

# CIVILIAN SECRETARIAT FOR POLICE SERVICE



## POLICY FRAMEWORK ON ESTABLISHING AN INTEGRATED MODEL OF POLICING:

### *'Single Police Service'*

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## ACRONYMS

<b>AARTO</b>	Adjudicative Administration of Road Traffic Offences
<b>CSPS</b>	Civilian Secretariat for Police Service
<b>DPSA</b>	Department of Public Service and Administration
<b>HRU</b>	Human Resource Utilisation
<b>ICT</b>	Information and Communication Technology
<b>IDP</b>	Integrated Development Plan
<b>IPMS</b>	Integrated Police Management System
<b>IPID</b>	Independent Police Investigative Directorate
<b>LRA</b>	Labour Relations Act
<b>MoU</b>	Memorandum of Understanding
<b>MPS</b>	Municipal Police Services
<b>NDP</b>	National Development Plan
<b>NFMPS</b>	National Forum for Municipal Police Services
<b>NSLCB</b>	National Standards and Legislative Compliance Board
<b>OCC</b>	Operational Command Centre
<b>OD</b>	Organisational Development
<b>RTIA</b>	Road Traffic Infringement Agency
<b>RTMC</b>	Road Traffic Management Corporation
<b>SALGA</b>	South African Local Government Association
<b>SALGBC</b>	South African Local Government Bargaining Council
<b>SAPS</b>	South African Police Service
<b>ToRS</b>	Terms of Reference
<b>VisPol</b>	Visible Policing Division

## FIGURES

**Figure 1:** Other Supporting Legislation

**Figure 2:** Current Composition of the NFMPS

**Figure 3:** Proposed Functional Areas for the National Division

**Figure 4:** Current Coordination and Management of MPS and Traffic

## 1. INTRODUCTION

The Minister of Police, as the designated cabinet member responsible for policing and the determination of national policing policy, has pronounced the establishment and implementation of a *Single Police Service* as a key priority in order to operationalise the policy direction outlined in the National Development Plan (NDP) and the 2016 White Paper on Policing for a professional and accountable police service, that is underpinned by prudent and efficient use of resources, and the use of smart, modern policing approaches.

The history of policing in South Africa has been marred by various persistent challenges that have created fundamental weaknesses in the very systems that have been put in place to discharge police service delivery effectively. These weaknesses have been further exacerbated by a decentralised system of policing and an incoherent, ambiguous chain of command between and among the different executing authorities responsible for policing mandates at different levels. Although a number of legislative regimes have sought to clarify these ambiguities, an unintended consequence has been further fragmentation and confusion.

Furthermore, South Africa's intergovernmental relations (IGR) system has a number of structural and technical inconsistencies that have proven to have a negative impact on the effective delivery of policing and other services to intended beneficiaries. The configuration of the current IGR framework presents a particular challenge in terms of national policies, strategies and frameworks that do not extend to local government, and in the event that this reach is achieved, implementation is hampered by marked differences in jurisdiction; mandates; conditions of service; amongst other issues.

South Africa is a unitary state with federal elements, essentially implying that certain key functional areas of the state machinery require systematic consolidation, collaboration and coordination. As such, in as far as policing services are concerned, there is a strong case to be made for integration thereof. This is reinforced by the understanding that streamlined and coordinated approaches to policing and law

enforcement will not only enhance operational effectiveness, but will also significantly increase overall levels of safety. The desire to address the legacies of fragmentation and poor coordination finds expression in the call for the establishment of a *Single Police Service* – one that is highly-skilled and underpinned by high standards of professionalism, impartiality and accountability.

The need for a comprehensive policy framework to make the case for integration and to clearly articulate what an integrated model of policing should entail, has been identified and endorsed by all the relevant role-players through a process of rigorous engagement, critical evaluation and collective action. This collective call for integration is further supported by the NDP, which outlines as a key priority, the *building of safety using an integrated approach*. An integrated police service will act as a single collective voice for policing, helping to strengthen governance and accountability in all spheres of government.

## **2. OBJECTIVES**

The objectives of the Policy Framework on Establishing an Integrated Model of Policing are to:

- Institute systems, structures and processes for integration and cooperation between the various policing agencies;
- Ensure uniformity through the development of norms and standards;
- Clarify and streamline operational command and control; and
- Provide a basis for the relevant legislative amendments to be made in order to fully establish a Single Police Service.

## **3. PURPOSE AND SCOPE OF APPLICABILITY**

The purpose of the Policy Framework is to set key parameters for the integration, cooperation and collaboration of the South African Police Service (SAPS), Municipal Police Services (MPS), and - *where relevant* - traffic police, with the particular aim of improving uniformity, consistency, efficiency and effectiveness within the law

enforcement value-chain. The aim is to address some of the inconsistencies associated with the fragmented nature of policing at national, provincial and local levels, including the lack of uniform implementation of national policing standards across the board. In essence, the Policy Framework provides a basis for the standardisation of policing approaches in order to maximise effective policing, ensure efficiency and value for money.

In addition, the purpose is to also provide clarity on matters that may not necessarily be within the direct legal purview of the Minister of Police, but have an impact on the delivery of policing services. As such, the Policy Framework also seeks to provide a frame of reference for closer working relations between the political heads responsible for Policing, Justice and Constitutional Development, Local Government and Transport respectively for the purposes of the successful implementation of an integrated model of policing (*Single Police Service*).

The contents of the Policy Framework shall apply to the following law enforcement organs:

- The South African Police Service;
- Municipal Police Services;
- Municipal Law Enforcement Officers;
- Municipal Traffic Officers; and
- National and Provincial Traffic Police (where relevant).

#### **4. POLICY STATEMENT**

The strategic thrust of this Policy Framework is to align the Police Service<sup>1</sup> to the rest of the Public Service by actively pursuing and inculcating a culture of integrated service delivery and sound governance through the institution of norms, standards, and where appropriate, regulations.

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<sup>1</sup> For the purposes of this policy, 'Police Service' shall be deemed to include traffic policing, where relevant.



## 5. LEGISLATIVE AND POLICY FRAMEWORK

### 5.1. Constitution of the Republic of South Africa, 1996

The establishment of a *Single Police Service* is constitutionalised in Chapter 11 of the Constitution of the Republic of South Africa, 1996; wherein Section 199 (1) states that “*the security services of the Republic consist of a single defence force, a **single police service** and any intelligence services established in terms of the Constitution*”.

Matters relating to the police service are further articulated in Sections 205, 206 and 207 respectively, pertaining to the structural elements, political responsibility and control over the police service.

Specifically, Section 205 (1) of the Constitution states that “*the national police service must be structured to function on a national, provincial and where appropriate local spheres of government*”; while Section 205 (2) states clearly that “*national legislation must establish the powers and functions of the police service and must enable the police to discharge its responsibilities effectively, taking into account the requirements of the provinces*”. The correct interpretation of Section 205 of the Constitution is of paramount importance to understanding the context of the obligation placed on national legislation to clarify matters relating to policing across the three spheres of government.

