

Dear South Africa is a network of online platforms designed to facilitate government and encourage the public to participate in unbiased decision-making processes or policy formation at SOE, municipal, provincial and national levels.



Draft South African Police Service Amendment Bill

1 October 2020 – 15 November 2020

The draft Bill aims to amend the South African Police Service Act, 1995 (Act No. 68 of 1995), to establish a legal framework for policing aligned to the Constitution of the Republic of South Africa, 1996, principles laid down in the National Development Plan, 2030, to align the said Act with the White Paper on Policing, 2016, the White Paper on Safety and Security, 2016, the Community Policing Policy and the Policy on a Single Police Service, in order to contribute to the effective and efficient combating of crime.

The draft bill proposes to delete certain sections of the South African Police Service Act of 1995 that the Constitutional Court found to be unconstitutional.

It also seeks to amend certain provisions of the Regulation of Gatherings Act that the Court also found unconstitutional in the Mlungwana judgement.

The draft bill provides for the setting up of the Intelligence Division of the Police Service in terms of the South African Police Service Act of 1995.

The draft bill also provides for integrity testing of recruits to the Police Service as well as lifestyle audits in respect of members of the Service and conflict of interest.

The proposed legislation also seeks to increase the penalty for certain crimes relating to the abuse of police equipment.

The above notice of intention for the draft Police Service Amendment Bill was released on 1 October 2020 where the closing date was set to 15 November 2020 (45 days after the opening date).

Written submissions and enquiries were directed to Dr. PC Jacobs at comments.bill@csp.gov.za

Dear South Africa (DearSA) hosted a participation project through Dear South Africa's mobile and online platform to facilitate, educate and encourage public participation and comment to shape this amendment.

<https://dearsouthafrica.co.za/police-services/>



Included on the web page was:

- 1 - the published Amendments and related documents as downloadable PDFs
- 2 - published notice.
- 3 - a live view of public comments (with a counter and breakdown reflecting number of participants)
- 4 - video summaries
- 5 - links to relevant media articles
- 6 - a portal which posed two questions (with the option of three responses per question)
- 7 - a comment facility to provide input on the Amendment




Each public entry was individually delivered to comments.bill@csp.gov.za. DearSA also captured all public entries which have been used to produce this report.

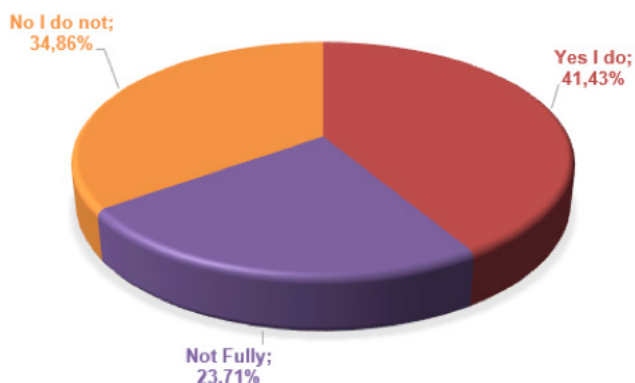
Note: In order to accurately reflect public comment, DearSA's projects are unbiased and hold no partisan opinion or agenda. Raw captured data is attached as an Excel file.

A total of **350** comments were received by the set closing of 4pm, 15 November 2020 (included in the Excel file). This report reflects the entries received by the closing date.

Two questions presented;

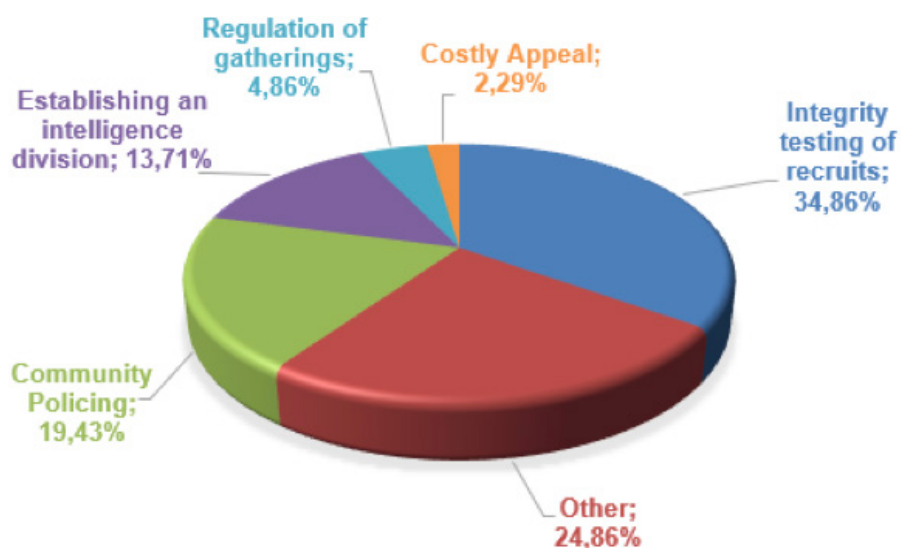
1. Do you support the proposed amendments in the Police Service Amendment Bill?

