

PRESENTATION
TO THE
PARLIAMENTARY
PORTFOLIO COMMITTEE ON
POLICE BY SAPU



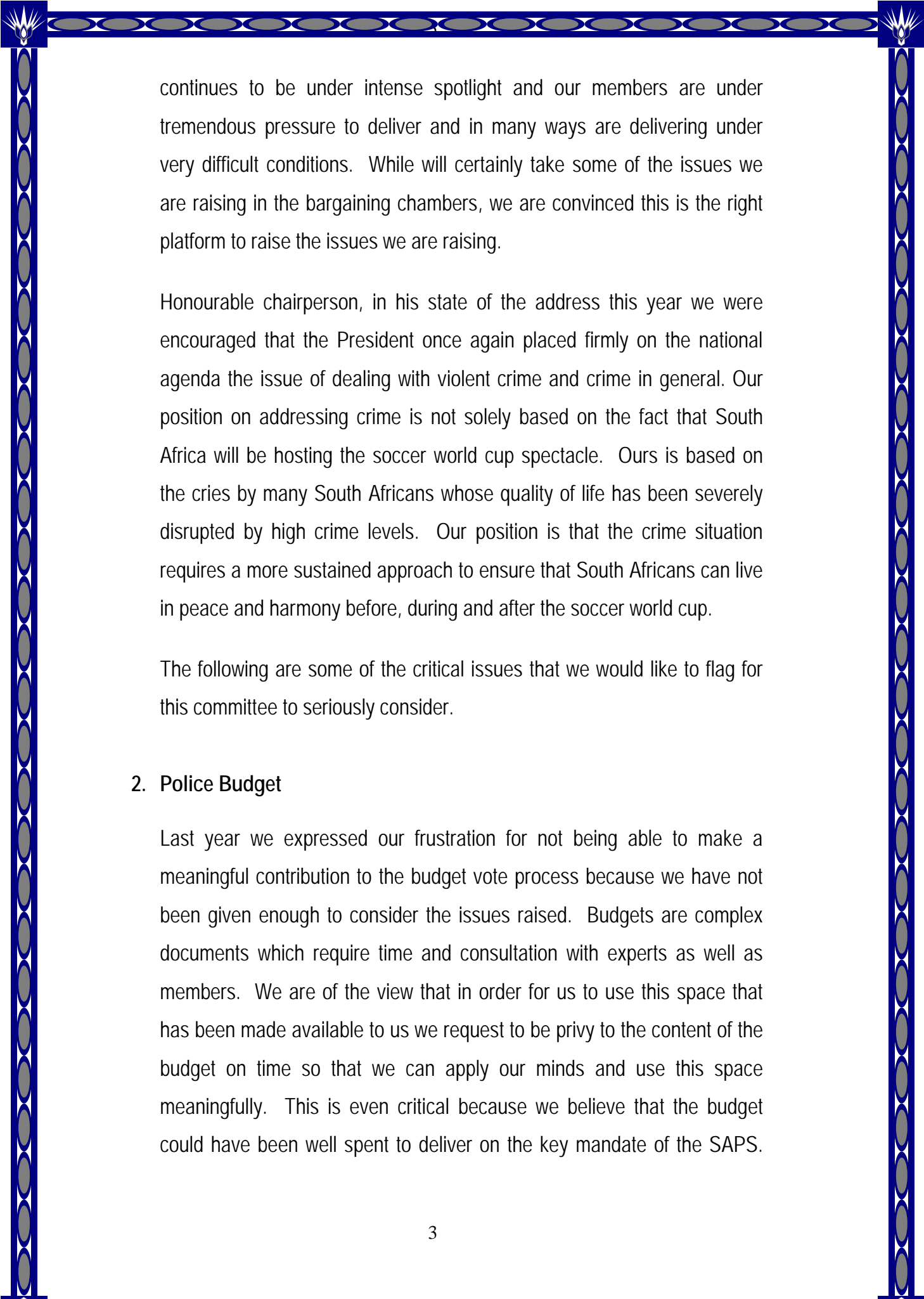
24 FEBRUARY 2010
CAPE TOWN

1. Introduction

The Honourable Portfolio Chairperson, members of the portfolio committee, members of parliament, commissioner of police, senior police officers, ladies and gentlemen it is with great pleasure and privilege that I take this opportunity on behalf of the South African Policing Union members submit our input to this year's 24th budget vote. Every year now we look forward to this occasion where the portfolio committee invites us to make our submission. This year our leadership had to meet to discuss whether our submissions are taken seriously given the issues that we have submitted and remain outstanding. Our submissions are always based on the inputs and consultation with close to 70 000 members hence we would this committee to take inputs placed in front of them seriously.

Honourable chairperson, let me also express our gratitude for involving labour in discussions where issues affecting our members are discussed. While we are very grateful for that, we would like to be assured by the chairperson that our invitations to make contributions are not simply for political expediency but are taken seriously. Our organisation places its hope in this committee to hear the cries of our members and intervene when necessary. We believe that the committee has experience and powers to make the difference in the SAPS. Let me also state from the onset that our understanding of us being here is to contribute to the budget speech of the minister which is due in a couple of days. We are therefore attending this occasion to lobby and mobilize opinion of all role players on the issues that we are raising which have budgetary implications.

