

Title

Public Crime, Private Justice

The tale of how one of South Africa's top private investigators gets impressive results and what lessons the men and women of the public police force and the SAPS as an institution might learn from this.

By

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Abstract

The role of the police is a fundamental one in any society and in South Africa this role is beset with a unique set of challenges which are organisational, institutional, operational, individual and political in nature. It is these I address by means of examining the South African Police Service from the perspective of the praxis, process, means and methods of a working private investigator in contemporary South Africa.

My method in this undertaking is a journalistic one in which I use the narrative techniques of dialogue, description, pacing and reflection to bring to life the stories and characters of police officers; ex-police officers; private investigators; victims of crime and perpetrators of crime in order to bring to light some of the more pressing issues with regard to crime and its prevention in contemporary South African society. This lends drama and suspense to a non-fiction narrative and also involves the reader in such a way that they respond to and engage with the subject matter on a personal level, thereby evoking their own thoughts and feelings on the spectre of crime in South Africa and what the SAPS variously is, isn't or could be doing about it.

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The central question examined here is: “What can public policing learn from private sector policing and vice versa?” which is, in slightly elliptical terms, the same question as “What can a country with crime rates as high as South Africa’s do to improve its strikingly low conviction rates?” This brings into play certain core logistical and operational concerns of the SAPS namely time; money; infrastructure; calibre of staff; organisational structure and the quality of leadership.

In order to interrogate these questions I have made extensive use of the testimonial evidence of Brad Nathanson, an ex-SAPS detective who is now one of South Africa’s top private investigators. This individual is in a unique position to appraise the situation from both private and public sector perspectives and his insights and experiences are invaluable.

It had been my intention to interview an active detective of the SAPS however, despite many early glimmers of hope and many motivations to SAPS Strategic Management having been forwarded to Head Office, these efforts bore no fruit. Nevertheless, in order to gain a significant insight into the inner workings of the SAPS I have relied much upon the exceptional work of Antony Altbeker, Jonny Steinberg, David Simon and Andrew Brown, all of whom have devoted much time and effort toward documenting the work of the SAPS (or Baltimore PD in Simon’s case) and chronicling the all-too-human nature of an all-too-unwieldy state apparatus.

Research question

Using the extensive testimony of a Private Investigator who is an erstwhile SAPS detective, together with a wide range of evidence gleaned from the literature on the subject, can a comparative analysis between the respective modus operandi of a private detective and that of the SAPS be drawn? If so, can this shed valuable light upon how the latter may be enhanced in terms of efficiency, efficacy, productivity and management of the crucial material resources of time, money and infrastructure as well as the human resources of calibre and leadership?

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Introduction

“Any case can be solved with time and money.” So says Brad Nathanson, erstwhile SAPS detective and one of South Africa’s most successful private investigators. The heavily muscled, Harley Davidson-riding ex-cop and ex-bodybuilder with the words PROTECT and PROVIDE inked in massive capitalised warrior typeface on each forearm from wrist to elbow might appear at first glance to be a cliché Hollywood vigilante, but his record speaks for itself: aside from the staple PI activities such as surveillance and security, in his 27 years as a PI he has dealt with adulterers, rapists, murderers and armed robbers and boasts an across-the-board success rate of 90%. His assertion regarding time and money may at first glance appear to be a truism, but it cuts to the quick of one of the most important and dominant discourses of contemporary South Africa: that of how the country’s police force can become more potent in preventing crime and more effective in capturing criminals and ensuring convictions.

Nathanson’s adage is at heart a statement about resources and much of the debate around the effectiveness of the SAPS can be reduced to the question of resources. These resources are not only the material ones of time and money but the more complex human resources such as skill-levels, training, morale, motivation, salary, workload, job satisfaction and leadership as well as operational and organisational resources such as administration, bureaucracy, management, power structures and the inevitable involvement of politics in a public institution such as the SAPS.

For anyone seeking quick answers to the question: “How can we make the SAPS better?” there aren’t any. No examination of any single factor can be conducted in a vacuum separate from all others and, in an entity as enormous – and enormously complicated – as the SAPS, everything overlaps with everything else and very little can be discerned in terms of neat delineations of black and white. Like in the infinitely receding Mandelbrot diagrams of quantum physics, a seemingly simple question will not yield a simple answer but instead generate more and more questions before some kind of understanding begins to emerge.

The following statistics lend some context to the issue of resources. Between 1995 and 1998, convictions calculated as a percentage of the number of murders recorded in South Africa averaged at 10%; for rape the number of convictions achieved per reported crime was closer to 8%. This bleak picture does not improve when considering the workload of detectives: as of September 1998, 22 034 detectives in South Africa were dealing between them with 1 158 512 category A crimes (contact crimes such as murder, rape, attempted murder, armed robbery and assault) which works out to 53 category A crimes per detective. This excludes the myriad other less serious cases the same detectives would be routinely handling, which could involve anything from cable theft to missing persons to drug trafficking.

The situation does not appear to be improving. The most recently released round of crime stats from 2012 reveals a steady increase in the overall crime rate as well as a static crime-to-conviction ratio. Yet the number of detectives has increased by a scant 2000 to around 24 000 over the past twelve years. Furthermore, Lieutenant-General Vineshkumar Moonoo, Head of Detectives in the SAPS, recently told parliament's portfolio committee on policing that, in the last financial year, 1200 detectives had resigned from the service. This prompted criminologist Professor Anthony Minnaar to make the baleful observation that "If any organisation lost 5% of its specialised workforce it would be in deep trouble."

It is therefore no surprise that public confidence in the force that is supposed to keep it safe is at a low ebb. The writing was on the wall across the spectrum of society in 2014: the Khayelitsha Commission revealed the extent to which the SAPS can fail a community whilst in the same year South Africa earned the dubious status of having the largest private security industry in the world – with nearly 9 000 registered companies and 400 000 registered active private security guards, the industry sports more manpower and firepower than the South African Police and the South African National Defence Force combined.

Capturing society's disillusionment with the police – and the criminal justice system in general – was respected South African journalist Ranjeni Munusamy. Her 2014 year-end review in *The Daily Maverick*, gloomily entitled *Goodbye 2014: It Was The Worst of Times*, concluded with the following:

The fabric of our society continues to be shredded by violent crime and the ineptitude evident in the criminal justice system. It is bad enough when toddler Taegrin Morris [Morris, a 4-year old, was killed in a botched carjacking in Reiger Park on the East Rand in July 2014. Thamsanqa Twala, the man arrested in connection with the hijacking and murder, was identified by Morris' mother in an ID parade but the National Prosecuting Authority withdrew the charges against him since the identification parade 'did not follow correct procedures'] meets a horrific death, dragged for kilometres when his parents' car was hijacked, but even worse when police bungle the case by arresting the wrong person.

The death of South African football captain Senzo Meyiwa also impacted on the national psyche, showing us how everyone is susceptible to violent crime, even those in the prime of their lives, proudly serving our nation. Again the police bungled the case, and there has been no progress or sense of justice since they arrested the wrong man. [Meyiwa was murdered in October 2014 with the SAPS making a disastrous string of embarrassingly elementary errors in the high-profile investigation.] The weakness of the criminal justice system was also exposed in the Shrien Dewani murder trial, which chewed up an enormous amount of resources with the state not being able to prove that he had a case to answer.

We now look back on a mass of dead bodies that the justice system failed.

To the number of "bungled" high-profile cases mentioned above, add something like the Marikana massacre of 2012 – the single most lethal use of force by South African security forces against civilians since 1960 – and it would seem that the SAPS shouldn't be surprised that they do not inspire public trust or confidence in them.

Yet then there are the occasional success stories that demonstrate a level of prowess, patience, intelligence and astute management of the resources of time, money and manpower where suddenly the SAPS appears to be an entirely different animal.

On December 18, 2014, SAPS detectives arrested the alleged kingpin of a rhino-horn smuggling operation in KZN after an 8-month intelligence-driven operation where police infiltrated the alleged kingpin's inner-circle using informer networks and finally trapping the suspect red-handed using a dramatic “reverse sting” procedure. The arrested man is believed to be responsible for 80% of the illegal rhino horn trade in the province. The coup is strong evidence for the success possible if, as Nathanson says, enough time and money is dedicated to the case. Although it remains to be seen whether the criminal justice system will follow the spectacular arrest with an equally compelling conviction – the man has been arrested before but released after the docket “miraculously disappeared” – for the moment the moral of the story is one that, with the right amount of resources properly applied, the most stubborn case can be cracked and the most cunning criminal apprehended.

Yet, tempting as it would be to do so, it would be naïve to conceive of a simple axiom where more money + more time = better results. “You could multiply the police budget by twenty but if it’s not being properly appropriated it’s not going to do us any good,” says Nathanson. He extemporises at length upon the difficulty of balancing a complex equation with many variables – if you have more cops, you need more money to train them properly and you need more money to pay them properly. Furthermore, more cops and more money won’t help anything if nothing is done about overloaded courts; jails overcrowded with awaiting-trial prisoners; forensic laboratories overwhelmed with evidence in need of processing and a heavily strained administrative system.

This, as far as the ex career cop is concerned, is the squeakiest wheel that needs the most greasing. “Outsource all administration work,” says Nathanson emphatically. “Outsource it to an administration company where a private company can do all the opening of dockets, closing of dockets, whatever – let the policeman get back on the road and do what he’s good at. So he’s not chained to paperwork. Do you know why a policeman takes a bribe from you for drunken driving rather than charges you?

Because it takes five hours to process a drunken driver. Rather take the bribe. That's just the fact of it. Or let the oke go."

Citizen Cop

An agonising tale of predatory brutality, with its elements of viciousness, torture and innocence debased, made headlines around the country in 2008 while the crime shocked Hillcrest into helpless horror. On a crisp autumn afternoon in the quiet, peaceful and largely white suburb in the rolling green hills of KwaZulu-Natal just west of Durban, a young woman and her father walked their dogs in the pastoral idyll of the Shongweni Nature Reserve. Yet it was an idyll that was irrevocably shattered when something terrible emerged from the riverside reeds and visited untold trauma upon father and daughter.

"To bring a case to court," says well-known South African crime writer Antony Albeker, "a detective needs evidence against the persons who committed the crime. There are only three kinds of evidence: witnesses, confessions and physical evidence. This is the detective's holy trinity." But it's not always that simple. "Predatory crimes," he warns, "seldom throw up much of value."

The crimes committed against Jes Foord and her father were of an incontrovertibly predatory nature. Five anonymous, knife-wielding men suddenly appeared from the dense vegetation. They severely beat Tim Foord before tying him to a tree with his hat stuffed in his mouth to prevent him from screaming and then took turns raping his 21-year-old daughter right before his eyes before driving off in his bakkie.

The chances of anyone being apprehended for the crime and being held accountable for it seemed close to zero: five complete strangers had appeared out of nowhere and then disappeared without a trace. Even though the year was 2008, DNA testing – let alone profiling – was in its infancy in South Africa so, even if any DNA had been obtained, there was no way it could have been matched with anyone on any kind of database. Furthermore, the statistics painted a particularly bleak picture: in 2008, according to the SA Human Rights Commission, only 7.6% of all the reported rapists were caught, tried and sentenced to prison. Furthermore, the SA Medical Research

Council's report says that only one in every nine women report rape to the police. This means that the 50 000 official figure for rape is in reality more like 494 000. Add to this the above-mentioned fact that only 7.6% of reported cases culminated in conviction and the chances for justice for Jes Foord did not look promising at all.

Yet, within 48 hours of the crime having taken place, all five suspects had been arrested and charged. In a matter of months, four had been convicted to life imprisonment in Westville Prison while one had turned state witness in exchange for a reduced sentence. This remarkable volte-face of statistical probability was almost entirely the result of one man's zeal, determination and relentless hewing to the core principles of Detection 101. That man was Durban-based private investigator Brad Nathanson.

It has taken me six months and two flights from Cape Town to Durban to set up a face-to-face interview with Nathanson. Refusing to commit to time or place, the best I can get out of him, when he finally does respond to one of my dozens of emails and voicemails is: "Call me first thing in the morning boet. We'll see how it goes." The last time that happened, I called all day but to no avail. Three months later he phoned to say he had been called away "on sudden business" and had to abort our meeting.

On this occasion, however, he arrives at the trendy coffee shop in Durban's upmarket Florida Road where we have agreed to meet. It's a warm, spring Sunday morning and Nathanson, a devout Christian, has just returned from church. Even though this is the first time we're meeting, there's no mistaking him: an imposing, almost menacing figure, he moves through the crowded terrace with aggressive confidence, his head moving about like a persicope, glinting eyes everywhere as he voraciously surveys the terrain. Although this is clearly the behaviour of a trained professional who never lets his guard down for an instant, it's also somehow absurdly hyperbolic, as if I'm an extra in a scene from a James Bond film and a deadly ninja assassin will suddenly leap out from behind a potted palm but be instantly felled as Nathanson whips out his silenced pistol and fires with deadly accuracy.

