of the realities of policing in contemporary South Africa is the diversity of agencies involved in performing policing functions. In addition to the South African Police Service and six municipal police services there are also a wide number of other agencies.²² While there may be a tendency for these different agencies to compete with each other, it is important that police agencies develop cooperative arrangements to mutually support each other's work in promoting safety. This is also relevant beyond the domestic arena, with international cooperation between national police services being an important component of policing in the modern world.

However, democratic policing implies not only that police agencies adhere to high standards themselves, but that they expect high standards from other police agencies. Cooperation should therefore not involve ignoring abuses by members of other police agencies, but rather holding them accountable for adhering to standards of human rights and integrity.

Reliability of information

In subsequent sections, this handbook discusses the type of information which is useful for evaluating the performance and conduct of police. While police agencies provide information on these issues, this information can't be taken at face value. Police agencies therefore need to take steps to ensure that the information provided is reliable; they must be transparent about the measures taken to ensure reliability, and willing to acknowledge where there is reason to doubt the reliability of information.

22. See footnote 1.

Individual accountability

Accountability implies not simply providing information but that individuals will be held responsible for their performance and conduct. Whatever systems for outside scrutiny exist, the police agency itself will be best positioned to hold members responsible, if it is committed to performing this role.

For a police agency to hold its members accountable, it has to have effective systems of supervision in place to manage the performance of police members, and other internal systems to prevent and control aberrant conduct. (See Section 4 for detailed discussion of the latter systems.) Managing the performance and conduct of police also requires that those in a supervisory role be held accountable for the performance of those under their supervision.

The ability to hold police individually accountable will also be enhanced if individual members are identifiable so that members of the public can positively identify the police members with whom they interact. This issue is emphasised by the Patten Commission which suggests that even police involved in public order policing should have identification numbers “clearly visible on their protective clothing, just as they should be on regular uniforms” (Recommendation 72). Basic measures to ensure that all police are identifiable by members of the public are therefore important to ensuring accountability.

Covert activities

One of the complexities of police accountability (common to other agencies involved in covert activities, such as intelligence agencies) is that there are some activities, which cannot be exposed to scrutiny in the normal way.

Nevertheless, the police agency should be able to demonstrate its approach to the control of covert or “undercover” activities, and the steps that are taken to ensure that such activities are carried out effectively, without the abuse of rights or resources. These steps should be aligned with laws which create clear judicial and legislative review of the use of intrusive undercover activities. The creation of independent mechanisms for authorising certain activities, and reviewing them afterwards, offers an additional safeguard.

While secrecy may be required during sensitive operations, after-the-fact review should be a routine and, as far as possible, open procedure, to examine operational aspects that may not come under scrutiny through any legal proceedings that may result from the operation. Where necessary, closed parliamentary committee sessions can be used to review operations in cases where confidentiality must be maintained to protect sources or other highly sensitive matters. Freedom of information rules should stipulate a reasonable time period after which all information is placed in the public purview.

Use of resources

The issue of responsible and accountable use of public resources is central to accountable government and applies to all government departments. Resources allocated to police agencies are effectively channelled away from other government departments where they could potentially be used to address some of the underlying problems of which crime is a manifestation. Police therefore have a special responsibility to use resources allocated to them responsibly and efficiently. Legislative bodies with the “power of the purse” have a responsibility to interrogate the common police argument that poor results are the consequence of poor resources. While policing is poorly resourced in many developing countries, there is no guarantee that additional resources will improve the productivity of law enforcement and crime prevention, unless police demonstrate effective systems and strategies for using those resources.



Area 3: Service delivery for safety, security and justice

The most dramatic contribution police can make to democracy is to become responsive to individual citizens' needs. ... A police force whose primary business is serving the disaggregate public ... [demonstrates] daily and practically that the authority of the state will be used in the interests of the people (Bayley 2001: 13-14).

[T]here should be no conflict between human rights and policing. Policing means protecting human rights (Patten Commission, 1999:18).

Key measures

Democratic police services:

- ◆ Define their mission as service to the public and the protection of the human rights of all, and conduct police operations accordingly;
- ◆ Distribute police resources fairly;
- ◆ Reduce crime, disorder and fear, and promote public safety;
- ◆ Bring offenders to justice;
- ◆ Respond promptly to emergency calls;
- ◆ Communicate with and serve members of the public in a professional manner;
- ◆ Are responsive to vulnerable groups;
- ◆ Work in partnership with other agencies and groups and actively support crime prevention activities by other agencies;
- ◆ Follow professional standards in recording and reporting information on crime.

Discussion

The police mission

Democracy is government not only "by the people" but also for the people. Democratic policing is, above all else, policing in service of the people.

In carrying out their work, police often tend to conceive of human rights as something which they must adhere to, a set of rules and norms which limits them in their work. However, democratic policing can better be seen as the job of protecting and upholding human rights.

This is not to say that police, on a day-to-day basis, will be involved in upholding and enforcing all rights. Police work is more directly concerned with upholding and protecting certain types of rights. In relation to the rights outlined in the South African Constitution, police work in South Africa can be seen as most intimately concerned with rights to equal protection and benefit of the law (Section 9(1)), to dignity (Section 10), to life (Section 11), to freedom and security of the person (section 12(1)), to privacy (section 14), to freedom of assembly and demonstration (section 17), to property (section 25), as well as with the rights of arrested, detained and accused persons (section 35). Police work may also have implications of a less direct sort for other rights, such as rights to housing, health care or education, in some circumstances.

The reality is also that, in protecting the human rights of some, the police will intrude on the rights of others. Human rights law accepts that some rights may be limited in certain circumstances for the purpose of protecting the rights of others.

It is the job of democratic police therefore to do the difficult work of deciding when intrusions into the rights of some, are necessary and justified, for the purpose of protecting the rights of other people. The quality of police decisions and actions on these issues will in many ways define the quality of human rights in any society.

Fair distribution of police services

In many poor countries, police services are concentrated in wealthy areas, leaving the poor largely unprotected. This is obviously unfair. But while considerations of need should govern how police personnel and resources are distributed, this should not result in a complete imbalance of police services towards high crime areas either. The police is a public service and all people should be able to get to a police station without having to travel too great a distance and without needing private transport, while police should be able to react to emergency situations within a reasonably short time. Inevitably there are areas where population density is so low and distances so vast that these considerations are also compromised.

Nevertheless police agencies should be able to demonstrate that their resources and personnel are distributed in such a manner as to respond most effectively to the need for police services and to ensure reasonable public access. This may also require scrutinising the range of tasks the police are asked to do, which often include non-policing activities, and ensuring they are rationalised.

This is particularly important in a country like South Africa, where policing services were previously primarily responsive to the needs of a privileged minority.

Reducing crime, disorder and fear

The heart of the mission of democratic police agencies lies in dealing with crime, disorder and fear. These major dimensions of police performance according to Moore and Braga (2003) include:

- ◆ Reducing crime and victimisation; (In doing so, police “reduce the real, objective risk of victimisation”) (p.17);
- ◆ Reducing fear and enhancing personal security; (Police have learned that “reducing crime is neither necessary nor sufficient for reducing fear”) (p.19);
- ◆ Ensuring safety and civility in public space. (This includes traffic safety, and safety and civility in parks, schools, and public transport. Police must “protect the safety and civility of these spaces, and in doing so, protect the quality of our public and collective, as well as our private and individual lives”.) (p.21).

Agreement on what the police should do in order to reduce crime, disorder and fear, and how to evaluate their performance in this regard, is a complex task. For some years, criminologists have debated whether police agencies can actually reduce crime or whether levels of crime are purely a product of societal factors beyond police control. Nevertheless, recent thinking reflects an agreement that police can have an impact on crime levels. They can also impact on other facets of the quality of life in communities, by focusing on disorder and fear of crime.