As union leaders we have to play our role and use every relevant platform to advance the aspirations of our members. Policing in South Africa



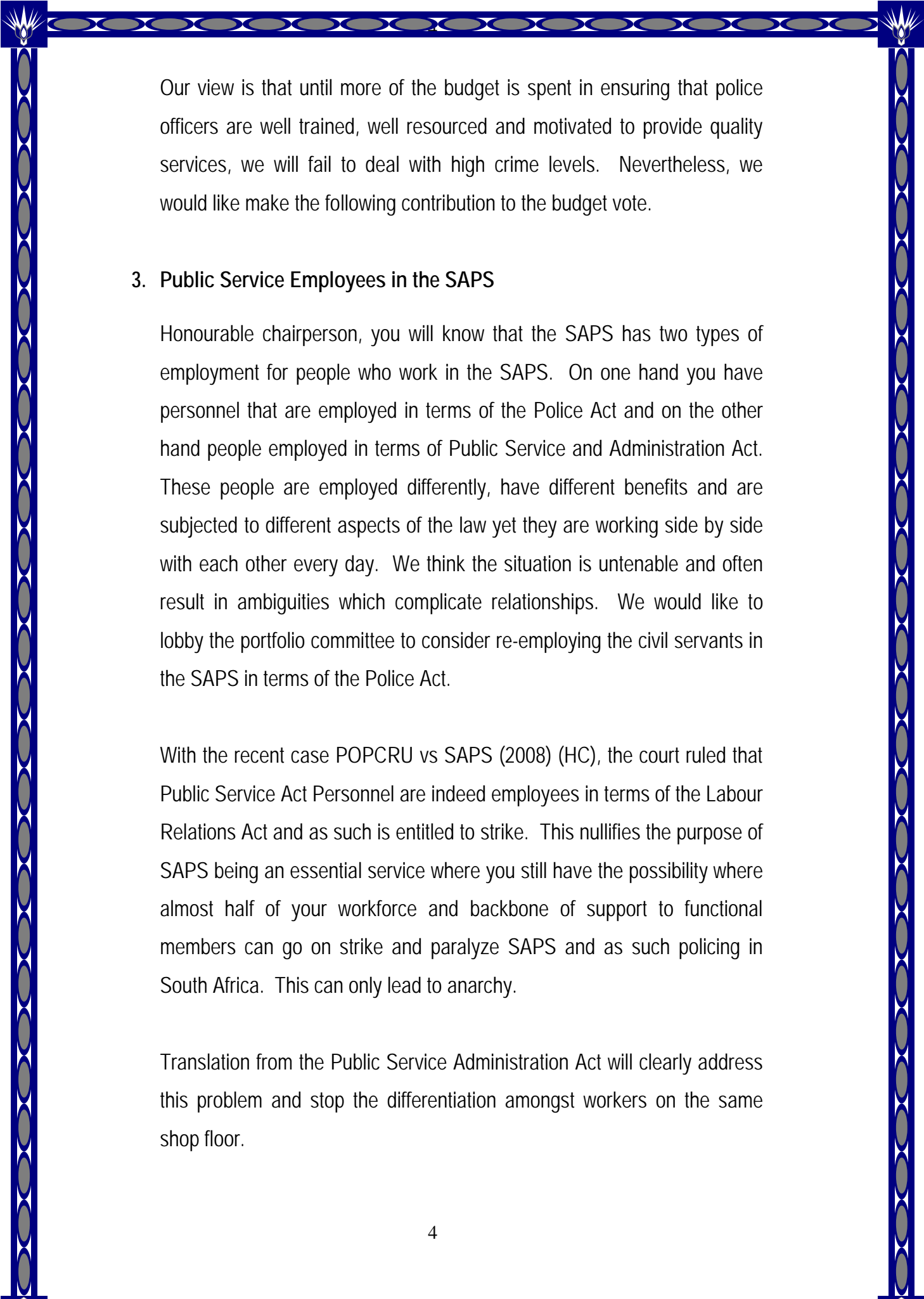
continues to be under intense spotlight and our members are under tremendous pressure to deliver and in many ways are delivering under very difficult conditions. While we will certainly take some of the issues we are raising in the bargaining chambers, we are convinced this is the right platform to raise the issues we are raising.

Honourable chairperson, in his state of the address this year we were encouraged that the President once again placed firmly on the national agenda the issue of dealing with violent crime and crime in general. Our position on addressing crime is not solely based on the fact that South Africa will be hosting the soccer world cup spectacle. Ours is based on the cries by many South Africans whose quality of life has been severely disrupted by high crime levels. Our position is that the crime situation requires a more sustained approach to ensure that South Africans can live in peace and harmony before, during and after the soccer world cup.

The following are some of the critical issues that we would like to flag for this committee to seriously consider.

2. Police Budget

Last year we expressed our frustration for not being able to make a meaningful contribution to the budget vote process because we have not been given enough time to consider the issues raised. Budgets are complex documents which require time and consultation with experts as well as members. We are of the view that in order for us to use this space that has been made available to us we request to be privy to the content of the budget on time so that we can apply our minds and use this space meaningfully. This is even critical because we believe that the budget could have been well spent to deliver on the key mandate of the SAPS.



Our view is that until more of the budget is spent in ensuring that police officers are well trained, well resourced and motivated to provide quality services, we will fail to deal with high crime levels. Nevertheless, we would like make the following contribution to the budget vote.

3. Public Service Employees in the SAPS

Honourable chairperson, you will know that the SAPS has two types of employment for people who work in the SAPS. On one hand you have personnel that are employed in terms of the Police Act and on the other hand people employed in terms of Public Service and Administration Act. These people are employed differently, have different benefits and are subjected to different aspects of the law yet they are working side by side with each other every day. We think the situation is untenable and often result in ambiguities which complicate relationships. We would like to lobby the portfolio committee to consider re-employing the civil servants in the SAPS in terms of the Police Act.

With the recent case POPCRU vs SAPS (2008) (HC), the court ruled that Public Service Act Personnel are indeed employees in terms of the Labour Relations Act and as such is entitled to strike. This nullifies the purpose of SAPS being an essential service where you still have the possibility where almost half of your workforce and backbone of support to functional members can go on strike and paralyze SAPS and as such policing in South Africa. This can only lead to anarchy.

Translation from the Public Service Administration Act will clearly address this problem and stop the differentiation amongst workers on the same shop floor.