He sits down opposite me and greets me with a vice-like handshake and a pinion-like glare. Since I'm sitting by myself with a dictaphone in front of me I suppose it didn't

require too much detecting prowess to mark me out. A physically intimidating individual, his hulking presence is matched by a volatile demeanour as he switches from brusque mater-of-factness to in-your-face hostility with alarming speed.

When asked to recall the events of the Jes Foord case, Nathanson leans back slightly and stares into the middle distance like an actor about to deliver a moving oration. “When Jes was raped I immediately got to hear about it,” he says. “It was a very sensationalised case due to the brutality involved and, since it happened right in our community, I volunteered my services free of charge. The crime took place on the Sunday; I started the case on the Tuesday at 7 o’clock in the evening. Msomi (the eldest of the assailants) was arrested at 1 o’clock the following morning and the other four were arrested between then and 7 o’clock. Essentially it took me 12 hours to have them all arrested,” he says triumphantly.

One might imagine that he is some kind of human bloodhound, possessed of superhuman sleuthing skills and near-telepathic instincts for homing in on his quarry. Though the truth of the matter turns out to be rather less dramatic it is nevertheless no less compelling.

Despite Jes Foord and her father being witnesses to the crime, neither of them knew the assailants. Physical evidence was out of the question since, as mentioned, back then DNA was still more science fiction than fact. As soon as Nathanson had taken on the case, he decided that the only real opportunity for arrests and convictions lay in obtaining a confession and so he immediately set to work. Although he somewhat disingenuously refers to the process of apprehending the men who raped Jes Foord as “unexciting”, the story behind his rapid coralling of the perpetrators is a tale of both the stunning successes and striking failures of crime-fighting in contemporary South Africa.

“Jessica was raped on a Sunday and on that Monday night I went to the township (Shongweni) we believed these guys emanated from,” begins Nathanson. “I went to speak to informants, people that I know. I told them I’m looking for these guys who would’ve been bragging – cos they do – about raping a white woman – that’s who I’m looking for,” he continues with no small amount of swagger. I flinch at the “they” in

the “cos they do”. The vague, non-specific pronouns “they”, “them”, “their” et al have become part of the myriad euphemisms, obfuscations and semantic ambiguities that are code for good old-fashioned racism in a South Africa where the blatant forms thereof are verboten.

At another point in our discussion, when Nathanson is expounding upon the various ways in which the SAPS might better get their act together, he vents: “Even the physical appearance of a policeman – just change that! The slob that gets out the patrol vehicle is never gonna catch you and that commands what? Instant disrespect. Or when you see them outside Nandos here, stuffing their faces.” He gestures vaguely in the direction of a Nandos outlet across the road. The scorn and contempt in his voice when using the words “them” and “their” is palpable and, despite the plausible deniability of such generic terms, it’s hard not to be left with the impression that those bragging about raping white women and stuffing their faces with Nando’s chicken are, in Nathanson’s mind, incontrovertibly black.

This is one of the schisms along which the distinction between public and private in South Africa shears. In the sectors of health, education – or, in this case, justice – it is the private sector service providers who work entirely according to profit-based business models. This means that the wealthy have access to private health, private education and private justice whereas the poor must make do with public health, public education and public justice. It’s simply a numbers game – the vast majority of South Africans are poor and have no choice but to make the best of what the public sector has to offer. The small minority are rich and have the option of accessing the best that money can buy. Thanks to the house that apartheid built, those with access to the high-cost private services are largely white whereas those who must take their chances with public hospitals, schools and police stations are largely black. As a private service provider, someone like Brad Nathanson invariably has a client base that is predominantly white.

When it comes to the “client base” of the two sectors – rich, white and small in the case of the private; poor black and massive in the case of the private – the inevitable difference between the two in terms of quality of service delivery is rather pronounced. “Ultimately,” says Nathanson, “I’m answerable only to my client;

policemen are answerable to the citizens of this country.” Herein, of course, lies a great divide: should a private investigator, motivated only by the interest of the paying client, discover a crime such as kidnapping or murder, it might very well not be in their interest – or, more likely, their client’s – to bring this to the attention of the authorities. In this case private investigators operate in a troubling supra-legal realm where it is tacitly assumed that the interests of the paying client are greater than that of society.

Thus in no way should policing in its entirety be privatised, in the same way that health and education should never be entirely privatised. The state has an obligation to its citizens and, even if a tiny sliver of the citizenry can afford the expensive private option, this can in no way jeopardise the constitutionally protected rights of every South African citizen to access healthcare, education and freedom and security of the person.

From an ideological point of view, private investigators are not at all beholden to the citizens of South Africa and in no way required to act in their interests. Yet what is of most cogent interest here is not the morality of private police operatives but the methods whereby they seek to achieve the optimal outcome for their clients. It is in this predominantly pragmatic realm where public policing might learn a trick or two from its private counterpart.

“That night we recovered the vehicle,” says Nathanson as he picks up the thread of his investigation of the Jes Foord case. “Locals had found the vehicle in the sugarcane – and we called the cops who came to dust it for prints.” Nathanson quickly established from the fingerprint team that the likelihood of them coming up with anything useful was decidedly slim. So he went back to work.

“The following day was the Tuesday,” he continues. “That night I went out to see the informer at 7 o’clock in the evening and the informer said ‘I’ve got a name for you. This guy’s part of a gang that’s been running around telling everyone they raped a white woman on Sunday.’ We immediately started looking for him – when I say we I mean me and two of my staff, a black guy and a white guy – we worked until 1 o’clock in the morning looking for this guy. I eventually obtained an address and I

staked the address out and apprehended this guy's brother. He had nothing to do with the rape but he took me and showed me where his brother was hiding out until we found him."

At this point Nathanson seems to have concluded the narrative as if, as far as he is concerned, this is pretty much where the story ends. He sips his cappuccino, his ever-alert eyes scanning, surveilling the coffee shop. In a way this is the end, but just the beginning of it. I prod him for a more detailed denouement.

"So... this guy then confessed everything and you just had to go catch the other four?" I venture.

He fixes me with a flat, sarcastic stare.

"Yes Alex, that's exactly how it happened," he deadpans before getting serious.

"Look," he says, leaning forward, "we didn't exactly have tea and scones with him. So he was questioned, well, properly, in the early hours of the morning and he named the other four people. From then on it was a domino effect, it took us from then until 7 o'clock in the morning to arrest the other 4. But I got all those guys in 12 hours."

So did he himself clap the gang in irons and triumphantly march them off to jail? This is a question that is guaranteed to chagrin any private investigator. "As a private citizen I can't make arrests," says Nathanson tersely. "So I tried to get a cop to go with me in the beginning. But I couldn't get a policeman to go with me at 7 o'clock when I had the name of the first suspect. So right until 1 in the morning I worked by myself. After I caught the first guy I had to drag a cop out of bed to make the arrest. But after that the cops started coming, now the dog-handlers started coming cos they were interested in making arrests. And just as well cos the last guy that we caught, he escaped out of a rondavel window into the bush and we let the dog go and the dog found him and dealt with him."

"That case," says Nathanson with obvious relish, slurping the foam off a fresh cappuccino, "I was personally able to see through from cradle to grave. In other words, right from the arrest, right the way through court, and be there on judgement day when they were sentenced to 45 years each. They were all pointed out by Jes in an ID parade and we recovered many of her items on them – her cellphone, a keytag with her picture on it."

The fact that what cracked the case open was a phone call from someone who had heard one of the rapists bragging about his exploits may appear a somewhat prosaic form of breakthrough, but this was nevertheless the pivotal moment that set the proverbial wheels of justice in motion. Furthermore, without Nathanson's organisational sophistication in terms of astutely managing his informer network, that crucial call would neither have been made nor received. However it is also apparent that Nathanson solves cases not only with pure administrative prowess – this, together with a committed physical involvement and infallible inside information, led him to the suspect upon which, by Nathanson's own account, some robust intimidatory interrogation techniques led to the verbal confession which was then taken down in writing by the police once the arrest had been made.

Despite the fact that it was a PI that obtained a result in this case, it remains an unwritten law that the police must be seen to have been responsible for the success. This deference is an essential aspect of the delicate relationship between private investigator and South African Police: as much as the SAPS can stand to benefit from the work of the PI, the PI is not empowered to make arrests. Thus, when dealing with a highly publicised crime, it is absolutely necessary for the cops and the criminal justice system to step in to legitimise the proceedings. For this symbiosis to be maintained, it is imperative for the police to be perceived by the public as having had the initiative and the ability to bring closure to the case. The police may never have solved this case without the PI, but they will never acknowledge this nor will the PI claim credit. It is a brittle balance, one where the police don't mind the private investigator being an "outsourced" resource as long as they claim the credit and the private investigator does not mind foregoing the credit in exchange for future participation of the police in cases where he might need them.

Yet this PR pas-de-deux unravelled somewhat in the aftermath of the Jes Foord saga. "It was bad for me with the police," says Nathanson ruefully. Although, officially, the case was a coup for the SAPS since they made the arrests and took the confessions, those close to the case knew well enough that, without Nathanson's involvement, the likelihood of such a swift conclusion being reached was slim.

“The general public was very angry that a private citizen had to solve this case,” says Nathanson. Although he never spoke directly to the media, word-of-mouth is a powerful medium in a small, tight-knit community. “It didn’t look good for the police because they wanted it to look like it was a police investigation but of course it wasn’t. The police wanted nothing to do with me because I’d done all their work.” He shakes his head. Then he leans forward, eyes blazing. “But you know what?” he asks. “I never told the truth. I never said a word to the press to discredit the police. I never said: ‘Guess what? At one in the morning I tried to get that policeman out of bed to make the arrest but he wouldn’t come.’ I could have but I didn’t. And I know who that policeman is – he was the highest-ranking policeman at that station. And still he would not get out of bed to arrest his suspect I had caught by doing his work for him.”

There is a rather incongruous irony in Nathanson’s coyness here – despite the obvious pride he takes in having had one over the cops in terms of being the smarter bloodhound in the Jes Foord case, he defers to them when it comes to the crunch. Sure, he might easily have seized the grandstand to proclaim his superiority and embarrass the authorities, but strategically this would be self-defeating. By taking the fifth, as they say in the states, he wins every which way. The public know that he was the real hero of the saga. The police know he did his bit to let them be the hero as much as possible. In such fashion he remains on the sunny side of both of their favours.

The Information

Whatever the outcome of the relationship between private and public police, the chances of the case being solved were radically improved by Nathanson’s intervention. And it remains the well-oiled and uncompromisingly efficient administrative aspect of his operation which gives him an indubitable edge in the apprehension of suspected criminals. “Without my informants I’m nothing,” he says candidly and continues with no small degree of passion: “I maintain a very good relationship with all of my informants – they’ve never not been paid for good information and their identities have never been compromised. I will do everything in my power to safeguard my informants – I will never, ever expose them to anyone and this is something my informants have learned to trust.”

It is at this juncture that the roles of state police officer and private investigator intersect once more. “When I was with the Detective Branch Field Unit, we were a group of people that worked on serious crime cases and, to get results, we formulated informer networks. The bulk of the work done was based on information gathered; on intel from informers. So what I did when I went into private practice was revive those informer networks. And I maintain those networks today.”

Solid, reliable informer networks are clearly a core component of the effective identification, pursuit and capture of suspected criminals. The more robust the informer network, the more invaluable it becomes to the investigation where it often attains the ability to see it succeed or fail. In the case of a single, highly motivated private investigator who faces no structural obstacles such as a towering workload; compliance with byzantine bureaucratic processes; quick access to cash for informants and an ability to guarantee the latter total anonymity, the potential of the informer and the informer network to play a crucial role reaches its zenith.

However it is in the context of the public policing system where said potential unfortunately approaches its nadir. Firstly, the investigating officer is functionally incapable of devoting a significant amount of time and energy to a single case, let alone all of it. An interchange Jonny Steinberg describes with an investigator at the scene of a murder in Johannesburg illustrates this point. “‘Tomorrow I am going to the Eastern Cape to find a suspect,’ says Inspector H, his eyes on the diary, his tongue moistening his page-turning finger. ‘I should be back Thursday. Then there is another urgent case to work on. Friday, I must have five witnesses to give them their subpoenas. By the time that is finished, it will be after lunchtime.’ He licks his finger again and pages some more. ‘Next Monday, I’d say. Yes, next Monday I will go back.’”

