

THE ROLE OF CIVILIAN OVERSIGHT IN A PROFESSIONAL POLICE SERVICE

SPEECH BY THE SECRETARY FOR POLICE SERVICE AT THE SAFER WESTERN CAPE SUMMIT

Program Director

The Minister of Police – Honourable Bheki Cele

The Premier of the Western Cape Province – Ms Helen Zille;

MEC for Community Safety – Mr Alan Winde;

HOD of Community Safety – Mr Gideon Morris;

The Provincial Commissioner – General Khombinkosi Jula;

Our Esteem International Guest;

Ladies and Gentlemen;

If anyone feels left out, all protocol is hereby observed.

I greet you all. Peace and security be with you all.

Civilian oversight of the police is embedded in the Constitution of the RSA, to be exact, Section 206 (which gives political oversight responsibility of Policing to the Cabinet Member and Provincial Executive Member responsible for policing and 208 (Which establishes the Police civilian secretariat by a national legislation).

The main reason for these provisions in the democratic constitution is because the South African Police (SAP) under apartheid was used as an instrument for repression characterized by what we call **Regime Policing** in which police:

- Served and protected the government and affiliated elite rather than the public at large;
- Answered predominantly to the regime in power and not to the people;
- Controlled rather than protect communities;
- Secured the interests of one dominant group, and
- Were required to stay outside, rather than identify and integrate with communities.

With the advent of freedom and democracy, a new South African Police Service (SAPS) was established to prevent, combat and investigate crime, to maintain public order, to

protect and secure the inhabitants of the Republic and their property and to uphold and enforce the law which can best be described as **Democratic Policing**. Under **Democratic Policing** the police uphold the rule of law, they are accountable and act in a manner that is procedurally fair and in the service of the public.

Professionalism or being a professional is highly reliant on having expert knowledge in a particular field. Professionalism and professionalization must be knowledge-driven. Being a 'professional' is more than being competent at one's job, as such a 'professional', for example, seeks responsibility and welcomes accountability, demonstrates customer care principles, interacts with colleagues in a professional manner, is self-critical, and listen.

The police are the most visible manifestation of state authority performing the most obvious, immediate and intrusive tasks to ensure the well-being of individuals and communities alike. It is the task of the police to maintain public tranquillity, law and order; to protect the individual's fundamental rights and freedoms – particularly life; to prevent and detect crime; to reduce fear; and to provide assistance and services to the public.

The Civilian Oversight role in a professional police service is to ensure that the police service builds a culture in which knowledge, ethics, accountability, objectivity, human rights, effectiveness and efficiency, empathy, and trust are valued attributes of members of the service.

Knowledge should enable police officials to act professionally, meaning rationally and ethically against a set of known standards (laws, policies, rules and regulations) to which they can be held accountable. Clear command and control structures must be in place, through which senior officials give rational instructions in line with policing knowledge and the set of known standards. The knowledge acquired and the command and control must enable police officials to make decisions and act objectively based on facts and applicable laws, including upholding the human rights of all, thereby ensuring that policing is effective and efficient.

Ethical behaviour of police officials ensures responsivity to the needs of the community and empathy with victims of crime. The best measure of whether democratic policing exists

is public trust in the police. The ultimate result being sought from a professional police service is a police service that is regarded as legitimate by the public.

Policing is a public good. Despite limited resources, policing must be socially and economically just. Not everyone can enjoy the same access to police resources, but where there is inequality in their distribution it should favour the most vulnerable and at risk, those who feel and are the least safe.

As much as oversight agencies may be unpopular amongst police officials and their managers, the fact is that both are working towards having a democratic police service and to uphold the Constitution. In the absence of transparency and accountability it is near inconceivable that the public can trust the police, and low or absence of trust will result in low or absent legitimacy.

In conclusion, I would like to quote the Spanish author George Santayana who said, "*Those who do not remember the past are condemned to repeat it.*" An organisation that understands its past and is rooted in knowledge and evidence is more likely to learn from its mistakes. The police under apartheid had little respect for human rights or the views of others, and was indeed a force and not a service. It enjoyed little public support and lacked legitimacy. It is the responsibility of the Civilian Oversight bodies to make sure that the progress made in transforming the police since 1994 is not reversed.

I thank you.