4. Reservist

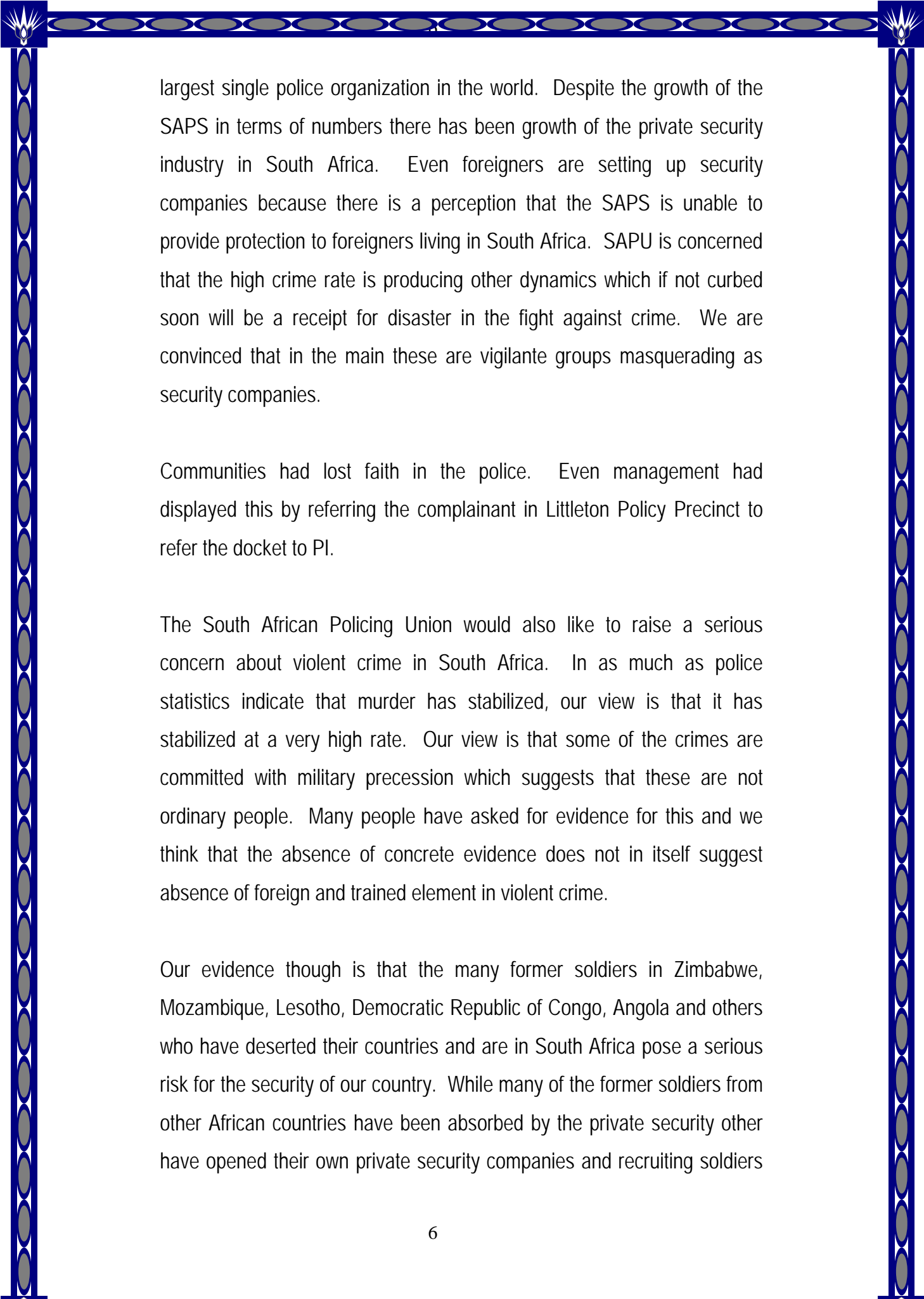
Reservists in the context of the SAPS has always been a need based requirement. A voluntary service in your suburb of residence to enhance the service delivery of the SAPS to fight crime. This was performed by permanently employed citizens who utilized their non-employed hours (evenings, week-ends, vacation leave) to booster crime fighting.

The recent strike action by reservists many of whom are alleged to be unemployed is a stark indicator that terms of utilizing voluntary workers as reservists in the SAPS has created a dilemma. The utilization of unemployed youth is akin to scab labour without pay, a social injustice. As an organization, SAPU demands that urgency is applied to find resolve to unemployment and poverty.

It is our duty to protect the needy and the uninformed who have no food, shelter or clothing, but are give a uniform as a voluntary worker and expected to perform with unselfish loyalty. We cannot escape the social injustice. Lets look forward and outward together, together we can make the difference.

5. Intensifying the fight against crime

There is no doubt that every South African, visitor and international community would like to see our government intensify efforts to address the high crime levels. As a result, the SAPS has grown to become the

