Progress report on Farlam Commission Recommendations to the Portfolio Committee on Police

25 May 2016
Introduction
A The Commission recommends that the following matters are referred to the Director of Public Prosecutions, North West for further investigation and to determine whether there are bases for prosecution.

B The Commission recommends with regard to Public Order Policing that a panel as described in paragraph 8 below be established to perform the tasks set out in paragraphs 8, 9 and 10.

C Recommendations by National Planning Commission.

D Control over operational decisions.

E Police Equipment.

F First Aid.

G Accountability.
Strengthen the criminal justice system - A safe South Africa will not be achieved without a strong criminal justice system.

Make the police service professional - A professional police service is essential for a strong criminal justice system.

Demilitarise the police service - The decision to demilitarise the police force, moving away from its history of brutality, was a key goal of transformation after 1994. The NDP indicates that the police should be demilitarised to turn the force into a civilian, professional service.

Build safety using an integrated approach - Achieving long-term, sustainable safety requires an integrated approach focused on tackling the fundamental causes of criminality.

Build community participation in community safety - Civil society organisations and civic participation are critical elements of a safe and secure society. Local government legislation provides for establishing community safety centers to enable safe, healthy communities.
Farlam Commission of Enquiry
High Level
Progress Report
A The Commission recommends that the following matters are referred to the Director of Public Prosecutions, North West for further investigation and to determine whether there are bases for prosecution.

The Independent Police Investigative Directorate (IPID) commenced its investigation on 7 July 2015 over a 9 month estimated period, to conclude the investigations

Investigation of the Incident of the 16th August 2012 at Scene 2:

IPID registered a case file against Major General Naidoo for allegedly defeating the ends of justice as per CCN2016010070 based on the effect of Major General Naidoo’s action which include amongst others: his failure to exercise command and control at scene 2 as alleged, he belatedly submitted his own firearm for investigation by the ballistic experts and that the paramedics under his protection were diverted to scene 2 instead of giving medical attention at scene 1.
The Commission recommends that the following matters are referred to the Director of Public Prosecutions, North West for further investigation and to determine whether there are bases for prosecution.

Investigation of the Extra-Ordinary meeting of SAPS (NMF) held on 15 August 2012.

The Investigation Team opened a case file against Brig Malahlela for allegedly defeating the ends of justice as per CCN2016010079, contravention of Section 4 (1)(b)(dd) of the Protection of Information Act of 1982. In that, she failed to secure recordings of the extra-ordinary meeting of SAPS NMF.
A The Commission recommends that the following matters are referred to the Director of Public Prosecutions, North West for further investigation and to determine whether there are bases for prosecution.

Claims Against the State

With regard to the claims instituted against the various defendants (the Government), being claims for loss of support and funeral costs regarding 34 deaths; one action comprising of personal injury claims in respect of 275 individuals and 81 separate actions relating to individual personal injury claims.

In December 2015, The President indicated that Government is committed to seeking expedited resolution of legitimate legal claims instituted as a consequence of what was described as a national tragedy.

The State has since conceded 100% merits of legitimate legal claims with instructions to settle claims including claims of unlawful arrest and detention claims but will exclude those claims that are under criminal investigation and face possible prosecution.

The State is in the process of determining the quantum and will make interim payments until the matter is completely quantified for full settlement.
C Recommendations by National Planning Commission.

The Civilian Secretariat tabled the **White Papers on Policing and Safety and Security** at **Cabinet in April 2016**. These document were adopted and will form part of the transformation process of the SAPS.

These implementation plans for **White Paper on Policing** will be developed concurrently with the transformation process.

The Papers on **Professionalisation and Demilitarisation of the SAPS**, as well as the **Use of Force policy** drafted by the Civilian Secretariat will as well form a part of the transformation process.
B The Commission recommends with regard to Public Order Policing that a panel as described in paragraph 8 below be established to perform the tasks set out in paragraphs 8, 9 and 10.

The Panel of Experts was established consisting of senior officers with extensive experience in Public Order Policing including independent experts from both local and international was established.

The inaugural meeting took place on 29 April 2016 and will operate henceforth over a 15 month period.