It is especially important to bear in mind that problems of crime, disorder and fear are not gender neutral. To a significant extent, women suffer from these problems in a different way than to men. Democratic police agencies must structure and adapt the services they provide to deal effectively with aspects of crime that specifically affect women.

Bringing offenders to justice

By solving crimes and arresting offenders, police not only contribute to preventing crime but also to promoting “justice”, which “includes the idea that people ought to be held accountable for their crimes” (Moore and Braga: 17). Police agencies therefore need to have the capacity to investigate crime reports effectively and be successful in identifying, tracing and apprehending perpetrators. At the same time, they should only arrest persons when there are reasonable grounds for suspicion in relation to an offence. This is necessary for the purpose of efficient investigations, to ensure that the suspect is brought to trial, and to protect the safety of the public.

Response to emergency calls

Police emergency response is of such importance that it deserves to be singled out as a specific issue. Members of the public should have confidence that the police will respond

promptly when they place an emergency call and will deal with the situation in a professional way. A prompt and professional police response to emergency calls is potentially a major factor in promoting confidence in the police and reducing fear of crime. If police have a reputation for responding promptly, this may also discourage potential offenders.

Communication and service

Police agencies interact with members of the public in many different situations, and the service they provide varies from situation to situation. This includes emergency calls, other calls for service, people reporting crimes, general service requests at the police station and queries from members of the public. There are also “involuntary contacts”, when police stop and search people or their vehicles, or arrest people. In all of these situations, police need to provide a professional service, and try to ensure that members of the public are satisfied with the way in which they have been dealt with by the police.

Intrinsic to this is the requirement that members of police agencies communicate with people in a respectful and professional manner. In the South African context, this links to the issue of language. Police agencies orientated towards serving the public effectively will give strong emphasis to being able to communicate with members of the public in languages understood by them.

Vulnerable groups

Part of the nature of police work is that police frequently interact with people who have “vulnerabilities” of one kind or another. These include:

- ◆ Children, whether as victims, witnesses or suspected perpetrators;
- ◆ Victims of violent and sexual offences, and those suffering emotional or psychological trauma as a result of victimisation;
- ◆ Victims and witnesses who are frightened or are in physical danger;
- ◆ Disabled and elderly people;
- ◆ Educationally, economically or socially disadvantaged or marginalised people whether these are victims, witnesses or suspects;
- ◆ Indigenous or minority ethnic populations may also fit this category in some countries;
- ◆ Immigrants.

In working with young people, democratic policing requires that police work in a manner which recognises and responds to their developmental needs. More generally, when working with people who, for one reason or another, are in a position of vulnerability, the police should adopt a sensitive manner, and engage with them in a way which is appropriate to their specific needs.

Co-operation and collaboration

In earlier days, even in democratic societies, police were inclined to think of themselves as 'the thin blue line' whose task was single-handedly to defend communities against crime and disorder. In contemporary democracies, police can no longer afford to think of themselves in this way.

The police mandate requires them to play a leading role in dealing with crime. In particular, where dealing with crime and disorder may require the use of police powers (including the authority and capacity to use force and carry out arrests) and may expose those involved to the risk of physical harm, it is important for police to be responsible for these activities. Beyond this, police should perhaps think of themselves as a resource, whose job is to support other groups and organisations in strengthening society's ability to prevent and deal with crime.

Many crime problems can be better addressed using skills and resources that are only available outside the police organisation. Police can be more effective if they learn to work in a collaborative way with others. Better collaboration and community relations alone can reduce levels of fear in communities. More generally, crime is a manifestation of underlying problems in the fabric of a society. The police do not have the capacity, or the responsibility, to solve these underlying problems. A key question therefore in evaluating service delivery by police agencies is whether they work in a manner which promotes communication and partnership with communities, other components of the criminal justice system, and other agencies or groups.

Not all partnership initiatives are necessarily productive, so the question is not just whether police are involved in partnerships but also how productive these partnerships are. If police are succeeding in working effectively with other agencies, they may be contributing to strengthening the overall fabric of society and its resilience against crime, rather than simply responding in an isolated way to incidents of criminality and disorder.

Recording and reporting crime information

It is widely known that much crime is not reported, and where people mistrust and fear police, under-reporting may reach chronic levels. Nevertheless, unless they are intimidated and frightened of the police, or regard them as completely inept, many members of the public are likely to report crime to the police for one reason or another. As a result, the police are an important repository of information on crime in any society. This information can be used by the police for their own purposes in preventing and combating crime. But the information is also a broader resource of interest and use to a wider range of groups, and the general public.

Democratic police agencies therefore have a responsibility to regard crime information as a public asset. In providing a professional service to the public, the police need to follow certain basic standards in receiving crime reports from the public. But their obligations also extend to ensuring that crime is recorded, analysed, and reported in a manner that meets not only their own needs, but the needs of society more broadly.



Area 4: Proper police conduct

Police actions in a democracy must ... be governed by the rule of law rather than by directions given arbitrarily by particular regimes and their members. Democratic police do not make law; they apply it, and even then their judgments need to be validated by courts (Bayley 2001; p. 14).

Key measures

Democratic police services:

- ◆ Respect and uphold the rule of law;
- ◆ Support principles of integrity, respect for human dignity and rights, non-discrimination, fairness, and professionalism in their policies and operations; clearly articulate these principles to their members; and actively promote adherence to them;
- ◆ Have effective systems for receiving complaints against police officers, internal investigation and discipline;
- ◆ Cooperate with oversight bodies responsible for monitoring or investigating alleged police misconduct;
- ◆ Use force in a manner consistent with principles of minimum force and respect for human life, and have clear policies and controls supporting this;
- ◆ Exercise proper care of people in custody.

Discussion

The rule of law

Democratic policing requires that police agencies provide effective services to the public while at the same time adhering to high standards in their conduct. This first of all requires that the police service and its members respect and uphold the Constitution and the rule of law.

Police have some discretion as to when to enforce the law, particularly in relation to whether or not to arrest people for petty offences. Respect for the law, therefore, does not mean that police are expected to enforce the law and arrest people in every case. It does mean that where they do enforce the law, they do so irrespective of the social status or organisational or political affiliation of the suspect. In addition to not violating the law themselves, respect for the rule of law also requires that the police do not tolerate people taking the law into their own hands.

Values and conduct

Democratic policing goes beyond the requirement that police adhere to the rule of law, as the law itself may not necessarily embody the values of democracy and human rights. Democratic policing implies that police go beyond a mechanistic adherence to the law, and uphold and promote key principles. These principles include:

- ◆ Integrity – the moral will to resist the temptation to abuse police powers;
- ◆ Respect for human dignity and rights – the mission of democratic police is to protect the human rights of all. (A core principle of human rights is to recognise the dignity of all people and treat them with respect);
- ◆ Non-discrimination – the police agency respects standards of non-discrimination and respect for diversity in relation to all groups;
- ◆ Fairness – police should act in an even-handed way, taking into account the circumstances of each situation with which they deal;
- ◆ Professionalism – police should take care to ensure that they carry out their work in a skillful and efficient manner.

For police services to uphold these values, they must bring them to life in the conduct of their operations. This requires that the values are regularly and consistently articulated to ensure that they are clearly understood throughout the organisation. Policies must support police in learning the skills necessary to carry out these principles, and provide for disciplinary steps against those who deliberately contravene them.