Secondly, given the lack of trust in the police, the fact that there were eyewitnesses to this particular murder did not in any way counterbalance Inspector H’s overloaded schedule. Here, too, the avenues of enquiry ran into abrupt dead-ends. Another police officer on the case, Constable T, said, “‘People are scared to come forward. The eyewitness himself, who watched his own brother being killed, will not come

forward. They are scared that the detective will sell the information to the culprit and they will be in trouble.””

The lack of trust in the SAPS and their ability to keep their informants safe erodes this cornerstone of their work. As Nicholas Haysom observes in his essay *The Police in a New South Africa: Accountability and Control*:

It is to an overwhelming degree ordinary citizens who witness crimes, lay charges against and prosecute criminals, identify criminals, and testify in court. Without a partnership between law enforcement and the community, there is unlikely to be any collaboration between the law-enforcement agency and the public.

If the murder scene recounted here is a microcosm of the relationship between the SAPS and the South African public, then such partnership and collaboration is entirely absent. This mutual mistrust between public and police, often an extended hangover of the deep suspicion of the police hardwired into communities during apartheid, cuts to the quick of the matter and is the central thesis of Steinberg’s assessment of the situation which is, quite simply, that “South Africa’s general population has yet to give its consensus to being policed.”

Without evidence and with eyewitnesses either too reluctant or too afraid to come forward, the informant might just be the investigation’s last chance of a successful criminal investigation. However this is where another difficulty comes into play: the role of the informant in the context of public police work is, from an ideological perspective, a rather problematic one. Both the cynic and the idealist would argue that, if the police have to *pay* members of society hard cash for information that said members should be readily forthcoming with for said society’s greater good, then the relationship between police and society is clearly a dysfunctional one. The forces that bind a society, including those between the members of the citizenry and those they have granted the authority to police them, ought to be powered by a deeper, stronger and more intangible overarching purpose than the mechanistic workings of what Altbeker terms a “security marketplace”.

As Altbeker notes:

Police officers... are an indispensable building block for any society. They are not separate from their society, and the nature of a police force and its work reflects the society of which they are part. The result: their successes and their failures are the successes and failures of the whole social order.

In short, a society should be in transparent two-way communication with its police force in order to ensure the greater good of that society as a whole. If, however, society shrinks back from this dialogue and it is instead left to mercenary individuals motivated by money and not by the social good to provide the police with the information it needs, then this could be classified as a “failure of the whole social order” in Altbeker’s sense.

This is all too apparently the case. “‘The only people who talk to a detective,’ says Constable T, ‘are his informers. Nobody else will talk to a detective.’” This assertion was recorded by Steinberg, who goes on to observe:

If that is true, the consequences are very far-reaching indeed. If enough people begin to believe that investigating officers are shabby entrepreneurs, the belief becomes self-fulfilling. For if nobody is prepared to talk to a cop they don’t know, then the only information that ever flows is exchanged for money, for allegiances, for loyalty. It is a game, every player is an informer of sorts, and who is to say who’s working for whom? A murder investigator cannot be assumed to be the state’s agent, here at the scene to solve a crime. One cannot be sure that the state has an agent attending to this matter at all.

This somewhat dolorous assessment of the situation reflects the viewpoint of the idealist: one who believes that if the members of the community in which the crime is committed don’t come forward purely as a result of their noble notions of civic responsibility, then the system has somehow failed. However a more pragmatically minded individual would see the situation in an entirely different light.

If somebody is in possession of sensitive information about a crime where the divulgence thereof would put their lives at risk, is it not reasonable to expect this person to say nothing to anyone in the simple interests of self-preservation? Furthermore, if this person were to nonetheless put their lives at risk, is it not reasonable to expect that an effective method of obtaining this information would be to offer them the kind of compensation to offset the risk?

The moment a scarce resource becomes highly valued (in this case, information), the laws of supply and demand come into play. If there is a high demand for a resource in limited supply, then it is to be expected that whoever seeks to obtain this resource be prepared to pay for it. After all, police all over the world put out highly publicised rewards for information from the public that will lead to the capture and conviction of wanted felons. Given the strong possibility that criminals are in the habit of paying people for their silence, from a purely economic point of view, it stands to reason that those interested in this silence being broken ought to “compete” for this scarce resource and be willing to pay for it too.

If someone is in possession of sensitive information that could get them killed if they shared it with the authorities, it is rather naïve to expect them to volunteer this information purely from a sense of civic responsibility. If, however, they are willing to trade this information for a certain sum of money and this information leads to the apprehension and conviction of a dangerous criminal, then it can be argued that the end justifies the means. From this perspective, it is imperative that investigating officers not be “shabby entrepreneurs” but “effective entrepreneurs.” In other words, if the informant process is smartly and objectively managed and works toward the single goal of apprehending suspects, it has the power to be a potent weapon in the crime-fighting arsenal.

This was indisputably the case in the rape of Jes Foord. To reiterate Albeker’s assertion, “predatory crimes seldom throw up much of value” and in Foord’s case there was precious little to go on. The only hope was that someone living in the same community as the rapists may have heard something and may have been willing to exchange what he or she heard for cash and an absolute guarantee of anonymity. As it

turned out someone had heard something and they knew exactly who to turn to. And it certainly wasn't the cops.

“If I had been a cop in charge of the Jes Foord case it would've fallen through the cracks,” says Brad Nathanson bluntly. “It would've been one of many, many dockets on my desk. And then there's the situation with the informants: today, informants are very, very reluctant to talk to policemen.” He sighs reflectively. “I spent my life as a young policeman building informer networks – it was an integral part of the job. I still use some of those informers today – oles from the 80s – and they trust me implicitly. I've never dropped an informer in my life. But today informers don't wanna talk to police cos you don't know who you're dealing with – you don't know what R500 is gonna buy. A criminal just needs to say to a cop ‘who's the guy that told on me? I'll give you R500' and you're dead.”

The protocol a police officer must follow in order to obtain the permission to use state money to pay an informer is labyrinthine. It is also necessary since, left unmoderated, such a system could quickly become subject to abuse. Nevertheless, the levels of bureaucracy and red tape have the effect of slowing a case down to glacier pace exactly when it needs rapid forward momentum. The risk is always run that, by the time approval to pay an informant has come through, the trail has grown cold, the docket has been closed due to lack of evidence or the investigating officer has moved on to a fresh batch of dockets that require his or her attention.

To reward an informer for potentially case-cracking information requires the filling out of a complicated requisition which then needs to be submitted to Pretoria. It can take anything between six to eight weeks to return and, even then, there's no guarantee of approval – a form may not have been filled out properly or the request is simply denied. It can take up to four months for an informer to be paid which, from a logistical perspective, is far from ideal since it provides the informer with little incentive to inform. Such a person might take a big risk if the reward is instant, but if there's a good chance that they might not even be paid then they simply won't take that risk.

“Me, as I get the information I pay the informer there and then,” says Nathanson. “The guy who gave the name in the Jes Foord case – he was very well rewarded. But he would never have come to me if I was a cop?” he asks rhetorically. “Never never never never,” is the emphatic answer to his own question. Although Nathanson declines to reveal exactly what he means by “very well rewarded,” the inference is unequivocal – had the Jes Foord case been handled entirely by the SAPS there is no way it could have reached the rapid closure it did.

Citing his experience as a cop and a private investigator, Nathanson says the problem goes deeper than mere bureaucratic inertia. “Policemen have broken trust; they lie to people,” he says, relating instances where cops have promised informants rewards with said rewards never materialising and other cases where people who gave evidence after having been promised to be made state witnesses suddenly ended up facing charges themselves. “They bend the rules and you can’t bend the rules: even in our game there’s got to be rules. If I tell a guy I’m gonna make him a state witness I have to be sure I’m gonna make him a state witness because otherwise I’m not credible tomorrow. Tomorrow I’ll need someone else to be a state witness and a mate of his will say ‘listen boet don’t trust that oke.’ I need to know that a guy can trust me – if I say ‘I’m going to make you a state witness and I’m not going to charge you’ I have to mean those things.”

From a strategic point of view, making tactical use of informants is actually a form of outsourcing. In the same way the police force and the criminal justice system make use of outside consultants in various instances – ballistics experts, forensic experts, toxicology experts, specialist psychiatrists etc – because they are in possession of knowledge, skills or information vital to a certain case, so may they make use of other outside parties who happen to be in possession of crucial information. That these parties are not experts in the professional sense has no bearing upon the fact that they are in possession of essential information that can make or break a case.

Those willing to take risks expect to be remunerated – this is the sine qua non of a capitalist society. If a medical researcher needs volunteers to take part in trials of experimental new medication it goes without saying that they will pay these volunteers for the risks they might be taking. In no way does anyone think they can

appeal to some kind of common investment in the greater good of humankind in order to have volunteers martyr themselves for no reward. The same logic applies to the informant – if members of society have the potential to add value to your cause (criminal or medical) then it stands to reason that you pay them for their troubles. If this system of financially rewarding those with the ability to help make major breakthroughs is managed, administered and overseen with proper urgency, efficacy and transparency, it has the potential to make very real differences in otherwise very intransigent situations.

The veracity of this statement is fully borne out by Brad Nathanson's success in apprehending Jes Foord's assailants. Had it been left to the police, in all probability Mbotho Msomi (26), Lindani Maphumulo (19), Siyabonga Ntinga (18) and Ntuthuko Chili (19) would not be serving 45 years in Westville Prison for taking turns raping a helpless young woman with a breadknife held to her throat.

“The informant networks are based on relationships,” says Nathanson. “And, in the case of the cops, a lot of these have broken down. A lot of policemen have lost informers because a lot of informers have lost trust in policemen – they've either been named when they shouldn't have been named or been promised payment which they never received. So, often an informer is wary about calling a cop. Whereas with me they know they will never, ever have their identity revealed and they will always be paid without delay.”

Brad Nathanson did not emerge from the shadows and turn a seemingly insoluble case into an open-and-shut one like some kind of hero supercop combination of Sherlock Holmes and Batman. By his own humble admission he's not necessarily “better” than his counterparts in the South African Police Services. Although a great deal of single-minded dedication went into his remarkably rapid pursuit and capture of the men who raped Jes Foord, the biggest difference between Nathanson succeeding where the SAPS would in all likelihood have failed was his unrestricted access to the invaluable resources of time, money and public trust.

Being a private detective whose allegiance lies with clients and not country meant he could afford to concentrate 100% on a single case, something that an SAPS detective

seldom has the luxury to do. Nathanson's time constraints were further loosened due to his not having to comply with the tedium and frustration of paperwork, protocol and ineffable bureaucratic prescriptions. Money played an essential role in more ways than one – the fact that Nathanson had enough money through his business allowed him to take on the case *pro bono* as well as dedicate all his time to it whilst his instant access to money allowed him to quickly obtain the cash to buy the priceless piece of information from his informant. Lastly, the trust that this informant, a member of the public, had in Nathanson – a trust he in all probability did not have in the police – meant that the man boasting about his heinous criminal act most certainly did not get away with it.

Citizen Cop Redux

Criminal punishment, especially that of incarceration, is commonly justified on the principles of retribution, incapacitation, deterrence and rehabilitation. The fact that the men who raped Jes Foord felt the full force of the law and are paying the maximum penalty for their crime at a maximum security prison is ample evidence that the retributive and incapacitative aspects of their sentences were definitively delivered. However it is in terms of the deterrent purpose of the punishment of criminals where the Jes Foord story attains a remarkable second life.

Having experienced the horrors of rape and its devastating aftermath, Jes Foord has dedicated herself to combating the scourge of rape in South Africa. The Jes Foord Foundation (JFF) has been in existence for six years and is a tireless fundraiser, with Jes herself a charismatic campaigner who gives countless inspirational speeches at community forums, schools, universities, workplaces and social and civic organisations in South Africa and around the world. The primary purpose of the foundation is to ensure that women who have been raped become “survivors not statistics” and to remove the social stigma of rape. This is why, despite having the option of having the trial of her rapists held in camera, she insisted on a public trial in which every grim detail of her ordeal was divulged. Her convictions regarding justice are consequently personal, public, political and altruistic.

A slim, pretty 28 year-old who, with husband Jono, has a pair of twin babies just under a year old, Jes is the living embodiment of her personal maxim which is also that of her eponymous foundation: “They might have taken my body but I won’t let them take my mind”. Speaking about one of the founding principles of the JFF, Jes says “I’m not exaggerating when I call my treatment at the hands the ‘a second rape.’ It was dehumanising. The police were indifferent, apathetic and incapable of dealing with someone who has undergone extreme trauma. I had to spend hours at the police station opening a case, then they sent me to a hospital and the doctor who did the rape kit couldn’t have been more casual about the whole thing. It was terrifying. There was no counselling. I was simply told to go home and wait for someone to call me with a case number.”