In giving effect to the implementation of a model that seeks to create a uniform system of policing, what is required is the consideration of the constitutional imperative outlined in Section 206 (7) of the Constitution, which states that “*National legislation must provide a framework for the establishment, powers, functions, and control of municipal police services*”. Furthermore, Section 207 (2) of the Constitution states that “*The National Commissioner must exercise control and manage the police service in accordance with the national policing policy and the directions of the Cabinet member responsible for policing*”.

Although Section 41 (1) (b) of the Constitution places an obligation on **all** spheres of government and all organs of state within each sphere to secure the well-being of citizens, it is important that due regard also be given to legislative prescripts which relate to the legal nature, rights and duties of municipalities. Section 153 (3) – (4) of the Constitution states that “*a municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation*”. In this respect, the intent of this Policy Framework is not to infringe on the constitutional and other legislative mandates assigned to local government in respect of ensuring the safety and security of those within its jurisdiction. An effective integrated model of policing recognises the different roles and responsibilities of the respective law enforcement agencies and spheres of government and seeks to enhance coordination and collaboration.

## **5.2. South African Police Service Act, 1995**

Chapter 12 of the South African Police Service Act 1995 provides for the establishment of an integrated model of policing, and for effective coordination between SAPS and MPS.

Section 64A of the SAPS Act provides for the establishment of a municipal police service at local government level, as contemplated by Section 206 of the Constitution. Initially, the establishment of municipal police services was mainly to confer limited policing powers on traffic officers. The focus was to enable law enforcement to be enhanced at the level of local government and to augment efforts in relation to crime prevention, with the visibility of such members in uniform serving the community within which they were appointed. As such, the functions of a municipal police service as outlined in Section 64E of the Act, are the following:

- traffic policing, subject to any legislation relating to road traffic;
- the policing of municipal by-laws and regulations which are the responsibility of the relevant municipality; and
- the prevention of crime.

In terms of Section 64F, a member of MPS may exercise such powers and shall perform such duties as are by law conferred upon or assigned to a member of a municipal police service. Members of municipal police services contribute to crime prevention through the execution of their other two mandates; i.e. traffic and by-law enforcement. Furthermore, as a force multiplier, these members also contribute to visible policing – which has proven to have a significant impact in the deterrence of crime.

Sub-section 3 of Section 64F of the Act states that “*every member of a municipal police service is a peace officer and may exercise the powers conferred upon a peace officer by law within the area of jurisdiction of the municipality in question...*” Government Notice R1114 provides for the expansion of powers of municipal law enforcement officers in the country, with particular respect to the application of Sections 23, 40, 41, 44, 56, 334 and 341 of the Criminal Procedures Act 1977. As peace officers, these new powers are by implication also applicable to members of municipal police services across the board.

It is clear that various provisions of Section 64 of the SAPS Act already provide a framework for more effective functioning of MPS. There has, however, not been full compliance with these provisions to the extent that integration is enabled. Through relevant amendments to legislation, the strategic objective is to strengthen the role of the National Commissioner in ensuring effective command and control of this Single Police Service, and improve working relations across the three spheres.

### **5.3. Other Supporting Legislation**

#### **5.3.1. Intergovernmental Relations Framework Act, 1995**

The Intergovernmental Relations Framework (IGRF) Act 1995 provides a framework within which the three spheres of government (and all organs of State within the three spheres) can facilitate and coordinate the implementation of policy and legislation, with the particular aim of improving policy coherence; ensuring effective service delivery; monitoring the implementation of policy; and certifying the

realisation of national and provincial priorities. It further provides for consultation through the establishment of intergovernmental structures and mechanisms to settle intergovernmental disputes.

Chapter 3 of the IGRF Act provides for the establishment of implementation protocols in instances whereby the implementation of a policy, the exercise of a statutory function, or the provision of a service depends on the participation of organs of State in the different spheres of government. Implementation protocols must be considered when the performance of a statutory function has been identified as a national priority, and when the coordination of efforts in this regard will significantly improve successful implementation. Implementation protocols are therefore critical policy instruments that should form part of an integrated model of policing.

### **5.3.2. Municipal Systems Act, 2003**

Chapter 2 of the Municipal Systems Act (MSA) 2003 expounds on the legal status, rights and duties of municipalities in fulfilling the constitutional objective of developmental local government. Particular reference is made to the principle of cooperative government in this regard.

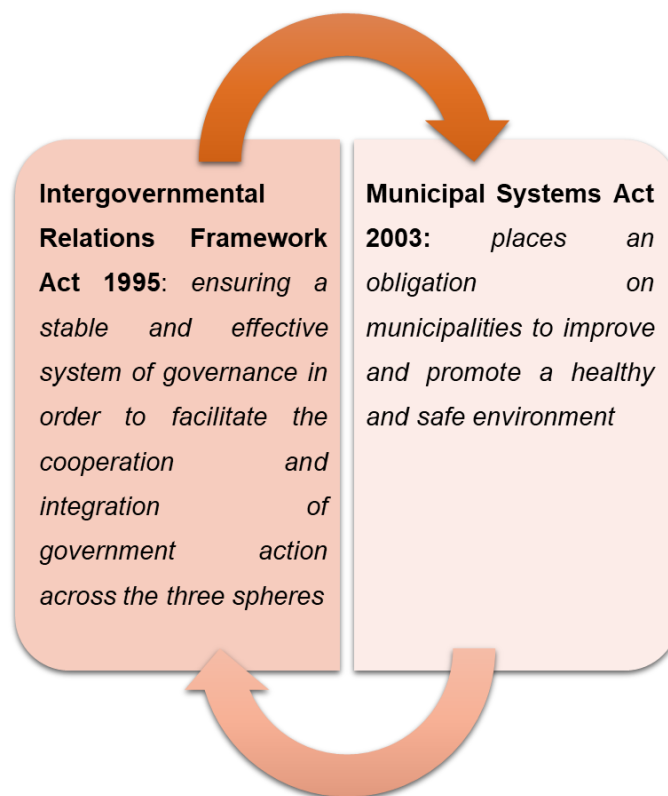
Section 4 (2) (i) and (j) respectively outlines the following as duties of municipal councils, amongst others:

- The promotion of a safe and healthy environment in the municipality; and
- The contribution to the progressive realisation of fundamental rights contained in the Constitution, together with other organs of State.

Furthermore, Section 11 (3) (e) of the MSA states that a municipality exercises its legislative or executive authority by - amongst other functions - "*implementing applicable national and provincial legislation and its by-laws*".

Chapter 5 of the MSA outlines the objectives and procedures for integrated planning for municipalities. Section 23 (1) (c) of the Act states that “*every municipality must undertake developmentally-orientated planning so as to ensure that it...together with other organs of State contributes to the progressive realisation of the fundamental rights contained in...the Constitution*”.