Internal control

Police services need to take full responsibility for ensuring that allegations of misconduct against police are properly investigated and that appropriate steps are taken against those who fail to observe proper standards in their conduct. This requires that:

- ◆ The police agency has effective and accessible systems for receiving complaints against members;
- ◆ The police agency has effective internal systems for carrying out investigations against its members, whether these are criminal investigations or for internal disciplinary purposes;
- ◆ The internal disciplinary system operates effectively, observing high standards of efficiency and respect for due process.

Having an effective system for receiving complaints is not merely a means of holding officers responsible for misconduct. Dealing effectively with complaints builds public trust in the police. Complaints data can also be used for identifying police officers who repeatedly attract complaints. This may help identify officers who are too aggressive in their style of

policing, so that remedies can be applied, such as counselling, training, and changes in assignment. Complaints data can also identify operational tactics that may lead to high numbers of complaints and thereby support scrutiny and changes of tactical approach by the police.

The police internal investigative and disciplinary system should partly serve the purpose of correcting the behaviour of those who have erred, but still have the potential to perform their duties in a reasonable way. At the same time it should ensure that individuals who are not morally fit to be police officers are not involved in policing activities and are not permitted to exercise police powers. In cases of criminal behaviour by police, internal disciplinary investigations should also share information with and support criminal investigations and action.²³

The effectiveness of these internal systems is a measure of the degree to which the police agency is committed to ensuring that its members adhere to the high standards which are required of democratic police. In addition to these basic systems, the police agency may need to make use of additional measures, such as integrity checks, or special protection for whistleblowers, if it is to exercise convincing control over corruption or brutality.

Oversight bodies

In many countries oversight bodies such as civilian review boards have been established to ensure that cases against the police are investigated properly. Some of these bodies are aimed at monitoring, while others also have direct investigative responsibilities. Some bodies, such as the South African Independent Complaints Directorate, combine monitoring and investigative roles.

Whatever the role of oversight structures such as these, the need for the police to have systems to receive complaints and conduct internal investigations remains. However, there is also a need for clarification of the relationship between external oversights and internal controls. The police must ensure that the two systems can work in a way that is mutually reinforcing, and that internal disciplinary mechanisms cooperate with oversight bodies.

Use of force

The use of force, particularly lethal force, is the dimension of policing which has the most potential to cause destruction and damage. This is not only in terms of people injured or killed, but also, along with corruption, in damage to the reputation of the police and to police-community relations.

23. See the discussion of due process on page 42, regarding compelled statements.

At the same time, the use of force is indispensable to proper policing. For this reason, police services cannot primarily rely on disciplinary systems or civilian oversight bodies to control the use of force by its members, but need to combine training (including regular weapons re-qualification) and other support to police officers, with proper sanctions against those who over-step the line.

Police services should also have effective systems to control and monitor the allocation and use of firearms to ensure that police officers who are unfit to be carrying these weapons are not allowed to do so.

In addition, police services should set standards in line with the principles of minimum use of force, regarding both lethal and non-lethal force, and actively support police members in meeting these standards through training and other measures. Policies on the use of lethal force should strongly emphasise respect for human life.

Persons in custody

As indicated²⁴, police should not misuse their powers of arrest. Beyond ensuring that powers of arrest are used appropriately, democratic police services also need to ensure that proper care is taken of people in custody.

This requires that the police service explicitly bars the verbal or physical abuse of suspects or any other person in custody, particularly during questioning. It also requires that the police service has systems in place to ensure proper care of persons in custody, including access to legal counsel. The South African Constitution states that people in custody should have “at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment” (Section 35(2)(f)).

24. See discussion on “Bringing offenders to justice” on p 33.



Area 5: Police as citizens

Key measures

Democratic police services:

- ◆ Do not discriminate against any group in society in their entry qualifications and processes, other than for the purpose of ensuring that the police service is representative of different groups in the population;
- ◆ Are clear and explicit in their promotion and remuneration policies, base career advancement on merit, and use fair and transparent procedures;
- ◆ Provide reasonable conditions of service and resources including pay and benefits, and treat police officers in a manner consistent with their dignity;
- ◆ Allow police officers full rights to due process in relation to criminal charges against them and apply, at a minimum, basic standards of fairness in relation to disciplinary matters;
- ◆ Subject to reasonable limitations imposed by national legislation, allow police officers to form organisations to protect their collective rights;
- ◆ Take steps to ensure officer safety and protection in training and operational practices.

Discussion

Equity and fairness in recruitment, promotion and remuneration

The fact that police are citizens means that they are entitled to the rights, privileges and benefits of citizenship. This means, among other things, that they should not be discriminated against in the process of recruitment into the police service — the criteria for selection are essentially uniform for all applicants.

The police service is, however, the most public face of government. Their work is also of a highly sensitive nature, and requires interaction with community members on a regular basis. If a police service is constituted similarly to the population as a whole, community members are far more likely to accept and identify with it, and be willing to place some level of trust in it. Imbalances in the representation of different population groups can also be linked to the legacy of discrimination and it is fair and necessary that steps be taken to correct these imbalances.

Similar considerations apply to the promotion policy within the organisation. Career advancement should be based on merit. Care must be taken, however, to ensure that the

concept of merit applied is one that supports the broad objectives of democratic policing and is not culturally biased. It may even be appropriate to provide specific support to selected police officers from groups previously discriminated against to enhance their prospects for promotion.

Promotion and remuneration policies also need to be fully transparent. This will contribute to positive morale as well as a level playing field, as secretiveness inevitably causes distrust and feeds perceptions of unfair treatment.

Conditions of service

Central to recognising the rights of police as democratic citizens is the right to decent basic conditions of service. What is fair and decent will vary from one society to another. Police should, at a minimum, receive pay and other benefits on a comparable scale to other public service employees. Furthermore, their hours of work should not be unreasonable, and they should be treated with respect by their superiors and colleagues.

Due process

Police should enjoy the same rights of due process enjoyed by ordinary civilians in criminal matters. One complex issue in this regard relates to the right to silence.

Police are public servants who exercise powers not available to ordinary members of the public, including powers to use force and to arrest. It appears reasonable to require that the police are fully accountable for their actions, particularly if these are performed in the course of their duties. This would appear to imply that police should be regarded as having a duty to answer questions during a criminal or internal disciplinary investigation or inquiry.

The argument for police to be fully accountable for their actions is particularly compelling where someone is killed by a police officer using the authority of the law. Frequently in such incidents the only witnesses, if any, are police officers, who may even have been involved in the fatal use of force. In the light of the drastic consequences of police actions of this kind, it would appear reasonable to argue that police members should be fully accountable in relation to them.

Nevertheless, the principle that police should have the rights of ordinary citizens means that, at the least, they should have the right to remain silent in criminal proceedings against them. While they may be placed under an obligation to answer questions for managerial or disciplinary purposes, such “compelled statements” may not be used against them in criminal proceedings, without their consent.

Organisations

The right of police to form trade unions is a complex issue. While in South Africa the Constitution recognises the right of all people to be members of trade unions, this is not universally accepted. The European Convention on Human Rights, for instance, accepts that restrictions may be imposed on the rights of police, armed forces, and civil servants.²⁵ These may take the form of restrictions on the rights of police to join trade unions, or restrictions on the activities of police labour organisations (European Platform for Policing and Human Rights, undated: 13).

In South Africa the latter route is followed. Police are classified as an essential service and strikes by police are forbidden. The prohibition against strikes by members of the SAPS is contained both in the SAPS Act (68 of 1995) and the Labour Relations Act (66 of 1995).

While it is accepted that police labour rights may be curtailed in some way, this does not mean that they should be denied all labour rights. Basic rights to form organisations to represent their interests and to engage in collective bargaining should therefore also be enjoyed by police.