	Yes, I do	[145 selected]	41.43%
	No, I do not	[122 selected]	34.86%
	Not fully	[83 selected]	23.71%



2. What is your top concern?

	Integrity testing of recruits	[122 selected]	34.86%
	Other	[87 selected]	24.86%
	Community Policing	[68 selected]	19.43%
	Establishing an Intelligence Division	[48 selected]	13.71%
	Regulation of Gatherings	[17 selected]	4.86%
	Costly Appeal	[8 selected]	2.29%



Comments

The participants are encouraged to provide comment to justify their selection in order to help shape the policy amendment.

Of the “Yes, I do” comments, the public in this category support the proposed Police Service Amendment Bill as they would like to see changes applied to the South Africa police force. The current character assumption of the police force is in negative form and does not always show to be effective in time of need. The citizens have moved away from relying on the South African police force which needs to be addressed through integrity testing and by acting against any corrupt or unfit individuals that are currently serving in the police force.



Suggestions from the “Yes I do” comments, include;

Concern; Integrity testing of recruits

1. “This testing should extend to the entire police force on an ongoing basis as is the case with private security companies”. Private and state security should have similar standards to serve and protect in uniformity.
2. “more intense integrity testing of recruits as well as in depth background checks” to reduce corruption.
3. Educate, enable, and sufficiently train the police force regarding legislation, protection, and interpersonal skills.

Concern; Other

1. “Overall, I think the suggested changes are good. However, the corruption in the police needs to be addressed before real change will be effective.”
2. The general reputation of the police force is seen as unhelpful and intimidating which also needs to be addressed over and above integrity testing.

Concern; Community Policing

1. “Rural safety is of paramount importance and should be addressed as a matter of urgency”.
2. “People must feel safe inside and outside of their houses”. Most communities have set up their own private security networks for their safety but there should be more support by SAPS.
3. The police force is not big enough to serve the whole country. Corruption, poverty, and crime is rife and needs to be turned around.

Concern: Establishing an Intelligence Division

1. “an intelligence division can drive meaningful change in the way police cases are networked and analysed. Which will ease the polices admin workload and improve the polices ability to track cases across the country.”
2. A functional intelligence division will enable the police force to trace criminals with more accuracy and can also maintain the offender's registry. This registry can then further be networked to places of employment to facilitate honest employment opportunities.

Concern: Regulation of Gatherings

1. “It does not serve human interaction”.

Concern: Costly Appeal

1. “Parts that are unconstitutional must be amended as prescribed by the courts.”

Of the “Not Fully” comments, the participants outlined that the structure of the existing police force is not working effectively and requires an amendment. The lifestyle and recruitment audit process are supported but carries the condition that this process should be applied to everyone: management, new, and existing staff. The public in this category do not agree to the regulation of gatherings either.



Suggestions from the “Not Fully” comments, include;

Concern; Integrity testing of recruits

1. The testing should be carried out by professionals whom are qualified to do so.
2. Everyone in the police force should be tested starting with the existing police members.
3. “It’s an honourable calling.
Strict educational requirements.
Comprehensive criminal checking.
Intelligence testing for suitability.
Background checks and recommendations.
Non-political ethos. Serve the law not the government.”
4. “All police service men and women should have to do integrity testing and lifestyle audits not just recruits.
This should go for all public service workers”.

Concern; Other

1. “I stay in Lenasia JHB south and we have major issues.....2 days ago 8 murders and 2 kidnappings in one day” outlines the urgent need to change how South Africa combats crime. A larger and more effective police force is required – the government also needs to enable the police force with the necessary tools and skill sets.
2. “Currently our police force and law is protecting Criminals.” Legislation needs to be analysed and stricter sentences should be imposed.
3. Update the telephony systems.
4. Develop a solution where police members can be measured on response times, incident outcomes and all call outs should be recorded and managed by an independent 3rd party.

Concern; Community Policing

1. “Government policing is not trusted, considered deeply corrupt and not held in high esteem. Clean your police-house first and win faith and trust.:
2. Local police stations in various municipalities do not have working telephone lines. The state needs to audit this infrastructure and implement a sustainable solution so that communities can utilise the line to reach the police station.
3. “Government policing is not trusted, considered deeply corrupt and not held in high esteem. Clean your police-house first and win faith and trust.”

