

# REPORT

RESEARCH

ON

**THE IMPACT OF RACISM, ETHNICITY AND TRIBALISM ON  
SERVICE DELIVERY  
OF  
THE SOUTH AFRICAN POLICE SERVICE  
LIMPOPO PROVINCE**

COMPILED BY

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## ACKNOWLEDGEMENTS

The contribution of the following is acknowledged:

Ms. Mokgadi Raganya  
Mr. Elrica Gondola – Assistant  
Ms. Kedibone Mabapa

Mr Ngoatle : Safety and Security  
Ms Hanlie du Plessis: Acting Head- Department of Safety, Security and liaison

African Pathways Youth Development Organisation, particularly  
Mr Jimmy Mabela and  
Mr Phuti Semenya

Station Commissioners and personnel at the following Police Stations:

- Culcutta
- Dendron
- Giyani
- Haenertsburg
- Levubu
- Louis Trichardt
- Mokopane
- Maake
- Messina
- Northam
- Pietersburg
- Tzaneen
- Warmbad

Area Commissioner: Lowveld - Commissioner Rapholo  
Area Commissioner: Far north - Commissioner Maepa  
Area Commissioner: Nylstroom - Director Mulaudzi

POPCRU representative : Mr. Bulala  
SAPU representative : Mr. Engelbrecht

The communities of Tshamahantsi, Bela-Bela, Northam, Dendron, Makhado, Giyani, Sunnyside, Nancefield, Pietersburg, Levubu, Tzaneen and Haenertsburg

The organisations, farmers and individuals that gave up their time to participate in the research

Your cooperation is greatly appreciated

**Ntshole Mabapa**

## **INTRODUCTION**

The South African Police Service (SAPS) is recognised in the Constitution<sup>1</sup> as one of the security services of the Republic responsible for national security and governed by a set of principles<sup>2</sup> amongst which is the principle that:

*'national security must reflect the resolve of all South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony; to be free from fear and want and to seek a better life'*

The objects of the SAPS<sup>3</sup> are further indicated as, to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property and to uphold and enforce law and order, whilst the South African Police Service Act<sup>4</sup> further provides that the police service is provided in order to ensure the safety and security of persons and property, reflect respect for victims of crime and an understanding of their needs and ensure civilian control over the service.

The above provisions apply equally to everyone within the Republic and indicate that the SAPS is an integral part of democracy and that it plays a central role in the protection of fundamental rights as enshrined in the Bill of Rights<sup>5</sup>.

In order to achieve the principles and objects as set out in the Constitution, the SAPS has had to transform from a police force to a police service, integrate the various police forces into one police service. It has in the past few years grappled with the meaning of its new role and worked hard to rid itself of its past discriminatory practices, whilst at the same time operating within the provisions of national and international law.

The Limpopo Province has also had to undergo the same processes, however it has also had the added burden of integrating four different administrations into one Province and the same for the police service which has had to integrate four police forces from the former Lebowa, Gazankulu Venda and South Africa into the South African police Service. This presented the Province with a number of challenges as these forces had:

- Operated under different systems and methods
- Had been divided along racial and ethnic lines
- Had not worked together prior to 1994 and
- Had to integrate into one united police service

This brought with it a lot of problems, reflected through racial conflict/ attacks on the part of the community and the police being accused of bias in handling complaints. Within the police service, accusations of racism, ethnicity and tribalism have been made with regards to appointments, promotions and the general treatment of members. It is within this context that the Department of Safety, Security and Liaison, as part of its mandate to monitor the effectiveness and efficiency of the service delivery by the SAPS, commissioned research on the impact of racism, ethnicity and tribalism on service delivery of the police service.

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<sup>1</sup> Sect. 189 (1), Constitution of the Republic of South Africa, Act 108 of 1996

<sup>2</sup> Sect. 198 (a)

<sup>3</sup> Sect. 205 (3)

<sup>4</sup> Act 68 of 1995

<sup>5</sup> Chapter 2 of the Constitution

## **TERMS OF REFERENCE**

To establish the impact of racism, ethnicity and tribalism on the service delivery of the South African Police Service (SAPS) in the Northern Province

## **METHODOLOGY**

The objectives of the research were to establish the impact of racism, ethnicity and tribalism on service delivery of the SAPS as it impacts on officials of the of the SAPS and on the community the SAPS is mandated to serve. In order to meet the objectives, the research combined a number of interventions as follows:

### **a. Process**

The research combined four interventions, i.e. observations, interviews and workshops/focused group discussions as follows:

**Observations:** these were done at the thirteen identified police stations observing actual service delivery at the community service centres, how officers treated the members of the public. (The station personnel were not informed of these visits and were entirely unaware that observations were being carried out)

**Interviews:** questionnaires were developed for personnel<sup>6</sup> of the SAPS as well as for the various stakeholders. The questionnaire formed the basis for the interviews held with personnel and focused on the relations between officials of all races and ethnic groupings, the perceived racism/ethnicity in the official ranks, the causes and effects, personal experiences, the impact of racism/ethnicity/tribalism on the functioning of the SAPS and on officials individually as well as recommendations for addressing the problems experienced as a result.

**Workshops/ focused group discussions:** these were held with stakeholders from civil society and focused on perceptions they have of the SAPS, the treatment of cases laid by or against the various races and ethnic groupings, positive as well as the negative aspects of the SAPS service delivery. Recommendations will also be sought from the stakeholders

**Sample of cases:** A sample of cases of racism/ ethnicity/ tribalism was collected from the police stations as well as in the workshops and group discussions

### **b. Participants**

The participants were drawn from various backgrounds, i.e. the unemployed, youth, women, Community Based Organisations (CBOs), Non Governmental Organisations (NGOs), churches, traditional authority, police officers and civilians at police stations, business, police labour unions, farmers, awaiting trial prisoners at police stations and independent institutions

The participants were also grouped into two categories i.e. officials of the SAPS, these included both the police officers, station management and civilians. Awaiting trial prisoners also formed part of this group.

The other category was that of civil society, e.g. organisations, members of the community, business and farmers.

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<sup>6</sup> Includes police officers, civilians from clerks to cleaners as well as station management.

### **c. Challenges**

The nature of the police service is such that people are always on the move and this posed a challenge for the interview process as in most instances, officers would be unavailable to respond to queries. Another challenge centred around perceptions and fear from within and outside the service, with police officers fearing victimisation on the one hand and members of the public fearing ill treatment from the police, as such it hampered the analysis of cases as people were unwilling to reveal their identities – however a lot of information was provided and the research was not critically compromised as a result.

## **DEFINITION**

For the purposes of this study, we have confined ourselves to the definition in the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), which prohibits racism and racial discrimination. This definition has been selected because South Africa is a signatory to the Convention and has also ratified it as part of our law. Again because this definition has been accepted as a working definition of racism in South Africa by the National Conference on Racism<sup>7</sup>

The ICERD defines racial discrimination as:

*'any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights or fundamental freedoms in the political, economic, social, cultural or any other field of public life'*

The definition is wide and encompasses discrimination based on race, ethnicity and tribalism, which means that these three are all forms of racial discrimination with the distinction being that:

**Racism** – is based on colour and race as well as the ideology of supremacy of one race over another,

**Ethnicity** – is discrimination based on which ethnic group one belongs to, whilst

**Tribalism** – is based on social origin or more specifically which tribe one belongs to or comes from.

The research will therefore treat the three, racism, ethnicity and tribalism as racial discrimination and although a distinction will be made from time to time between the three where appropriate, the term racial discrimination will be used to cover all of them.

We will also be looking into the different ways in which racial discrimination manifests itself as it manifests itself in a number of ways, it may be direct, indirect or subtle<sup>8</sup>.

**Direct Discrimination**<sup>9</sup> occurs where a person is disadvantaged simply on the ground of his/her race, sex, ethnicity, religion or whatever the distinguishing feature may be or on the basis of some characteristic specific to membership of the group, whilst

**Indirect Discrimination**<sup>10</sup> occurs where policies are applied which appear to be neutral but which adversely affect a disproportionate number of a certain group.

**Subtle Discrimination**<sup>11</sup> is in most instances not visible or obvious and therefore the most difficult to prove or even to explain and is normally expressed in behaviour that is normally polite but paternalistic, where people are often treated as subordinate or less capable.

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<sup>7</sup> Held 29 August – 02 September 2000 at the Sandton Convention Centre, Johannesburg

<sup>8</sup> Racism: A Psychological Perspective - Professor Norman Duncan and Cheryl de la Rey – National Conference on Racism 2000, 30 August – 02 September 2000, Research Papers

<sup>9</sup> Albetyn C and Kentridge J 'Introducing the right to equality in the Interim Constitution' 1994 SAJHR 149-178

<sup>10</sup> As in no. 9 above

<sup>11</sup> As in no. 9 above

## **The SOUTH AFRICAN POLICE SERVICE**

### **a. KNOWLEDGE, UNDERSTANDING AND EXISTENCE OF RACISM, ETHNICITY AND TRIBALISM WITHIN THE SAPS**

Though the department had not commissioned research into the existence of racism within the service, it had been plagued by incidents of racism/ethnicity and tribalism in the form of labour complaints, e.g. officers refusing transfers within the service or experiencing difficulty in accepting people to senior posts alleging discrimination based on race, ethnicity or tribalism. The department found that a lot of energy was expended in trying to deal with such complaints.