The implementation date of the Transformation task team will be on 1 June 2016.
D  **Control over operational decisions.**

The **Ministerial Transformation Task Team complements this Panel**, by reviewing all the policies, national instructions, standing orders and operational standards that detriment and negate the police officers’ working environment, their living conditions, their career progression, and their dependants’ livelihood, when the police officers either retire or pass on as part of the transformational plan.

The transformational plan prioritises the transformation agenda of the SAPS which will be addressed by both the Panel of Experts and Transformation Task Team.

The transformation plan includes, **communication, stakeholder management, culture and people, training, organisational design and structure, job profiles, job competencies, job satisfaction, mentorships, experimental training, leadership and programs of health and wellness.**
E Police Equipment.

The Panel of Experts was initiated to make recommendations on law, regulations, policy and procedure reviews that comply with best practice on Public Order Policing.

The protocols, plans and what equipment and training should be applied is under the terms of reference and on the agenda for the Panel of experts and transformation task team.
First Aid.

One such initiative is the Emergency response services, as defined in the SA Police Services Draft Instruction of 2005 titled Emergency Response Services 10111 Centres and Flying Squad, are limited to the flying squad and 10111 centres of the police. These standing orders, amongst others, will be reviewed and implemented to be inclusive within the transformation program.

Best practice protocol and training on basic first aid will be advised by the Panel of Experts. The panel of Experts will was established will commence duties from 29 April 2016.
Accountability.

I Quote the Deputy Minister which illustrates commitment to accountability from leadership level....

“ For instance, last year, the community of Masiphumelele brought to our attention that there was an acute lack of police visibility in their area. We promptly responded and intervened by delivering a mobile police station last year in November 2015.

We acknowledge that Masiphumelele is not the only area with this problem. We have visited Lavender Hill, Cite C, Nyanga, and other areas, and it is the same problem. In this instance, the Mobile Police Station Project has been established.

This project is all about enhanced police visibility, this is about responsive investigation, this is about utilization of resources.
G Accountability.

We can announce that the launch and subsequent roll-out of mobile police stations will start in earnest in May 2016, starting with Khayelitsha Cit C, proceeding to Lavender Hill, Crossroads village in Peddie, Botshabelo in the Free State, and other crime hot spots, across the nine Provinces. “

The Deputy Minister promised the people for visible policing which is now a national project with 8 mobile stations being allocated to the provinces with 6 Mobile Police Stations being prioritized to the Western Cape.

Notably, 1 was already allocated to Masiphumelele and 2nd one will be to Cit C (Khayelitsha) this Friday by the Deputy Minister and Minister.

2 will be allocated Nyanga township and 1 will go to Lavender Hill and other hot spots this financial year.

The mobile police station project strengthens the Department’s Front Line Service Delivery (FSD) Programme and is aligned to achieving the Farlam Commission recommendations.
G Accountability.

That the Independent Police Investigative Directorate should be sufficiently resourced and processes reviewed to ensure full accountability.

The Panel of Experts will initiate a project that reviews the Independent Police Investigative Directorate (IPID) forms, people, process and systems to meet the requirement of transparency, accountability and responsibility.

Standing orders and procedures will be reviewed.

Focus will also be on public accountability in the SAPS training initiative's.

Progress reports will be submitted as soon as the project is initiated.
A. 8) Bearing in mind Mr De Rover’s comment that no unit in SAPS is currently in a position to deal with such a crowd, it is recommended that a panel of experts be appointed, comprising senior officers of the Legal Department of the SAPS together with senior officers with extensive experience in Public Order Policing and specifically including independent experts in Public Order Policing, both local and international, who have experience in dealing with crowds armed with sharp weapons and firearms as presently prevalent in the South African context.
Transformation task force: key roles and composition

**Minister**
- The task force will provide recommendations, the Minister will decide

**Deputy Minister**
- The normal chain of command will implement decisions

**SAPS line of command**
- After the overall transformation program approval and launch, option to move RDO within SAPS, reporting to NC but maintaining a dual line of report to DM, could be considered