Concern: Establishing an Intelligence Division

1. “I agree that all police officers should undergo vetting, including existing senior management.”
2. “Intelligence belongs to the military to protect our country. A detective service in the police is good enough to protect us from criminals.”

Concern: Regulation of Gatherings

1. “No to regulation of gatherings! Yes to everything else.”

Concern: Costly Appeal

1. No comments were submitted for this section.



Of the “No I do not” comments, the views of the public are not in agreement due to the current inefficiencies and poor track record of the South African Police Officials over the last number of years, which continues to show in the climbing crime statistics.

Suggestions from the “No I do not” comments, include;

Concern; Integrity testing of recruits

1. The existing police members under SAPS should be dealt with first before introducing any new audit processes.

Concern; Other

1. “There are some important changes aimed at making the police service more professional, however the increased powers to be given to the politician in command is very concerning.”
2. “get rid of members who have criminal records. Employ ethical, honest, trustworthy, caring, and dedicated people who meet required education, training, and literacy standards.”
3. “All Police should have a matric with exemption. They should go through psychometric tests and personality tests.”
4. “Pick up the standard of selection, no criminal record, proper training and get rid of all the corruption, then only we will consider.”

Concern; Community Policing

1. “I do not agree to giving police more power, I do agree to taking DNA from criminals. That is convicted criminals. *Innocent until proven guilty*”
2. The members are concerned that if the current crime cannot be successfully managed, what would the reason be for SAPS take on a bigger responsibility where the private sector are closing a much needed gap in keeping the communities safety.

Concern: Establishing an Intelligence Division

1. “This cannot be achieved. There is no intelligence in the entire SAPS ranks. Until I stop hearing of police involved in crime, I would rather see the SAPS disbanded and a new service created where only those without criminal records are employed”
2. The combination of a lack of transparency, convictions and too many corruption charges of members in the police force have broken down the trust relationship between the citizens and government which needs to be aligned by taking action against all criminals.

Concern: Regulation of Gatherings

1. “Modern recruitment methods, professional management and highly skilled personnel should be used.”

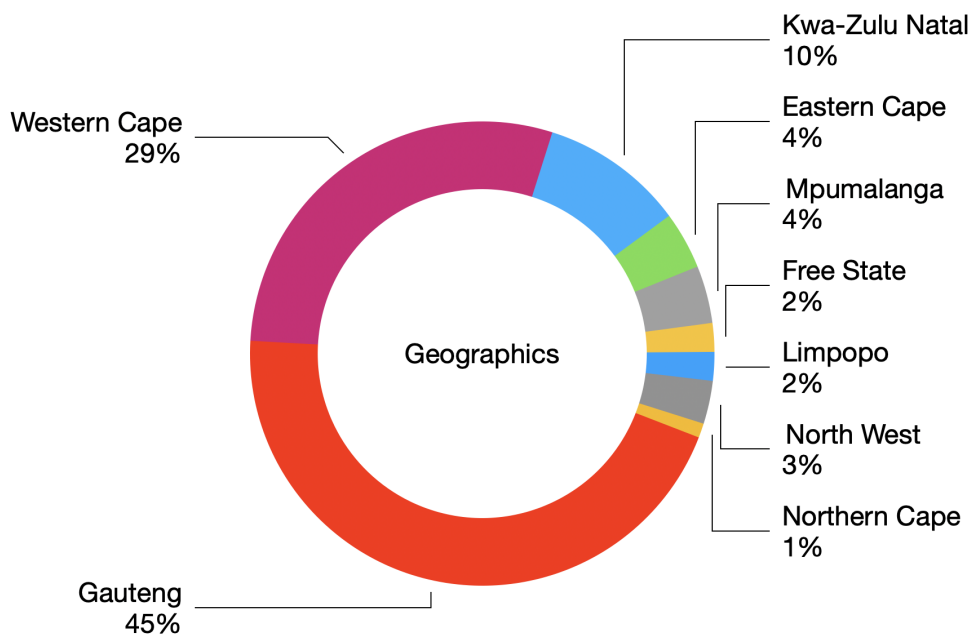
Concern: Costly Appeal

1. No comments were submitted in this section.



Demographics

Comments originated from all provinces with the greatest input arising from Gauteng, followed by Western Cape and KZN. Demographics can be further broken down into comment options (yes, no, not fully) and by top concern per region upon request, or view the Excel spreadsheet attached.



Thank you

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