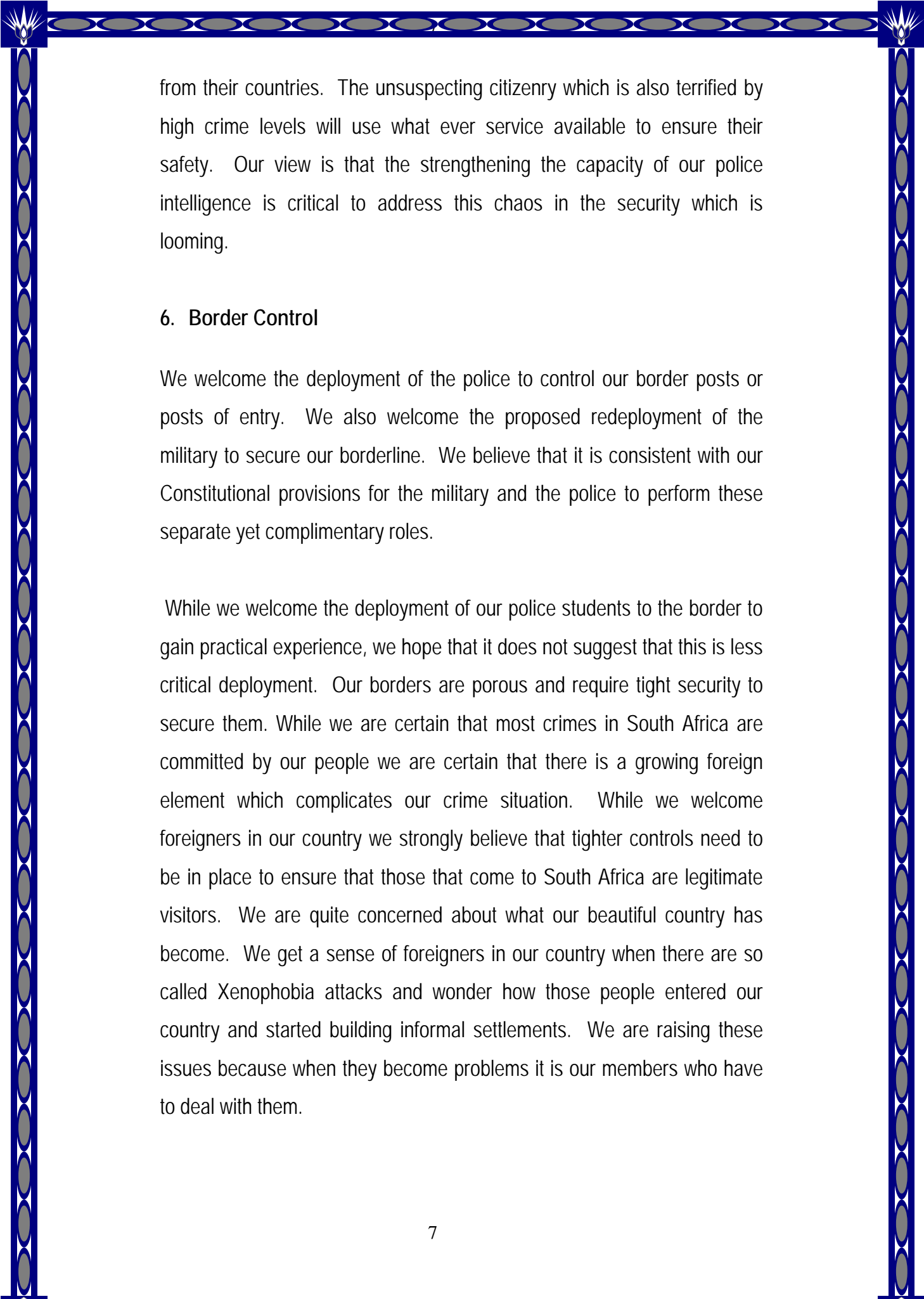


largest single police organization in the world. Despite the growth of the SAPS in terms of numbers there has been growth of the private security industry in South Africa. Even foreigners are setting up security companies because there is a perception that the SAPS is unable to provide protection to foreigners living in South Africa. SAPU is concerned that the high crime rate is producing other dynamics which if not curbed soon will be a receipt for disaster in the fight against crime. We are convinced that in the main these are vigilante groups masquerading as security companies.

Communities had lost faith in the police. Even management had displayed this by referring the complainant in Littleton Policy Precinct to refer the docket to PI.

The South African Policing Union would also like to raise a serious concern about violent crime in South Africa. In as much as police statistics indicate that murder has stabilized, our view is that it has stabilized at a very high rate. Our view is that some of the crimes are committed with military precision which suggests that these are not ordinary people. Many people have asked for evidence for this and we think that the absence of concrete evidence does not in itself suggest absence of foreign and trained element in violent crime.

Our evidence though is that the many former soldiers in Zimbabwe, Mozambique, Lesotho, Democratic Republic of Congo, Angola and others who have deserted their countries and are in South Africa pose a serious risk for the security of our country. While many of the former soldiers from other African countries have been absorbed by the private security other have opened their own private security companies and recruiting soldiers



from their countries. The unsuspecting citizenry which is also terrified by high crime levels will use what ever service available to ensure their safety. Our view is that the strengthening the capacity of our police intelligence is critical to address this chaos in the security which is looming.

6. Border Control

We welcome the deployment of the police to control our border posts or posts of entry. We also welcome the proposed redeployment of the military to secure our borderline. We believe that it is consistent with our Constitutional provisions for the military and the police to perform these separate yet complimentary roles.

While we welcome the deployment of our police students to the border to gain practical experience, we hope that it does not suggest that this is less critical deployment. Our borders are porous and require tight security to secure them. While we are certain that most crimes in South Africa are committed by our people we are certain that there is a growing foreign element which complicates our crime situation. While we welcome foreigners in our country we strongly believe that tighter controls need to be in place to ensure that those that come to South Africa are legitimate visitors. We are quite concerned about what our beautiful country has become. We get a sense of foreigners in our country when there are so called Xenophobia attacks and wonder how those people entered our country and started building informal settlements. We are raising these issues because when they become problems it is our members who have to deal with them.