**Task Force**
- Lean team, 1 leader and ~4-5 FTEs, one per major area of the transformation (possible to complement with external consultants)
- Weekly update to task Force Lead (DM) on overall program progress vs. goals (discuss results/impact)
- Support design the initial overall Transformation Program
- Support critical program trade-off decisions and cross-functional roadblocks resolution
- Ensure resourcing and funding
- Apply consequence management
- Provide common framework and simple tools for risk assessment, sponsorship, tracking/reporting (& escalation) progress
- Review change mgmt. plans and status (communication/engagement, sponsorship)

**Results Delivery Office**
- 5 members, incl. NC, 1-2 PCs and Sr. Management
- Provide input on “as is” and identifying major risks of the implementation and interventions to mitigate them
- Contribute to Transformation Program definition and to critical decision making
- Become Ambassadors/Champions of the Transformation and
- Ensure implementation in the respective areas of responsibility

**SAPS Sr. Management**
- 3-5 members, local and international, specialized in POP, Syndicate crime,...
- Provide benchmarks and best practices in each technical area of the transformation
- Contribute to the analysis of the “status quo” (baseline) and to the critical problem solving
- Support the Transformation Program definition
- Provide input to the implementation plan: priorities, work-planning, funds quantification, risks identification and mitigation

**Experts/Advisors**
- Provide input on ‘as is’ and identifying major risks of the implementation and interventions to mitigate them
- Contribute to Transformation Program definition and to critical decision making
- Become Ambassadors/Champions of the Transformation and
- Ensure implementation in the respective areas of responsibility
Panel of Experts Implemented

Local Panel of Experts
Mr Themba Masuku
Mr David Bruce
Ms Adele Kirsten
Mr Gareth Newham
Dr Elizabeth Grobbler
Mr Eldred De Klerk
Mr Thulani Nsele (POPCRU)
Mr Mpho Kwinika (SAPU)

International Panel of Experts
China
(Prof Dr. Iur Sven Peterke.M.A )
Brazil
( Mr Ilya Levitan PHD)
Russia
Italy
(Mr C De Rover) Holland
African Country

SAPS
Senior Management

Deputy Minister of Police

Chairperson
Judge David Ntshangase

PMO
Support Function
Judge David Sakelene Yusunuzi Ntshangase

He started his career at the Department of Justice in 1960 as a clerk and later also serving as an interpreter for 2 years, 1971- Assistant magistrate in 1971.

1975- Magistrate

1984- Chief magistrate

1988- Departmental training officer at Ulundi

1993- Head of the KwaZulu-Natal regional headquarters of the Department of Justice

1994- Regional magistrate

1998- Chief magistrate of Pietermaritzburg

2001- Regional court president for KwaZuluNatal

Studies- Dipl Juris, Dipl Legum, and the BJuris, LLB and LLM degrees at UNISA.

Advanced training courses, inter alia, in criminal and civil court work and human rights (Sweden).

Presided over several commissions of enquiry. He was active in community and educational work in his hometown Richmond. He is interested in music.
Eldred De Klerk

Senior Policing and Global Security specialist Programme Manager of the Policing Programme at the Graduate School of Public and Development Management at the University of Witwatersrand in South Africa.

Scholarship and practice, with focuses on policing, intelligence and state security, and conflict resolution facilitation and post-conflict interventions.

Community of Global Security Advisors and Conflict Resolution Facilitation practitioners with strong analytical skills and operational and interventionist experience in dealing with the challenges of ‘race’, crime and public disorder; community-based conflict and public protests, and election related violence.
Adèle Kirsten

Small arms control analyst and violence prevention practitioner. Focus peace building for over 30 years, with a particular emphasis on community based conflict resolution and strategic nonviolent action

1995- Founder of Gun Free South Africa (GFSA)

2002- Work in the field of small arms control as a researcher and analyst

Also appointed to several advisory boards, notably the UK Department for International Development (DFID) Armed Violence and Poverty Initiative, the Small Arms Survey (Graduate Institute of International and Development Studies, Geneva) as well as the OECD Advisory panel on armed violence reduction
Themba Masuku

Master’s degree in Social Science (MSocSc) from Natal University and a Bachelors of Law (LLB) degree from UNISA.