When read in conjunction, both the IGRF Act and the MSA provide a basis upon which integration can take place to maximise effective policing.



**Figure 1: Other Supporting Legislation**

### 5.3.3. National Road Traffic Act, 1996

The National Road Traffic Act 1996 provides for, amongst other key issues, the appointment, registration, grading and training of traffic officers, with the objective of promoting uniform application in this regard. The Act also provides a basis upon

which by-laws relating to traffic law enforcement may be promulgated by any local authority, provided that these by-laws are not inconsistent with the Act.

#### **5.3.4. Road Traffic Management Corporation Act, 1999**

The primary objective of the Road Traffic Management Corporation Act 1999 is to provide for the establishment of a Road Traffic Management Corporation (RTMC) in order to strengthen collective efforts to govern matters relating to road traffic through intergovernmental coordination and strategic partnerships. The Act also provides for the establishment of relevant functional units within the RTMC to ensure the effective management of road traffic law enforcement; training of traffic personnel; road traffic information; communication and education; infrastructure safety audits; and the administrative adjudication of road traffic offences (AARTO); amongst other functional areas.

The RTMC has a critical role to play in the effective incorporation of traffic policing into an integrated model of policing, by virtue of its mandate to ensure coordinated strategic planning, regulation, facilitation and law enforcement with respect to road traffic matters throughout the three spheres of government. It is thus imperative that sound working relations are established and that the strategic location of RTMC within the primary coordinating mechanisms of this integrated model is ensured.

#### **5.4. 2016 White Paper on Policing**

The 2016 White Paper on Policing provides an overarching policy framework aimed at building a professional, well-resourced and highly skilled police service that encapsulates a democratic approach to policing and that is aligned to the norms and values expressed in the Constitution.

The White Paper states that *“a Single Police Service has a central role in the design of interventions that speak to local conditions...to ensure the delivery of essential policing services. In this regard, it will be incumbent upon provincial and local spheres of government to maximise support for an effective Single Police Service to*

*facilitate the progressive mobilisation of all citizens in ensuring a safe and secure environment”.*

It therefore recognises the importance of an integrated, cross-cutting policing model, by emphasising the need to maximise available resources to support the delivery of effective and efficient policing services. More significantly, the policy highlights the need to ensure optimal coordination and alignment across the three spheres of government, through the establishment of a Single Police Service, in order to achieve greater impact on the prevention of criminality.

As part of the broader framework to professionalise the Police Service, the White Paper on Policing outlines the following as key institutional mechanisms for implementation:

- 1) The establishment of a National Division within SAPS to ensure compliance with and enforcement of uniform national standards;
- 2) Relevant legislative amendments to ensure integration; and
- 3) The establishment of a National Standards Board that is institutionalised through legislation.

## **5.5. 2016 White Paper on Safety and Security**

The 2016 White Paper on Safety and Security is of particular relevance to a comprehensive Policy Framework for establishing a Single Police Service, as the primary policy instrument that advocates for an integrated approach to safety and security. A direct link can be made in terms of the need to facilitate synergy and alignment for policy coherence; the aim of advancing a “*whole of society*” approach to safety; and the intention to create a sustainable, well-resourced implementation and oversight mechanism for coordinating crime prevention priorities across the board.

The Single Police Service model is a key component of operationalising the whole of society approach, from the perspective that integration provides an opportunity to

clearly identify criminogenic areas through coordination and collaboration; to mobilise a coordinated network of resources to solve the problem; and to aid in the appropriate alignment and allocation of resources in this regard (i.e., the *force multiplier* concept).

As such, the White Paper further purports that law enforcement resources must be utilised more efficiently and strategically in order to allow for more productive deployment of the police in key areas.

## 6. GUIDING PRINCIPLES

The policy framework is guided by the following six (6) principles:

- Democratic, community-centric policing
- Accountability
- Integration
- Uniformity
- Efficiency and effectiveness
- Service-orientation

These guiding principles should also be understood within the context of Section 195 of the Constitution, which outlines the democratic values and principles by which the public administration (inclusive of the police service) should be governed.

## 7. AN INTEGRATED MODEL OF POLICING: KEY POLICY AREAS

### 7.1. Definition of a '*Single Police Service*'

One of the main impediments to the full and effective implementation of a Single Police Service has been the lack of a common understanding of what is meant by this particular phraseology, and the related implications thereof. It is thus the intention of this Policy Framework to provide clarity in this regard, by breaking down the two constructs of this term; i.e. "*single*" and "*service*", and subsequently



promoting the use of “*integration*” as the appropriate nomenclature for this model going forward.

The term ‘*single*’ in essence refers to the unification of the security services specified under Section 199 (1) of the Constitution. The definition of ‘*single*’ in this context was elucidated by a Constitutional Court judgement emanating from *Minister of Defence vs Potsane* (2002). In this case, Judge Kriegler, J found that ‘*single*’ in this sense referred to the intention of bringing together all former apartheid prosecutorial services under one umbrella. Judge Kriegler, J went further by stating that ‘when speaking of a “*single*” authority does not intend to say “*exclusive*” or “*only*” but means to denote the “*singular*” one. In terms of the police service, this unification refers specifically to the amalgamation of the eleven (11) former homeland policing agencies and other non-statutory police forces into a single police force.

It is important to note that the Constitution itself does not specifically preclude the existence of policing agencies and / or functions at provincial and local levels, but only emphasises that national policing policy and legislation must provide the appropriate framework in this regard. The Constitution further acknowledges the need for effective coordination of the police service and cooperation amongst the three spheres, by providing for an intergovernmental committee to deal with policing, comprised of the Cabinet member responsible for policing and respective members of the executive council (MECs). This infers that “*single*” in the constitutional sense refers mainly to a police service that is governed by a coherent policy framework and managed effectively through coordination and cooperation.

The term ‘*service*’ has also been the subject of much confusion in the debate around the Single Police Service, as it generally creates the impression that the concept is all-encompassing of police conditions of service, remuneration, ranks, etc. What further propagates this confusion is the fact that the the SAPS Act also only defines ‘*service*’ as the South African Police Service established by Section 5 (1) of the Act, and goes on to define ‘*municipal police service*’, established by Section 64A of the Act, separately<sup>2</sup>.

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<sup>2</sup> An area to be addressed through relevant amendments to the SAPS Act.

Essentially, the word ‘*service*’ can be traced back to the context of transition of the police service from an instrument of apartheid rule into a democratic institution which embodies the necessary respect for human rights and dignity (i.e., the transition from the use of the term ‘*police force*’ to ‘*police service*’). It is the intention of this Policy Framework to promote the understanding of the word ‘*service*’ in Single Police Service, from this context only.