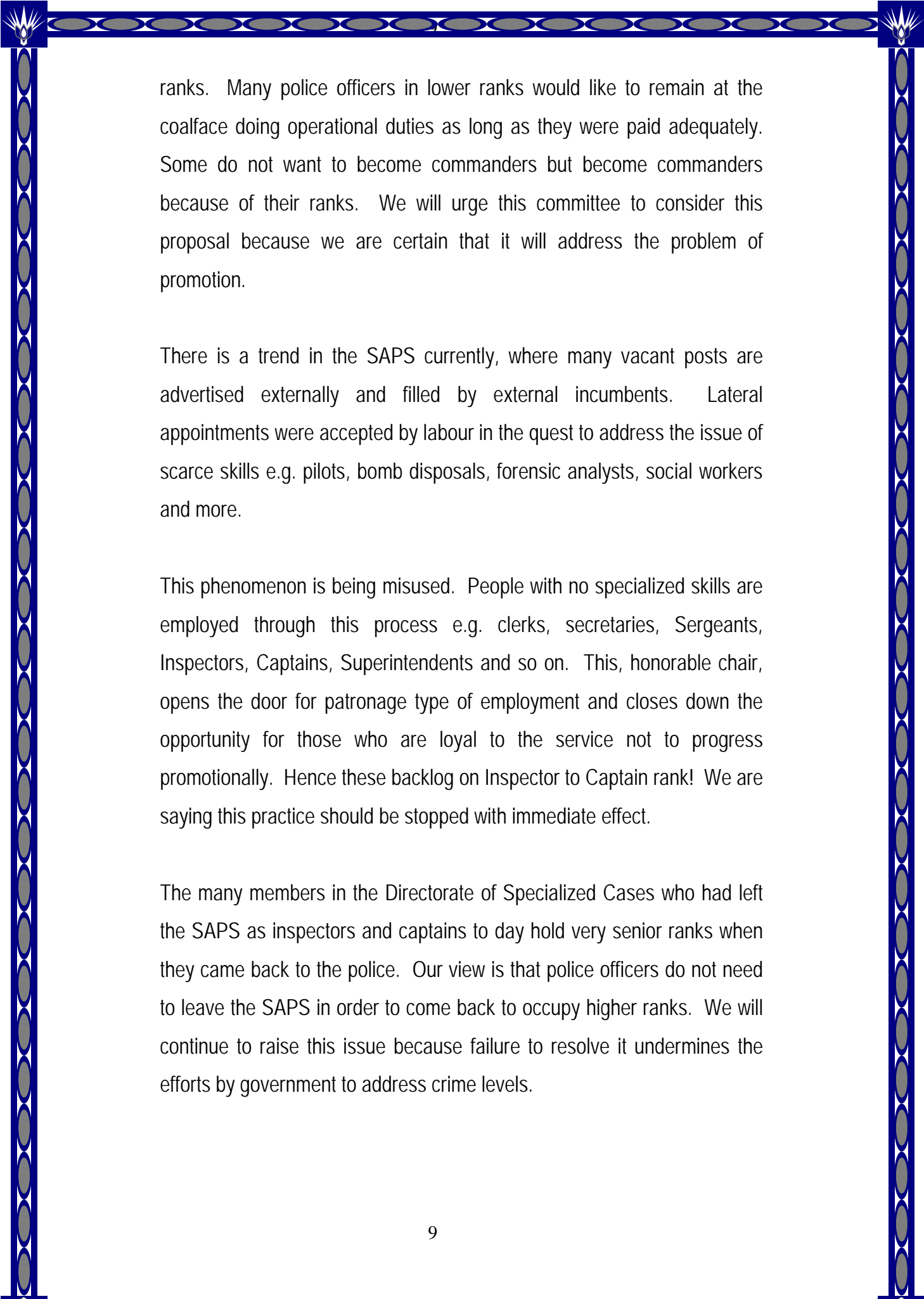
7. Restructuring of the SAPS

The SAPS will once again be spending millions in the restricting of the police services to accommodate the new rank system. While we welcome the new rank system we are concerned that this could be another area of discomfort and contestation between unions and police management.

In our submission last year to this committee we expressed the same view which we would like to reiterate that the constant restructuring in the SAPS often leads to instability and unhappiness amongst our members. As a result of the anxiety and fears that often accompanies the restructuring our very dedicated members are often distracted by the restructuring processes. While our members join the police with the full knowledge that they can be deployed anywhere where their services are required within the Republic we are concerned that when our members are constantly reshuffled, in many instances results in loss of stability and promotion.

8. Promotions

Lack promotions or upward mobility in the police are an area of discomfort for our members. In many instances, hard working, dedicated and deserving members are ignored which becomes a source of low moral for our members. In particular, the promotions from the ranks of inspector to captain seem very difficult and this often results in members leaving the SAPS to other government institutions and come back to occupy senior ranks. According to the SAPS records, there are 59 000 members within the rank of inspector with more than 20 years of service. These members are yearning for promotion and are very frustrated about this bottleneck seems very difficult to resolve. We have proposed a different system where members can be paid more even when they were holding lower