Safety

The willingness to expose oneself to danger is an implicit requirement of the police occupation. But this does not mean that the risks which police face can simply be taken for granted. Due regard must be paid to police safety. Equipment, training, and operational procedures should all support and enhance officer, as well as public, safety.

25. Article 11 of the Convention, which deals with freedom of assembly (see footnote 18) and association allows for 'lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State'.



4. Conclusion: Strengthening the use of indicators in South Africa

A scan of systems for monitoring police performance internationally indicates that there is no single model for how to do this. In England and Wales a uniform and mandatory set of indicators has been introduced. By contrast, the Council of Europe's indicators are intended for use in a variety of different European countries, with the suggestion that people use the indicators which are most appropriate to their own context. Yet there is a clear trend toward the measurement and evaluation of policing and policing outputs.

The use of indicators responds to a range of pressures. There is the desire to be clearer about the impact of policing — which strategies work, and which do not. The need to assign human, financial and other resources appropriately and efficiently also requires objective data. Countries spend a huge amount of money on their police and need to know where they will get the best value for that expenditure. Police organisations exercise state authority — the way in which they use their powers can enhance or damage the state's reputation for justice and fairness, both of which are important to state legitimacy (Moore, Thacher, et al, 2002). There are also managerial considerations — how are managers to know and guide what their officers do all day, when they are often on the streets, far from any supervisor? How are managers to encourage and affirm good policing skills? For policymakers, police managers and officers, the power of measurement also lies in the fact that “what gets measured is what gets done”. Indicators create incentives.

These same reasons indicate the need for evaluations at different levels of the policing machinery. Policing can be measured nationwide, at a more localised level, and on an individual basis, presenting inter-related but distinct challenges. Some measures are more important to the external accountability of the police, either to government or to local communities, while others are primarily relevant for purposes of internal managerial control. At all levels, measures must be selected in alignment with a shared set of values and objectives.

There are also strong arguments for the need to make use of indicators in police services in transitional countries where police are undergoing democratic reform. Developing such indicators may be worthwhile in promoting common understanding of the objectives of the reform process, as well as in evaluating the process itself, and whether this, and donor efforts, are indeed promoting democratic policing values. But while reform programmes require monitoring “burdensome evaluation can discourage reform” (Bayley, 2001, p.24)

and systems for evaluation therefore need to be appropriate to the context in which they are implemented.

As a country emerging from democratic transition, South Africa has already made substantial progress along the path of democratic transformation of its police, as well as in the development of measures and indicators for policing. Improvements in the use of indicators can however assist oversight bodies in ensuring that these reforms are sustained, and in promoting the further growth and development of South African policing.

Improving indicators for better police oversight in South Africa

As indicated above²⁶ the SAPS has an extensive system for reporting developed in line with constitutional and legislative provisions as well as in relation to the concern to improve performance management of stations.

Reflecting current legislative requirements, the focus of the SAPS annual report is on the overall performance of the SAPS as a single national organisation, while the provinces are mainly concerned to report on performance on a province-wide basis. In line with this, policing indicators are currently organised to meet public finance guidelines, and therefore focus on the programmatic areas that feature in the national policing budget. As a result, each policing programme — detection, administration, visible policing, intelligence or protection and security services — is reported in national aggregate figures.

The SAPS has put substantial work into developing indicators to evaluate the performance of its various programmes, reflecting a commitment to a more coherent and transparent approach. In this regard, the SAPS has gone further than many other government departments, and has developed useful insights into the development of indicators.

But while the information provided may be useful for overall managerial and resource-allocation purposes, it nevertheless offers limited insight in evaluating the police. This is partly because the national aggregate figures obscure much of the detail of what is happening ‘on the ground’ and offer little scope for a more nuanced scrutiny of what the SAPS is achieving in different areas. An alternative approach providing more insight into what is occurring within different geographical areas might prove more useful to bodies such as the national and provincial secretariats, as well as to Parliament and the provincial legislatures.

One option would be for the SAPS to report on a set of statistical and other indicators at a geographical level in addition to the current programmatic reporting. Crime statistics, for example, are not only provided nationally and by province, but are also available for each

26. See pages 11-13.

of the 42 geographic policing areas. The SAPS could supplement this information by providing data on a broader set of indicators in relation to each of these areas.²⁷ (Data on selected indicators is already available, by means of the performance management chart, at area level).

One argument for this is that many of the indicators used by the SAPS may be seen as reflecting the combined efforts of different parts of the SAPS rather than being exclusively the product of the detective service or visible policing units. Detection rates, for instance, are a product of the work of detectives, as well as the members of the visible policing, intelligence, and even administration, programmes.²⁸

Information reflecting the results or outcomes achieved on a geographical basis would reflect the combined results achieved by the SAPS in that area. Geographically-based information would not only provide a better basis for measuring the success or otherwise of police services in meeting the requirements of democratic policing on the ground, but could also support the identification of successful strategies that might be replicated; pinpoint and bring attention to failing areas; and support the setting of attainable standards and objectives on the basis of an objective comparison between different areas. It might also contribute towards the greater cohesion between different units in each area, as they begin to be seen as collectively responsible for results achieved, contributing to greater *esprit de corps*.

As a rough outline, a report on police performance broken down by policing area could, for instance, contain the following statistical information:

1. Data on the numbers of police, police stations and vehicles, relative to the population and land area of each area, and the percentage of the population living in urban areas.
2. Data on crime levels in relation to key selected crime categories (preferably supplemented by data from victim surveys).
3. Data on detection rates (using a reliable measure, such as cases prosecuted) and conviction rates.
4. Data, if it exists, on the number of incidents of domestic violence responded to, and those resulting in arrests.
5. Data on deaths in public gatherings or demonstrations, the number of such events in which police were involved where they encountered violence, and the overall number of such events.

27. The South African Police Service is a national police service but is organised in a hierarchy of provincial, area and station levels. The term 'area' as used here, therefore refers to a command level which falls below the provincial but above the station level. Each Area Commissioner is accountable to the Provincial Commissioner, but in turn has authority over each of the Station Commissioners within his or her area of jurisdiction.

28. The same argument may be applied to a number of the other indicators provided by the SAPS including indicators on firearms and vehicles recovered and drugs seized, indicators on the overall crime rate, and indicators on detection and 'disposal' rates, or the policing of situations requiring 'specialised interventions'.

6. Data on the number of deaths as a result of police action, and deaths in custody, relative to the population of the area.
7. Data on the number of police killed on- and off-duty, relative to overall numbers of police.
8. Data on the ethnic representativeness of police relative to the population of the area.
9. Data on the percentage of female police officers.
10. Data on working hours lost due to sick leave and absenteeism.

Such a report would make comparative judgments about police performance more possible and meaningful in relation to a range of issues, including but not restricted to, service delivery. It would represent a clear improvement on current reporting, particularly given the present failure to clearly address questions of police conduct. It would also enhance the possibility of evaluating the efficiency or inefficiency of police in their use of resources, as comparisons could be made of outputs relative to resource inputs between different areas.

Such a reporting system would provide a more nuanced picture of what is happening on the ground in terms of policing, and therefore probably be far more useful to oversight bodies. At the same time, comparisons between different areas would need to be carried out in a manner sensitive to local differences. Policing areas differ in relation to a wide range of factors including population levels and profiles, policing resources, geographic and economic features, as well as in the social factors that contribute to crime.²⁹

The information suggested here is entirely quantitative in nature and would leave many questions about the police unanswered. For it to be most useful it would be helpful if it could be supplemented by information in relation to other issues and questions highlighted by the five areas discussed in this handbook.

Nevertheless it is likely that this type of information would be helpful to oversight bodies as it would enable them to explore the differences and similarities between different policing areas, and take these into account in examining the work of the police, providing a foundation for engaging with other questions.

