

South African police ignore official watchdog's recommendations

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In a briefing to the South African parliament on November 12, Independent Police Investigative Directorate (IPID) Executive Director Robert McBride said that the police watchdog was still being largely ignored by the South African Police Service (SAPS). This was despite changes to the Independent Police Investigative Directorate Act in an attempt to empower it to force police management to act on its recommendations.

Police officers are committing crimes in large numbers, with increases in the number of rapes and assaults perpetrated by them. McBride reported that cases of rape committed by police officers had risen 25 percent to 66, and that rape in police custody had risen 160 percent in the first six months of the 2014-15 fiscal year, compared with the first six months of 2013-14.

Deaths in police custody rose by one percent, while deaths as a result of police action were down 6 percent. Still, police officers drew 427 complaints about the discharge of an official firearm, an increase of 131 percent over the prior period.

The following week, IPID Chief Director for Compliance Mariaan Geerdts appeared before the parliamentary police committee. Geerdts said that the SAPS often failed to give documentary proof of having initiated action against accused officers, as required, but supplied only soft copies of spreadsheets instead.

“The SAPS declines to initiate disciplinary action on recommendations without proper reasons being provided,” she said. “Outcomes also do not match the seriousness of the case and often the outcome results in no effective corrective measures being implemented, such as suspended sentences or written warnings for rape cases.”

Geerdts was contradicted by an SAPS delegation to parliament led by National Commissioner General Riah

Phiyega—but hardly convincingly. According to Phiyega, of the 657 IPID recommendations sent to the SAPS in the first six months of 2014-15, 641 disciplinary cases were initiated. Of these, 453 are still being investigated while only 93 were resolved. In 56 cases, the SAPS found that disciplinary proceedings were not warranted.

The IPID report stated that it in fact sent the SAPS 884 recommendations. IPID acting Chief Director for Investigations Matthews Sesoko said the watchdog had received only 38 full reports from the police on the IPID's 2013-14 recommendations.

Many of the most high profile crimes are never prosecuted. In one instance an officer found guilty of the theft of R200 was fired, while another who stole R20,000 received a three-month suspended sentence.

Francois Beukman, the parliamentary police committee chair, has demanded that IPID head McBride appear before the committee in early 2015 alongside Phiyega. McBride, the controversial former head of the Ekurhuleni Metro Police, was confirmed as IPID boss earlier this year after a process fiercely resisted by opposition parties. Before then, the watchdog had no permanent head since August 2012.

Out of 157,470 police members excluding civilian employees, 1,448 serving police officers are convicted criminals. Among them are a major general, 10 brigadiers, 21 colonels, 10 majors, 43 lieutenant colonels, 163 captains, 84 lieutenants and 716 warrant officers. At the end of August, at least 64 of them were based at police headquarters.

Former Police Minister Nathi Mthethwa described the audit that produced the figure as “protracted” and “thorough.” The 1,448 police it exposed had all been convicted of “serious crimes.” These ran the gamut of murder and attempted murder, rape, assault, corruption,

theft, robbery, housebreaking, drug trafficking, domestic violence and aiding escapees. The SAPS promised to rid the force of these “unwanted elements” by June 2014. However, current Police Minister Nathi Nhleko said in response to questions from the DA in parliament that the 1,448 police remain on active duty.

Critics argue that the IPID is routinely ignored and stymied by the police it is meant to investigate because it is understaffed and underfunded. The *Africa Check* web site quotes Gareth Newham, head of the governance, crime and justice division at South Africa’s Institute for Security Studies as having said, “This is strange, unless there is no political appetite for having a well-run and strong IPID as it will further expose the extent of criminality within the SAPS—something that won’t assist the ruling party...”

The African National Congress clearly has a vested interest in concealing the criminality of its police service, but the same would hold true under any administration in South Africa—including ones involving the ANC’s critics such as the Democratic Alliance and the Inkatha Freedom Party.

Rampant police corruption is rooted in the extreme social polarisation within South Africa, to which the ruling elite can only respond with brutal state repression. The police appear as a law unto themselves because, in reality, they serve a ruling class that can tolerate no democratic accountability to the millions it brutally exploits.



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