As a result, prior to establishing the extent and impact of racism/ethnicity and tribalism on officials, we sought to determine their knowledge and understanding of the subject matter as well as determine the existence of such problems:

#### **i. Knowledge and Understanding of Racism/ Ethnicity and Tribalism**

##### **• Racism**

About 90% of the officials interviewed could define racism, understanding it basically as discrimination against another race group based on colour, denial of resources to another group. Respondents indicated that racism is not just discrimination by Whites against Blacks but that it also relates to discrimination by Blacks against Whites.

There was also general agreement that racism is bad, that it must be fought against and eradicated.

##### **• Ethnicity**

Only about 40% of respondents could define ethnicity or understood what it was. It was largely defined as discrimination based on the ethnic group one belonged to. It was also viewed as something that occurs only amongst Blacks, most Whites indicating that:

*'It is that thing amongst Blacks, you know, the Shangaan, Venda thing'*

Whilst most Blacks said:

*'It is discrimination that we Blacks practice against each other. Vendas against the Shangaans, Pedis thinking they are superior to the others'*

Among the 40% that knew, only about 10% viewed it as a negative thing, while the rest viewed it as harmless and not a problem. Those who viewed ethnicity as a problem were those negatively affected by it or had noticed the impact it had on the victims thereof.

##### **• Tribalism**

Less than 2% could define tribalism. It was defined as the discrimination that occurs within the same ethnic group depending on the tribe one belonged to or under which Kgosi's jurisdiction they belonged to.

#### **ii. Existence of Racism/ Ethnicity and Tribalism**

##### **• Racism**

Racism was perceived to exist in most of the police stations, though the degrees thereof varied.



It was perceived to be rife and openly practised at Mokopane, Messina, Pietersburg, Louis Trichardt, Tzaneen and Haenertsburg police stations, whilst in Northam it was believed to be covert racism practised. In Warmbad, people indicated that it had decreased substantially to the point where some indicated it no longer existed, whilst a few indicated that there were still some little elements thereof.

Levubu, Culcutta, Giyane, Maake and Dendron reported no racism

- **Ethnicity**

The police stations where ethnicity was reportedly a problem are Mokopane, Pietersburg, Louis Trichardt, Haenertsburg, and Maake.

Giyane, Levubu, Culcutta and Dendron experienced no problems with ethnicity.

- **Tribalism**

No police station reported a problem with tribalism.

Interestingly though, it was reported that there was tension amongst Shangaans, i.e. those from the former Gazankulu Homeland (Giyane) and those from the old South Africa. This was not prevalently reported in the police stations, though a few individuals alluded to it being visible in practice particularly as it related to appointments or promotions.

Shangaans from the old South Africa felt that those from Giyani had an attitude problem, i.e. they thought they were superior, further it was felt still be those from the old South Africa that the area office is perpetuating this as those Shangaans from Giyani got more opportunities for promotion than they did and this was made worse, it was felt that the area office is based in Giyani.

Officers from the former Lebowa government also felt discriminated against, especially in Mokopane and Maake – there is a perception that their colleagues from the old South Africa look down upon them, particularly at the Area Office and the Provincial Office. They also allege that they are perceived as being incompetent and that their chances of getting promotions or transfers are minimal.

### iii. Class

An interesting phenomenon was the incidence of class within the police ranks as well as between the police and the civilians.

Conflict between the police ranks was between the uniformed police and the plain-clothes police (detectives), with uniformed police complaining that the detectives undermined them in that they regard them as not intelligent and sometimes refer to them as school children:

*‘ Detectives call us school children because we are always in uniform’*

*‘They brag that they get a clothing allowance so they can buy clothes’*

Civilians in some areas complain that they are not respected, police officers often remind them that they are not officers and are not allowed to make any contributions at work, are not consulted or informed of anything that is going on at the station.

## b. MANIFESTATION OF RACISM AND ETHNICITY

### Resources – Vehicles and Offices

The chief source of complaint was around the allocation of resources, particularly the allocation of vehicles and offices. It is alleged that Whites do not want to share offices with blacks and often get the best offices while Blacks have to be on the street or at the Community Service Centre. The allegation is prevalent in Northam, Mokopane and Messina.

It is also alleged that Whites often get the best vehicles, get to drive new vehicles that come in and treat vehicles as their own, whilst Blacks often have to make do with old vehicles and often have to struggle to get vehicles. This allegation was prevalent in Northam, Mokopane, Messina, Pietersburg and Tzaneen

### EXAMPLES

**MOKOPANE** – There were allegations of cars being reserved for the senior White personnel, which often left the Community Service Centre with just one car at night and during weekends. Allegations were made that the Head of Finance would lock the car keys in her office and whilst cars would be available at the police station, they could not be used and this lead to problems with the community as the officers would often say that there is no car to respond to their complaints but they would see the cars at the police station. The vehicle has since been allocated to the Community Service Centre.

**PIETERSBURG** – Housebreaking task team consists of 6 Blacks and 3 Whites and has three cars. The one car is used by the Branch commander who is White, the other is used by the two White officers, whilst the Black officers share the one car and it is alleged that the branch commander does not allow Blacks to use the same car as the White officers, that it is only after pressure is placed upon him that he sometimes lends his car to be used by the Black officers

**MESSINA** – It is alleged that the Station Commissioner moved his wife from the detective section, where she was posted by the Area Commissioner, because he did not want her to work with Blacks. The station commissioner denied the allegation indicating that he removed her from the detectives because she was not a typist and her skills were needed at finance where there was a serious backlog

**NORTHAM** – It is alleged that White officers take cars home, even when they are not on standby and Blacks on standby are not allowed to take cars home. Management indicated that most Blacks stay at the Barracks, so there is no need to give them cars when they are on standby and that there is a policy that only officers with garages can be given cars to take home, most of Black officers do not have cars.

## Human Resource Policies

In some police stations, particularly Mokopane, Maake, Louis Trichardt Messina, Northam and Pietersburg, it was felt that human resource policies are used as an instrument to discriminate on racial and ethnic grounds

**MOKOPANE** - Most Black officers have been moved from offices and replaced with civilians, the feeling amongst those removed is that management is removing them from offices because they are perceived as being troublesome and is replacing them with Whites or Blacks who are partial to management or not so vocal.

**MESSINA** - a White female officer has had Mess accounts taken from her and given to a Black male officer to do, then later moved from Human Resource and replaced by a Black female civilian. In both instances, the persons who replaced her did not have the necessary skills to do the job. She felt that the reason for her removal is because she is White

In each case management response is that it is a national policy to gradually replace officers doing administrative duties with civilians as officers.

**NORTHAM** - it was felt that policies are being used to place Whites in offices by themselves

## Allocation of Duties

There is a general complaint that certain divisions within the police stations are reserved for Whites, whilst others are reserved for Blacks and that this has not changed with the new dispensation. Blacks normally do duty in the community service centre, cell guard, gate guard, whilst Whites are normally concentrated in the detective section and in special units like the dog unit.

Another allegation is that Whites often refuse to be posted to the community service centre and cell guard duties, even when instructed by their Black seniors, often claiming that they do not understand the language used by the suspects or complainants.

## EXAMPLES

**LOUIS TRICHARDT** - a White female officer was posted to the Community Service Centre, she initially refused the posting on the basis that the centre was dirty and full of Black and threatened to resign if management insisted on posting her - when management did not adhere to her demands, she actually resigned but later changed her mind and came back to work.

She still did not want to go to the centre indicating that she cannot work shifts due to the fact that she has family problems. She then put in a request for transfer to Crime Prevention where the commander is a White female. The request was turned down because there was no vacancy for her at crime prevention and she did not have the necessary skills required.

Interestingly, though the officer said she could not work shifts due to family circumstances, she was prepared to move to Crime Prevention which is headed by a White superintendent, where she would have been required to work shifts anyway!

**PIETERSBURG** - Whites are now allegedly taking transfers to radio control in Nirvana, which is now headed by a White superintendent

It is also alleged that White officers prefer to group themselves, to work as Whites only or work under a White commander and that this attitude is encouraged by senior White officers.

### **Transfers**

There was an allegation that White officers get transfers easily and quickly whilst Blacks have to find someone who can do a cross transfer with them. This allegation was prevalent in Mokopane and Maake where a number of Black officers had indicated that they had applied for transfers and had been turned down but Whites seemed to get transfers easily. It was further alleged in Maake that White officers, particularly from Tzaneen, often come to Maake to take up promotion posts and leave at the first opportunity to return to Tzaneen.