As has been clarified in the White Paper on Policing, the overall policy intent behind the call for the establishment of a Single Police Service does not advocate for the wholesale integration of MPS into SAPS in a sense that MPS would cease to exist in their current form. However, it is acknowledged that policing in a democratic state does require that the different institutions within the sector integrate their activities towards a common strategic goal, that is; effective service delivery; stability and alignment within the law enforcement value-chain; and improved intergovernmental relations. As such, this policy speaks more to integration in that context, than “*singleness*”. The Policy Framework deliberately refers to an “*integrated model of policing*”, in order to broaden the understanding of what the policy intent seeks to achieve.

## **7.2. Framework for Managing Joint Programmes**

An integrated model of policing, as with other joint programmes in the public administration, requires a carefully considered approach towards the management of cross-cutting programmes and priorities within the parameters and principles of cooperative governance. In recognising the challenges presented by the inconsistencies of the current IGR configuration, the IGRF Act already provides a basis for integration, coordination and collaboration, supported by a number of other key policy instruments.

The Framework for Managing Joint Programmes, developed by the Department of Public Service and Administration (DPSA) in 2005, is one such policy instrument which seeks to support the objectives of the IGRF Act by identifying possible

solutions to some of the obstacles that prevent the successful implementation of joint programmes, and encouraging new methods of working in order to address the integration challenge. In the context of this Framework, joint programmes are described as *“those programmes that transcend the conventional organisational boundaries in planning, budgeting and implementation resulting in a number of departments / agencies / ministries responsible for one aspect of the programme, although none is responsible for it in its entirety”* (DPSA, 2005). When juxtaposed against the definition of a ‘Single Police Service’ as contextualised in this Policy Framework, it is clear that an integrated model of policing in this regard falls squarely within the scope of the Framework for Managing Joint Programmes.

The Framework identifies critical success factors that need to be addressed in order to ensure the successful implementation of joint programmes. These include issues such as systems; infrastructure; skills; leadership; and planning; amongst others. Addressing these issues requires the relevant role-players to facilitate integration by carrying out the following process:

- Identifying the primary and secondary objectives of integration;
- Determining the nature and scope of the joint / cross-cutting work required (setting key parameters);
- Establishing a mechanism of ensuring joint and adequate accountability;
- Putting the necessary protocols in place;
- Appointing and capacitating appropriate programme management and human resources; and
- Making provision for key coordinating mechanisms.

The key policy areas that constitute an integrated model of policing have been informed by these critical success factors and the associated process outlined above.

### **7.3. Key Policy Areas**

For the purposes of this Policy Framework, the integrated model of policing is categorised into four (4) key policy areas, namely; overall governance; institutional mechanisms; operational command and control; and resource and information management.

#### **7.3.1. Overall Governance**

##### **(a) Governing Structure – Police Professional Body**

The NDP highlights the needs to make the police service professional as one of the critical levers for building safer communities. Over and above fulfilling the crime prevention mandate, a transformed police service is also compelled to confront issues that are fundamental to building a professional service; that is, integrity, accountability and legitimacy. This orientation towards professionalisation is aimed at building that legitimacy of police by the beneficiaries of policing services and repairing the trust deficit between police and the communities they serve.

Professionalism refers to being competent, effective, efficient, ethical and qualified for performing assigned and accepted duties. It implies a commitment to an ethic of product and service quality, and a need to be open, transparent and accountable. The overall aim of professionalism and professionalisation is thus to create a mechanism for ensuring that all service-oriented professions are made accountable to the recipients of the respective services. The philosophy of democratic, community-centric policing – as advocated in the White Paper on Policing - essentially means that the same principle applies in terms of efforts to professionalise the police service.

The obligation to advance police professionalism in particular, is clearly articulated in the objects of the police service (Section 205 (3) of the Constitution), which requires the police to prevent crime, maintain law and order, protect citizens and uphold the rule of law. This constitutional imperative already provides an unambiguous mandate

to not only promote the professional standing of the police service, but to also deal decisively with the fundamental challenges that hinder the achievement thereof, and to put in place appropriate mechanisms in this regard.

A definition that is consistent with this constitutional imperative suggests that police professionalism can be viewed as the “*expectation that [police] officers will perform their duties within a set of fair, public, and accountable guidelines*”. Professional policing enhances democratic progress in a developmental state when the police service actually accounts for what it does, garners public support, invests in learning and innovation, and transcends parochialism in the execution of its duties. Professionalisation is not only key to ensuring effective, efficient and accountable policing in line with democratic principles, but is also an enabler for creating uniformity and consistency in the policing system and value-chain. As such, professionalisation is a key characteristic of an effective, efficient, integrated police service.

There is currently no legal requirement placing an obligation on any police officer and official to be registered or meet minimum standards / requirements. This creates a vacuum in terms of an effective governance structure and mechanism for an integrated model of policing. This Policy Framework seeks to provide for the establishment of a police professional body for this purpose, the appropriate form of which is clarified through other policy instruments (i.e., Policy Framework on the Establishment of a National Policing Board, supplemented by relevant amendments to the SAPS Act). The ideal is an independent structure that will be able to set and regulate standards and determine its own strategic direction without any undue influence or bias.

It is envisaged that this professional body will perform the following functions:

- Set, regulate, and review professional standards;
- Provide for the registration and accreditation of police as practicing professionals;

- Monitor and assess compliance with national standards and national policing priorities;
- Develop uniform criteria for the establishment of municipal police services, and related key functions;
- Establish uniform training standards, including the harmonisation of training standards and accreditation by the various sector and training authorities related to policing;
- Develop an integrated disciplinary regime and system that will enhance the professional standing of the police through the following:
  - A central repository of information on police practitioners with disciplinary matters pending and / or finalised against them (accessible to both SAPS and MPS);
  - A clear set of sanctions and enforcement mechanisms to improve accountability; and
  - A system to track and prohibit members guilty of major offences from moving around between the different policing agencies; and to deregister regular offenders as practicing police professionals.

Relevant amendments to legislation should outline the following in terms of the police professional body:

- Establishment, location and governance arrangements
- The proposed method of registration and accreditation of police professionals
- Prescribed fees and benefits
- Relationship with organised labour
- Uniform codes of good practice

In terms of traffic policing, RTMC will facilitate the professionalisation of traffic officers, and its relationship with the police professional body will be clarified through memoranda of understanding (MOUs) and other legal instruments in order to strengthen integration.

## **(b) Coordinating Structure – National Forum for Municipal Police Services**

It should be acknowledged that the call for the establishment of a Single Police Service does not presuppose that there has been a complete lack of coordination and collaboration between SAPS, MPS and traffic policing agencies. The relationship between the respective policing agencies (on the ground) has been described as '*generally good*', with the main challenge cited as the lack of mechanisms to formalise this relationship, so as to enable the effective management thereof in line with the relevant prescripts that govern intergovernmental relations and coordination.