Research Manager Centre for the Study of Violence and Reconciliation (CSVR) for 7 years as a senior researcher before going into consulting and returned in 2015.

Contributed to policing policy in SA and in Lesotho.

Conceptualized and developed the concept of sector policing in South Africa.

In 2010, development of the workplace HIV/AIDS policy and strategy for the Lesotho Mounted Police Services (LMPS).

His research interests include democratic policing, police brutality, community police relations, and collective violence.
Dr Elizabeth Grobler

At Department of Correctional Services primarily doing risk assessments for Parole Boards and bespoke projects such as developing gang-specific assessment models and creating a training module for the interpretation of the assessment tools.

Published a book titled: Crossing the line: when cops become criminals – an in-depth profile of police corruption primarily in the South African Police Service

Testified in an expert capacity at the Khayelitsha Commission of Inquiry into police inefficiency during May 2014.

Gareth Newham

2010- **Head Governance, Crime and Justise Division Institute for Security Studies (ISS)**

The ISS is an independent African authoritative research, policy and training organisation working to enhance human security in Africa.

His work entails - *inform government policy and promote public awareness about effective responses to violence, crime and corruption.*

2006 and 2009 - **Policy Advisor and Special Projects Manager** to the **Gauteng Provincial Minister (MEC) for Community Safety**.

2009- He also conceptualised the **Gauteng Information on Police Performance System (GIPPS)**, which won a Government Service Excellence Award.
David Bruce

**Independent researcher** and writer working in the fields of **policing, crime and criminal justice**.

1996 to 2011 - worked in the **Criminal Justice Programme** at the Centre for the Study of Violence and Reconciliation (CSVR).

**Masters in Management** (Public and Development Management) from the School of Public and Development Management at the University of the Witwatersrand (2000).

He has written extensively on **policing issues including on questions of police reform, control of the use of force and police accountability and oversight**.
Prof Iur Sven Peterke

Postdoctoral scholar at the Max Planck Institute for Comparative Public Law and Public International Law, Heidelberg.

Research Project on Extraterritorial military operations against violent transnational actors: war crimes outside armed conflicts

Professor of Public International Law, Federal University of Paraiba, Brazil

Former research fellow of DAAD (Germany), CAPES (Brazil), and Carlos Chagas Foundation (Brazil). Previous researching activities at the University of Leipzig (2013) and the University of Brasília (2013-2014).

Key to reform of the Justice system in Brazil.
Cees De Rover

Mr de Rover is a former **Senior Police Official from the Netherlands**.

Since 1993 he works in the field of armed forces, **police and security forces** and has conducted training and assessment missions in more than 70 countries around the world.

He has worked extensively for the **United Nations and for the International Committee of the Red Cross**.

He is the **Executive Director of Swiss based Equity International which provides rights based technical assistance to police and security forces**. In addition to his formal policing qualifications Mr de Rover holds Masters degrees in Business Administration and Public International Law.

Mr de Rover was retained by **the SAPS as an expert witness for** the Marikana Commission of Inquiry. He currently resides in Australia.
Ilya Levitan

Russian Police Liaison Officer in South Africa.

Police Colonel. PhD in Law, Ural State Law University.

On the police service since 1996. Worked on the field in Ekaterinburg and Saint-Petersburg.

From 2010 till 2015 Russian Drug Liaison Officer in Afghanistan.
Cde Thulani Nsele


He is former Station Commander for Sakhile as well as Cluster Commander for Ermelo.

He is also currently seconded as a full time Office Bearer of POPCRU in the position of the National Treasurer and an elected member of COSATU CEC.
Cde. Mpho Kwinika

Cde. Mpho Kwinika is the President of The South African Policing Union (SAPU).