It was felt that this disadvantaged Black officers as they did not get promotions and when the White officers leave, it leaves a vacancy at the station that cannot be filled

The allegations could not be proven as management denied it and complainants could not give proof of their allegations or even provide us with names of such officers. However during interviews in all the other stations, except for Maake and Mokopane, it seemed that both Black and White officers who had come to the stations on transfers, did not have to seek a cross transfer.

### **Ethnicity and Nepotism**

It was alleged that appointments of staff is made along ethnic lines and the area offices, especially the Far North Area and Giyani, were accused of practising ethnicity and nepotism – allegations were that appointments made by the Far North area office are likely to be of Venda persons from Thohoyandou, because the area office is based in Thohoyandou and the majority of employees there are Venda, whilst the Giyani office was alleged to make appointments of Shangaans from Giyani.

In Maake and Tzaneen allegations were made that the last appointments made were all of Shangaans from Giyani. These appointments have created an impression that not only are appointments ethnic in origin but that there is nepotism involved and has in some instances led to said appointees being mistreated by colleagues or being discriminated against.

### **EXAMPLES**

**MESSINA** – A female civilian is sarcastically referred to by White officers as 'the beautiful one' because it is believed she got her job just based on her beauty and ethnic group.

**MAAKE** – Shangaans not accepted as they are accused of being sent to make to spy on N. Sotho officers. They are often called names like 'Mvesha', 'Lekwapa' and one officer was even slapped by his N. Sotho colleague. The officer actually broke down and cried during the interview.

### **Language**

Language is seen as a means of excluding other groups from discussions, for example there are allegations that some members of management in Pietersburg make use of N. Sotho in meetings and when complaints are made, people would be told 'this is not the old South Africa, we do as we please'

Again the issue of language was raised in Messina – it was alleged that at some stage in the detective branch, lectures were often conducted in Venda to exclude White officers present. The matter seems to have been settled now and the positive spin off from this is that White officers in the detective branch are now learning to speak Venda.

#### **Treatment of Suspects**

An allegation made is that White officers often interfere in the arrest of White suspects, that they do not want the suspects to be put in cells but instead give them bail – that only Black suspects are kept in cells.

White officers on the other hand, particularly in Messina, complained that Black officers just want to lock up White suspects for common assault indicating that suspects are locked up in case of grievous bodily harm and or they do not have a fixed address or are unknown in the area.

It was further alleged by White officers that Black officers often lock people up for common assault or crimen iniuria, that the suspects then institute civil proceedings against the state – the officers responsible would then alter the charge book, thus defeating the ends of justice. On the other hand Blacks complain that White officers instigate suspects to institute civil claims against them and the state.

#### **Treatment of Clients**

It was alleged by both Black and White officers, that often White clients, especially farmers, do not want to be served by Black officers and often do not wait in queues at the Community Service Centre but would request to be served by a White officer or go directly to a White officer's office for attention.

*'A lot of farmers do not want Blacks to serve them, I do not know why – might be wrong but I think we have to help them – his choice is his choice and we are sworn to protect and serve'*

*'A farmer will come in here and say – waar is die mense, ek wil met die mense praat – they ask whereas you are here – we ask them which people? And they explain that they mean White officers'*

In response to the question how do the station handle such requests, responses varied

*'We refer them to White officers and they get help'*

*'We used to help them, but we have been instructed to refer them to the CSC. We now refer them – we don't want to lose our jobs because of them'*

*'We tell them that complaints are taken at the CSC and refer them back – we also indicate to them that Black officers are quite capable to take statements'*

This complaint is prevalent in Pietersburg, Messina, Louis Trichardt, Tzaneen, whilst in Northam, the majority indicated that they do not experience a problem with people requesting to be served by a particular race, in fact it was reported that the station has good relations with the farmers. A minority of respondents felt that sometimes Whites do ask to be served by White officers.

Dendron and Levubu, both former White stations, reported that they do not experience problems with farmers or Whites. The other stations serve predominantly Blacks and did not have a problem.

In Warmbad, it was reported that in the past Whites refused to be assisted by Black officers and even denied Black officers entry into their homes and farms. The practise has reportedly reduced substantially to the point where Whites are getting used to being served by black officers and this reduction is attributed to the attitude of all staff as indicated in the statement:

*'If you don't want to talk to my Black colleague – you do not have a problem'*

### **Usage of facilities**

#### **• Toilets**

Whilst most offices report that toilets are now used by all races, it was reported that in Haenertsburg, there is a toilet which is reserved for the use of White staff only – when confronted about this practise, they explained that it was allegedly to place their 'stuff' in a safe place.

Allegations were also made in Mokopane that the White female officer does not use the station toilets, but instead uses the station's vehicle to go to town and relieve herself daily – this allegation was however refuted by one Black female officer who indicated that she has often seen the said officer using the toilet.

In Pietersburg, it is alleged that female toilets on the third floor are reserved for White females

In Messina, there is also an allegation that Whites would rather use their own toilet – that some would rather go home than use the station toilet

#### **• Meals**

It is alleged that races and ethnic groups keep to themselves, especially at tea or meal times. Most Blacks allege that Whites move from the kitchen/mess when they come in, even when they have not finished their tea or meals.

Whites on the other hand allege that Blacks keep to themselves. Interestingly though, no group has taken the initiative to mix with the other – they each seem to be wanting the other group to make the first step

#### **• Year end Functions and Funerals**

It is alleged that Whites do not attend year end functions but often hold their own, especially in Louis Trichardt, however, it was also reported that in 2001, for the first time – the year end function was attended by all race groups.

Another source of contention is staff funerals – it was felt that Whites do not attend Black funerals whilst Blacks attend funerals of Black and White.

### Tea Club Employees

Within the police stations, there are persons employed as cleaners or cooks who are paid by the tea club of the station. The persons are all Black and feel discriminated against on the basis of their race as they:

- Are receiving minimal wages, some earn less than R500.00 a month
- Some are not even registered for Unemployment Insurance Fund
- Because they are not regarded as employees of the SAPS, they do not belong to unions
- Nor do they have a pension fund scheme

Whilst their colleagues who are doing the same work and employed by the SAPS are receiving higher wages, are members of unions and pension fund, thus have more protection and benefits. Most of the employees allege that they are often at the mercy of their supervisors who happen to be White and abuse them at will.

**HAENERTSBURG** – A tea club employee had her wages cut from R480.00 per month to R300.00 for three months as a disciplinary measure – allegedly because she reported for duty under the influence of liquor a few times. The warning read as follows:

'Final Warning..... For drink on duty on 2001-08-04 and 2001-08-05 and failed to perform as prescribed. The member was previously warned for the same offence and she is finally warned in writing that repeating the same it will result in her dismissal from SAPS H/NURG Tea Club

#### AGREEMENT WITH THE WORKER

As from this month end, her monthly payment will be cut from R480.00 to R300.00 for three months. Whereby if she improves her manners of not reporting on duty while under the influence of liquor, the amount of R180.00 which was deducted from her the last three months will be paid back to her, but if she drink on duty, she will lose her R18.00 for three months

For the next three months she will sign this warning when she reports for duty.

## **CIVIL SOCIETY**

With members of civil society the research focused on their understanding of the role of the SAPS, their treatment by the SAPS – whether the treatment is motivated by race, ethnicity or tribalism, whether or not they have tried to raise problems experienced with the SAPS and their recommendations were sought.

### **a. Role of the SAPS**

Generally members of civil society understood the role of the SAPS to be the following: to serve and protect the community, arrest criminals, promote relationship/ forge relations with the community, investigate reported cases, enforce/ uphold law and order as well as to prevent crime and patrol communities

The general perception held by the community is that this role is not adequately filled due to nepotism, favouritism, corruption, officers taking bribes, cases not properly investigated and the Justice department not performing its functions properly.

### **b. Treatment by the SAPS**

The response differed from area to area, with some areas indicating that treatment is racially or ethnically motivated, whilst others just indicate that the SAPS treatment has nothing to do with race or ethnicity.

The reaction of participants in **Warmbad** was that generally cases laid by Whites receive precedence over those laid by Blacks. However it was also indicated that cases laid by Blacks and handled by White officers have a higher success rate than those handled by Black officers.

They also reported a reduction in racism incidents as well as a reduction of racism between Black and White officers at the station. It was felt that racism is being reduced to a low level

In **Northam**, the participants felt that Black and White officers do not work as a team and that the White officers do not give Black officers responsibility

Participants in **Messina** indicated that cases are handled along racial lines, that response to complaints laid by Blacks is not positive. Further allegations were that White officers often interfere in cases involving Whites and that racist tension between Black and White officers is rife and highly visible

Participants in the **Louis Trichardt** area of Makhado felt that relationship with the police is not so bad, though they also reported that racism still prevails in the former White police station and that they are often met with hostility when they go to the station

An NGO reported that the station discriminates against foreigners, that officers are xenophobic and this results in foreigners being afraid to report cases to the police. This leads to abuse of foreign workers by farmers who hire them and fail to pay their wages – they call police when they have to pay workers and the police have them deported.

