



Africa Criminal Justice Reform  
Organisation pour la Réforme de la Justice Pénale en Afrique  
Organização para a Reforma da Justiça Criminal em África

## Resources on South African criminal justice system

### POLICE

#### **Fact Sheet 18: *A guide to reading government annual reports (2019)***

Government departments use annual reports to report on their performance against set objectives stated in their Annual Performance Plans (APP) and the Medium-Term Expenditure Frameworks (MTEF). Annual reports also serve the function of promoting accountability and transparency which should improve trust and confidence in government's ability to deliver on services. It is especially for civil society organizations that annual reports can be invaluable when holding government accountable. There are, however, certain challenges that readers of annual reports encounter, most notably the fact that annual reports are generally long and complex. Furthermore, the issue of erroneous and intermittent reporting is cause for concern when it comes to analysing an annual report. This fact sheet serves as a guide on how to read government department annual reports and highlights key issues to consider.

This document can be accessed here: <https://acjr.org.za/acjr-publications/guide-to-reading-annual-reports-2019-9-5.pdf/view>

#### **Fact sheet 16: *Arrest without a warrant: Guidelines against arbitrary and unlawful arrests (2019)***

This fact sheet deals with the process of arrest without a warrant and aims to provide guidance on how police officers should test and use their discretion when contemplating an arrest without a warrant. The fact sheet is not country specific and describes the overall and generally accepted requirements for arrest without a warrant.

This document can be accessed here: <https://acjr.org.za/acjr-publications/fact-sheet-16-arrest-without-a-warrant.pdf>

#### **Fact sheet 15: *Democratic Policing: A Conceptual Framework (2019)***

This fact sheet discusses democratic policing as meaning (1) the police's abidance to the rule of law, (2) accountability of the police, and (3) procedural fairness by the police in service of the public. Nine dimensions required for democratic policing are identified with the intended final outcome being public trust in the police which results in the police having legitimacy. The conceptual framework presented is not merely meant to describe democratic policing, but rather to guide strategic planning in police organizations including the South African Police Service (SAPS). This relates in particular to the strategic objectives formulated in the MTEF and APP with particular reference to the input variables and the outputs they need to deliver.

This document can be accessed here: <https://acjr.org.za/acjr-publications/acjr-factsheet-15-democratic-policing.pdf>

**Fact sheet 14: *Visible policing (2019)***

The Routine Activity Theory (RAT) suggests that for a crime to occur, there must exist a motivated offender, a suitable target and the absence of a guardian. While there is a clear logic to the idea that we are less likely to break the law if we believe we will be caught and punished, the logic does not seamlessly mean that more police means less crime. This fact sheet unpacks the concept of visible policing in South Africa and posits that if police are intelligently deployed (and visible) in specific areas where crime and violence are most common, and if they effectively collaborate with relevant community and state entities to address broader societal risks, they can have a measurable and life-saving impact where it matters most. There are two key lessons here regarding ‘visible policing’ in South Africa: Firstly, it’s not about general visibility, but rather about specific visibility. Secondly, it’s not simply about being seen, but rather about doing – targeted and intentional problem solving in partnership with communities.

This document can be accessed here: <https://acjr.org.za/resource-centre/fact-sheet-14-vispol.pdf>

**Fact sheet 13: *Sector policing (2019)***

Sector policing is a decentralised, geographical, problem oriented and community-focused approach to policing. Simply put, it requires that every station precinct be divided into two or more sectors and that each sector be assigned a sector commander to coordinate and drive sector activities. In 2015 the South African Police Service (SAPS) published a Sector Policing Operational Guide, presenting a clear, in-depth overview of the sector police philosophy and how it should be implemented. This fact sheet reviews key tenets of sector policing as presented in the SAPS’ Sector Policing Operational Guidelines.

This document can be accessed here: <https://acjr.org.za/acjr-publications/fact-sheet-13-sector-policing.pdf>

**Fact sheet 9: *Failing to discipline in SAPS (2019)***

A culture of impunity is fostered when there is a failure to discipline officials. In general, accountability in SAPS fails on a number of fronts. Firstly, very few officials are subject to internal discipline. Secondly, when disciplinary action is instituted, in 62% of cases the charges are either withdrawn or the official acquitted. Thirdly, the few cases that do proceed to the National Prosecuting Authority (NPA) via the Independent Police Investigative Directorate (IPID), appear to get stuck there with a decision from the NPA not forthcoming. In the end the result is that the message to SAPS officials is that transgressing officials will not be held accountable.

This document can be accessed here: <https://acjr.org.za/resource-centre/fact-sheet-9-failing-to-discipline-v-3.pdf>

**Journal Article: *Modest beginnings, high hopes: The Western Cape Police Ombudsman (2018)***

In 2013 the Western Cape legislature passed the Western Cape Community Safety Act (WCCSA) to improve monitoring of and oversight over the police. One creation of the WCCSA is the Western Cape Police Ombudsman, which became operational in 2015. This article reviews its history and context, as well as results from its first year. The Police Ombudsman, the only one in the country, must be seen as one of the results of efforts by the opposition-held province to carve out more powers in the narrowly defined constitutional space, and in so doing to exercise more effective oversight and monitoring of police performance, and improve police–community relations. The Ombudsman must also be seen against the backdrop of poor police–community relations in Cape Town and the subsequent establishment of a provincial commission of inquiry into the problem, a move that was opposed by the national government, contesting its constitutionality. Results from the Ombudsman’s first 18 months in operation are modest, but there are promising signs. Nonetheless, the office is small and it did not do itself any favours by not complying with its legally mandated reporting requirements.

This document can be accessed here: <https://acjr.org.za/resource-centre/modest-beginnings-high-hopes-the-western-cape-police-ombudsman.pdf>

**Submission: *ACJR submission on the Independent Police Investigative Directorate Amendment Bill (2018)***

The submission highlights the fact that the independence of the Independent Police Investigative Directorate (IPID) also relates to the relationship between IPID and the National Prosecuting Authority (NPA). The overarching aim of the submission is to strengthen oversight over and accountability of SAPS with reference to human rights violations and crimes alleged committed by police officials.

This document can be accessed here: <https://acjr.org.za/resource-centre/acjr-sub-ipid-bill-june-2018.pdf/view>

**Journal Article: *Unconscionable and irrational: SAPS Human Resource Allocation (2015)***

The Khayelitsha Commission revealed that areas that are predominantly populated by people who are poor and black are systematically allocated only a small fraction of the average per capita allocation of police personnel in the Western Cape. These areas also suffer among the highest rates of murder and serious violent crime in the province. The allocation of human resources to policing impinges on various constitutional rights. Given the inequity and irrationality apparent in the allocation of police personnel, the Khayelitsha Commission recommended that this method be urgently revised. This article reviews the evidence heard on the allocations and the method currently used to allocate police personnel, suggests an alternative method, and calls on the government to heed the recommendation of the Khayelitsha Commission that the state urgently revise its method of allocation of policing resources.

This document can be accessed here: <https://acjr.org.za/resource-centre/unconscionable-and-irrational-saps-human-resource-allocation.pdf/view>

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