SAPU was established in November 1993 and has an extensive membership within the policing cluster which includes the South African Police Service (SAPS), Department of Correctional Service (DCS), Metro Police Departments and Traffic Departments.
Transformation Task Team

Deputy Minister of Police

Rev. Dr. Vukile Charles Mehana (Chairperson)
Lt. General Christine Mgwenya (Deputy Chairperson)
Advocate Lungile Right Bomela
Lt. General Molefe
Ms. Bilkis Omar
Divisional Commissioner of Protection Services Lt General Khehla Sitole
Mr. Khumbula Ndaba
Lt. General Ntshiea

Members of POPCRU and SAPU (1X Union Representation: they will be observer-participants)
Transformation Task Team

Scope

The mandate of the Transformation Task Team is applicable to the National Development Plan’s vision of professionalizing and demilitarizing the South African Police Service, by:-

- Reviewing all the SAPS/Department of Police’s Policies, National Instructions, Standing Orders, and Operational Standards,

- that detriment and negate the police officers’ working environment; their living conditions; their career progression; and their dependants’ livelihood when the police officers either retire or pass on.
**PHASE ONE:** Introduction of the Ministerial SAPS Transformation Task Team Members. Expected deliverables include: (i) *Meeting with the SAPS Executive, National Commissioner of Police and all National Heads of SAPS Entities.*

**PHASE TWO:** Strategic Planning Workshop of the Ministerial SAPS Transformation Task Team. Expected Deliverables include: (i) *Constitution/Terms of Reference;* (ii) *Annual Implementation Plans with Budget;* and (iii) *Communications Strategy*

**PHASE THREE:** Benchmarking of Best Practices Programme at both Local/Domestic and International Institutions. Expected Deliverables include: (i) *Audit and Review Model to be accustomed to SAPS’ Transformation Requirements as per NDP.*
PHASE FOUR: Auditing and Reviewing of policies, national instructions, standing orders, and operational standards of the South African Police Service. Expected Deliverables include:

(i) SAPS Act reviewed and amended;
(ii) Entry Salary levels of Police Officers reviewed;
(iii) Career Progression and Promotion policies reviewed;
(iv) SAPS Employee Health and Wellness Programme aligned to the National Framework of EHP;
(v) Pension and Occupational Compensation Fund of the SAPS reviewed to suite the special needs of law enforcement institutions; and
(vi) National Instructions on Placements; Transfers; Transporting; and Accommodating of police officers reviewed.
PHASE FIVE: Final Review Report and costed Draft Cabinet Memorandum presented to the SAPS Executive with a time-framed implementation plan for promulgating final decisions by Cabinet and Parliament. Expected Deliverables include:

(i) Health and Wellness of the SAPS Police Officers transformed to improve the psychological morale and physical fitness of the police officers; encourage commitment to the police officers’ oath; and

(ii) General working environment of the police officers more conducive to execute their constitutional mandate.
Transformation Strategy and Implementation approach
Vision/ambition:
Make South Africa safe and build a national asset that South Africans are proud of and police officers proud to serve in

Goals/metrics
Reduction in violent crime rate, reduction in crime against women and children, increase in detection rates, shift in public perception of the SAPS force, Transparency Corruption Perception Score, Net Promoter Score, etc.

SAPS Missions

Improve SAPS proximity and accessibility
• Improve visibility in the community
• Increased engagement with the community

Prevent, investigate, repress crime
• Implement crime prevention measures, including predictive analytics
• Repress/investigate/resolve crimes quickly

Integrate Security Cluster
• Integrate Security Cluster operations and processes
• Implement integrated ICT system supported by operational integration
• Explore unification of police forces

Coordinate international entities
• Exchange intelligence and information
• Cooperate in crisis management
• Share best practices in fighting crime

Culture and people
(Strong leadership, Police Academy, adequate training, performance mgt, role models recognition, use of experienced reservists, adequate compensation)

Organization structure
(Sizing, number of layers, level of specialization, how to deploy resources/equipment in differentiated way, standardized and optimized processes)

Operating principles, skills, training and professionalization
(Sizing, number of layers, level of specialization, how to deploy resources/equipment in differentiated way, standardized and optimized processes)

ICT infrastructure and equipment
(Criminal databases, mobile communication, CCTV technology, police station equipment, vehicles, labs, fire arms, protective gear, …)

Funding
(Adequate funding to allow potential compensation increases and priority equipment upgrades)

Legislation, policy, regulation
(Adequate laws to support police effectiveness)
Transformation strategy

1. **People**
   - People mapping
   - Roles and responsibilities
   - Training

2. **Processes**
   - Business unit processes
   - Company wide processes
   - Key performance indexes