At **Mokopane**, the community of Tshamhansi reported that they are discriminated against because they are Shangaans and the station personnel is predominantly N.Sotho speaking. Some of the problems experienced being:



Shangaan officers are mistreated by their N.Sotho counterparts and this affects service to the community. *'when one calls the office and a Shangaan officer answers the call, he will not respond in Shangaan, but will continue talking in Sotho even when he does not know the language well for fear of being taunted by colleagues'*

*'If you call or visit the station, once the officer hears you are from Tshamahansi, he will be rude and tell you ; you people from Tshamahansi are troublesome'*

It is also felt that police take too long to respond to complaints and sometimes do not respond at all.

In Maake, at Tickyline, it was felt that the treatment from police officers is neither racially nor ethnically motivated – that it is just simply bad.

It was reported that the community is divided along ethnic lines – that there is a long-standing feud between the N.Sothos and Shangaans over land and this affects how the community responds to the police officers

In **Dendron** it was reported that the handling of cases was not racially nor ethnically motivated, it was indicated that the officers respond to complaints positively and even communicate with complainants in their own language – where an officer does not understand complainant's language, he would normally call upon a colleague to assist.

The problem experienced with the officers was that they often undermine complainants, i.e. they give more consideration to people of high status. *'They sometimes pass judgement by only looking at you, saying you are lying or wasting their time'*

### **c. Language**

The languages used at the stations also seemed to bother members of the community. There were complaints that in some areas like Warmbad, Afrikaans is still being used when answering the phone, while in Messina there were complaints by some farmers that the phone is often answered in Venda. Another complaint being that officers refuse to address people in their own languages

### **Common features in the areas**

#### **Sexism**

Interestingly in all the community meetings held, allegations of sexism were made against police officers. It was felt that officers treated complaints by women, particularly beautiful/ attractive women with preference, that their complaints are dealt with speedily and that in cases of domestic violence, police were quick to arrest the male offender. However, if the woman was not attractive, she would not readily be helped.

*'if she is even slightly injured, they will all want to attend to her and arrest the husband and if you are a male complainant they will tell you " wait, can't you see she is injured?'*

Besides sexism, the participants complained about corruption, taking of bribery, lack of timeous response to complaints and general misbehaviour of officers.

### **Justice Department**

The Department of Justice was seen as perpetuating racism within the justice system in that whilst the police do their work and arrest criminals, once they appear before the justice system, the suspects get released, particularly if they are White.

The other complaint about the Department of Justice has to do with the jurisdiction of the courts and this complaint was raised by both the police and members of civil society, especially in the Far North – is that the jurisdiction of the courts is still based upon the old apartheid South Africa, with Whites still appearing in certain courts, whilst some courts are reserved for Blacks.

#### **LEVUBU**

Levubu Police Station was prior to 1994, a farm police station and served mostly White, whilst Blacks fell under the former Venda homeland. Post 1994, the jurisdiction of Levubu police station was extended to some parts of the former Venda. However, the Department of Justice has not changed its jurisdiction areas, with the result that when people are arrested within the jurisdictional area of Levubu Police Station, they still attend separate courts. Whites will either go to the Vuwani periodical court, which is nearby or the Louis Trichardt court which is at least 45-50kms away – whilst Blacks will attend court at Tshakuma magistrate's court, about 18kms away.

This arrangement has the result that people are divided along racial lines and is inconvenient for both the police service, and the farming community

### **c. Measures Taken by the Community to Address Problems**

These range from setting up meetings with station management, forming CPF, marches to the police stations, meeting with the MEC, forming neighbourhood watches, holding mass meetings of the community, using NGOs such as Lawyers for Human Rights to represent community in cases of racism and in extreme cases forming vigilante groups and taking the law into their own hands.

## **ANALYSIS AND FINDINGS**

### **UNDERSTANDING OF RACISM, ETHNICITY AND TRIBALISM**

As already indicated earlier, most of the respondents, about 90%, at the police stations could define racism and had a basic understanding of it. The same could be said of the members of civil society. They not only understood racism, but could also openly talk about it, identify areas where it occurred and appreciated its negativity and impact on individuals and communities as well as service delivery.

People, both within and outside of the SAPS struggled with ethnicity and tribalism, with most unaware of it or alleging it did not exist. It was only when questions were asked that most people were able to identify ethnicity and tribalism and acknowledged its existence.

Unfortunately, people also failed to appreciate the destructive nature of ethnicity and tribalism and in some instances indicated that it is not an important subject and therefore not worthy of discussion. Some making comments like:

*'Agh, it has been in existence since time immemorial and we are not going to get rid of it, so why bother talking about it'*

*'It is not serious, we call each other Mvesha, Lekwapa and so on – it is a joke, a way of life'*

What was interesting though was that whilst Blacks downplayed ethnicity and tribalism, Whites were able to identify it and were concerned by the lack of unity and hostility amongst Blacks. Also the Black people who were able to appreciate the severity of ethnicity and tribalism were those directly affected by it, such as the community of Tshamahansi and officers in Maake and Mokopane.

### **EXISTENCE OF RACISM, ETHNICITY AND TRIBALISM**

Racism was found to be genuinely existing and rife in Pieterburg, Mokopane, Louis Trichardt, Heanertsburg and Tzaneen and Messina.

In Northam, whilst it was found to exist, it was also tinged with instances where laziness or inefficiency were blamed on racism and it was not as prevalent as in the other areas.

Warmbad was found to have gone a long way towards eradicating racism.

Ethnicity was found to be existing and rife in Mokopane, Messina, Maake, Pietersburg, Tzaneen, Haenertsburg

Both ethnicity, tribalism and racism was found to be non-existent in Culcutta, Levubu and Giyanand to be minimal in Dendron

## EXISTENCE OF SEXISM, CLASS AND AGEISM

Though these did not really form part of the research, they are so closely related to the subject and were prevalent in some of the police stations and affected service delivery that they had to be mentioned.

It was found that officers were particularly partial to women when handling cases, especially in Mokopane, Maake, Messina and Northam. This was obvious during the period used to observe service delivery at the stations. In Mokopane, officers actually left their duties and openly flirted with women who had come to the station leaving complainants waiting for long periods

Another feature of sexism was that some male officers, particularly in Mokopane and Tzaneen were found to be undermining the authority of their female seniors purely on the basis of their being female. The view that women are inferior still persists, though not at a large scale.

Class was found to be an issue during interviews with officers in police stations like Mokopane, Messina, Tzaneen, Haenertsburg, Giyane and Maake— one division would accuse the other of being inefficient and feel that their own division was superior

Age, as well as rank was another disturbing factor, in that some officers, particularly at the rank of superintendent, felt that since they had acquired the rank prior to the station commissioners, the Station Commissioners were juniors to them and therefore they could not take instructions from them.

Where the Station Commissioners were also younger in age, they also faced a challenge from their colleagues for example in Mokopane and Louis Trichardt, some of management referred to the Station Commissioners as 'young boys'

## KNOWLEDGE OF POLICIES AND PROCEDURES

Knowledge of policies and procedures of the SAPS seemed to be non-existent or limited as about 93% of persons interviewed within the stations did not know them. What was disturbing though was the ignorance of most managers when it came to policies. Most managers did not know the grievance procedures, promotion policies, human resource policies, Batho Pele and lacked a basic understanding of transformation.

For instance, there did not seem to be a common understanding amongst members, both senior and junior/ Black and White, of the policy on granting bail to suspects, which lead to complaints of Whites interfering in the arrest of White suspects, and a number of civil claims being instituted against the state for wrongful arrests.

## OVERVIEW OF THE THIRTEEN POLICE STATIONS

The following was observed:

### a. Mokopane Police Station

Staff members had no faith in management and most saw it as being divisive and racist. Some members of management behave as individuals and not as team players and have no respect for each other – rendering the station non effective.

The community has also lost faith in the station as they believe that the officers have relationships with the criminals, engage in criminal activity, treat community along ethnic lines

and are corrupt. The community would also like to see the station personnel changed, particularly those from the Mahwelereng area and replaced by people from outside the area.

Whilst there are officers trying to do their work, there are those who lack respect for their work and the community they serve, For example in the Community Service Centre – complainants were often made to wait for long periods or calls not attended to timeously. In fact some of them would rather spend their day chatting to women outside the station than attending to complainants. It must be mentioned though that the appointment of the Head: CSC brought dramatic changes to the component.

#### **b. Messina Police Station**

Management at Messina did not seem to have management experience and knowledge of policies and procedures, and seemed to rely on unions (SAPU and POPCRU) to sort out differences in management with the result that the unions are now effectively managing the station.

There is also obvious tension between Black and White officers, though there is also an indication that some work well together. It does seem that the tension is further influenced by the unions which polarise people according to which union they belong to.

Whilst the general service at the Community Service Centre is good, it was observed that at times White complainants were not attended to timeously and in some cases White people did not report their complaints to the Community Service Centre, instead they preferred to go to offices of individual White officers, where they received assistance.