After this ordeal, Jes was determined to prevent other rape victims undergoing similar treatment. It is therefore one of the foundation’s primary fundraising goals to establish as many rape centres in the country as possible where survivors are provided with professional counselling as well as medical and legal services, all free of charge.

“Rape is the most under-reported crime in South Africa,” says Jes. (As mentioned earlier, according to the SA Medical Research Council, only one in every nine women report rape to the police.) “A lot of it has to do with the victim’s fear of reporting the crime. They fear the indifference of the police and they fear the stigma – the ‘blame-the-victim’ mentality is very much alive and well – so most don’t even report it. That’s what the foundation is all about, to encourage women who have been raped to report the crime, so the statistics can start painting a far more accurate picture. And, also, so they can begin the process of healing so they don’t spend the rest of their lives tortured by the past. I was once giving a talk about this,” she continues, “when a 60-year-old woman in the audience put up her hand and told everyone about her rape at the age of 18. She had never told anyone about it before and felt really liberated afterwards.”

“Ultimately,” she concludes, “the only way forward is for every rape victim to report the crime, not live in fear of any kind of stigma and do everything in their power to make the police try to get results. I had Brad (Nathanson) on my side which made all the difference but there’s so much more the police can do. It’s the only way to turn

this around, to send out the message that there are serious consequences. That's why it's so important that the men who raped me got caught, convicted and sentenced. I know of at least one other rape that has been prevented because of it."

I ask Nathanson if he's aware that his efforts in bringing the men who raped Jes Foord to account not only saw punishment meted out to the guilty but deterred further such crimes being committed. "Soon after the Jes Foord case I had another case," he nods. "A couple got hijacked. They threw the boyfriend out the car and it was just the girl in there with four guys. She was pregnant. And, because she could understand Zulu, she heard them talking about raping her. Then one of them said: 'Are you crazy? Didn't you hear about the guys who raped that other white girl – they got life sentences.' And they let her go."

In the larger context of crime in South Africa the position of private investigators may be contested and their relationship with the police fraught. Yet in this particular instance, even though a private citizen did the work of the police, this citizen had to drag a cop out of bed to make the arrests and the convictions came hard and fast due to a blinding media glare, justice was unequivocally served: four men are doing life for a callous crime against an innocent young woman which in turn led to the prevention of a similar fate befalling another young woman, terrified and pregnant in the backseat of her car, spared only because of the terrible fate of the other.

Resources & Structure: Foreword

The apparatus required to administer and oversee the variegated and manifold operational procedures of an entity such as the SAPS is an elaborate one indeed; one that is engaged in a permanent struggle to effectively manage those most crucial of resources: time, money and intelligence. The attempt to control a diverse and disparate ecosystem gives rise to an inevitable paradox. Despite the police force being, in theory at least, a homogeneous, monolithic organisation with a top-down command structure, it is in fact more of an agglomeration of multiple units arranged in heterogenous fashion under the centrifugal force exerted by the office of the Minister of Police. Therefore a one-size-fits-all, standardised approach to

management policy would be a complete failure due to the different operational cultures within the SAPS.

On the other hand, an entirely decentralised methodology would require an elaborate system of parallel command structures and an exponential increase in administration. This Catch-22 was noted by Jean Redpath, a researcher at the Institute of Security Studies who, in a 2002 paper, observed that:

Most of the bureaucratic controls are in place to ensure effective monetary management and to combat corruption in an organisation of substantial size. Unfortunately, this is often perceived to result in delays, duplication and waste, not only in the detective service, but in the SAPS as a whole.

It is the self-defeating situation that vexes many large, multi-tiered organisations both private and public: the more effort one expends to streamline operational efficiency, the more unwieldy becomes the bureaucracy built to avoid the very need for a bureaucracy.

In terms of state organs designed to defend the citizens of the nation, South Africa is certainly not alone in this predicament. In *The Looming Tower*, Lawrence Wright's remarkable account of the birth, life and times of al-Qaeda, he discovers startling evidence that the CIA and the FBI, had they transcended their parochial territorial squabbles in the interest of US national security by each sharing with the other the information they were instead withholding, the events of September 11 could in all likelihood have been prevented.

The debate over whether the SAPS operates at maximum capacity as a centripetal federation or centrifugal republic is a complex and heated one that continues to maintain a high profile in the discourse around the optimal structure of the public police service. The debate is examined in greater detail later, but suffice it to say those who make their arguments for one case or the other do so by framing them in terms of the way the resources of time and money are managed in the manner that is the most efficient, most cogent and most practical.

Time

“Time itself mocks the most careful investigations,” writes David Simon in *Homicide: The Killing Streets*, his harrowing account of a year spent with the West Baltimore Homicide Squad in Baltimore, Maryland.

And a detective – conscious of that fact – spends his precious hours working the best angles, bringing the likely witnesses and suspects downtown, hoping that something will fall. For he knows that well before he has a chance to play long shots or, better still, to embark on a prolonged, detailed investigation, another case folder will arrive on his desk.

Perhaps the most valuable of all the material resources at a detective’s disposal is that of time. Even without any financial support, a stubbornly persistent investigator with enough time on his hands can be accorded a high probability of eventually bringing his quarry to ground. However, take away the time he needs to unpick the serpentine knots of a criminal mystery and his hands are tied.

“You see, it’s not that the cops are necessarily useless – as is the general perception – but it’s that they are overworked,” opines Nathanson on the subject. “And they’re not backed by anybody – the red tape when it comes to doing an investigation is extraordinary. You cannot expect a man to take 160 dockets and dedicate the right amount of time to any particular docket. The average detective has no control over the ebb and flow of the cases that come in. Then a case comes along such as child molestation,” he leans forward and fixes me with that interrogator’s glare, “and BOOM! you drop everything else and go after the child molester. Murder of an entire family? You drop everything else and go after the murderer. So it’s very difficult. And how do you expect a man or a woman to be able to get up every single morning and face that? To get up every morning and face that without any real reward? Without being given an opportunity to get one case today and work it right through and be chuffed with the result at the end because that’s been your baby?”

The rhetorical questions are hurled at me with an increasing degree of outrage as if, unless I provide some answers quickly, I might be held personally accountable for the police officer's dire lot. But the sudden, steamed up sympathy for his brethren in blue quickly cools and he sighs.

"Invariably what will happen," he says, "is you'll get under so much pressure that eventually someone comes and takes a third of your dockets away. So even the case that you were slightly warm about that was in that last third, that you felt something toward – all of a sudden you're not the IO anymore, somebody else is, and he's a guy that's less enthusiastic than you, or he's got more dockets, and it all boils down to the fact that we are completely, completely understaffed and overburdened as far as the police is concerned. At the end of the day it's just too much work for too few people." Brad Nathanson looks pensively into his empty coffee cup as if it might contain some clues to the solution of this quandary. Apparently it does not and so he orders another cappuccino.

To add to the woes of the police officer buried beneath blizzards of paperwork, it is not only the amount of the work but the nature thereof that makes it by all accounts so demoralising. One such particularly vivid account is provided by Andrew Brown in *Street Blues*, his gripping memoir of life on the streets of Cape Town as a SAPS reservist:

The creation and management of documentation becomes an end in itself in any bureaucracy; the bigger the internal corporate structure, the greater the clogging mass of coded forms to be completed. The veins of governmental business pulse with the thick stream of coloured paper, pumped from station to station, clipped in reams, pinned into brown folders, numbered, named, filed and finally archived in unknowable recesses in the lumbering body. The paperwork generated by any act in the police (or any decision not to act) is therefore staggering; even the fastest response, the quickest arrest, is reduced to turgidity, like trying to run in feet-sucking mud. The cross-referencing of documents and numbered entries in Occurrence Books, Incident Books, Logbooks, Pocket Books,

Register, Dockets and Statements soon ensnares the keenest member
in an inescapable web.

As can be seen, time is both a quantitative and qualitative resource. It's one thing to give police officers more time to do their jobs properly – which would be the case if there was a dramatic increase in numbers at the SAPS or a radical decrease of paperwork – but it's another to have them use that time to its maximum potential. This is why Nathanson believes that some strategic outsourcing of the administrative load of the SAPS would do the police a world of good. “When a job needs to be done and I get it done,” he says, “it's not because I'm better than the average cop but because I've got time.” He makes his point by way of example: “Let me give you a ‘for instance’: if we needed your itemised billing – now – to solve a case, it would take the cops 6 to 8 weeks to get that itemised billing through the correct channels. I can get that itemised billing in 48 hours and solve the case that much quicker. And that's the problem – all of that red tape has to be in place to prevent abuse – but that means a great many cases just don't get solved. It also means there will always be a place for people like me.”

Money

If, as Napoleon once observed, an army marches on its stomach, then a police force marches on its salary. In this most obvious form, money is indubitably an essential resource for any organisation. It is common knowledge that high salaries attract a higher calibre of individual whose work ethic and professional pride reflects his or her remuneration whilst salaries perceived to be too low commensurate with the work they pay for – an almost universal perception at the SAPS – will result in disgruntled employees who feel undervalued and are thus undermotivated to perform. Or, as one police officer put it drily: “If you pay peanuts, you get monkeys.”

Whilst of course not every problem can be solved by throwing money at it – if this were true the US would have won both the “war on drugs” and the “war on terror” a long time ago – there is no doubt that a meaningful salary review in the SAPS would translate into a far more motivated police force that would do their jobs with a lot more relish than resentment. In this regard money is umbilically connected to morale

and performance and it is certainly the leading cause for the SAPS haemorrhaging their most skilled personnel to the private sector.

When speaking to cops, ex-cops and reviewing the literature on the subject of policing in South Africa, the view that police are paid too little and that this impacts negatively upon their attitude and performance is an uncontested one. When Steinberg asks a cop, Constable T, an uncomfortable question about his salary and is met with silence, he observes that “the answer borne by his silence is this: they have made me a policeman, and thus a middle-class person, but they do not give me the salary for it.” Constable T underscores his relative poverty, both in terms of money and status, when he bitterly says: “And then there are the criminals in my sector. They drive past me in their BMWs and look at me, and the way they look at me is saying: ‘You are little. You are nothing. You cannot hurt us. You can only get hurt.’”

The predicament of the police officer is as simple as its consequences are sinister: the relatively modest middle-class aspirations he holds as a professional public servant cannot be met by his or her meagre wage. (The average salary for a Police Officer in South Africa is R157 562 per annum, although for a Constable it’s closer to R82 000 p.a.) As Bra Jack, another man in the car with Steinberg and Constable T says: “He has three options. To make business, to make cho-cho, or to find a better job.”

“To make cho-cho” is slang for “going on the take” which would involve becoming a highly compromised agent of the state who, in Steinberg’s words, “never found the sufficient moral authority to rise above the terrain where security is bought, sold and bartered.” Here, in exchange for cash, he turns a blind eye to certain misdeeds; discloses the names of informants or sees to it that important case dockets miraculously disappear so that the courts have no choice but to withdraw charges against suspected criminals.

“To make business” in Bra Jack’s sense means having a sideline in the taxi industry. This means getting a loan from a bank to buy a taxi, not the easiest thing to do on a cop’s salary. Ergo this means getting a loan from one of the more established taxi bosses who will most certainly oblige since having a cop in debt to you makes good

business sense if you're a taxi boss in South Africa. If Constable T followed this course of action, his loyalties would become decidedly divided.

To find a better job means just that – the job of being a police officer is by its very nature not good enough. When a job is not good enough the person doing the job either leaves or rewrites the rules to make it good enough. The end result, as Steinberg bleakly remarks, is that “the forces conspiring to make of Constable T a policeman who is less than honest are ineluctable.”

The issue of money is fundamentally entwined with those of pride, job satisfaction and motivation. Neither Brad Nathanson nor Ollie Esplin, two of the ex-police officers interviewed, became police officers because of money. Yet both of them left because of it. Both speak with great ardour of their days in their force and for them, being a police officer was more a calling than a career.

“The reason why I joined the police, number one, is this desire in everybody to serve, to be that local hero... it's every boy's dream,” says Ollie Esplin, the highly animated, extreme sports-loving, dreadlocked rasta and ex-cop I speak to in the quaint Free State hamlet of Clarens. “There was always this series on TV called Swart Kat with this little okie on his BMX and he'd always solve the crimes. And it just always made you want to be there, fighting the skelms and locking them up,” enthuses Esplin, who joined the SAPS in 1994 as a member of “the first new South African police” and left exactly 12 years later.

Although the naïve vision of the case-cracking kid abruptly ended after Esplin's first two cases out of police college – a messy murder-suicide and a fatal car wreck in which he had to inform a mother that her child was dead – he remained a devoted police officer. “Once I came to terms with the reality of the situation and got over the whole ego thing – that's when I became a real policeman,” he tells me on an icy afternoon in the Drakensberg. “Or, at least, what I believe a policeman should be, which is a neutral representative of the law,” he adds.