The need for public surveys

In addition to comparing one policing area against another, it is also useful to be able to compare data gathered by the police against other externally gathered data. For this reason there is increasing interest internationally in the use of public surveys as a means of evaluating police.

²⁹ In a number of policing areas there is also jurisdictional overlap between SAPS and the municipal police. In these areas, this factor should be taken into account in making use of numeric indicators. If municipal police are also being assessed, data on deaths in road traffic collisions might also be factored in, as municipal police are also responsible for traffic enforcement.

Originally the motivation for these surveys was seen to be the need to get a more accurate estimate of overall levels of crime, in the light of the fact that some crime, and a high proportion in certain categories, is not reported to the police. There are also anxieties that pressures on the police, from politicians and the public, might motivate police to manipulate figures on actual levels of recorded crime.

Reductions in reported crime may also simply reflect the fact that a smaller proportion of victims are going to the police. This may possibly be the result of declining confidence in the police. On the other hand, increases in reported crime may simply reflect the fact that a higher proportion of victims are reporting crime, even where the overall levels of crime have in fact decreased, possibly related to improved public attitudes to the police.

If they manipulate crime information, police are potentially able to claim that crime has gone down even where they have received more reports, by failing or refusing to record crime reports.³⁰ Police also control information about other factors, such as response times and the outcomes of crime investigations.

Putting pressure on the police to reduce levels of crime therefore carries the risk of creating “perverse incentives” for police. The result may be that police discourage reporting or manipulate crime statistics, thereby undermining important goals such as the goal of having good quality information on crime, public trust in the police, and effective service delivery.

Crime statistics can be a valuable source of information when they are recorded using professional standards. However, it is very difficult to monitor the quality of police performance unless the accuracy and quality of statistical information can be verified. Regular scientific public surveys are therefore essential to establishing accurately whether the trends reflected in crime statistics reflect actual overall changes in levels of crime.

In recent years the use of these types of surveys has also been expanded to address other questions. They can also provide data, for instance, about perceptions of the police, general satisfaction with service received, levels of fear, and views on official policies. Surveys can target either the general public or specific individuals who have had contact with the police.

Writing for a US audience, Moore and Braga argue strongly that, despite the costs, governments should finance regular population surveys to gauge public satisfaction with police performance. In response to the question, “Why spend money just to collect information when one could spend the same money to provide higher levels of service?” they say:

30. According to anecdotal reports on the Soviet Union, for instance, where clearance rates were relied on as the main indicator of police productivity, police would simply refuse to record any cases they didn't think they could solve. As a result they got clearance rates of over 80%, and recorded very little reported crime, even where crime levels did in fact increase.

There is an answer to this question, of course. It is simply that we cannot be sure that the police department is, in fact, providing useful or valuable services, if it does not collect information about the impact that the organisation is having. (2003: 35).

Despite their cost, examples exist outside the “developed world” of governments that have chosen to invest in surveys as a means of measuring crime. Argentina, for instance, has chosen to rely on regular victimisation surveys rather than police statistics, as the latter were viewed as chronically unreliable.

Even where police statistics are of good quality, victimisation surveys are vital complements, especially if one wishes to set objective benchmarks. The South African Police Service has begun to make use of surveys, but this has not yet become established practice. Surveys should preferably be managed by components of government other than the SAPS itself, though these would need to be components which have adequate capacity to manage research processes.

Agreeing on a common set of key indicators

A clear factor in shaping decisions around the type of indicators most appropriate to a given country is the data collection systems which are available from both police and external sources.

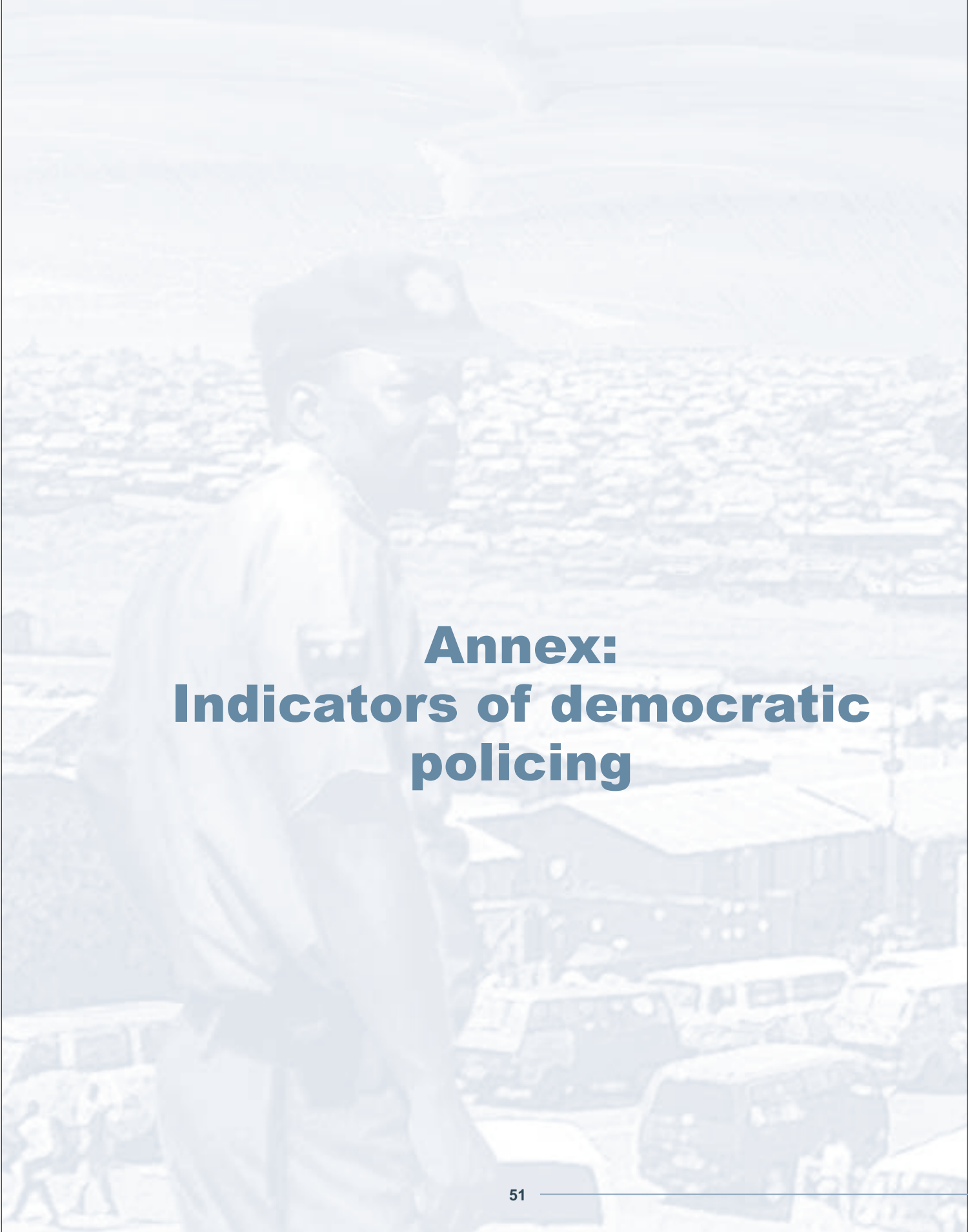
Wealthier countries boast data collection and analysis infrastructures which provide detailed information that can then be analysed for police performance statistics. The measures used in England and Wales, for instance, are based partly on data collected through the annual government-funded British crime survey. Indicators for traffic enforcement rely on data broken down by the “hundred million vehicle kilometres travelled” for all motor vehicles on public roads in each police force area (Home Office, 2004:40). Data of this kind is not available in most countries.