Besides the obvious racism and ethnic tensions at the station, there also seems to be other interests at Messina, which benefit from the turmoil – however were unable to pursue them as they fell outside the scope of the research

#### **c. Maake Police Station**

The appointment of the Station Commissioner was welcomed by all staff, however there is unhappiness with his style of leadership as he is seen as autocratic.

Ethnicity is rife at the station, with Shangaans being severely discriminated against as they are seen to be receiving preferential treatment from the Area Office.

The service at the Community Service Centre is good though some officers seem to lack sensitivity in handling domestic violence matters.

#### **d. Pietersburg Police Station**

There are obvious racial and ethnic tensions within the station and a lot of complaints about management of the station being racist, however this could be determined as we were unable to meet with some of the station management.

The Community Service Centre was always busy, however the service was also speedy and friendly

**e. Louis Trichardt**

The appointment of the current Station Commissioner seems to have brought about positive change to the station and he seems to have overcome most of the initial challenges encountered in the beginning as he is seen by both staff and management as trying to bring unity amongst the races and ethnic groupings.

However, there are still challenges in the form of the Head Logistics, who seems to be challenging the Station Commissioner's authority and has avoided many efforts by the Station Commissioner and the Area Commissioner to get him to work well with his colleagues and management.

Another challenge is in the form of the newly appointed Head: Crime Prevention, who seems to be struggling to come to terms with the responsibilities of her appointment – however with proper guidance, can be an asset to the station

The Community Service Centre is busy and attention is given to complainants as they come in, in a friendly manner, though a few of the officers do not seem to care.

**f. Haenertsburg**

Racism and ethnicity is rife at the station with female White officers having reserved a toilet for themselves and allowed to do so. Management is also seen as divisive and giving preference to White people.

Service at the Community Service Centre is good

**g. Tzaneen**

Whilst the majority of the members, the majority of senior management at the station is White – which causes a lot of dissatisfaction with the Black members, but it does seem as if management is representative.

The Community Service Centre is friendly and people are helped quickly.

**h. Northam**

Management seems to be working as a team, however, the attitude of the Station Commissioner seems to be a problem with the staff as he is regarded as harsh (which fact he admitted indicating he is harsh when work is not being done accordingly).

There is also a clear division between Black and White officers at the station, there just does not seem to be communication at all

The Community Service Centre is friendly and extremely helpful

**i. Giyani, Culcutta, Dendron and Levubu**

There was no evidence of racism or ethnicity or tribalism at these stations, though Giyani did have a class problem

#### j. Warmbad

The appointment of the current Station Commissioner seems to have made a positive difference. He and his second in command are seen as a good combination and management is not only integrated but also works together as a team making for a general good atmosphere at the station and the effect is even felt in the community which has reported a reduction in racial incidents involving the police.

The Community Service Centre also provides good service.

In general the stations provide commendable service at the Community Service Centre, it is fast, friendly and even in those stations where there are tensions, it does not reflect those tensions (with the exception of Mokopane – which is now showing improvement)

### STATION MANAGEMENT

#### a. Attitudes

Management of the police station seems to have a serious influence on racism, ethnicity and tribalism within the stations. This is supported by the fact that where there is no reported racism/ethnicity, the staff seemed to perceive management in a positive light, but where there are incidents of racism and ethnicity, generally management is perceived as a divisive factor.

For instance in **Warmbad**, the appointment of the current Station Commissioner as well as the relationship with his second in command is seen by the staff as the single most contributory factor to the reduction of racism to almost nil at the station – this view being shared by both Black and White officers as well as civilians

The same is reported in **Levubu, Dendron and Culcutta** where there is no reported racism, ethnicity or tribalism. However both **Levubu and Dendron** indicated that under the leadership of previous Station Commissioners – the stations experienced ethnicity as the Station Commissioners were operating along ethnic lines.

Even in **Louis Trichardt**, which has racism and ethnicity, it seems the appointment of the current Station Commissioner has helped lower the phenomena, as he is reportedly trying to bring people together – and there is reportedly some positive results, e.g. the station celebrated the year end function in 2001 together instead of along racial lines as used to be the case in the past.

What seemed to make the stations work and overcome racism and ethnicity are the following characteristics<sup>12</sup>:

- Station Commissioners consult with their management
- Station Commissioner is seen to be impartial and fair
- Station Commissioner and management working together as a unit as one interviewee said ‘they speak in one voice’
- Management engages in consultation with staff through lectures, circulars, meetings, etc
- Members feel that their views are considered by management

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<sup>12</sup> Not all the stations have all the characteristics, but have most of them according to the staff members and in some instances members of the community.

- Management treats staff with respect
- Management practises what is called 'management by walking', i.e. walking amongst members, visiting sections, accompanying members on raids and working at the Community Service Centre
- Caring about the welfare of staff
- Arranging of recreational activities

The stations with high incidents of racism and ethnicity, i.e. **Mokopane, Messina, Maake, Pietersburg** and even **Northam** – management is perceived by staff to be instigating or perpetuating racism and ethnicity and complain that management behaves in the following ways<sup>13</sup>:

- Station Commissioner just makes decisions on his own, sometimes even failing to consult with his management.
- Management is divided and do not work as a unit
- The concerns of staff members are not addressed adequately, if at all
- When in meetings or lectures, members raise issues or concerns, they are not considered, comments like these are allegedly made 'your comment is noted' 'thanks for your input' and the matter is not even discussed.
- Station Commissioner is harsh, moody or scolds members in front of colleagues and members of the public
- Managers discriminate against staff, or they are partial to a particular race or ethnic group
- Some members of management are not supportive of the Station Commissioner because he is either viewed as being young or a junior in rank
- The Station Commissioner does not keep office hours, always leaves work early

These perceptions are seen to be a great source of conflict and to fuel racism, ethnicity and tribalism with the result that whatever decisions are taken or instructions given by management – the staff members do not look at the value thereof but tend to look at who is giving the instruction or making the decision and if affects them negatively, they take it as evidence of racism or ethnicity. This is prevalent in **Messina, Mokopane, Maake, Pietersburg** and **Northam**.

In Messina it has had such an impact that there is such a distrust of management, that:

- People often use unions (i.e. SAPU AND POPCRU) as their first port of call and has created the situation where unions are so powerful, they literally determine decisions made by management
- Disciplinary and grievance proceedings are lodged incessantly over petty issues and get dropped as incessantly
- The station has a high turnover of Station Commissioners. If a White Station Commissioner is appointed, Blacks complain and vice versa. For example, the appointment of the current Station Commissioner caused such an outcry amongst Black POPCRU members, that a complaint was lodged querying his appointment and there is already two other complaints lodged against him personally and he is hardly two months in office!

<sup>13</sup> Again the characteristics are not applicable to all the stations in the same manner



- This is however a pattern that has been adopted apparently with all other previous Station Commissioners leading to their removal from the station. It is clear that Station Commissioners in Messina are not even provided a chance to manage the station.

#### **b. Acting Station Commissioners**

The practice of having people act in vacant positions for a long period also seems to contribute to the problem – when people who acted in positions are not appointed, it often creates tension and leads to people being said to be causing conflict in the station because they did not get the post they were acting in and it sometimes hinders the management of the station, for example, when staff members continue to treat the said person as their advisor and head of station and he does not discourage it or when the person who has been acting is seen as causing problems or as being uncooperative when he raises issues in management structures.

#### **c. Station Commissioners and Station Managers at Same Rank**

Tensions also exist in stations where the Station Commissioner and some of the management are on the same rank, especially that of superintendent and the managers had been occupying the rank for a longer period. This is prevalent in Mokopane and Louis Trichardt – where managers openly indicated that the Station Commissioner is a junior to them and they therefore cannot take instructions from him, further fuelling tensions and racism and ethnicity.

#### **d. Racial Prejudice**

*'I believe people from the same culture should work together. People from different cultures have nothing in common. Imagine having to work with seven other people from a different culture for twelve hours a day. What will you say to them? Maybe your child did something funny in the morning and you would like to talk about it, you would not be able to do so as the other person would not understand' – White Officer*

*'Black and White have nothing in common – for example Blacks watch soccer, whilst Whites watch rugby' senior White officer*

*'These people are lazy, these people do not understand, these people are inefficient – Senior White officers referring to Black officers*

*'I do not raise problems brought to me with the Station Commissioner because he is White, he will not take action against the officers concerned because he is White and Whites always stick together, they protect each other' Black senior officer*

*'Shangaans are insubordinate, they think they know better' senior Black officer*

The above are just some of the comments that were made by members of management within the various police stations reflecting deep-seated racial prejudice against the different groups and a tendency to stereotype people according to their racial or ethnic grouping.

What is alarming is that these officers not only have these prejudices, but also act upon them. For examples, it often happens that when a White Officer is appointed to a senior position, that most White officers within the station would apply for transfer to the division headed by the particular officer – the senior officer would not discourage this, but would actively encourage it, causing conflict within the station and often leading to divisions being almost exclusively White.