Yet it became something of a sad irony that Esplin's being exceptionally good at his job is what caused him to finally quit. Disillusionment with his less-than-idealistic

colleagues set in early. “At the end of the day,” he says heavily, “you realise that not everyone is there with the same passion, for the same reason. You’re there cos you’re in a position to serve the community but the other guy’s just there for a job. And he’s got bucks to drink every day and only if he’s not drunk does he come to work.”

This disenchantment became the penultimate straw during Esplin’s last four years on the force when he was a relief commander in Ficksburg and experienced tremendous frustration at the fecklessness of his peers. “Every week we had a meeting of relief commanders where we discussed crime statistics – this week, last week, the year before, this month, same time etcetera and we had all these discussions but eventually the guys didn’t want to discuss crime anymore because my group of people was the only one chasing the truth, you know, doing what was right,” he says agitatedly. “And I was the only relief commander where everybody was always on duty – nobody booked off sick for nonsense, nobody was drunk – the okes were committed, they wanted to be there, they wanted to make a difference, and that influenced the people. But one group’s statistics – our statistics – were better than the other three reliefs added together and then suddenly nobody wanted to talk statistics anymore.”

Despite the disappointment of his zeal not being shared, Esplin remained committed to the ideals of being a police officer. And, although he didn’t qualify for promotion because of his race and butted heads with the SAPS at the highest level (a devout Rastafarian, Esplin was told to cut his dreadlocks but instead took the police to the Constitutional Court over his right to freedom of religion and won), he was still determined to make a difference. But the straw that finally broke the camel’s back was that familiar bugbear of money.

“That’s the whole thing,” he says. “At the end of the day I got married, I got a kid and you wanna give this kid everything – you wanna take him to school, you wanna buy him clothes, if he wants a toy you wanna buy him a toy but you only have so much money that can afford you the basics. At that stage, as an inspector, I was put in a captain’s position but still on an inspector’s salary so I said ‘well, in that case promote me.’ But they said ‘no, it’s an affirmative post.’” Although Esplin has no gripes with the process of affirmative action (“I’m not bitter about it – I recognise a lot has to change to right the wrongs of the past,” he says), on a personal and professional level

he was nevertheless left frustrated by not getting the promotions and pay-raises he felt he deserved.

“In the same breath they tell you you’re the best but they won’t show that to you in any way,” he recalls. “They even said to me ‘can’t you teach the other captains to do what you do?’ And I said: ‘listen I’m an inspector – I don’t understand – isn’t that guy supposed to be at that level that you don’t want to promote me to and I must tell him how to do his job?’ For me as an individual my chances of getting promotion were zero because of my race. Like I said, I totally understand that, but at that stage I started looking for options because as a policeman your salary just isn’t enough.”

An avid rockclimber, Esplin began spending his weekends taking small school groups on climbing trips. Then he was offered the opportunity to run Afriski (the minute skiing resort situated clinging incongruously to the topmost crags of the Lesotho highlands) for a winter season. This he did during four months of unpaid leave in which time he earned his entire year’s police officer’s salary and that was that. He resigned in June 2006 and today runs Clarens Extreme, a successful adventure sports company specialising in white water rafting on the raging rapids of the Ash River.

Despite his success in his current endeavours, when Esplin speaks about his years in the police force his eyes brighten, his speech quickens and his actions are animated in such a way that it is clear part of him still lives there and never wanted to leave. “It’s because we’ve lost touch with the fact that we’re actually serving the people,” he says, transporting himself into the present tense as if he were still a cop. “I’m not here serving the state – yes, they’re paying my salary – but I’m actually serving my community and... you lose that. Just because of all the stuff in the police – you’re not getting paid overtime, you’re not getting paid night-shifts, you have to get informers but there’s no money for informers, and it just becomes another job where everyone is just watching the clock.” He shakes his head sadly, the image of a roomful of bored, cynical cops counting down the minutes to the end of the day clearly vivid in his mind.

“You’d be in a position where you want to make a difference but suddenly it’s ‘OK no guys you’re going off duty come come come bring in the van bring in the vehicle

the next three people have to come on duty'. You can't go a little bit further and put a little bit extra in – all of that's hampering you and that's also what makes you die with it because now eventually it's just all about 'going home time'. It doesn't matter if you're in this position where you say: 'listen, now if I just spend some more time on this crime scene I can figure something more out which could help the detective which could make a difference to the case.' Now it's 'no no no no it's going home time finish up please sign the docket I need to go.'" Esplin's eyes are clear and bright and sad with the recollection of the many instances where his zeal was stifled and his brio brushed aside.

"And eventually all of that becomes the norm," he says regretfully. "So that, at the end of the day, you've got all these things which affect service delivery, your attitude and your real input you're supposed to give as a policeman. You're supposed to commit and be there unconditionally and I'm there, I'm a representative of the law but now it's: 'no, knock-off time.'"

The idealist in Esplin is clearly still very much alive, but it certainly suffered a decisive blow at the hands of the SAPS, where the pervasive atmosphere of dour disenchantment put paid to his ambitions to simply make a difference. From a human resources perspective, Esplin's inevitable departure from the force was a great loss.

Another police officer who credits his remarkable success to passion, persistence, dogged determination and a relentless drive to go above and beyond the call of duty to solve a crime is Piet Byleveld, the South African sleuth renowned worldwide for his ability to crack seemingly insoluble cases. When he retired in 2010, Byleveld boasted an astonishing 98% success rate of solved cases and the International Police Association honoured him with a special award as one of the three best detectives worldwide. Byleveld believes that the best, simplest and most effective solution to curbing crime is to "give the detectives a chance to prove themselves."

In this respect Byleveld was an anomaly in the SAPS equation – instead of being a square peg hammered into a round hole, his unique talents were recognised and he was given the time and resources to prove himself, something he did throughout his career in which he ensnared many of South Africa's most notorious killers in the form

of Lazarus Mazingane (the “Nasrec Killer” who murdered 17 people between 1995 and 1998 and is currently serving a 700 year sentence); Cedric Maake (the dreaded “Wemmer Pan Killer” who killed over 27 people over the course of a single year in 1996 and 1997 and is now serving a 1380 year sentence); Siphon Dube (sentenced to 10 life sentences in 2006) and Donovan Moodley (kidnapper and killer of Leigh Mathews, one of South Africa’s most highly publicised crimes).

Ollie Esplin is cut from a similar cloth – he joined the police force because he believed in the ideals of truth and justice and the capture and punishment of the guilty. In her biography of Byleveld, Hanlie Retief says: “Piet became uptight if his colleagues failed to take the idea of total availability as seriously as he did.” This self-same spirit of “above-and-beyond-the-call-duty” was very much extant in Esplin, yet in his situation it was brushed aside; buried. Had Esplin’s qualities been recognised – as Byleveld’s were in the crucible of the Brixton Murder and Robbery Squad – and he had been given the requisite amount of room to move, who knows what kind of meaningful contribution to crimefighting he might have made?

The unpleasant moral of the story is that it is the anomalies in the police force – those following a calling rather than those merely doing a job – that are the ones the organisation most desperately needs yet are the ones it most readily flenses itself of. It is in equal parts tantalising and demoralising to speculate upon how many Bylevels have slipped through the net; how many Esplins have been ground down in the teeth of a lumbering state bureaucracy and how many crimes have gone unsolved as a result.

Brad Nathanson is another example of a police officer who was simultaneously the ideal cop and an anomaly at the SAPS. As with Esplin, the issues of remuneration and the ability to fulfil a highly personal sense of professional purpose were inextricably intertwined. Although Nathanson flatly states that “the reason for me leaving the force was that what I was earning as an annual salary in 1988 is less than what I now charge per hour,” he clearly still cares very deeply about the core ideals of police work. If anything, the main reason he left the force is that he finds he can be a more effective police officer as a private citizen than as an agent of the state.

“I have the privilege of being able to work on one or two or three or ten cases a month,” he says. “I’m being paid by the hour – if I work enough hours in a month I can pay the bills. But a policeman can’t pick and choose the cases he has to work on – the cases just keep rolling in. So whereas I can dedicate four hours, five hours, 10 hours, two weeks, three weeks – whatever it takes – to a case, a policeman can dedicate between 20 minutes and two days to a case. So it’s not that I’m cleverer than anybody else or better than anybody else – it’s just that I have time to be able to dedicate myself to a particular crime or a particular case.”

Once again, even though money was the ostensible reason for Nathanson’s departure from the force, when asked what the SAPS should be doing in order to retain people such as him, his answer has a lot more to do intangible than tangible reward. “You have to make being a policeman a career to be proud of,” he says emphatically. “If you’re a policeman and there’s the slightest risk you’re going to be made *not* a policeman, that should be the biggest fear of your life because you *want* to be a policeman.” The elements of “career” and “pride” are central here and the unequivocal implication is that Nathanson has concluded that in order to be proud of a career as a professional police officer, the means to this end lay in switching lanes from SAPS detective to private detective.

As much as Nathanson relishes the financial and professional rewards of being an exceptionally successful private investigator – he was chosen to be Oprah Winfrey’s bodyguard detail on a recent trip the world’s top-paid televisionista took to KZN and his Facebook page has upwards of 58 000 likes – his soul remains that of a dyed-in-the-wool representative of the law. And, as much as he relishes the envy his prestige and his remunerative prowess inspire in state police officers, it is clear that some essential part of being a public defender of the citizenry instead of being an ordinary member thereof has entered his bloodstream and stayed there.

“Cops hate me,” he says in a weird mixture of relish and disgust. “They say: ‘You know what? I’m not doing my job. I don’t care anymore. I’m angry that I’m not driving a Range Rover like Brad Nathanson. Brad Nathanson’s got a Harley Davidson – I’m angry I don’t have a Harley Davidson!’”

The tight grin he wears as he says this tells me that, as self-satisfied as he'd like to be, he is unable to buy into any kind of narrative that would allow him to be smug or to gloat. Too much of who he is now remains caught in the net of who he was then. Although the strapline on his story of success is "leaving the force was the best thing I ever did", it comes with an equally telling subtext, namely: "if the police paid a decent salary they could afford the likes of me."

When sharing his opinions on the manifold ways in which the various problems of the SAPS can be fixed, the one he expresses most readily is this one. "Go to people like me and say 'we want you back in the force. We'll give you a flippin' great salary. We want you here, training people,'" he says with no small amount of passion. "That's one of the big problems with the police – there's no mentoring, no-one to look up to, no shining examples to measure yourself against." In short, there are no Brad Nathansons. Despite his superciliousness – generally the case with people who frequently refer to themselves in the third person – he does have a point: it is not at all difficult to imagine him as tough, grizzled, battle-hardened drill sergeant hammering tender fresh recruits into fearsome warriors. Whilst he has seen great functional success as a private investigator, part of him still craves the emotional fulfilment that comes with the authority of the badge.

It is clear from both his tone and his reasoning that for Nathanson the trade-off between being a cop and having expensive motor vehicles is an imbalanced one – as far as he is concerned, the ideal-world scenario would be one in which the police force pay him the kind of money he deserves to do the kind of work he is unequivocally good at.

Or, in his own words: "I've continued to do what I've been passionate about since I was born. All I ever wanted to do was be a policeman. But I decided the police force was a kak place to be a policeman so I left at the right time. And now these guys who didn't leave are jealous and spiteful – they open Facebook pages against me and they don't even know me. And that's why they won't outsource anything – it would be admitting incompetence, admitting that you need somebody else," he seethes, that temper like a bottle of nitroglycerine starting to rattle precipitously.

“Me,” he says, jabbing himself in the chest with his thumb, “I eat, sleep, drink, breathe this business. Even now, I never rest – my eyes are everywhere, I listen to everything, I know what goes on and I think about how much I’m dedicated to this – I’m much more dedicated than the average policeman. He works his shift he goes home. Me I work my shift all day long 24 hours a day.”

Calibre

Although Brad Nathanson professes that he is not necessarily any better than the average cop and the only reason he can boast a remarkable success rate is his superior access to the vital resources of time and money, it is not only the quantitative elements of the policing equation that play a critical role in ensuring its optimal outcome. As is the case with any profession, its ranks will be occupied by a wide variety of individuals that span the quality spectrum from barely competent to brilliant. David Simon, the exhaustive chronicler of the West Baltimore police officer’s daily grind, speaks of “that rarefied species, the thinking cop” whose nous “goes beyond academic degrees, specialised training or book learning because all the theory in the world means nothing if you can’t read the street”.

What the natural-born police officer, the one with a sixth sleuthing sense – which in many cases simply means “doing the basics very well” – brings to the table is of inestimable value. “Inside every good detective are hidden mechanisms – compasses that bring him from a dead body to a living suspect in the shortest span of time, gyroscopes that guarantee balance in the worst storms,” says Simon. It is an observation that is universal in nature and applies to police work anywhere, including South Africa.