Section 41 (2) (a) and (b) of the Constitution provides the basis for national legislation to establish structures that promote and facilitate intergovernmental relations, and the appropriate mechanisms to facilitate the settlement of any emerging disputes in this regard. Section 9 of the IGRF Act further states that "*any Cabinet member may establish a national intergovernmental forum to promote and facilitate intergovernmental relations in the functional area for which [they] are responsible*".

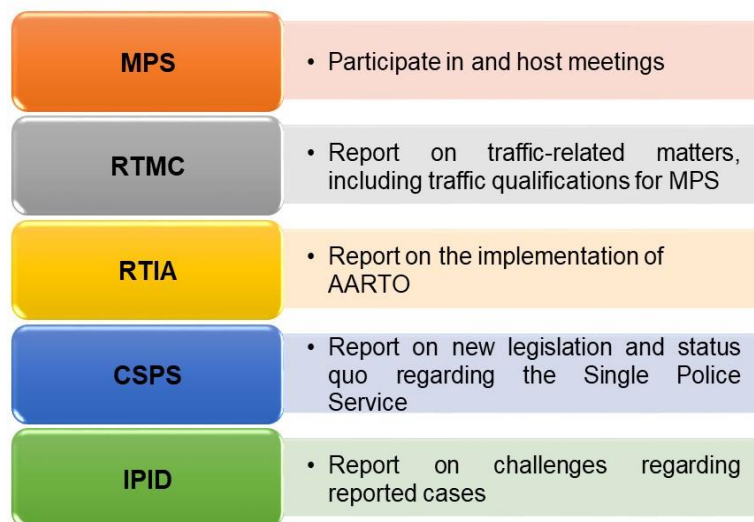
When municipal police services were initially established, a gap was identified in terms of a coordinating structure between SAPS, MPS and other related agencies such as those responsible for traffic policing. This resulted in a number of challenges, including the duplication of activities by SAPS and MPS; poor consultation during the development of national policing standards; and the lack of comprehensive and effective interaction and cooperation between the different stakeholders. In order to address these issues, a National Forum for Municipal Police Services (NFMPs) was established, in line with the aforementioned provisions of the Constitution and the IGRF Act.

The current coordination role played by the NFMPs includes, but is not limited to the following:

- Supporting the development of national co-operation agreements;

- Developing national municipal policing standards and procedures;
- Developing national training standards;
- Sharing information and access to systems;
- Identifying common challenges, seek solutions and implementing national plans to address identified problems; and
- Exchanging knowledge and sharing good practices.

The current composition of the NFMPS is illustrated in Figure 2 below:



**Figure 2: Current Composition of the NFMPS**

The NFMPS also has three (3) sub-committees that deal with specific matters such as training; research, technical and uniform standards; and issues directly affecting the Chiefs of the Metropolitan Police Departments.

Although initially established as a dispute resolution mechanism in line with the IGRF Act, the NFMPS is currently the only existing coordinating structure in terms of managing the relationship between SAPS, MPS and the various traffic agencies (where relevant). It has recorded a number of successes as one of the implementation mechanisms for an integrated model of policing. However, the challenge lies in the fact that its formalisation is not based on the SAPS Act,



Municipal Systems Act, or any other key prescript that would enable the National Commissioner to exercise his / her authority in the event that binding decisions and resolutions are not implemented by its members. Section 32 of the IGRF Act specifically states that intergovernmental structures, such as the NFMPs, are not executive decision-making bodies, and may only adopt resolutions and make recommendations in terms of agreed procedures.

Section 64K of the SAPS Act also only provides for the establishment of policing coordinating committees at a provincial level, and no provision is made for establishing a similar structure at a national level. Currently, it is at the discretion of the various MPS to implement the resolutions taken at the Forum, or to table these resolutions to their respective municipal councils for consideration. The absence of a specific provision within the SAPS Act in this regard makes it difficult for the National Commissioner to take any real measures against non-compliance. The noticeable absence of the South African Local Government Association (SALGA) in the composition of the Forum is also problematic. It is envisaged that relevant amendments to the SAPS Act will address this challenge by providing for the establishment of a national policing coordinating committee in order to elevate the status of this Forum. The establishment of a formal coordinating committee will also be used as a basis to facilitate negotiation between the Minister of Police and the Minister responsible for Local Government to amend the relevant local government prescripts accordingly, and / or issue regulations on key issues.

### **(c) The Role of the South African Local Government Association**

As it is the aim of this policy to promote integration within a framework that continues to recognise the constitutional status of municipalities and their supporting institutional mechanisms, the role of SALGA within an integrated model of policing needs to be clearly defined.

Section 163 of the Constitution provides for the establishment of national and provincial organisations which represent municipalities, and enable the participation of local government in various key processes in a coordination and organised

manner. Section 31 of the IGRF Act also creates an obligation to consult with organised local government on any matter through appropriate IGR structures. The lack of full compliance to this obligation on matters related to policing has served as an impediment to the successful implementation of the Single Police Service, as evidenced by the challenges faced by the NFMPs as a coordinating structure in this regard. In terms of the IGRF Act, SALGA is supposed to serve as the parent authority of this Forum in its current status as a dispute resolution mechanism. SALGA will continue to play a key role in this regard, upon the formalisation of the Forum as a policing coordinating committee.

It is the role of SALGA to ensure effective participation of local government in the IGR system; to provide strategic direction in terms of developmental local government imperatives; and to ensure coherence in terms of common policy positions on key issues. SALGA is a critical voice of organised local government that seeks to promote and protect local government interests. As such, any integration model which impacts on the functioning of local government would be incomplete without the full involvement of SALGA.

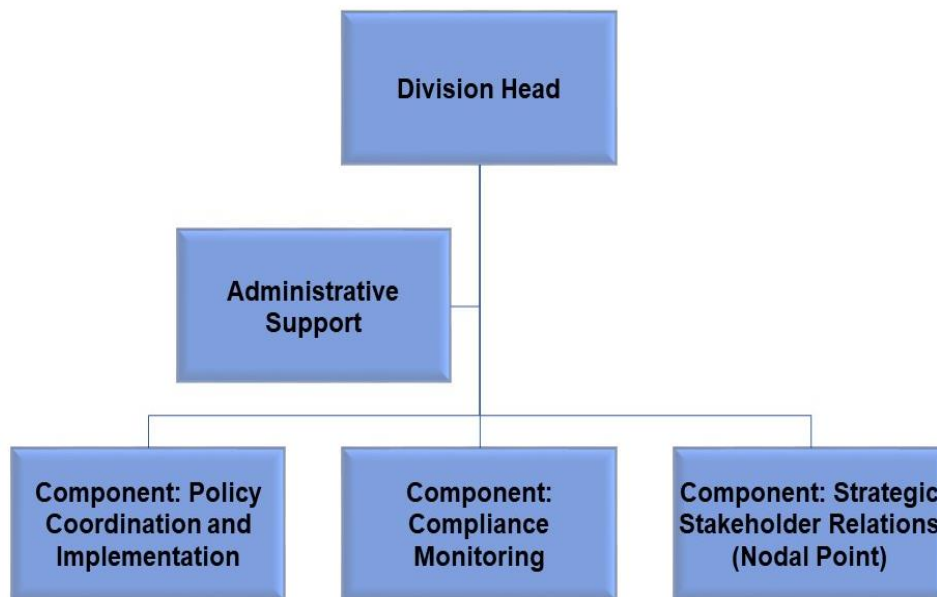
In terms of the integrated model of policing, SALGA has recommended that the national and provincial spheres should be involved in local government in a manner that strengthens the capacity of municipalities to deliver on their developmental mandate, and has thus encouraged a concerted focus on a greater level of coordination and integration in terms of planning and operations, as opposed to the usurping of the functions of local government altogether.