Countries with such sophisticated data collection systems have greater potential to rely on measures or indicators requiring extensive statistics. However, even where high quality statistical information is available, it cannot answer many of the most important questions relating to police, and needs to be complemented by more qualitative (non-numeric) information.

South Africa cannot simply imitate wealthier countries, as it has neither the information infrastructure nor the resource base to do so. That said, the SAPS does gather extensive data and is currently working to develop and apply a more sophisticated set of performance measures. Provision of information against a standard set of indicators for each policing

area would add to the value and insight which oversight bodies would be able to derive from such data.

In addition to reporting in a format that is more useful for comparative purposes, substantial improvements may be made by improving the quality of data collection, verifying that data is being reported accurately, and ensuring that data reporting answers key questions in a clear manner. Finally, alongside improvements in the information provided, there needs to be a sustained commitment to transparency and to ensuring that information is accessible to the public.



Annex: Indicators of democratic policing



Appendix I

Potential Indicators

Area 1: Protecting democratic political life

1. Carry out the policing of public gatherings and demonstrations in a manner which supports freedom of association and assembly.

- ❑ Number of demonstrations or political gatherings, and the number which were policed
- ❑ Number of incidents of disruption at gatherings/demonstrations, and police response.
- ❑ Number of gatherings at which police used physical force, nature of force used, and the reasons for use of force.
- ❑ Indications as to whether or not police used minimum force where possible (recording of decision and procedure).
- ❑ Deaths and injuries at gatherings/demonstrations (i) caused by police action, or (ii) caused by other parties (including deaths or injuries of police).
- ❑ Number of gatherings at which arrests were made, the number of arrests and the charges laid.
- ❑ Complaints received, or charges lodged regarding policing actions, and the outcome of investigations or disciplinary procedures relating thereto.
- ❑ Evidence of police learning by evaluating the reasons for disruptions, for the use of force, and for deaths or injuries, and developing measures to minimise these while upholding the right to freedom of assembly.

2. In a non-partisan manner, protect individuals and political parties in exercising their political rights.

- ❑ Police involvement in protecting polling stations and voters, and the election process -- any problems encountered or complaints received regarding this, and results of investigations or other measures in response.
- ❑ Police protection provided (or failure to provide) to political parties, or individuals, at risk because of their legitimate political activities.

3. Investigate, arrest, and bring before court members of groups who seek to promote their political ends through violence.

- ❑ Number of incidents of organised, politically-motivated violence
- ❑ Presentation of credible evidence on groups who promote their political ends through violence, and steps taken by police to bring them to justice

4. Other than in relation to the above, do not exercise their powers to favour or prejudice individual political interests or causes.

- ❑ Allegations of harassment, intimidation or abuse by police of political opponents of government or of specific political groups
- ❑ Complaints received regarding the policing of political or other groups and the response to these complaints
- ❑ Evidence of any police officer using his or her status or powers to advance or prejudice specific political interests, and the response of the police service
- ❑ Evidence of coercion by senior officers or other members on police officers to support specific political groups, or of favouritism toward officers based on political loyalties

Appendix II

Potential Indicators

Area 2: Governance, accountability & transparency

5. Government supports democratic policing through fiscal, legislative and other measures.

- ❑ Budgetary allocations enable police to perform the range of functions and responsibilities associated with democratic policing.
- ❑ The Constitutional and legislative framework, and statements of policy, reflect and promote democratic policing values.
- ❑ Legislation, regulations or case law define scope of appropriate policy directions by government and domain of responsibility of police commissioner.

6. Police are under the authority of a civilian ministry or authority, and there is regular review and meaningful oversight of the police by parliaments, legislatures and local authorities.

Information indicating:

- ❑ Legal framework governing executive control of police, including power by civilian authority to give policy direction to police, and police adherence to this.
- ❑ The budget, including detail of line items, is public.
- ❑ The budget is approved by the national or local legislature, which holds police to account for budget expenditures.
- ❑ Legislative approval is required for budget reallocations and transfers.

7. Government sets policy and holds police accountable in a clear and transparent manner but refrains from inappropriate interference with policing matters.

- ❑ Government adheres to the legal and Constitutional framework regarding control of the police.
- ❑ Information is publicly available on policy directives or other directions given to the police by the Minister of Safety and Security or other government officials.
- ❑ Procedures for nomination and appointment of senior ranking police officers are fair and transparent.

8. There is clear distinction between police and military mandates, powers and command.

- ❑ Police and military mandates and powers are clearly defined and distinguished from one another; and these mandates are adhered to.
- ❑ Police and military have separate and independent systems of command and control.
- ❑ Clear and narrow criteria for, and limitations on, joint police-military operations are established in law.
- ❑ Parliament reviews and approves compliance with these statutes.
- ❑ Police appear before civilian courts, not military tribunals, for any crimes they commit.

9. There is an independent oversight body to investigate complaints against police, with sufficient legal powers, budget and staff resources to perform effectively.

- ❑ The oversight body has sufficient independence to withstand any political and police interference.
- ❑ The oversight body has responsibility and powers to ensure that allegations against police are properly investigated.
- ❑ Oversight personnel are protected from intimidation by police and others.
- ❑ The oversight body has the authority to require cooperation from the police, including authority to require “non-subject” officers to answer questions in relation to investigations of other officers.
- ❑ The oversight body has authority to make unannounced visits to police stations, to search police facilities, and to make arrests.
- ❑ Police are required to comply with requests for information unless substantive reasons exist for not doing so.
- ❑ Police have explicit obligations in response to recommendations made by the oversight body.
- ❑ The oversight body has the authority to issue independent reports.
- ❑ The oversight body has adequate budget to employ sufficient numbers of appropriately-skilled personnel (ratio of investigators to police officer, and overall number of oversight agency personnel).
- ❑ The oversight body has personnel with the skills profile necessary for the roles they must perform.
- ❑ Conditions of service of oversight body personnel are commensurate with those of police.

Democratic police services

10. Account to the legislature, congress or parliament, the criminal justice system and civilian oversight bodies such as human rights commissions or civilian review boards, when required to.

- ❑ Legislative bodies have special committees to oversee police.
- ❑ Regularity of police reports to the committee, and evidence of prompt and meaningful compliance with committee requests for information.
- ❑ Evidence of police respect for the authority of the courts — including appearance to testify when required to do so; quality of testimony; quality of cases submitted to the court; compliance with judicial instructions.
- ❑ Police cooperate with prosecutors and courts in the investigation and prosecution of crimes, while maintaining high standards of evidence and full protection of due process rights.

11. Demonstrate transparent budget management and have demonstrable integrity controls on expenditure and procurements.

- ❑ There are clear budget criteria, and policy rationale for how the budget supports policy and creates efficiencies.
- ❑ Police adhere to integrity controls including public bidding of major procurements, and effective audits, etc.

12. Support outside scrutiny and cooperate with oversight bodies, with civil society and research centres, and with the communities they serve.

- ❑ Annual reports and other reports on police performance and conduct are publicly available.
- ❑ The relationship between police and oversight bodies demonstrates cooperation, effective management relationships and cooperation of individual officers with investigations and monitoring activities of the oversight body.
- ❑ Respond positively to requests for information from community policing forums, the media and others.
- ❑ Senior officers are available to the public and willing to engage in dialogue.
- ❑ There are clear procedures for approval of research, and the facilitation of access of researchers to the police.

- ❑ Appropriate official agencies and others, such as lay visitor schemes, are authorised to carry out unannounced visits to custody facilities.
- ❑ Transparency is promoted by other means such as a police website with quality information; access to police training by members of oversight agencies or the public, etc.