Again the belief that Blacks are lazy or inefficient often leads to them being marginalized and not being given more responsibilities or being allowed to work in some divisions, whilst Whites get this opportunity. This results in White officers in stations being multi skilled whilst Blacks

have limited knowledge. For instance, most White officers interviewed had worked in all the divisions throughout their careers, whilst Blacks were normally confined to the Community Service Centre, guard duty and promoted to the detective section.

Most of the Black managers displayed the following: a sense of hopelessness, inability to change the status quo, unwillingness to work with senior White officers, a feeling that since there is now a new and Black government, Whites have no place in management and anger towards Whites (as a result of the personal experiences within the service). This manifested itself in the way they acted also:

- Taking away resources from White officers and making it almost impossible for them to work
- Instituting disciplinary measures against White officers for petty issues
- Using unions to solve problems at management
- Failing to address complaints against White officers as they believe that nothing can get done
- Being partial to persons of their racial or ethnic grouping

This results in the inability and or unwillingness to change the status quo. For instance, when White officers refuse to perform certain functions – in most instances, no action is taken against them, but instead a Black officer will be deployed to perform the function (even if he/she is unwilling), which creates an impression amongst junior Black officers that senior Black managers are afraid of Whites.

#### **AREA, PROVINCIAL AND NATIONAL MANAGEMENT**

In most of the stations, there was dissatisfaction with management at the Area, Provincial and National Office of the SAPS. Allegations levelled at these structures being that of:

- Preferential treatment with regard to appointments and
- Handling of complaints

##### **a. Preferential Appointments**

*'In the beginning we had a Shangaan Provincial Commissioner, he appointed Shangaans to senior positions. Then we had a N.Sotho Commissioner, he brought in N.Sothos, now we have a Venda Commissioner, we are starting to see Vendas coming up!'*

The complaint centres on the Province and Areas making appointments according to race or ethnic grouping. However, the allegation could not be proven as we did not have all the facts at our disposal.

We observed though that this assumption was sometimes

- **Erroneous**

For example in Mokopane, it was alleged that the Area Commissioner, who is Venda, appointed the previous Station Commissioner on ethnic grounds. The allegation seems erroneous as it seems both the Area Commissioner and the previous Station Commissioner were appointed at the same time – the difference being that the Area Commissioner took up his post before the previous Station Commissioner.

- **Mischievous**

In Messina, there is also the allegation that appointments are made on ethnic grounds, that Venda people are likely to get preference. With the appointment of the current Station Commissioner, who is a White male – allegations of racism against the Provincial and Area Office are now being made. It seems that whatever appointment is made at Messina, especially of a Station Commissioner – will never satisfy some members. For instance if a White Station Commissioner is appointed, Black members will complain of racism. When a Black Station Commissioner is appointed, White members will accuse the Area of practicing ethnicity or nepotism.

- **Seemed Justifiable**

In Maake and Tzaneen, area falling under the Lowveld Area Office (which is based in Giyani, an area largely Shangaan, some of the recent appointments made consisted only of Shangaan personnel, lending credence to the argument. However, we could not determine that this was the case.

**b. Handling of Complaints**

We also could not determine the allegation that sometimes the offices interfere with the authority of Station Commissioners and directly handle complaints of personnel without the proper channels being followed.

What we could determine though was that there was inconsistency in the manner that Station Commissioners were introduced in the various stations and as far as their induction was concerned. It did seem that in some cases, Station Commissioners were not even introduced to the staff, nor were they provided with the necessary initial support to enable them to run the stations effectively.

## **APPOINTMENTS**

### **(i) Integration of Racial and Ethnic Groupings at Police Stations**

'I cannot understand in this day and age, people who still complain about racism, ethnicity and tribalism within the service – seven years after we have become a democracy. Surely we cannot continue to be bothered by those issues – we have been through transformation now. These days, when we appoint – we appoint on the basis of skills, qualifications and experience for the job, not on the basis of whether one is a Shangaan, a Mosotho, a Venda or is White' – Senior Member of the Police Service

The statement was made by a very senior member of the SAPS, who is also responsible for the appointment and promotion of officers. It presupposes that issues of racial discrimination have been dealt with, however, the responses of members as well as the communities suggest that the statement is premature and that issues of racial discrimination still present a problem. The statements further supports the finding that appointments within the service do not seem to be made with sensitivity to the dynamics of the Province or where the dynamics are taken into account, the manner in which appointments are made, in most instances cause or further the racial, ethnic tensions within police stations as evidenced in these three examples:

**MOKOPANE** - Prior to 1994, it fell under the former Lebowa government and its personnel was almost 100% from the N.Sotho ethnic group. With the amalgamation of the various police forces, the station was left out of the process – recently efforts were made to integrate the station and White officers were appointed, four at senior level. This has created a situation where:

- Whites were brought in as superiors only and fuelling racial tensions
- Although the majority of employees are Black, the majority of persons at management level are White and from the old SAP.
- A clash in ideology and work ethic –A change in the way the station is run and the way work is being done, leading to members feeling undermined
- Whites in turn feeling unaccepted and that Black officers are lazy or inefficient
- Lack of trust within management – Some Black members of management being uncooperative
- Staff members not accepting senior White officers and feelings that they are racist

**MAAKE** – Like Mokopane, prior to 1994, it also fell under the jurisdiction of the Lebowa government and had an almost exclusively N.Sotho personnel. After 1994, efforts to integrate it have seen the appointment of Shangaan officers to the station, bringing with it the following:

- Feeling that Area Office is biased against personnel from the former Lebowa administration thus limiting chances of promotion for them as Shangaans were appointed to promotion posts which none of the personnel at Maake got. This caused a perception that since the Area Office is in Giyani, an area previously falling under Gazankulu and dominated by Shangaans –the Area is conspiring against N.Sothos, leading to the ill treatment of Shangaans
- Leading to ethnic tensions between N.Sothos and Shangaans with the N.Sotho's viewing Shangaans as spies
- Area Office perceived as ethnic in nature

**LOUIS TRICHARDT** – prior to 1994, it was so called White station, with the transformation process, its personnel is almost exclusively Black, with only 10 White officers. Most of the officers:

- Felt that the integration was excessive and almost like a take over or an invasion of Blacks, contributing to resistance from White members
- Felt overwhelmed, that they are soon to be distinct
- Need to stay together as much as possible
- Are constantly testing management's authority
- View the changes proposed or made as a threat to their existence at the station and resisting change

Whilst there is nothing wrong with the changes that were made and in fact it can be said that they were necessary and indicates a commitment to transformation within the SAPS, the integration process has had the effect of contributing or perpetuating racial discrimination as indicated above.

#### **b. Appointment of civilians**

It does seem that civilians are appointed with little or no experience to perform administrative duties and human resource functions, previously performed by officers and in some stations, e.g. Mokopane and Messina, it has further fuelled the racial tensions existing with negative consequences for the civilians involved.

## **RESOURCE ALLOCATION**

### **(i) Allocation of duties**

It was established that indeed there are racial concentrations in the various divisions of the police service which is a result of the past apartheid practices and also the reluctance or inability of management to address the situation.

In the police stations, the Community Service Centre is almost exclusively Black, except for Warmbad and Tzaneen and Pietersburg, where a few Whites were found to be working.

Cell guard duties were also performed by Blacks, whilst Whites were mainly concentrated in the detective section, crime prevention and special units.

Whites also seemed to resist efforts to allocate them to the Community Service Centre and cell guard, and management allows it to happen!

### **(ii) Offices**

We could not establish that the removal of people from offices to the Community Service Centre or relocation to normal police duties was motivated by racial discrimination as alleged, in fact in some police stations, like Mokopane – it was found that people were being mischievous, had gotten used to performing administrative duties and were just reluctant to do police work as it posed more challenge for them.

However regarding the complaint about Whites not wanting to share offices with Blacks, we found that in almost all the police stations where there are Whites and Blacks, that offices were shared according to race groups – Blacks with Blacks, Whites with Whites, there was hardly any integration. Again it would not be established if this was as a result of Whites preferring to be on their own – in most instances, it did seem as if people had been occupying their offices for long periods of time, prior to 1994 and continued to do so and management has not taken the initiative of integrating people in offices. This has also been as a result of the fact that each race group is concentrated in a particular division, where the likelihood is high that they will share offices according to race groups

### **(ii) Vehicles**

The issue of vehicles is a contentious one, especially since almost all the offices are operating with limited vehicles. However it does seem as if the allocation of vehicles is a problem as follows:

- The various branches within police stations seem to function as independent units and lack cooperation
- Inflexibility
- Lack of understanding of policy related to vehicles

For example, in Mokopane, each division, including Finance, had vehicles allocated to it and the Community Service Centre had been allocated just one vehicle. The result of the centre having one vehicle, was that it was unable to respond to complaints, especially at night, due to lack of vehicles, whilst there would be vehicles parked in the station at night not being used as they did not belong to the Community Resource Centre!

With regards to Black officers on standby not being allocated cars but Whites being so allocated – it was found that this does occur in most instances due to the policy on standby, that cars are allocated to officers on standby if they have authority and have a garage at home/ a place where the vehicle can be safely locked and it happens that those who fall within this category are White in most instances – thus perpetuating the perception of Whites continuing to receive preferential treatment.