In view of the above, SALGA seeks to retain its role as the representative of local government as employer, and will also retain its status as the employer representative in the South African Local Government Bargaining Council (SALGBC). SALGA will then utilise its position in the abovementioned capacities in order to support and facilitate integration and cooperation between SAPS and MPS, and will also ensure that agreed upon policy positions are implemented in member municipalities. The relationship with SALGA must be guided by the relevant provisions of the IGRF Act, and the relevant implementation protocols in this regard.

### 7.3.2. Institutional Mechanisms

#### (a) National Division for Municipal and Traffic Police

To enable full and effective implementation of the Single Police Service, it is imperative that the relevant institutional mechanisms are put in place and are adequately resourced and capacitated to fulfil the integration mandate. An integrated model of policing will be best supported through the establishment of an institutionalised structure at national level that will facilitate collaboration and ensure implementation and compliance with agreed uniform national standards for discipline and training, among others. As such, the White Paper on Policing proposes that a division be created within SAPS in order to allow for this. This division will be called “*Municipal and Traffic Policing*”.

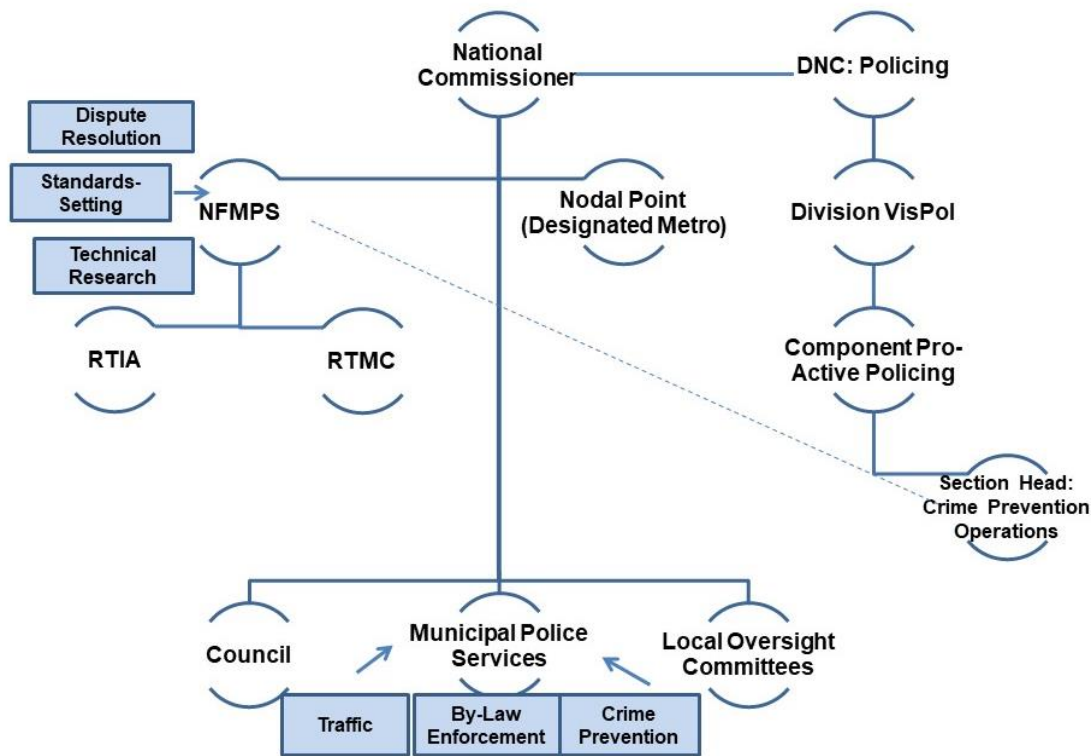


**Figure 3: Proposed Functional Areas for the National Division**

The abovementioned function is currently located within the Division: Visible Policing (VisPol), under the component ‘*Proactive Policing*’. The coordination of MPS in particular, is undertaken by the sub-component ‘*Municipal Police Services*’. This sub-component, at the authority level of a Lieutenant Colonel, is expected to coordinate and manage MPS; assist in the establishment of new municipal police services;

perform a compliance monitoring function with regard to MPS; and also convene the NFMPs on behalf of the National Commissioner.

The scope of this coordination and management function is depicted in Figure 3 below:



**Figure 4: Current Coordination and Management of MPS and Traffic**

The misalignment between the scope of work depicted above, the enormity of the policy and strategic imperatives of this function, and its current placement within a sub-component in SAPS is clear in terms of organisational development (OD) principles. Given the critical nature and impact of this particular institutional mechanism in the successful implementation of an integrated model of policing, it is envisaged that SAPS leadership will prioritise and expedite the process of elevating the current structure to align with the policy position as outlined in the White Paper on Policing, following the outcome of a work-study investigation in this regard.

In order to ensure full integration, as per the policy imperatives outlined in the White Paper, this national division will establish and maintain a working relationship with

the national traffic unit that will be established by and located within the Ministry of Transport.

### **(b) Generic Structure and Form for Municipal Police Services**

The organisational structure and establishment of the MPS is critical to the effective functioning of the Police and must be adapted accordingly. This is necessitated by changing crime patterns in the country which require immediate intervention. Currently, the organisational structure of MPS varies from council to council. This differentiated approach has an impact on the functionality of MPS and also hampers the objective of achieving integration through uniformity. In order to address this challenge, a generic structure for MPS must be developed in line with the relevant OD process methodology, and included as part of the uniform criteria for the establishment process of new MPS. As this is a matter which is directly under the ambit of the National Commissioner, in line with Section 207 (1) of the Constitution, it is recommended that this matter be dealt with by way of national minimum standards.

### **(c) Appointment of Executive Heads of Municipal Police Departments**

In order to enable a municipal police service to effectively prevent and combat crime and to actively contribute to effective policing within that part of the country, it is required that the Chief of Police be selected with great circumspection. A Chief of a municipal police service fulfils a very important function and is expected to provide strategic direction to MPS in the fight against crime. It is therefore prudent that the National Commissioner, in line with his / her constitutional obligation to control and manage the police service, should be afforded a greater deal of involvement in the selection and appointment process of the Chief of Police. Currently, the National Commissioner only needs to be consulted on the appointment of the executive head of MPS (at the discretion of the respective council). In order to correct this anomaly, relevant legislative amendments should be made to ensure that the approval of the National Commissioner is obtained, prior to the finalisation of said appointments

(Section 64 C (1) of the SAPS Act). The same should apply with regard to any extension of the term of office of the Chief of Police.