3. **Assurance**
   - Readiness assessment
   - Operational changes
   - Risk management

4. **Systems**
   - Support systems
   - Operational systems

5. **Communication**
   - Internal
   - External
### Key implications and points of attentions raised by Farlam commission on SAPS

**SAPS organisation and culture**
- Leadership fit (Sr. management)
- Competencies and skills assessment (esp. Commissioned officers)
- Organisation structure
  - Specialized units
  - Sizing
- Values and code of ethics/ conduct
- Performance management and consequence management
- Internal affairs, complaints management (IPID)
  - Staffing, resources, autonomy,…

**Operating principles and procedures**
- Intelligence, planning, tactical options decision
- Command and control
- Communications protocol
- Engagement rules and use of force
  - Line and distance management
  - Negotiations
  - Arrest procedures
  - Physical, mechanical, deadly force
- Briefing/ debriefing

**Equipment and infrastructure**
- Gear
  - Shield, armour, vest, helmet
- Weapons
  - Specified rifles and ammunitions (POP)
  - Batons, spray, tear gas
  - Water cannons
- Communication and evidences
  - Integrated radio comm, alternative channels
  - Video recording (vehicles, officers, helicopter, satellite)
- Vehicles
  - Armoured vehicles
  - Mobile operational centers

**Training and learning**
- Mandatory, periodic training programmes
  - Physical
  - Combat
  - Use of weapons
  - Policies and procedures
  - Team work, self control
  - Human rights, diversity, unconscious bias
  - Crisis resolution, safety
  - First aid
  - …
- Knowledge management system

**Legislative and regulatory framework**
- Police demilitarization (tbd)
- Police professionalization
Enterprise Transformation Framework

- Create the Case for Change
- Manage the Integrated Program
- Align, Engage and Mobilise Leadership
- Align, Engage and Mobilise the Organization
- Establish the New Performance Management Approach
- Establish Business Processes and Technology Enablers
- Establish a Capable Organization
- Contract & Manage 3rd Parties

• The implementation of the Enterprise Transformation Framework is split across the various work streams on the project.
• Enterprise Transformation needs to focus on People, Process and Tools.
Programme Management Approach and Methodology
## Successful Agile Project Management Framework

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<th>Simplify</th>
<th>Standardise</th>
<th>Replicate</th>
<th>Monitor</th>
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| - Focus the goals  
  - Max 3-5 measurable outcomes  
- Target the 80% that can be implemented, not the 100% perfect answer  
- Ensure a balanced portfolio of large & smaller projects  
- Avoid Big IT until people and process are solved  
- Avoid donor’s efforts to increase complexity  
- Create a ‘win-win’ with labour | - Pilot, pilot, pilot  
- Create a ‘painting by numbers’ guide to further roll-out  
- Leave no room for mis-understanding  
- Find things that work and build on them – don’t reinvent the wheel | - Create readily teachable problem-solving skill sets with an emphasis on on-the-job learning  
- Build teams of implementers capable of rolling-out the standard and managing the M&E function | - Build in simple, robust M&E from the start  
  - 5-10% of the project cost  
  - Monitor both the project and the outcomes |

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2016/05/25  
SECRET
Project Management process map

**Project Initiation**
- Develop a Business Case
- Undertake a Feasibility Study
- Establish the Project Charter
- Appoint a Project Team
- Setup a Project Office
- Perform Phase Review

**Project Planning**
- Create a Project Plan
- Create a Resource Plan
- Create a Financial Plan
- Create a Quality Plan
- Create a Risk Plan
- Create an Acceptance Plan
- Create a Communication Plan
- Create a Procurement Plan
- Contract the Suppliers
- Perform Phase Review

**Project Execution**
- Build Deliverables
- Monitor & Control
- Perform Time Management
- Perform Cost Management
- Perform Quality Management
- Perform Change Management
- Perform Risk Management
- Perform Issue Management
- Perform Procurement Management
- Perform Acceptance Management
- Perform Communications Management

**Project Closure**
- Perform Project Closure
- Review Project Completion
- END
Business Process Reengineering Model
ICT Environment in SAPS: Hardware and Software
Thank you for your attention