The business of doing the basics well was the fulcrum upon which pivoted the success or failure of one of South Africa’s most high-profile criminal cases. Due to the intense media scrutiny attracted by the murder of Leigh Matthews, the case became a priority one for the SAPS and a large number of cops were told to drop everything and bring it to a swift conclusion. Yet, after six weeks chasing shadows and running into dead ends, in exasperation they called Piet Byleveld to take over the investigation. “It took Piet only three weeks to catch Leigh Matthews’ murderer. A hundred and fifty

policemen could not do it in double the time. Why couldn't they?" asks Byleveld's biographer. "Piet searches for the right words before he replies. 'It helped that I investigated the case the old-fashioned way, using ordinary investigative methods, starting over. I made certain of very detail, by returning to the scene, for example. I did the groundwork.'"

Altbeker hints at the various schisms and overlaps between quality and quantity in the context of South African police work when he describes a situation where a single investigator is sent to the scene of a crime. "It was a serious crime: a murder and two attempted murders, and, in a less violent country, a whole team of detectives and forensic scientists might be working it," he says. The implication is that the case would have had a far greater chance of gaining ground were there a phalanx of cops working it instead of merely one. However one of the many remarkable elements of Brad Nathanson's investigation into the Jes Foord case flatly contradicts this.

"The first thing that I did was go to the scene," recalls Nathanson. "I'd read the statement and one of the allegations was that they'd held a breadknife to her throat all the time that she was being raped. When I got to the scene there must have been fifty policemen combing the area looking for evidence. But I wasn't allowed into the area. They didn't find anything. Eventually, when they left, I was now given permission to search the area. It took me 7 minutes to find the knife that fifty policemen couldn't find. And do you know why?" he demands to know. I promise him I really, honestly don't have a clue.

"Because in order to find it you had to get wet," he proudly reveals. "You had to get into the river. She was raped on the river bank and you had to get into the river and get wet and no policeman was going to get wet. I went in the river, found the knife, preserved it and sent it in to have fingerprints taken." Although the case was made via confession and the question of fingerprints on the knife was moot, the fact remains that the state police, despite being deployed en masse, not only missed a potentially crucial piece of evidence that a private investigator discovered on his own but displayed reluctance in even searching for it. This reinforces Byleveld's conviction that police work is nothing without the groundwork.

While any kind of thorough investigation of the causes of crime in South Africa and a detailed analysis of exactly why crime rates in this country are particularly high are beyond the scope of this discussion, the question of the crime as a consequence of the quality of the police as a whole; the quantity of its members and calibre of its individual members is one well worth touching upon. According to the Global Study on Homicide 2013 conducted by the U.N. Office on Drugs and Crime, South Africa has the 9th highest homicide rate in the world with figures of 31 murders per 100 000 people.

Though there is as much debate around the causes of crime (unemployment, poverty, wealth gap, understaffed and overworked police force, poor conviction rates etc) as there is for potential solutions (job creation, social interventions, more police, better police, more convictions, stiffer sentences etc), Antony Albeker brings many of these into focus with his rather unusual theory of the phenomenology of crime in South African society.

“Thinking about policing as part of the process of civilisation-building raises issues that are quite different from the usual run of questions posed about law enforcement and crime prevention in South Africa,” he writes.

These questions tend to revolve almost exclusively around the level of recorded crime, with inferences about the performance of the police drawn from the slope of the trend line. But using these lines as the basis on which to assess the police does a disservice to them. It is analogous to using the trajectory cut by HIV/Aids as a measure of the performance of the country’s doctors and nurses. Doctors, like the police, generally step in only after the event. They, like the police in relationship to criminality, have a role to play in reconfiguring the behaviour that determines whether the epidemic grows or contracts. Still, it would be quite odd to think that doctors and nurses are responsible for the epidemic and for the conduct in which it thrives. Policing, like medicine in the face of HIV/Aids, is primarily reactive. And, as importantly, it is but one tool among others through which the underlying human behaviour might be

altered. Thinking about the role of the police in this way suggests that there are important gaps in any assessment of the police – favourable or otherwise – which relies exclusively on changes to the level of recorded crime, for, whatever the implicit claims of populist politicians calling for more patrolmen and better-trained detectives, our crime levels are simply not the fault of the police. They may haul an assailant off his victim, but they are not responsible for the attack.

Given that this is the same writer who asserted that police “are not separate from society” and “their successes and failures are the successes and failures of the whole social order” he is in contradiction of himself by alleviating police officers of all responsibility for the incidence – be it sky-high or impressively low – of criminal activity. This is a peculiar position to take. Hauling a criminal off a victim is substantively distinct in every way from hauling a virus off a patient.

To assert that using levels of recorded crime to infer performance of the police is “analogous to using the trajectory cut by HIV/Aids as a measure of the performance of the country’s doctors and nurses” is to confuse cause and effect. To a certain extent, indeed “doctors, like the police, generally step in only after the event” and “policing, like medicine in the face of HIV/Aids, is primarily reactive.” Yet the work the police do is not only reactive – if it is done well it also serves a deterrent function and therefore has the potential to be proactive. Police may be the effect of crime but they can also alter its causality in that, if the police are extremely effective and efficient in the work they do, they can also prevent crime from being committed by acting as a powerful disincentive. To put it another way, if a police service is extremely ineffective, they can be said to be a contributing cause of crime. In this context, the calibre of the police is of great importance. A health service, no matter how effective, cannot be said to have the same deterrent effect on a virus such as HIV/Aids which has shown scant regard for national boundaries when choosing its victims.

Directly comparing a doctor to a police officer opens up all manner of complications. Crime is born and bred at the social level whilst disease, whatever its social contexts,

emerges at the cellular one. A virus is very much separate from society in a way the police or crime are not: it is an alien incursion that is occasioned by predominantly medical and not social conditions and is something that, in a very profound way, has not been brought into being by society. Although outbreaks of cholera, ebola, typhoid and diphtheria in areas of overcrowded, unsanitised squalour are very much a symptom of social conditions, the point is that virus, or bacterium, is not possessed of any kind of criminal intent in the same way the humans that are responsible for crime statistics are. Criminal behaviour is a very human – or psychological, rather than biological – phenomenon borne within a society and the complex webs of relationships that accompany it.

Whatever mistakes doctors make in their attempt to prevent the spread of a virus, the statement that police officers facing a crime wave are analogous to doctors facing a viral epidemic is absurd. If a supervirus wiped out a population it wouldn't be the fault of the doctors; if it was a crime wave that did so, the relative effectiveness or ineffectiveness of the police would have a lot to do with it. If an Ebola outbreak takes place in a squalid shantytown, there might be systemic conditions which could have alleviated the severity of the epidemic but we can hardly term it, as Altbeker defines a disconnect between police and society, “a failure of the whole social order.” However when policemen and women are proven to be complicit in xenophobic attacks upon foreign storeholders in Soweto and themselves take part in the looting extravaganza, the social order has a lot more to worry about.

To put the argument into context, consider the case of Anders Breivik, the Norwegian terrorist and mass murderer who in 2011 single-handedly killed 77 people in a bomb blast in Oslo and a shooting rampage on Utøya Island. Breivik, a right-wing fanatic virulently opposed to immigration, built up a formidable cache of arms and weapons-grade fertiliser in plain view yet, through the oversight of various public security departments and agencies, he slipped under the authorities' radar. In fact, the Gjørsvik Report, ordered by Norway's parliament shortly after the atrocities, unequivocally concluded that police could have prevented the bombing; could have arrived on Utøya Island sooner and caught Anders Breivik faster. It also concluded emphatically that, due to the somewhat slipshod nature of his operation and the numerous amateur errors

he made, Anders Breivik could have and should have been stopped from carrying out the Utøya massacre altogether.

Norway has one of the most advanced medical systems in the world and, given the country's well-oiled social welfare infrastructure, has one of the lowest doctor-patient ratios on the planet. Yet, were some incurable virus to sweep the country and decimate its population, no-one would blame either Norway's doctors or its medical system since the virus, by its very nature, is a brainless microscopic pathogen, a non-sentient interloper separate from society in any social, political or moral way. It has no agenda, it is merely programmed to find hosts to infect.

Anders Breivik, however, is not a virus. He is a human being who is a product of his environment and a member of Norwegian society whose actions, radical as they were, took root and mushroomed within that very society and should have thus alerted the guardians of said society. In an echo of Albeker's assertion that "their (the police force's) successes and failures are the successes and failures of the whole social order", immediately following the massacre, Norway's police chief Oeystein Maeland readily acknowledged his failure and resigned after an inquiry found that Breivik could have been stopped.

The calibre of the men and women on the force is thus an integral aspect of the calibre of the police force on the whole. They cannot be exonerated for failing to stop crime in the same way helpless doctors would not be held liable if a virus they had no cure for ravaged the nation. Whilst it is true that what police officers do is, like the work of doctors, "primarily reactive", the manner in which they react is crucial. Health systems and the doctors that work under them may indeed be subject to criticism in terms of having been able to do more to stem the tide of Ebola or HIV/Aids, yet it remains a fact that they are dealing with an extrinsic incursion. Those tasked with fighting crime, however, have been dealing with one that has been intrinsic all along.

Furthermore, the field of medical science is represented not only by doctors. Massive research laboratories around the world are dedicated to preventing viral outbreaks and are often highly successful in doing so. To further the analogy, a police service is represented not only by the cops racing to the scene of a crime but by intelligence

departments whose job it is to monitor criminal activity with the view to preventing it from taking place. In the same way a research lab might quickly develop an antidote for a virus that has blindsided a society, intelligence-gathering arms of a police force can foil major crimes before they even happen.

Even in situations where police officers are incapable of preventing a crime from taking place, exactly how they react is precisely where they determine their success or failure. If competent police officers routinely catch criminals and build cases that result in heavy sentences, then they are sending a strong message to the criminal classes to cease and desist. However if incompetent cops routinely fail to apprehend suspects or if, when they do, docket and witnesses go missing so that no convictions result, the criminal “virus” is allowed to flourish unchecked.

The question of calibre is thus one of incontrovertible importance. The men and women that form the corps of the SAPS are, both in medical and criminal jargon, “the front line of defence”. Whilst it may be true that even the most well-trained or well-equipped medical service may be stymied by a virus spreading like wildfire, the same cannot be said of a well-drilled police service. With sufficient will, adequate resources and popular mandate, the police have the power to stem tides of visible, detectable crime in a way that doctors could never halt the march of invisible, airborne and bloodborne viruses.

Career

Aside from workload and remuneration, one of the three major factors identified by the Institute of Security Studies (ISSA) that “impinge upon performance of individual detectives, and thus, ultimately, the detective service as a whole” is that of “career path”. Most professionals who take themselves and their work seriously can quickly become frustrated and disillusioned if issues relating to organisational structure, politics and policy confound their growth in their chosen field.

A motivated individual is not likely to let their potential wither on the vine because of arcane infrastructural imperative and rudderless leadership. If a career path is not clearly signposted and an ambitious, talented individual is kept in stasis for too long,

they are more than likely to begin planning their exit strategies. The SAPS has undergone numerous structural and leadership overhauls since 1994, a process which, given the numbers of detectives defecting; the decreasing morale of those who remain and the disintegration of public trust thanks to corruption scandal after corruption scandal, has done precious little to revitalise the service.

“We trained hard, but it seemed every time we were beginning to form up into teams, we would be reorganised. I was to learn later in life that we tend to meet any new situation by reorganising; and a wonderful method it can be for creating the illusion of progress, while producing confusion, inefficiency and demoralisation.” The famous observation was made by American war correspondent Charlton Ogburn when recounting the events of The Burma Campaign, a particularly vicious skirmish in World War II that took place between the forces of Britain and Japan. Yet the same sentiment can be easily applied to any lumbering monolith of an organisation be it corporate, public or parastatal in nature.

It certainly is a shoe that fits the SAPS in the cases of Ollie Esplin and, to a rather different degree, Brad Nathanson. Says the latter: “With our change of government, change of everything, came along an unsettling time for career policemen. I was one of those people. I was in the police force in the 80s – we were career policemen, we were gonna be there forever. But it became unsettling, when we saw what was happening around us, from a political perspective, so 90% of the good cops, or cops worth anything – left.”

While Esplin joined the force in 1994 in the flush of post-apartheid nation-building, it cannot be ignored that Nathanson’s tour of duty took place during the cathartic death-throes of apartheid. As much as he may have been a “good cop” in terms of procedural capacity, from a historical point of view he was an enforcer of a racist regime. As such, it’s not much of a stretch to decode his definition of “good cops” or “cops worth anything” to mean “white cops”. From an ideological perspective then, Nathanson is not exactly the ideal candidate for membership in the contemporary SAPS. Nevertheless, given the result he obtained in the Jes Foord case, from a purely utilitarian perspective, the methods he employs as an ex-SAPS detective now operating as a private detective might certainly be worth looking into.