### **7.3.3. Operational Command and Control**

#### **(a) Clarifying Functional, Operational and Administrative Reporting Lines – Operational Command and Control**

In terms of the Constitution, the National Commissioner of the SAPS is responsible for policing in South Africa as a whole. The Constitution establishes a Single Police Service and requires the National Commissioner to control and manage that service spanning across national, provincial and local levels. To enable the National Commissioner to effectively discharge his / her constitutional mandate, certain amendments to the current legislation dealing with municipal police services, are envisaged.

There is a need for metropolitan councils to be empowered to strengthen their ability to contribute to the prevention of crime to ensure the creation of a safe and secure environment within their municipal boundaries. However, in the light of the constitutional mandate placed on the National Commissioner, these initiatives need to be well-managed and coordinated.

In terms of the existing legislative framework, a Chief of Police exercises control over the municipal police service, subject to the directives of the Municipal Manager and national standards determined by the National Commissioner (Section 64C of the SAPS Act). As such, the implications of the current legislative regime are that National Commissioner has no command and control over a municipal police service, which negates the constitutional obligation placed on him / her to control and manage the police service. In order to address this anomaly, legislative amendments are envisaged. It is thus imperative that a clear distinction be drawn between *operational control* and *administrative control* for this purpose.

**Operational control** refers to issues such as the deployment of members (in particular reference to joint operations), determination of strategies and priority areas to reduce crime and create a safe and secure environment, operational planning, communication and liaison protocols, the organisational structure to be adopted for the establishment of a municipal police service and the roles and responsibilities in this regard, amongst other issues.

**Administrative control**, on the other hand, refers to issues such as human resources management (personnel matters such as leave, appointments and promotions), human resource utilisation (career planning), supply chain management and financial resources management.

In order for the National Commissioner to execute his constitutional mandate, operational control over MPS is required. Subjecting MPS to the operational command and control of the National Commissioner in this context, will ensure that all law enforcement agencies comply with the police code of conduct. This option can ensure appropriate control and oversight, and can also ensure that functions are performed in a coordinated manner amongst the affected statutory structures. Administrative control should, however, still reside with the Municipal Managers within the municipalities concerned.

Furthermore, to enable the National Commissioner to effectively discharge his / her constitutional mandate in deciding whether the establishment of a municipal police service will indeed contribute to effective policing in that part of the country, the National Commissioner should have a say with regard to where and under what conditions, a municipal police service may be established. A Metropolitan Council should therefore, in consultation with the National Commissioner, decide upon the feasibility of establishing a municipal police service for that specific geographical area, taking into account the needs and resources of that specific local community and whether such establishment will contribute to effective policing.

Section 64L of the SAPS Act empowers the National Commissioner to determine national standards of policing for MPS. While section 64L (3) empowers the National

Commissioner to ensure that the national standards are maintained, the National Commissioner is not empowered to monitor and enforce compliance with such standards, which affects policing within the municipal area. This negates the role of the National Commissioner in terms of the Constitution, and has to be rectified through the relevant legislative amendments.

### **(b) Integrated Planning**

The alignment of planning frameworks is critical in the advancement of an integrated model of policing, notably in facilitating the management of resources and ensuring efficiencies of scale. Joint priority-setting is a crucial element in achieving success in the fight against crime. As such, there must be alignment between national and local priorities, through strategic and annual operational plans, as provided for in Section 64C (2) (g) of the SAPS Act and Regulation 6 of the 1999 Regulations for MPS. Alignment in this regard can be achieved through the development of an integrated planning framework, which should outline the minimum standards required for planning, reporting and engagement between the various role-players.

### **(c) Training**

The standardisation of training is a core component of an integrated model of policing. In order to enhance overall impact on the reduction of criminality, it is imperative that all police officers across the board should have the same standard of basic training. Section 64 L of the SAPS Act provides the National Commissioner with the authority to determine national standards for MPS with respect to training (amongst other issues), over and above the training prescribed for traffic officers in terms of the National Road Traffic Act.

The NFMPs already gives effect to the above provision, through its sub-committee on training. This sub-committee meets on a quarterly basis to discuss, review, and agree on a consolidated input and approach to the development and implementation of national training standards. It is thus imperative to ensure – through legislative amendments – that the Forum and its sub-committees are empowered to play a



more significant role with regard to the enhancement and standardisation of training standards. The proposed police professional body should also be empowered to establish uniform training standards and to ensure compliance thereof. Through appropriate MoUs, the professional body should establish a working relationship with the RTMC (as the designated professional body for traffic policing) in order to ensure adequate consultation, synergy, and harmonisation in the determination of training standards which may impact on MPS.

#### **(d) Discipline**

Police officers are legally permitted to exercise a particular kind of power in the execution of their daily duties that is not available to the ordinary civil servant. These powers include the use of force in particular circumstances. This implies that police officers should ideally be subjected to an exceptionally higher level of accountability than other civil servants. This is necessitated by the unique nature of the functions performed by police officials and the fact that police officials bear firearms. It is against this backdrop that the disciplinary code for the police service is particularly more stringent and rigorous.

Presently, however, the disciplinary dispensation applicable to MPS is the same as that of all other officials employed by Metropolitan Councils, and disciplinary matters concerning municipal police are dealt with by way of civilian procedure. In terms of an integrated model of policing, this is an anomaly and should be corrected through the relevant legislative amendments.

Lastly, the right to strike is afforded to every employee of a Municipal Council, including members of a municipal police service. As policing is considered an essential service, the status quo is undesirable and may seriously impact on policing within the municipal area where the respective MPS functions.

It is essential that a disciplinary dispensation similar to that of SAPS also apply to MPS, and SALGA – as the voice of organised local government - has a pivotal role

to play in ensuring that sufficient consultation takes place in the implementation of this approach.

### **7.3.4.Resource and Information Management**

#### **(a) Technology-Driven, Smart Policing Approaches**

A key component of an integrated model of policing is the scaling up of the use of technology through smart policing approaches and techniques that will strengthen the hand of law enforcement agencies in dealing with crime and violence in a constantly evolving context. The need for technology-driven policing is influenced by rapid developments in technology and the growing sophistication of criminal networks. The White Paper on Policing emphasises the optimal utilisation of technology systems to support proactive policing, enable improved efficiency in the investigation of crime, as well as enhance the analysis of crime trends.