## **GENDER**

In all the thirteen police stations visited, none of the station commissioners were female and except for Louis Trichardt, none of the police stations had female officers at the rank of Superintendent, further there are a few females at the rank of Captain – most of the female officers seem to be at the rank of Constable or Inspector.

It was also clear that male officers often do not show their female seniors as much respect as their male counterparts and this is demoralising to the female officers.

Whilst it can be said that the SAPS is generally by its nature, a male dominated sector, that cannot be used as justification for the lack of females in senior positions and for their disrespect by male officers.

## **DEPARTMENT OF JUSTICE**

The claims that magistrates and prosecutors practise racism could not be verified due to lack of concrete facts

We found however that the issue of jurisdiction was a thorny one in most areas of the Province as evidenced in Levubu and that this has the following implications:

- People continue to be treated along racial lines in a country that prides itself of being non-racial
- Resources of the SAPS, both human and otherwise continue to be wasted, e.g.
  - daily, police officers have to take people to two or sometimes three different courts, with the result that they sometimes arrive late at court, causing delays in the deliberation of cases (result being backlogs),
  - A lot of time is sent on the road ferrying suspects to and from court – increasing transport costs
  - This situation also takes time from other duties officers could be doing like crime prevention
- It also has an impact on the economy of the areas involved. For instance, farmers complain that their workers often have to go to a court far from their work and spend a lot of time travelling, which time could have been spent at work, whilst there is a periodical court nearby
- Another impact is that it further puts a strain on the financial situation of farm workers, who struggle financially – and have to use the little money they have to travel to attend court.
- It further dents the image of the SAPS and the Department of Justice in the eyes of the community as both departments are viewed to be racist in nature and giving preference to particular race groups

## **IMPACT**

In the final analysis, there was not much evidence of direct racial discrimination. The form of discrimination found was mostly indirect, however the collective impact of racial discrimination within the SAPS is that:

Most members are demoralised and have indicated that they:

- Often contemplate leaving the service as they do not see a future for themselves within the service, i.e. do not anticipate that they will ever advance within the ranks no matter how hard they work, due to belonging to the wrong race or ethnic group
- Consider committing suicide
- No longer care about or have pride in their work
- Often find it difficult to even come to report for work, leading to them taking sick leave often

This situation has in turn had the impact that people:

- Have lost faith in management of the SAPS in general
- Disregard grievance and disciplinary procedures and no longer follow channels of communication, preferring to use unions (i.e. SAPU AND POPCRU) as their first port of call and this has created the situation in some stations like Messina, where unions are so powerful, they literally determine decisions made by management
- Disciplinary and grievance proceedings are lodged incessantly over petty issues and get dropped as incessantly
- Some of the stations have a high turnover of Station Commissioners. If a White Station Commissioner is appointed, Blacks complain and vice versa. For example, the appointment of the current Station Commissioner in Messina caused such an outcry amongst Black POPCRU members, that a complaint was lodged querying his appointment and there is already two other complaints lodged against him personally and he is hardly two months in office!

All these factors affect service delivery to the various communities, in the sense that:

- The police do not give due diligence to their work, resulting in cases not getting solved
- The community no longer trust or have confidence in the police and as such do not report crimes nor do they work in cooperation with the police to help them apprehend suspects
- Increase civil claims against the SAPS

## **RECOMMENDATIONS**

Recommendations are divided into general recommendations for the Province as well for individual police stations and consist of inputs made by the employees of the SAPS as well as the various stakeholders

### **1. GENERAL RECOMMENDATIONS**

#### **COMMUNITY AWARENESS**

The Department to engage in a sustained programme of community awareness, to facilitate and improve relations with the communities and enhance the profile of the SAPS. The programme should have as part of its focus, the following components:

- The role of the SAPS
- Relationship with Justice
- Language policy
- Clients of the SAPS
- Information on how issues can be raised with the communities

This programme should involve all stakeholders, such as the Department of Justice, the Community policing Forums, Traditional Leadership, Local Government, Non Governmental Organisations, Churches, Business, Youth and Community Structures

#### **PROGRAMME OF TRAINING FOR STATION MANAGEMENT**

The training should be geared at the entire station management and not just individuals within management and should be in the following disciplines:

- Strategic Life Management
- General management
- People Management
- Conflict Resolution
- Various legislations, policies and procedures governing the SAPS
- Anti – Racism (and all other forms of discrimination) training

#### **TRAINING FOR POLICE OFFICERS**

A series of training interventions should be implemented at the various police stations, on anti-racism, diversity, policies and procedures of the SAPS.

As much as possible all police station staff should undergo the training, to ensure that they are all empowered. To ensure the smooth running of the station – the training should be structured in a way that least affects service delivery.



## **POLICY ON RACIAL DISCRIMINATION**

Draft a policy on racial discrimination and the Provincial Commissioner to communicate it to all the police stations. The policy should include the following notification:

- That racial discrimination in all its forms is a violation of the right to equality and as such will not be tolerated
- That name calling would be regarded as a form of hate speech in terms of the Promotion of Equality and Prevention of Unfair Discrimination <sup>14</sup>Act

## **REVIEW OF EMPLOYMENT PRACTICES**

The Provincial Commissioner and Area Commissioners to review employment practices with a view to accommodating the provincial peculiarities and ensuring that the different ethnic and racial groupings are adequately represented at all levels within the police stations, the Area Offices and Provincial office. This would involve:

- Conducting an audit of the current status of the police stations with regard to personnel (the racial, ethnic and gender numbers) ranks and skills
- Drawing an integration plan/ adapting one if it exists
- Posting members accordingly and also ensuring that all racial and ethnic groupings are posted at all divisions at police stations
- Ensure a gender balance at all levels of the service
- Members should be informed of the impending changes and the reasons therefore

The policy should be drafted in consultation with the police stations, the police unions, and the equity or transformation forum

## **REVIEW OF POLICIES**

- The Provincial Commissioner to review the bail policy and send a circular to all stations informing them of procedures to follow in arrest and detention of suspects as well as circumstances when persons can be granted bail or must be placed in cells
- The policy on the usage of vehicles on standby to be reviewed also so as to ensure that it does not favour one group to the detriment of another and the Provincial Commissioner to circulate the policy through to all the police stations

## **APPOINTMENTS**

- Station Commissioners to have a role in appointments of staff to the police stations
- Each station to have an induction programme for new staff members and to allocate mentors to them to show them the ropes
- Civilian members to receive the same kind of treatment, i.e. be put through induction, attend lectures and be allowed to make inputs
- New staff members to be provided with copies of policies of the SAPS or have these made easily accessible

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<sup>14</sup> Sect. 10, Act No. 4 of 2000

## **TRANSFORMATION/EQUITY COMMITTEE AND SELECTION COMMITTEES**

- The committees to be representative of all races, gender and ethnic groupings
- They must also have representation from all sectors of the SAPS
- Members to undergo training in SAPS policies and policies, employment equity and anti racism to ensure a common understanding and application thereof

## **REGISTRATION OF COMPLAINTS**

A policy to be adopted on the handling of complaints at police stations and should include the following:

- Reporting and registration of complaints should be done at the Community Service Centre (specify who can take statements)
- That officers shall respond to clients in the clients' language
- In the event that an officer is not conversant with the language spoken by the client, he/she shall request a colleague who does to assist the client
- Officers not specified/ not authorised to handle complaints, shall not take down statements either manually or telephonically
- In the event someone calls and tries to make a statement to such officer, the officer to refer the client to the relevant persons
- In the event officers break the rules, they should be subject to disciplinary proceedings
- Posters to be placed at all police stations informing the public about the procedures

## **CONFLICT RESOLUTION**

The grievance procedure must be followed by both management and staff at police stations, Area Offices and Provincial Office (National Office also to be encouraged to do the same) – as it offers guidelines for laying complaints

- Members must be discouraged from raising problems with Area, Provincial and National Office without having followed the necessary procedures
- In the event that such complaints are made without following procedures, the complaints should be sent back to the members concerned with the advice that they follow proper procedures
- Circular to be sent to all stations indicating the above
- Station Commissioners to be granted authority to institute disciplinary proceedings against members who violate policy or to lodge grievances against senior officers who entertain such grievances

## **POLICE UNIONS**

Both SAPU and POPCRU at Provincial level should communicate with their members or shop stewards indicating that

- Their role within the police stations is to protect the interests of their members and not to manage the stations
- They also have a responsibility to ensure peace within the police stations and not to cause conflict by polarising members according to which union they belong to

## **ATTENDANCE OF LECTURES**

The attendance of lectures must be compulsory and should be used as an opportunity to discuss issues of transformation, of concern to the staff and to communicate management decisions amongst other things

### **TEA CLUB EMPLOYEES**

- Gradually integrate the tea club employees into the SAPS taking into account the finances and positions arising
- Ensure that when positions at their level arise, they are given priority of employment over other candidates
- Ensure they are treated at the same standard and paid at the same rate as registered employees of the SAPS doing the same work
- Ensure that stations follow labour laws and rules to the employees

### **PROBLEMS WITH THE DEPARTMENT OF JUSTICE**

The MEC and the Provincial Commissioner to raise the problems with their national counterparts, indicate the problems for the SAPS and request that the jurisdictional matters be settled as a matter of urgency.