13. Make use of effective mechanisms for police-community dialogue, outreach and cooperation.

- ❑ Police at local and other levels seek to identify key role-players and constituencies in the community and engage them in dialogue (reflected in regularity of consultative meetings and range of groups engaged with).
- ❑ Police seek to identify and establish working partnerships with role-players or groups who have potential to assist in crime prevention activities (reflected in progress in tackling crime problems through partnership arrangements).
- ❑ Police support the effectiveness of these role-players or groups by providing them with information, facilitating their access to training and capacity building on crime prevention, problem solving, etc., if such training exists.
- ❑ Use of community policing or sector policing strategies such as sector meetings or foot patrols.
- ❑ Police officers participate in community activities.
- ❑ Receive plentiful and good quality information from public.

14. Work in a cooperative manner with other public and private policing agencies, whilst supporting their adherence to standards of integrity and human rights.

- ❑ Cooperation agreements set out relationships and responsibilities of different police services in clear terms.
- ❑ Arrangements exist for sharing information on crime.
- ❑ Police agency enforces law against members of other agencies violating the law.
- ❑ Police agency does not accept information from other, local or foreign, police agencies where evidence exists that information is extracted by means of torture.

15. Have reliable systems for recording information for performance evaluation and on individual conduct, and make results available publicly.

- ❑ Police have systems for recording information on the performance and conduct of its members, and provide information on steps taken to ensure or improve the reliability of these systems.

- ❑ Information generated through these systems is available to oversight bodies and the public, irrespective of whether it puts police service in positive light.
- ❑ Information provides meaningful basis for evaluating the police.

16. Strive for efficiency in their use of resources.

- ❑ Data on the proportion of police officer time available for front-line policing.
- ❑ Data on the number of working hours lost due to sickness by police officers or other staff and review of reasons for such absence.
- ❑ Evaluation of performance and effectiveness.
- ❑ Clear performance measures provide a basis for comparing performance by police areas, stations or units, and individuals.
- ❑ Develop measures to improve performance, through innovation, experimentation, or problem solving.
- ❑ Use of resources such as vehicles, and information and communications technology, including telephones.

17. Ensure that individual members are held accountable for their performance and conduct.

- ❑ Have a clear and effective chain of command, particularly in first line supervision of police officers.
- ❑ Require police to identify themselves and wear identification tags or labels, or present identification, to members of the public.
- ❑ See also measures and indicators under Area 4.

18. Exercise effective control over covert or “undercover” activities.

- ❑ There are clear policies on management of and responsibilities for covert activities.
- ❑ Covert activities are reliably subject to judicial review.
- ❑ There is legislative oversight and regular review of covert actions, budgets for these actions, and policies guiding covert actions.
- ❑ Policies require an audit trail of sensitive operations and use of after-action evaluations.
- ❑ Freedom of information statutes set clear and limited time frames for the release of information gathered through covert actions.

Appendix III

Potential Indicators

Area 3: Service delivery for safety, security and justice

Democratic police services

19. Define their mission as service to the public and the protection of the human rights of all, and conduct police operations accordingly.

- ☐ Police service has statement of intent to serve and protect the rights of all.
- ☐ Operational practises support this mission.

20. Distribute police resources fairly.

- ☐ Personnel and other resources are allocated fairly, relative to factors such as physical size of area, population size, and crime levels.
- ☐ Quality of police station facilities relative to the demographic characteristics (particularly the ethnic profile) of the communities which they serve.
- ☐ Minimum service standards for each station or area (e.g. for response times).

21. Reduce crime, disorder and fear and promote public safety.

- ☐ Police have clear strategies to reduce crime, disorder and fear.
- ☐ Police set performance targets for their strategies.
- ☐ Data on crime levels, as measured by official statistics and victimisation surveys using specific selected crime categories.
- ☐ Data on levels of fear of crime, as measured by surveys of public perceptions.
- ☐ Specific police strategies to deal with specific forms of crime such as gun crime, violence against women, robbery or other “priority crime problems,” and evidence of their impact on the levels of these crimes.
- ☐ Quality of safety in public space as measured by public usage of, reported crime in, and perceptions of safety in, public amenities such as parks, public transport and schools.

- ❑ For police with jurisdiction over traffic and parking, data on road accidents resulting in death or serious injury, enforcement of laws against drunken driving, and other traffic and parking violations.
- ❑ Arrests and provision of information on protection orders in domestic violence incidents.

22. Bring offenders to justice.

- ❑ Proportion of crimes in selected categories resulting in arrests, prosecutions, and convictions (the latter is also a reflection on prosecutorial performance).
- ❑ Indicators of the quality of investigations.
- ❑ Arrests of people on outstanding warrants or “most wanted” lists.

23. Respond promptly to emergency calls.

- ❑ Response times for emergency calls.
- ❑ Levels of public satisfaction with the police emergency response.

24. Communicate with and serve members of the public in a professional manner.

- ❑ Public satisfaction with police services including general levels of trust in the police, reporting rates, satisfaction of victims of crime with (i) making contact with police (ii) action taken by police (iii) information received from police (iv) treatment received, and (vi) overall service provided.
- ❑ Satisfaction of people involved in involuntary contacts with police, including arrestees and persons stopped and searched, with regard to fairness of treatment.
- ❑ Number of people asking for police service or assistance for issues not linked to crime.
- ❑ Complaints from the public regarding service delivery.
- ❑ Police efforts to meet the language needs of different communities.

25. Demonstrate responsiveness to vulnerable groups.

- ❑ Police policies regarding standards of service to specific vulnerable groups, and evaluation of service delivery in relation to these standards.
- ❑ Satisfaction of members of such groups with police services received.

26. Work in cooperation with other agencies and groups including active support to crime prevention activities.

- ❑ Police work in cooperation with other components of criminal justice system, including other police or investigative agencies, prosecutors, correctional officials, parole officers, and other governmental agencies.
- ❑ Inter-agency operations and protocols exist.
- ❑ Police have clear policies supporting partnerships.
- ❑ Partnerships exist between the police and other state and community role players on crime prevention projects.
- ❑ Police and partners evaluate the achievements of these partnerships and their contribution to crime prevention.

27. Follow professional standards in recording crime and reporting information on crime.

- ❑ Police policies regarding the recording and provision of crime information and adherence to these policies.
- ❑ Crime information recording and analysis by police supports information-led, problem-solving approach to policing and clear targeting of objectives.
- ❑ Crime information is provided by police to groups involved in crime prevention and oversight of police, as well as to the media and general public.

Appendix IV

Potential Indicators

Area 4: Proper police conduct

Democratic police services

28. Respect and uphold the rule of law.

- ❑ Police have clarity about the legal parameters for operational practises such as (i) stop and search, (ii) arrest (iv) detention (iv) interrogation (v) intrusive surveillance, and they adhere to these parameters.
- ❑ Police enforce the law irrespective of social status or political influence of suspects.
- ❑ Police enforce the law against vigilantes.

29. Support principles of integrity, respect for human dignity and rights, non-discrimination, fairness and professionalism in its policies and operations; clearly articulates these principles to its members; and promotes adherence to these principles through a variety of measures.

- ❑ Values are incorporated in police service core documents such as mission statement or statement of values, code of conduct and disciplinary code.
- ❑ Policies and information on how to make a complaint are displayed visibly at police stations.
- ❑ Police officers and other employees are made aware of values during training.
- ❑ Police officers take an oath committing them to uphold these values.
- ❑ Steps are taken to reinforce these values through regular communication of these values in addresses given by organisational leaders, in work briefings by supervisors.
- ❑ Management and operational practice supports and reflects adherence to these values through positive measures intended to assist police adherence such as in promotion and performance appraisals, through other evaluation, and through warnings and sanctions in cases of deviations from these values.
- ❑ Training integrates concern with values into components dealing with operational practices.