Whichever way one looks at it, the organisational opacity of a state's police services and the critical uncertainty it imposes upon the ambitious, career-oriented police officer is certainly not unique to the SAPS. David Simon describes the public police force in America as a "towering pyramid of authority" beneath which "squats the homicide detective, laboring in anonymity over some bludgeoned prostitute or shot-to-shit narcotics trafficker." Furthermore, in many parts of America the centre cannot hold as every semblance of structural integrity appears to have vanished and the police officer, far from feeling part of a unified force, sees him or herself as increasingly isolated and exposed.

The decay is unremitting, epic; to police against it, you need either the quixotic rage of a crusader or sense enough to detach yourself from the totality of the nightmare, to hump your share of calls and makes some cases and then grab that twenty-year pension.

The situation in South Africa is no less heartening. Jean Redpath's ISSA study about the restructuring of the police force goes on to note the uncertainty of the career path in the SAPS. "Detectives believed there was often a measure of luck involved," she writes. "Whether a detective is appointed to where he or she wishes to go often seemed to depend on contacts made and relationships established prior to making the application."

In other words, simply being a good cop is not good enough – to make your way up the ladder you have to be a shrewd player, jockeying for position, greasing the wheels and manipulating the levers and pulleys of power. All of which may be imperative to becoming an astute politician but are anathema to being a good police officer. A situation in which the skilled networker with political connections can carve out a far more illustrious career at the SAPS than the hardworking cop is not an ideal one yet, given the repeated moral failings at leadership level in the state police, it is certainly the one South Africa finds itself in.

Leadership, Politics & Public Trust

“So demoralised were the police by political chicanery and by widespread corruption within their own ranks that they were unable to enforce even a semblance of respect for the law.” Although these words were written by Herbert Asbury in his landmark 1927 study *Gangs of New York* to describe the inability of the police force to effect law and order in that seething city, they could just as easily apply to present-day South Africa. Barely a day goes by where another saga involving police corruption at the highest level is not competing for headline space. The highly publicised failings of the SAPS leadership obviously have a great impact upon the public trust in the police service but, more crucially, they have an impact upon the calibre of cops joining the force as well as the increasing numbers of experienced men and women who are leaving the public sector to join the private one.

The recent death of former Police Commissioner Jackie Selebi only served to remind how greed and opportunism quickly catalysed the former ANC stalwart’s fall from grace as he pocketed envelopes stuffed with cash and happily allowed Brett Kebble murder-accused and convicted drug-dealer Glenn Agliotti to bankroll his wife’s numerous Vuitton and Versace binges. Despite his political connections, Selebi was simply too sloppy when covering his tracks: a carefully orchestrated police bust of a R105 million Mandrax shipment in 2002 was plainly connected to Agliotti yet, due to direct interference from Selebi, the subsequent investigation failed spectacularly and Agliotti remained untouched; suspects caught red-handed were released and much of the haul was stolen back from the police. This case, amongst others, led to Selebi’s 2010 guilty conviction for corruption and his 15-year jail sentence, of which he served less than two after being released on medical parole.

Selebi’s successor, the swashbuckling, Stetson-sporting Bheki Cele, was anything but a new broom sweeping clean. He himself was dismissed from his post as national police chief in December 2012 after having been found guilty of acting “corruptly, dishonestly and with an undeclared conflict of interest” when he and business tycoon Roux Shabangu blatantly scammed the SAPS out of millions of rands through hugely inflated lease deals on buildings in Pretoria and Durban. Jacob Zuma personally relieved Cele of his position as police commissioner before criminal charges could be

brought and, in a move of political expediency that would not be out of place in any work by Orwell, Fo or Kafka, quickly ushered him out of the public spotlight by appointing him Deputy Minister of Agriculture, Forestry and Fisheries.

Riah Phiyega, the current police commissioner and Cele's successor, is easily as crippling a PR disaster as her predecessors. As the top cop in August 2012, when 34 mineworkers were killed by police in a single day and 10 people were killed in the preceding week, Phiyega's testimony to the Marikana Commission was crucial. Yet she could not have appeared more disinterested if she had tried. To every question put to her by increasingly exasperated commission chairman Ian Farlam, with a palpable sense of boredom she simply repeated the same three words: "I don't remember."

Whilst covering the proceedings, *Daily Maverick* journalist Greg Nicolson wrote: "In her silence, she painted a picture of a leader unwilling to cooperate with the inquiry, senior police officers who failed to perform their duties, and a SAPS that has tried to mislead the Commission."

Aside from notoriously guffawing when shown footage of miners being mowed down by police gunfire, when questioned very specifically about certain aspects of a crucial meeting held by police leaders before the massacre, all she had to say about these "pedantic details," as she called them, was "I do not have a photographic memory." When advocate Dali Mpofu pressed her on the issue of how much she knew about the highly publicised wage dispute at the heart of the Marikana saga, Phiyega finally conceded by rolling her eyes and saying: "I heard they were asking for about R12 500 or whatever".

"While she plays the amnesia card and tries to distance the country's top officers from the details of the plan to confront the miners," continues Nicolson, "she opens up herself and other officers to allegations of incompetence and dereliction of duty. But by doing so she shifts the greater responsibility to the commanders on the ground who she says the SAPS relied on." Thus, if Phiyega's indifference and apathy in handling the Marikana fallout did not exactly endear her to the South African public, she is also beginning to build quite a collection of votes of no confidence from her own constituency: both the senior and rank-and-file members of the SAPS.

The perception of Phiyega as an arrogant and out-of-touch leader was further entrenched when, at the National Police Remembrance Day in October 14, she sported an impressive range of medals. Of particular consternation was Phiyega's wearing of the SAPS 10-year commemoration medal despite the fact she had been a member of the service for barely two years. "It is so utterly disrespectful to those SAPS members who have actually earned the right to wear these medals," said DA police spokeswoman Dianne Kohler Barnard, a sentiment echoed by military expert Helmoed-Römer Heitman who said "I know a lot of cops who will be very unhappy."

Oscar Skommere, general secretary of the South African Police Union (SAPU), was one such cop. "Getting medals in the police is like taking part in a race. If you race and win, you get a medal. If you didn't take part, you don't get the award. If you get a gold award for outstanding service, you need to have achieved it. All Phiyega has done is make mistake after mistake. Look at Marikana and the rising crime stats," Skommere said. He added that police officers who were actually working during 1994 still hadn't got their medals even though they met the requirements.

However Skommere is not simply disgruntled because the country's top cop feels blithely entitled to wear medals she did not earn at high-profile public functions. SAPU's challenge to the commissioner is far more deeply felt than a squabble over shiny pieces of silver. The union is profoundly at odds with the current infrastructural organisation of the SAPS which it sees as the root cause for it failing in its mandate to keep the citizens of South Africa safe.

In a scathing broadside against Phiyega released in September 2014, the union claims that the crime statistics show the SA Police Service should re-open its specialised units. "The fact that crimes like murder, attempted murder and robbery are on the increase vindicated Sapu's long held view that the SAPS must re-open specialised units within the police," said Skommere.

Skommere said Sapu wanted to see the re-establishment of specialised units for crimes like murder and robbery, serious and violent crimes, and other units that successfully combated crime. "Sapu calls upon the national commissioner not to

come with excuses for her failures. She has the resources to combat crime. The people are sick and tired of lame excuses,” he said. “If she feels it is hot in the kitchen she must do the honourable thing and move out of the kitchen,” he bristled, laying down the gauntlet in no uncertain terms. “The police need to go back to the basics because crime in South Africa has reached ‘crisis mode’ and needs urgent attention,” he concluded.

The question of specialised units within the SAPS remains a particularly hot political potato. Many of these units were dissolved during the grand amalgamation of the various separate arms of the police in 1994 while those that remain – particularly the Hawks and the Special Investigating Unit (SIU) – are routinely undermined when they get too close to uncovering damaging instances of political corruption.

The continuing attempt by police minister Nathi Nhleko to suspend Hawks head Anwa Dramat despite the suspension being overruled by the High Court (the same court also ruled Nhleko’s executive appointment of Major General Berning Ntlemeza in Dramat’s place as unlawful and invalid) is widely seen as a political move since Dramat was actively pursuing investigations into the seemingly interminable Nkandla saga.

That there are political machinations afoot is abundantly clear in the fact that, in November of last year, the Constitutional Court, in a separate case dealing with the Hawks’ independence from the national executive, took it upon itself to delete a section of legislation dealing with the process through which the head of the Hawks could be suspended. It was this piece of legislation Nhleko used to suspend Dramat, yet this was immediately overturned by the High Court who found that the Constitutional Court overstepped their boundaries by granting the minister of police “untrammelled powers” and ruled that the police minister could only suspend the Hawks head once a parliamentary committee had conducted an investigation – an action that was not taken in the case of Dramat. As of this time of writing, Nhleko is appealing this ruling in his ongoing quest to oust Dramat. If there is indeed fire where there is smoke, the Dramat saga looks in danger of immolating a lot of people or, at the very least, causing multiple fatalities as a result of smoke inhalation.

Whilst the presence of mendacious political agendas undermining the independence of investigative units such as the Hawks is unfortunate, it is also important to look at the concept of specialised units from an organisational perspective. In short, does it better serve the purposes of the SAPS – and the citizenry they serve – to operate as a variegated conglomeration of specialised units or as a single, generalised one?

The South African Police Union has already made their opinion on this abundantly clear. Another party who is no stranger to top-level police work in South Africa also has clear views on the subject. South Africa's most successful police detective of all time, Piet Byleveld, strongly maintains that: "You can forget about curbing crime – especially organised crime – in South Africa without the use of specialised units such as Murder and Robbery." As a graduate of the legendary – and now-defunct – Brixton Murder & Robbery Squad, Byleveld witnessed first-hand the success that can be achieved by creating niche, specialist units within the SAPS to fight crime. For Byleveld, the body public is analagous to a human body and the SAPS the men and women trained to keep it strong and healthy. In Byleveld's view, a hospital full of specialists such as brain surgeons, heart surgeons, thoracic surgeons, specialist anaesthetists et al will save a lot more lives than a hospital full of general practitioners.

However others take an entirely divergent view. In a 2013 press conference, Western Cape police commissioner Arno Lamoer dismissed outright calls to reintroduce specialised police drug and gang units. "The successes when it comes to drugs are because every single police officer accepts ownership in the fight against drugs," he told journalists at the release of the Western Cape's 2012/13 crime statistics. The commissioner was at no small risk of being disengenuous since the statistics regarding drug arrests – relatively unchanged – was the one wan light of hope in an otherwise overwhelmingly bleak picture. Violent crime, such as murder, assault, and robbery had increased by 10% in the province and Nyanga in Cape Town was again singled out for its deplorably high murder rate.

Pressed further on the issue of specialised units, Lamoer added cryptically: "If we have a specific unit to do that, the ownership goes to that unit alone... we've seen it and history has taught us that." A peculiar statement indeed: the whole point of

specialised units being that separate ownership is taken for separate tiers of crime appears to have eluded Lamoer. He went on to say that the overall increase in crime rates was as a result of a “toxic mix of factors such as gangsterism, drugs, and domestic violence,” which is hardly any kind of original insight from a criminological perspective. Whilst the question is not a simple binary of “either/or”, the tricky issue over where to draw the lines in terms of specialisation and generalisation is certainly not ameliorated when those in key leadership positions obfuscate rather than clarify.

The question however remains whether the fight against crime might not be fought more effectively if this “toxic mix” were pulled apart and each element treated separately by specialist units. If anything, such an approach would be very much in keeping with the experience of SAPS members at the front lines. Antony Albeker has a lot to say about the demoralising effects on the average police officer of being dragged into bitter private conflicts instead of fighting more public forms of crime. “Police officers,” he says, “spend a great deal of their time far from whatever frontiers exist, working instead in the intimacy of people’s lives, dealing with the fallout from failed marriages, unravelling romances and troubled friendships.”

Cops resent being dragged into these things. They would infinitely prefer to be out trying to prevent crimes in which one party is unambiguously guilty and the other is equally unambiguously innocent, rather than helping to counsel two equally damaged people who now bitterly regret having committed their lives to each other. They would infinitely prefer to hunt criminals who prey on strangers rather than ex-boyfriends with anger-management problems. But the reality is that interpersonal problems generate a huge proportion of the calls to police emergency lines, and, instead of chasing bad guys in stolen cars, policemen spend their days acting as emergency couple-counsellors or as what one criminologist famously called ‘street-corner politicians,’ two roles for which their training offers no preparation.