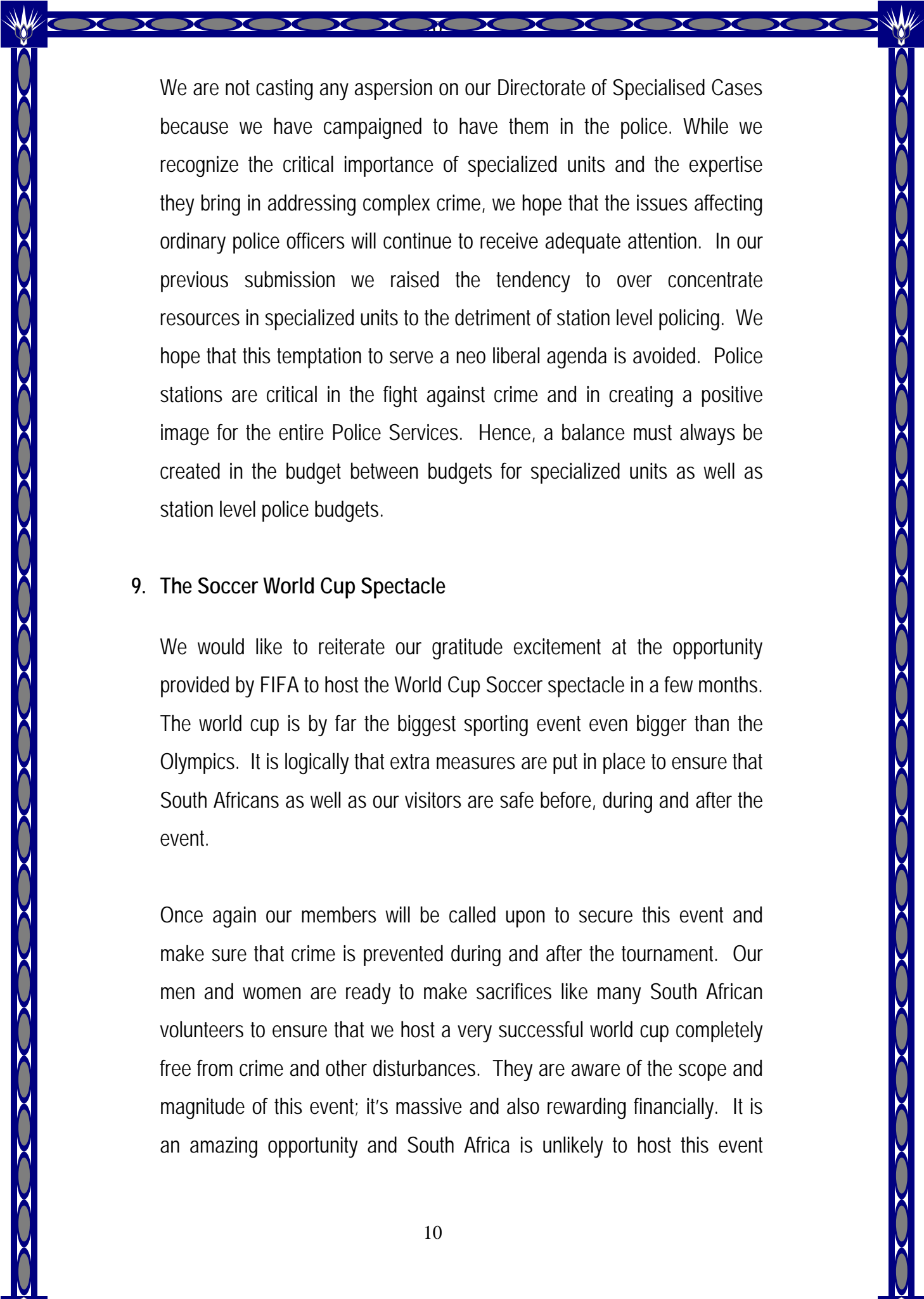


ranks. Many police officers in lower ranks would like to remain at the coalface doing operational duties as long as they were paid adequately. Some do not want to become commanders but become commanders because of their ranks. We will urge this committee to consider this proposal because we are certain that it will address the problem of promotion.

There is a trend in the SAPS currently, where many vacant posts are advertised externally and filled by external incumbents. Lateral appointments were accepted by labour in the quest to address the issue of scarce skills e.g. pilots, bomb disposals, forensic analysts, social workers and more.

This phenomenon is being misused. People with no specialized skills are employed through this process e.g. clerks, secretaries, Sergeants, Inspectors, Captains, Superintendents and so on. This, honorable chair, opens the door for patronage type of employment and closes down the opportunity for those who are loyal to the service not to progress promotionally. Hence these backlog on Inspector to Captain rank! We are saying this practice should be stopped with immediate effect.

The many members in the Directorate of Specialized Cases who had left the SAPS as inspectors and captains to day hold very senior ranks when they came back to the police. Our view is that police officers do not need to leave the SAPS in order to come back to occupy higher ranks. We will continue to raise this issue because failure to resolve it undermines the efforts by government to address crime levels.




We are not casting any aspersion on our Directorate of Specialised Cases because we have campaigned to have them in the police. While we recognize the critical importance of specialized units and the expertise they bring in addressing complex crime, we hope that the issues affecting ordinary police officers will continue to receive adequate attention. In our previous submission we raised the tendency to over concentrate resources in specialized units to the detriment of station level policing. We hope that this temptation to serve a neo liberal agenda is avoided. Police stations are critical in the fight against crime and in creating a positive image for the entire Police Services. Hence, a balance must always be created in the budget between budgets for specialized units as well as station level police budgets.

9. The Soccer World Cup Spectacle

We would like to reiterate our gratitude excitement at the opportunity provided by FIFA to host the World Cup Soccer spectacle in a few months. The world cup is by far the biggest sporting event even bigger than the Olympics. It is logically that extra measures are put in place to ensure that South Africans as well as our visitors are safe before, during and after the event.

Once again our members will be called upon to secure this event and make sure that crime is prevented during and after the tournament. Our men and women are ready to make sacrifices like many South African volunteers to ensure that we host a very successful world cup completely free from crime and other disturbances. They are aware of the scope and magnitude of this event; it's massive and also rewarding financially. It is an amazing opportunity and South Africa is unlikely to host this event