- ❑ A register of financial interests of police is maintained.
- ❑ Data on the percentage of cases of violence against the person resulting in prosecution, broken down by ethnicity of victim.
- ❑ Data on the percentage of stops and searches leading to arrest, broken down by ethnicity of person stopped.
- ❑ Comparison of satisfaction with police services by users from different racial or ethnic groups.

30. Have effective systems for receiving complaints against police officers, internal investigation and discipline, and controlling corruption.

- ❑ The police service has accessible systems for receiving complaints against police and complaints are received efficiently and respectfully.
- ❑ Clear standards exist for the intake and classifying of complaints and these are adhered to.
- ❑ Internal investigative systems are effective and operate independently of other investigative units.
- ❑ Rank or job grade of independent oversight personnel, and the ratio of oversight personnel to overall personnel numbers.
- ❑ The process of investigation and discipline is efficient and procedurally thorough and fair.
- ❑ Information is provided to complainants including details of procedural steps taken and outcome of complaint.
- ❑ Remedial measures and/or sanctions are implemented for proven offences, and are appropriate to the nature and seriousness of the offence.
- ❑ Use is made of mediation in appropriate circumstances, which is implemented to the satisfaction of both parties.
- ❑ Clear information is provided on complaints received which includes information on station or area, complaints type, disposition and corrective action, and managers are able to interpret this information and use it effectively.
- ❑ Clear policy exists on dismissal and information, including statistics and case descriptions, on how this policy is applied.
- ❑ Random checks are made to detect and discourage police corruption.

31. Cooperate with oversight bodies responsible for monitoring or investigating alleged police misconduct.

- ❑ Protocols exist on interagency cooperation and to facilitate effective monitoring and investigation by oversight bodies.
- ❑ Police agency informs oversight body of steps taken following oversight recommendations
- ❑ Active support from police for oversight body in performing oversight role.

32. Use force in a manner consistent with principles of minimum force and respect for human life, and have clear policies and controls supporting this.

- ❑ Data on the number of people killed and injured as a result of the use of force (ratio to: overall number of murders; number of police officers; number of officers wounded and killed on duty – see Section 5. Also ratio of persons killed by police to persons wounded in shooting incidents).
- ❑ Policy and practice in relation to use of force, including the equipment provided to police, supports the principles of minimum force and emphasises the protection of human life in relation to the use of lethal force, with exceptionally high regard for lives and safety of non-suspect civilians.
- ❑ There is automatic investigation and review of incidents of the use of force resulting in serious injury or death.
- ❑ There is mandatory reporting of all discharge of firearms and use of other potentially lethal force by police officers.
- ❑ Data on the use of firearms is analysed to monitor and assess firearm usage.
- ❑ Strict control is exercised over distribution of firearms, including measures to ensure that firearms are only allocated to personnel who are mentally, physically and morally fit to use them.
- ❑ Regular weapons re-qualification requirements are in place and implemented.
- ❑ Policies and controls of police use of force and firearms integrate emphasis on officer safety and protection.
- ❑ Policies on police vehicles, and on vehicle pursuits, also protect life.

33. Exercise proper care of people in custody.

- ❑ Controls to prevent abuses of persons in custody are implemented and implementation is monitored.
- ❑ Persons in custody have prompt access to legal representation.
- ❑ Basic standards of care are upheld including adequate meals, exercise, medical assistance, and accommodation.
- ❑ Deaths in custody are recorded and investigated.
- ❑ Special steps are implemented to minimise the risk of death in custody.
- ❑ Lay visitors or others have access to people in custody free from police interference.

Appendix V

Potential Indicators

Area 5: Police as citizens

34. Do not discriminate against any group in their entry qualifications and processes, other than for the purpose of ensuring that the police service is representative of different groups in the population.

- ☐ Minimum qualifications for recruits are clearly defined, are non-discriminatory — either directly or indirectly — and are adhered to.³¹
- ☐ Initiatives to encourage targeted recruitment to reach all racial or ethnic groups, particularly those who are under-represented in the police, and including “immigrant” sectors of the population.
- ☐ Data on the proportion of recruits who are women or from different racial or ethnic groups (including “immigrants”) in police and at different rank levels as compared to proportions in adult population.

35. Are clear and explicit in their promotion, work allocation and remuneration policies, base career advancement on merit, and use fair and transparent procedures.

- ☐ Promotion and remuneration policy is publicly available.
- ☐ Opportunities for advancement are available to all and are publicised amongst police officers.
- ☐ Fair processes are applied in relation to allocation of work and promotion.
- ☐ Promotion panels are broadly representative.

36. Provide reasonable conditions of service and resources, including pay and benefits, and treat police officers in a manner consistent with their dignity.

- ☐ Police pay is commensurate with other comparable civil service sectors.
- ☐ Pay differentials between ranks are reasonable.

31. Height requirements which discriminated against Mayan recruits in Guatemala, are an example of indirect discrimination.

- ❑ Police receive benefits that reflect the inherent risks in their work, including vacation and sick days, life and disability insurance, health services, and pension system .
- ❑ There are limits to the amount of overtime and unsocial hours which police are required to work.
- ❑ Psychological support is available to police to assist them in coping with the effects of exposure to traumatic incidents.
- ❑ No discrimination within the police service against members of racial or ethnic or other groups.
- ❑ Managers acknowledge exceptional performance and awards are allocated in terms of fair criteria.

37. Allow police officers full rights to due process in relation to criminal charges against them and apply, at a minimum, basic standards of fairness in relation to disciplinary matters.

- ❑ Police are not denied any due process rights in criminal matters.
- ❑ Basic standards of fairness are applied in disciplinary proceedings.
- ❑ Police have a reasonable right to appeal disciplinary findings.

38. Allow police officers to form organisations to protect their collective rights.

- ❑ Police officers enjoy rights of freedom of association, including the right to form organisations.
- ❑ There is genuine collective bargaining and consultation with organisations representing police, particularly in relation to major reform measures.

39. Take steps to ensure officer safety and protection in training and operational practices.

- ❑ Data is collected on deaths and injuries of police, indicating the level and type of danger which police face in their work.
- ❑ Measures are implemented to improve police safety in training and operational practises, including provision of protective clothing and equipment, relative to the level of risk.
- ❑ Evaluation of the implementation and impact of these measures indicates whether they have been properly implemented and have contributed to improved safety.
- ❑ Care is taken in operational deployment to ensure that police are not exposed to unnecessary risk.



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Since the advent of democracy in South Africa and the early 1990s there have been dramatic changes in policing in South Africa. But work still needs to be done to consolidate police transformation. Oversight bodies can play an important role by helping police to define — and motivating them to engage with — the challenges which they face.

This handbook aims to provide a guide to people involved in police oversight in South Africa, and elsewhere, in analysing the state of police transformation and identifying the challenges still to be addressed. The concept of democratic policing provides a framework for assessing policing in South Africa, and in other countries undergoing reform processes, and for engaging with police about how to strengthen the reform process. This handbook explains democratic policing in terms of five key areas:

- ◆ Protecting Democratic Political Life
- ◆ Governance, Accountability and Transparency
- ◆ Service Delivery for Safety, Justice and Security
- ◆ Proper Police Conduct
- ◆ Police As Citizens

The handbook provides a set of key measures on each of these areas, with an explanation provided of core concerns regarding each measure. The conclusion suggests how to strengthen the use of indicators in South Africa to facilitate the ability of oversight bodies to meaningfully interpret information on policing. Indicators for evaluating each measure are provided in an annexure.

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