### **DISABILITY**

The stations should ensure they forge relations with organisations for people with disabilities, to ensure that in the event that they get clients or arrest suspects who cannot speak or see or have some form of disability they are not equipped to deal with, they can get assistance from the organisations.

Ideally though, each station should have at least an officer who is able to use sign language or is equipped to handle people with special needs.

### **FURTHER INVESTIGATIONS**

It is recommended that the following cases be followed up and appropriate action be taken:

- Case against Capt. Bezuidenhout of the Child protection Unit, Louis Trichardt – allegedly calling a colleague and suspects ‘Kaffirs’
- Case Number 129/5/2001 or 3681/2001 or CR01/6/2000 (the case number still in dispute) – Levubu, where it is alleged officers discriminated against complainant who was White in a car accident case
- Case number CAS112/4/2000 – where officers allegedly used the station vehicle to assist farmers to repair flood damage (Messina)
- Case Number Cas113/4/2001 – where a White officer was charged with theft of R54000.00 (Messina)
- Case against Capt. Lushivha for harassment – Louis Trichardt
- The conditions of suspects in police cells, especially at Mankweng and Haenertsburg – there were allegations that officers at Mankweng assault suspects in custody and that the suspects arrive at Haenertsburg with bruises. Officers at Haenertsburg indicated a fear to report the matter.

## **PROVISION OF RESOURCES**

The Provincial Commissioner should make all efforts to equip all the stations adequately with resources such as vehicles, computers and personnel.

The Provincial Commissioner should also encourage the Station Commissioners and their management to be creative in the usage of the minimal resources they have, for example:

In the allocation of cars – although each unit/branch has its own vehicles, the station management should be flexible and ensure that the vehicles are used where needed and allocate duties to ensure that resources are shared amongst personnel. The issue of allocation of vehicles could become a standing item on the agenda of management/crime meetings in the morning to ensure the effective use of the vehicles.

## **PRIORITY STATIONS**

The Mokopane and Messina police station should be treated as priority stations and personnel redeployed as per recommendations for the individual police stations. The new personnel to be taken through training to ensure smooth running of the police stations

The process should be handled with the utmost sensitivity and cooperation should be secured as much as possible to avoid creating other problems, whilst trying to sort out another.

## **2. INDIVIDUAL POLICE STATIONS**

### **a. MESSINA**

- The complaint by POPCRU against the appointment of the current Station Commissioner be dealt with as a matter of urgency and the Area Commissioner as well as the Provincial Commissioner to jointly communicate the outcome to the members at a staff meeting as well as in writing
- Reshuffling and relocating of at least 70% of members, especially those members who have been at the police station for more than five years
- Integrate members from the different racial and ethnic groupings at both management and staff level as well as in the different branches
- Relocate the Head: Detective Branch immediately
- Management to take on its management role as follows:
  - Hold management meetings on its own in the absence of unions
  - To take decisions collectively as management
  - Meet at least once a month with union representatives to discuss labour related matters

### **b. MOKOPANE**

- Disband and relocate entire management, with the exception of the Head: Community Service Centre, who has just moved to Mokopane
- Integrate members from the different racial and ethnic groupings at both management and staff level as well as in the different branches
- Relocate at least 70% of the staff, especially those who have been at Mokopane for more than five years

**c. LOUIS TRICHARDT**

- Relocate Head: Logistics
- Area to finalise the current racial case against the Head of the Child Protection unit and take disciplinary measures if necessary
- Area and Provincial office to provide the Station Commissioner with the necessary support in his endeavours to transform the station
- Increase the number of White officers urgently at the station as Louis Trichardt also has a large White population

**d. MAAKE**

- Accelerate the integration process, ensuring all races and ethnic groups are represented in all levels and branches
- Community awareness to happen as a matter of urgency
- The Station Commissioner to consult more with his management and be a team player

**e. NORTHAM**

- The Station Commissioner to improve on his approach towards members and management

**f. HAENERTSBURG**

- As per provincial recommendations
- Ensure that the female toilet is open to all staff members

**g. PIETERSBURG, TZANEEN, GIYANI**

As per Provincial recommendations

**h. CULCUTTA, DENDRON AND LEVUBU**

These stations did not have racism, ethnicity nor tribalism. However would recommend that they also benefit from interventions recommended for the Province, particularly on training for management.

## CONCLUSION

It must be indicated that most of the issues raised as creating or perpetuating racial discrimination (i.e. ineffective management, appointments and conflict resolution) do not on their own indicate racism, ethnicity and tribalism. However, their impact on the members of the SAPS and the fact that they tend to favour other groups to the exclusion of others, indicate that they are a matter of concern, that are at the heart of the credibility of the SAPS within its own ranks as well as that of civil society and as such they need to be addressed as a matter of urgency.

It also needs to be noted that the majority of members of the SAPS are dedicated to their work and are still committed to the vision, missions and values of the SAPS despite the circumstances they find themselves in, that the majority of members are not essentially racist nor ethnically inclined, that most are still grappling with the changes in the country, in their work and also in their lives – and as such they need to be supported as individuals and in the work they do. This support can be provided through an enabling environment, through being provided with the necessary tools and resources (such as vehicles, computers, training, etc) to enable them to function to their optimum best, thereby restoring the pride of the SAPS in the eyes of society.

It is also worthy of mention that although management of the various police stations was found lacking in most respect – they are trying as much as they can with the limited knowledge skills and resources they have at their disposal to ensure that they meet their job requirements and should not be regarded as failures – but should rather be assisted as much as possible to ensure that they are able to meet the demands of their jobs.

Further the various stakeholders are also committed to working closely with the SAPS to ensure that it meets its objects as stated in the Constitution, therefore the SAPS needs to engage in dialogue with them to ensure a good working relationship and partnership in the eradication of crime.

Warmbad Police Station, which a few years ago, was in the public eye and seen as a hotbed of racism, stands out as an example of what good management and leadership can achieve. Louis Trichardt, though still faced with challenges also shows signs of good management and leadership and with a little support can follow in Warmbad's footsteps.

Lastly, we would like to again thank the men and women in the SAPS and the various stakeholders who took the time from their busy schedules to talk to us, it is because of their participation that this report was made possible and the recommendations contained herein, theirs.

## ANNEXURE

### LIST OF ORGANISATIONS THAT PARTICIPATED IN THE RESEARCH

Northern Province Council of Churches  
Lawyers for Human Rights  
Nkuzi Development Association  
African Pathways  
ICD  
Contralesa  
NDIMA  
Jubilee 2000  
House of Traditional Leaders  
Thusanang  
Ruanaga  
Builder's Association  
Movement for Delivery  
Messina Advice Office  
DEAFSA  
Youth Council  
SANCO  
Old Age Group  
LCC  
MBHC  
FUWA  
MLAO  
MCDA  
MAYP  
IRTT  
Women's League  
Farmer's Union

#### MUNICIPALITIES

Giyani Municipality  
Messina Municipality  
Makhado Municipality  
Molemole Municipality

#### FARMS

U-NO-ME Farms  
Macadamia Nuts  
Farm Afsaal  
Valley Farms

## **INTRODUCTION**

Ntshole Consulting is a Training and Development Consultancy that was established in December 2000 in response to a need for education and training in human rights and related fields. The Corporation has set itself the task of filling the need in partnership with relevant stakeholders and thereby participating in the promotion of respect for human rights in South Africa

## **MISSION**

To work towards the integration of rights into everyday practice, enabling South Africans to realise their constitutional rights and obligations

## **BELIEF**

*We are driven by a belief that for people to exercise their rights, they must:*

- Be aware of the rights as enshrined in the Constitution and in other legal instruments,
- Be aware that rights bring with them, corresponding responsibilities.
- Recognise that the rights and responsibilities are applicable to them as individuals, communities and institutions;
- Acquire the necessary skills and resources to be able to utilise the rights to improve their lives, thereby;
- Contributing to the socio-economic growth of the country.

## **SERVICES OFFERED**

### **RIGHTS BASED TRAINING PROGRAMS**

#### **HUMAN RIGHTS**

- a. Understanding Human Rights
- a. Service Delivery and Human Rights
- b. Socio-Economic Rights
- c. Access to Information and Administration of Justice
- d. Anti-Discrimination
- e. Employment Equity

#### **LEADERSHIP**

- a. Personal Development
- b. People Management

#### **2. DEVELOPMENT**

- a. Organisational Development
- b. Community Development
- c. Strategic Planning
- d. Conflict Resolution

**Ntshole  
Consulting**

#### **3. RESEARCH**

### **TARGET GROUPS**

Government Departments, Civil Society Organisations, Independent Institutions, Business and Labour

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