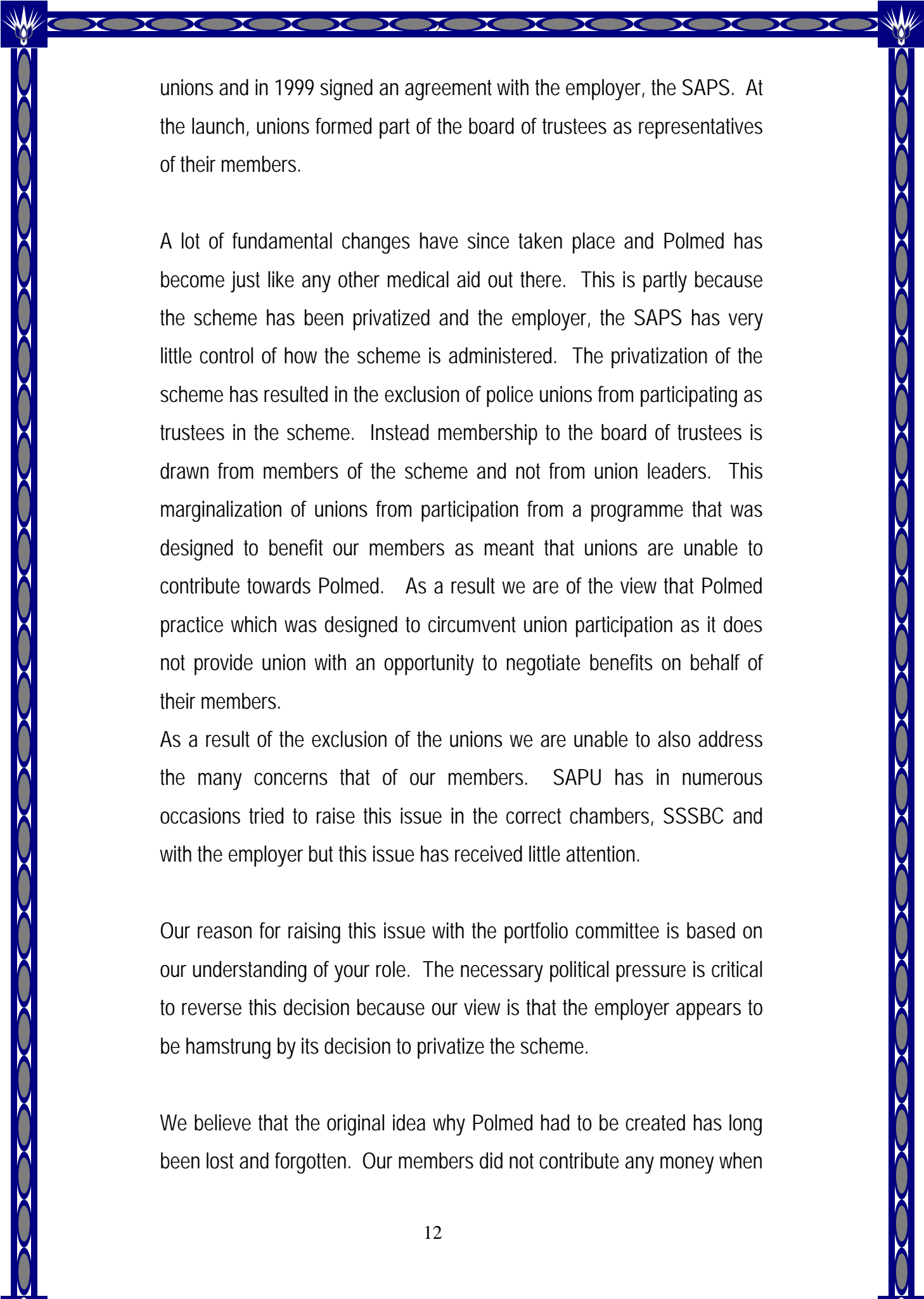


again in our lifetime. I would like to assure this committee on behalf of our members that we are ready once gain, to provide quality services to our people and those visiting our country. Our members are ready to answer the nation's call.

Unlike ordinary South Africans, police officers will not have the opportunity to benefit from this tournament hence we are proposing that our members be properly incentivized for the sacrifices they will make. Given the million of rands that this tournament will bring to our country, we believe that it will only be fair to provide incentives to our members so that they do not engage in any other business that may take them away from the responsibilities. We are happy with the negotiation that we have initiated and we hope that this budget will cater for that. We hope that the current agreements on overtime pay and incentives for policing special national events will be reviewed. The world cup is not a national event but an international event. We are again bringing this issue of overtime before the committee so that it continues to receive the political support necessary. At this stage we are unhappy with the way SAPS management has been handling the issue we hope that you will use your constitutional powers and moral authority to ensure that this issue dealt with adequately.

10. Police Medical Aids Scheme (Polmed)

The South African Policing Union has expressed on a number of platform its complete disapproval to the manner in which the issue of the medical aid for police officials is managed. The Police Medical Aid (Polmed) was created exclusively for police officials and their dependents and the idea was to ensure that police officials have access to quality health care services. This initiative was well supported by SAPU and others police



unions and in 1999 signed an agreement with the employer, the SAPS. At the launch, unions formed part of the board of trustees as representatives of their members.

A lot of fundamental changes have since taken place and Polmed has become just like any other medical aid out there. This is partly because the scheme has been privatized and the employer, the SAPS has very little control of how the scheme is administered. The privatization of the scheme has resulted in the exclusion of police unions from participating as trustees in the scheme. Instead membership to the board of trustees is drawn from members of the scheme and not from union leaders. This marginalization of unions from participation from a programme that was designed to benefit our members as meant that unions are unable to contribute towards Polmed. As a result we are of the view that Polmed practice which was designed to circumvent union participation as it does not provide union with an opportunity to negotiate benefits on behalf of their members.

As a result of the exclusion of the unions we are unable to also address the many concerns that of our members. SAPU has in numerous occasions tried to raise this issue in the correct chambers, SSSBC and with the employer but this issue has received little attention.

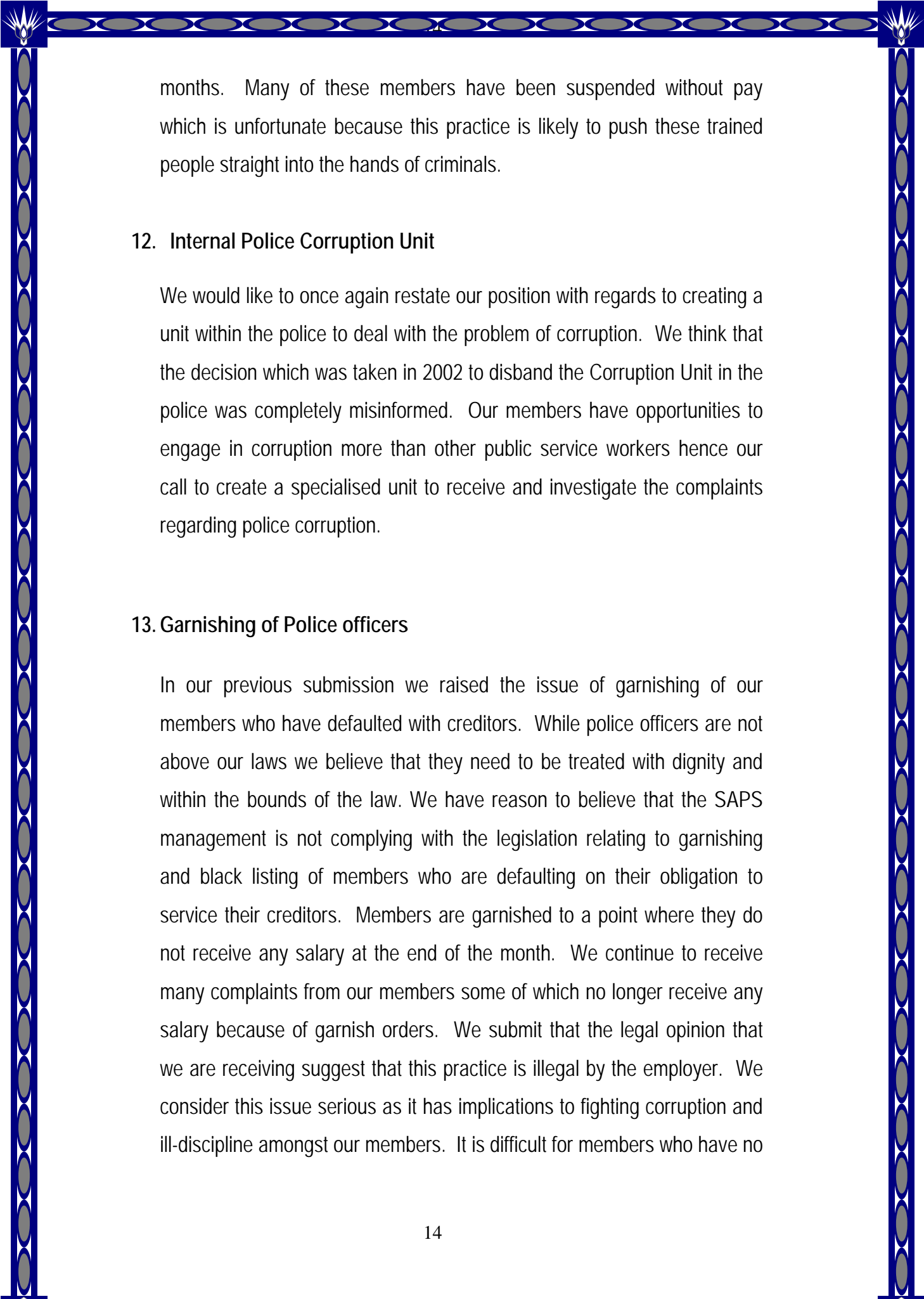
Our reason for raising this issue with the portfolio committee is based on our understanding of your role. The necessary political pressure is critical to reverse this decision because our view is that the employer appears to be hamstrung by its decision to privatize the scheme.