The notion of a Single Police Service thus extends beyond the implementation of uniform norms and standards across a range of areas such as discipline, training and operational command and control. It also encompasses the need to ensure that communication networks / channels are streamlined to support the more effective sharing of information and improving responses to individual crime incidents.

New technology has huge implications for integrated policing. The advent of *always-connected* smartphones and tablets, backed by access to large amounts of public and police specific data, means that there is capacity for officers to be better informed and make better use of their time in crime prevention efforts. Technology-driven policing approaches have the potential to create new ways of delivering police services, provide new forms of communication between police and the public, and facilitate easier access and connectivity in and amongst the different policing agencies. Baseline information points to existing mechanisms within MPS and SAPS that can be brought together and regulated accordingly to support frontline services and enhance the field of policing as a whole.

Opportunities thus exist to harness capacities to root out uncoordinated and individual responses to incidents through the centralisation of a range of capabilities, built on an integrated information communication technology (ICT) platform. The harmonisation and standardisation of all ICT systems and processes into an integrated police management system (IPMS) will have multiple benefits such as (but not limited to) improved situational awareness and significantly enhanced information-driven deployment. The streamlining of resources and provision of shared platforms of communication will go a long way in freeing up resources and ensuring that policing functions are prioritised. Substantial improvements in service delivery can be achieved by minimising and streamlining the administrative burden carried out by SAPS, and by extension, MPS.

In terms of the integrated model of policing and strengthening MPS as a force multiplier in this regard, a critical issue that must be addressed is the sharing of, and accessibility to ICT systems between SAPS and MPS. *Interoperability* is of particular importance with regard to the planning and execution of joint operations for priority crimes, and the enhancement of proactive policing within a defined regulatory framework. An integrated model of policing advocates for the use of ICT to improve the delivery of policing services (including traffic control), operations and management without compromising security, efficiency and effectiveness. The issue of interoperability can be addressed through regulations, supported by transversal norms and standards underpinned by a broad set of collectively agreed upon principles in this regard. The broad principles should address elements such as the specification of use; privacy and security; data quality, access and data minimisation; transparency and notice; maintenance; auditing and accountability; amongst others.

### **(b) Operational Command Centre**

The existing communication infrastructure and lack of any integrated command and control facility make the effective management and record keeping of MPS operations all the more challenging. There is general consensus that an operational command centre (OCC) is of paramount importance in the successful implementation of the Single Police Service model. The concept of an OCC is based

on the premise that the National Commissioner needs to have a stronger role in the effective utilisation of policing resources (which is consistent with the force multiplier concept). The OCC is able to pull together all the policing resources (including MPS) in a particular cluster for the purposes of joint operations. Underpinned by the principle of intelligence-led policing, the OCC concept is based on three pillars; i.e. 1) effective command and control; 2) accountability; and 3) optimal utilisation of resources. Evidence of success stories have already been recorded in metros where a centralised command centre has been implemented. As such, this Policy Framework purports that the OCC model can and should be replicated in all provinces, with MoUs being utilised to deal with issues of resources in municipalities that may experience challenges.

## 8. IMPLEMENTATION FRAMEWORK

### 8.1. Integrated Action Plan

PRIORITY FOCUS AREA	DETAILED ACTIVITIES	OUTPUT / INDICATOR	RESPONSIBILITY	TIMEFRAME
Governance arrangements	<ul style="list-style-type: none"> <li>Establishment of a police professional body</li> <li>Formalisation of the NFMPS through legislative amendments and inclusion of SALGA</li> <li>Development of relevant implementation protocols on key issues, in line with Chapter 3 of the IGRF Act</li> </ul>	<ul style="list-style-type: none"> <li>Implementation of the National Policing Board Policy Framework</li> <li>Revised NFMPS Constitution and Terms of Reference</li> <li>Representation of SALGA on the NFMPS</li> <li>Signed implementation protocols</li> </ul>	CSPS SAPS Division VisPol SALGA MPS	Year 1
Institutional mechanisms	<ul style="list-style-type: none"> <li>Establishment of a division within SAPS to deal with MPS</li> </ul>	<ul style="list-style-type: none"> <li>Amended SAPS organisational</li> </ul>	SAPS Division OD	Year 3

PRIORITY FOCUS AREA	DETAILED ACTIVITIES	OUTPUT / INDICATOR	RESPONSIBILITY	TIMEFRAME
	and traffic policing	structure, reflecting alignment to policy		
Uniform disciplinary regime	<ul style="list-style-type: none"> <li>Alignment of MPS disciplinary code to SAPS</li> <li>Consultation and consensus from relevant bargaining councils</li> </ul>	<ul style="list-style-type: none"> <li>Finalised uniform disciplinary code</li> </ul>	SALGA SAPS	Year 2
Uniform criteria for the establishment process for MPS	<ul style="list-style-type: none"> <li>Review of the requirements set out in legislation</li> <li>Technical analysis of Municipal Systems Act and Municipal Structures Act</li> <li>Development of uniform criteria (including clarification vis-à-vis the role of the MEC vs. National Commissioner)</li> </ul>	<ul style="list-style-type: none"> <li>National minimum standards</li> </ul>	SAPS Division VisPol CSPS Legislation Unit	Year 1
Institutionalisation of a Single Police Service through integrated planning	<ul style="list-style-type: none"> <li>Development of an integrated planning framework (including an integrated resource</li> </ul>	Integrated planning framework	SAPS Strategic Management Division	Year 1

PRIORITY FOCUS AREA	DETAILED ACTIVITIES	OUTPUT / INDICATOR	RESPONSIBILITY	TIMEFRAME
	<p>allocation matrix and an M&amp;E framework)</p> <ul style="list-style-type: none"> <li>• Consultation with MPS and Provincial Commissioners on standard reporting templates for AOPs</li> <li>• Engagements with SALGA</li> <li>• Engagements with CoGTA and SALGA on the revision of IDP guidelines for municipalities</li> </ul>		SALGA	
Transversal norms and standards	<ul style="list-style-type: none"> <li>• Development of norms and standards on the following: <ul style="list-style-type: none"> <li>○ Training</li> <li>○ Reporting requirements</li> <li>○ Technology-driven policing approaches (including standards for interoperability and user</li> </ul> </li> </ul>	Approved norms and standards	SAPS CSPS SALGA MPS RTMC	Year 3

PRIORITY FOCUS AREA	DETAILED ACTIVITIES	OUTPUT / INDICATOR	RESPONSIBILITY	TIMEFRAME
	<p>requirements)</p> <ul style="list-style-type: none"> <li>○ Strengthening civilian oversight</li> <li>• Identification of areas of synergy with the National Traffic Law Enforcement Code</li> </ul>			





## **9. POLICY REVIEW**

This Policy Framework will be reviewed after a period of five (5) years or as necessitated by changes in legislation. A policy review process may also be undertaken in the event that critical changes in the policing landscape are perceived to have an impact on the integration, coordination and collaboration of the respective policing agencies that fall within the scope of this Policy Framework.

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