We believe that the original idea why Polmed had to be created has long been lost and forgotten. Our members did not contribute any money when

the scheme was launched and today members pay exorbitant amounts. Polmed was created as a benefit for our members and to supplement their low salaries and poor working conditions. The vision of ensuring that police officers have adequate health care access has long been forgotten as a result of privatization of the scheme. The annual increase of members' contributions and diminishing benefits makes Polmed no longer attractive to our members anymore. As a result, every month we are flooded with complaints from our members concerning Polmed. Some of the complaints we receive have to do with members being forced to pay directly to service providers, or members being forced to contribute some money in order to receive a service from the service provider or services being refused because the benefit has been exhausted hence requiring members to pay for such services. Should the portfolio committee decide to maintain the status quo we will recommend that all other medical schemes be allowed to compete with POLMED because it is enjoying exclusive rights to our members without providing exciting products and benefits?

11. Internal Disciplinary mechanisms

Honourable chairperson, we would like to say from the onset that we would like to join those that would like to work towards creating a professional and disciplined police service. We support democratic and transparent mechanisms and systems which seek to deal with lack of discipline. We would like to support mechanism to strengthened our disciplinary mechanism so that our members can receive a fair and quick decision. We think that it is out of sink with international trends and democratic norms to deny police officers the right to a fair and speedy disciplinary process. We have many members whose cases have not been finalized for many



months. Many of these members have been suspended without pay which is unfortunate because this practice is likely to push these trained people straight into the hands of criminals.

12. Internal Police Corruption Unit

We would like to once again restate our position with regards to creating a unit within the police to deal with the problem of corruption. We think that the decision which was taken in 2002 to disband the Corruption Unit in the police was completely misinformed. Our members have opportunities to engage in corruption more than other public service workers hence our call to create a specialised unit to receive and investigate the complaints regarding police corruption.

13. Garnishing of Police officers

In our previous submission we raised the issue of garnishing of our members who have defaulted with creditors. While police officers are not above our laws we believe that they need to be treated with dignity and within the bounds of the law. We have reason to believe that the SAPS management is not complying with the legislation relating to garnishing and black listing of members who are defaulting on their obligation to service their creditors. Members are garnished to a point where they do not receive any salary at the end of the month. We continue to receive many complaints from our members some of which no longer receive any salary because of garnish orders. We submit that the legal opinion that we are receiving suggest that this practice is illegal by the employer. We consider this issue serious as it has implications to fighting corruption and ill-discipline amongst our members. It is difficult for members who have no

money to concentrate on providing police service when they have opportunities to create other means of getting some income.

14. Distribution of Resources

In terms of the resources establishment guide (reg), two detectives are to share a vehicle, currently they are more than six sharing one vehicle. There will definitely be no production in a situation like this. This situation is caused by the shortage of vehicles through boarding. The current replacement policy must be revoked and replaced by the immediate-replacement policy of the boarded vehicles.

Lets follow the following example, if a station of 236 members must have 30 vehicles, with the current policy, it will mean that for the whole financial year end, this station must operate with 30 until the financial year-end. This kind of replacement is impossible and expensive to maintain. Hence, police stations are operating on a deficit every year in and out.

We propose that there should be an immediate replacement of a boarded vehicle and that is going to allow stations to maintain the strength of vehicles allocated to them.

15. Legal Services

SAPS legal services is dysfunctional. Most matters between labour and the SAPS are outsourced to senior councils. Most matters from labour are

represented by a shopsteward whilst SAPS are represented by senior councils and SAPS still loses the cases and then take them on review.

When the time for the review comes to a close Management settles the matter. Something which they could have done in the beginning e.g. chopper pilots case where SAPS was represented by Advocate Bruinders (SC), this case SAPS lost and took it on review on the advise of the same council who lost the matter at first. This case could have been settled for R6.6 million. With this matter now on review the cost are going to even escalate further.

16. Conclusion

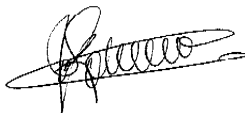
In conclusion, we would like to thank the chairperson for inviting us to participate in this important forum. We hope that the Committee will consider seriously the issues that we have raised in our submission. We also hope we can continue to rely on the guidance of this committee to continue to work towards creating a better police service for our members and country.

We are also encouraged by the leadership of the National Commissioner who has been keen to consult and engage us and take us on board on every major decision. We hope he will continue to create the platform for a robust yet healthy interaction between ourselves and the SAPS management as we all try to work together to deliver safety and security to our people.

On behalf of the South African Policing Union, I would like to thank you all.



MPHO KWINIKA
PRESIDENT : SAPU



OSCAR SKOMMERE
GENERAL SECRETARY : SAPU