Albeker is unremitting on this point. “It is this as much as anything else that accounts for the typical cop’s disenchantment,” he writes.

The constant entanglement in the debris of other people's lives has drained him of whatever sympathy he might once have had for the people who think they need his help. He's become indifferent to them, contemptuous of the mess they've made of their lives, and angry that it has all somehow become his problem. His resentment is as much about his deep dislike of the people who call for his help as it is about his inadequate pay. He doesn't like being made to feel the voyeur poking around behind the curtains that should shield people's private lives. It is not what he signed on for.

This," he concludes, "is what it means to have to do society's dirty work. It is what the police do, and it is little wonder than many do so without relish."

Altbeker's assessment is endorsed by Brad Nathanson. "There should be different categories of police," he says. "Some that attend to the domestic stuff, some that attend to organised crimes, some that attend to murder... there must be that dividing line. Don't think that the guy who attends to domestic violence all the time doesn't want to encounter armed robbers – if he's on the radio and he hears there's an armed robbery down there while he's attending to domestic violence – he wants to be part of the armed robbery, he wants a chance to shoot."

Given the evidence provided by Altbeker and Nathanson and the beliefs held by Skommere, it would seem the creation of specialist units makes a great deal of sense. To refer back to Lamoer's "toxic mix," if there were separate units dealing exclusively with domestic violence, armed robbery, gangsterism, drugs et al then each police officer's aims and objectives would be a lot more manifest and their roles more clearly defined. Furthermore, this would obviate the situation where a police officer untrained in domestic abuse situations is constantly forced into scenarios they despise – a specialist Domestic Abuse Unit would be trained to deal with this particular problem whilst other specialist units would be trained to deal with other elements of said toxic mix, thus standing a far greater chance of rendering the whole thing neutral.

So why would there be such staunch opposition to the re-introduction of specialist units into the SAPS? One can only speculate, but the smart money is once again on that most usual of usual suspects: politics. In the case of Lamoer, he may have an extremely vested interest to the non-existence of specialist units to combat drugs and gangsterism. Lamoer himself was under investigation by the Hawks for alleged ties to the underworld of organised crime. When Riah Phiyega tipped him off about this top-secret probe, she too became the object of a Hawks probe under Anwa Dramat. Suddenly police minister Nhleko claimed to have dug up an old file implicating Dramat in the illegal rendition of four Zimbabweans in 2010. Despite the Independent Police Investigative Directorate (IPID) under Robert McBride finding no evidence to back this claim and Nhleko himself providing no evidence, the minister nevertheless moved – by all accounts unconstitutionally – to suspend Dramat who now, according to recent reports in the *Mail & Guardian*, fears for his life.

All of this intrigue in the upper echelons of the police service might just be the kind of politics and power-plays one can expect in any government department. Yet, in the case of the national police service, that metaphorical thin blue line that keeps society safe from the forces of chaos and anarchy, the issue of leadership is far more crucial than anywhere else. Anyone can hold the helm when the sea is calm yet, in turbulent times such as these, it is essential that leadership be firm, confident and inspired. As General John J. Pershing has said: “A competent leader can get efficient service from poor troops, while on the contrary an incapable leader can demoralise the best of troops.” Furthermore, not only does an incapable leader demoralise the incumbent troops, but also does precious little to attract new troops of any calibre to the fold.

From Selebi to Cele to Phiyega, the SAPS has experienced a sustained vacuum at the highest leadership level which is concomitant with the increasing loss of faith in the rank and file of the service. The fact that the South African Police Union are openly hostile to their own leadership as well as the aforementioned resignation of 1 200 SAPS detectives at the beginning of 2014 can only be construed as a vote of no confidence in the manner in which the organisation is being led.

Conclusion

In the introduction to his book *The Dirty Work of Democracy*, Antony Albeker makes an important observation regarding policemen and women in South Africa.

These are ordinary men and women. They are not superheroes. All are fallible and some are worse: ignorant, lazy, brutal and even corrupt. However even the worst among them, the ones who spend large portions of every day working the angles and pocketing what they search, will, in the course of a typical year, do more good for people who are strangers to them than will the average researcher/writer throughout his life. Policemen, it transpires, don't have to be supermen to do good. All they have to do is turn up for work.

A direct comparison between the success rates of a private investigator and a detective of the SAPS is of course a grossly unfair undertaking. It is entirely at the former's discretion how many clients he has at any given time whereas the latter essentially has but one client: the entire population of South Africa. Furthermore, a PI may make a comfortable living shadowing cheating spouses, rounding up absconded teenagers and recovering unpaid debts whereas policemen and women are routinely up to their eyeballs in murder, rape, robbery, assault, theft and the various other forms of violently anti-social behaviour that make up South Africa's sobering crime statistics.

Nevertheless, from a procedural point of view, there are indeed several pages from the private investigator's book the SAPS might want to avail itself of. Chief amongst these is lessening the workload of individual members of the police force. As has been made clear, time is an invaluable resource and one police officers simply don't have enough of. The tedious amount of paperwork police officers must continually contend with not only saps them of energy and enthusiasm but robs them of time that could be spent performing far more useful functions of police work such as preventing crimes and catching criminals.

So why not outsource all the administration? There are many specialised human resources service companies in South Africa that provide highly professional administration services such as data capturing, data management and data storage via sophisticated software that can cross-reference information with tremendous speed. No more would dockets go missing; no more would police officers be buried under blizzards of files that confuse rather than clarify and no longer would, to use Andrew Brown's term, the veins of police work be clogged with paperwork. One might argue that the information requiring administration and management is far too sensitive for an outside organisation to handle, but this point too is moot since every private company is strictly bound by the Protection of Personal Information Act; signs ironclad confidentiality agreements with their clients and makes use of high-end security software to protect all data.

Despite a government organ such as the SAPS being reluctant to get into bed with the private sector, it is somewhat ironic that the tremendous growth of the private security industry in South Africa is in itself a form of outsourcing from the SAPS' point of view. As Mark Shaw points out in *Crime and Policing in Post-Apartheid South Africa: Transforming Under Fire*:

It has been argued that if some communities who are wealthy wish to secure themselves, the benefits of their doing so will be greater than the drawbacks. In fact, the poor may be the greatest beneficiaries because it will allow the provision of better resourced policing to those who most require them.

If all the private investigators, security agents and security companies are in some way relieving some of the pressure upon the SAPS then, to all intents and purposes, some of their workload has already been outsourced to the private sector. Furthermore, as was evinced by the crucial role private investigator Brad Nathanson played in helping the police capture, arrest and obtain convictions for the men who raped Jes Foord, then there is a most cogent argument to be made for a far more open, objective and mutually beneficial relationship between the SAPS and private security professionals. By making common cause against a common enemy instead of competing with one another, these two agents should share their information, their

resources and their manpower and, in so doing, wage a far more effective war upon crime in this country.

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Public Crime, Private Justice: Analytical Essay

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Explication of the minor dissertation submitted in partial fulfilment of the requirements for the award of the degree of Master of Arts in Media Theory and Practice

Abstract: This paper is a reflection upon the mental and physical journey I have been embarked upon since first encountering the core issues engaged with in the dissertation up to the point at which they have been investigated and examined in the dissertation itself. It is an account of what sparked my interest in the questions surrounding police and policing in South Africa, especially those that revolve around procedural, structural and logistical concerns.

The dissertation is a journalistic extemporisation upon the similarities and differences between private sector policing and public sector policing from theoretical and practical perspectives. A core component of the narrative is led predominantly by testimonial evidence of a private investigator who is an ex-police officer which allows for a direct comparison between the methods of those working within a dysfunctional bureaucratic structure bedeviled by politics and organizational difficulty – SAPS police officers – and those working without it – private investigators.

The role of the police is a fundamental one in any society and in South Africa this role is beset with a unique set of challenges, many of which are both organisational and individual in nature, and it is these I attempt to address in the dissertation. The central question to be examined is: “What can public policing learn from private sector policing and vice versa?” which is, in slightly elliptical terms, the same question as “What can a country with crime rates as high as South Africa’s do to improve its strikingly low conviction rates?”

Aims: The aim of this analytical essay is to provide a relatively informal and anecdotal foil to the more formal narrative nature of the creative dissertation itself. It

is by turns explication, meditation and extended author's note on the inspiration and motivation for tackling the issues dealt with in the dissertation.

Methods: The essay works as a linear diegesis, tracing my personal engagement with people and incidents that led me to begin formulating what were to become the centres of gravity of the dissertation. From a methodological perspective it is both prequel and epistemology in that it investigates how anecdotal opinion, through academic discourse and recorded experience, is distilled into justified belief.

Conclusion: This essay is coterminous with the beginning of the dissertation in that it has set the stage for investigating the larger questions that it raises. The narrative concludes that much debate is required about the role of the police force in South African society and the way it is both deployed within and perceived by society. The differences and similarities between state police officers and private investigators opens up interesting possibilities for collaboration between the two. Furthermore, the very nature and identity of the police force and its complex role with those it is sworn to protect requires much clearer definition and, most importantly, the efficacy and effectiveness of the police force is urgently required to be thoroughly and scrupulously assessed beyond the degree to which the current statistics allow.

It is the conclusion of both this essay and the dissertation that the most important advances the police force in South Africa can make are not by re-arranging the deckchairs of organisational structure or ideological positioning but by observing very closely the very building blocks of the SAPS itself, the policeman and the policewoman at the rockface, and discerning ways in which these oft-shaky foundations can be strengthened in order for the entire edifice to be solidified. In the most basic sense, the SAPS needs to become an organization that fosters a good working environment with good pay and training and career advancement. Yet the most simple imperatives are often bedevilled by the most difficult implementation.

Public Crime, Private Justice

Looking back at it now, the complex relationship between society and the police has always held a special fascination for me. Inevitably, if one takes more than a passing interest in the human condition, one is drawn to the world of violent crime. What makes people do it? What causes the aberration that makes the hypothetical one person out of every 100 want to hurt, maim and snuff out the lives of others in ways ranging from the brutal to the bizarre? Consequent to that, what do the other 99 do to protect themselves from the aberration in their midst? Or, if the deed has already been perpetrated, connect perpetrator to deed and ensure that said perpetrator is either removed from our ranks so as never to perpetrate such deeds again or rehabilitated to achieve the same result?

There is a vast literature on the theory of policing, but my interest lies in the practical, procedural and logistical challenges faced by the police force in contemporary South Africa. In this context, the basic theory of police in a democratic society is that society – the hypothetical 99 in my rudimentary example – desire to, in some form or fashion, cede, mandate or delegate power over themselves to another agency. One that simultaneously represents their interests and is necessary to submit to. Quite simply, as Nicholas Haysom observes: “In order to to achieve the objectives of law enforcement, society confers awesome powers on the police.”¹ Or, as Johnny Steinberg puts it: “The most important precondition for policing in a democratic society is the consent of the general population to be policed. To put it another way: a precondition of democratic policing is that there is a demand for it among the general population.”²

It is also important to note that this power over itself that society requires is not something that is outsourced to say, a band of armed, foreign mercenaries but is an organic, intrinsic element of that society itself, one that respects and defends the code of conduct that society has pledged itself to; in South Africa’s case The Constitution and The Bill of Rights. This point is made early on by Antony Altbeker in *The Dirty Work of Democracy*: “Police officers are more than just street-corner politicians negotiating an end to petty disputes, crime preventers and investigating officers. They

are also an indispensable building block for any society. They are not separate from their society, and the nature of a police force and its work reflects the society of which they are part. The result: their successes and their failures are the successes and failures of the whole social order.”³

Furthermore, Altbeker notes that the presence of a police force hardly guarantees a peaceful society – policemen and women do not have the power of pre-cognition and, for a large part, their job is to figure out “whodunit” as quickly as possible so as to catch whodunit as quickly as possible, deliver them to the justice system and obtain a stiff sentence to that whoever else might be thinking of doing it thinks twice. “It is to them that we turn when our society has failed in some way,” he says. “Policing, by its nature, is usually done after the milk has been spilt and the shit has hit the fan. Its primary purpose, after all, is to respond when things have fallen apart. Police officers do a society’s dirty work... police officers are called in when something that ought not to be happening nevertheless is happening or has happened.”⁴

My first personal interaction with members of the South African police took place in the summer of 1989. I had just finished writing matric when my army call-up papers arrived in the mail. Although another kind of writing – that on the wall – was already there and everyone knew South Africa stood on the cusp of a momentous historical transformation (Nelson Mandela would be released from prison in February of the next year), military conscription for all white South African males was still in effect. According to my call-up papers, in just under a fortnight I was to report to Durban Station for immediate despatch to Phalaborwa where I would spend a year as a member of the 7th Infantry Division. I had never hear of Phalaborwa and had to look it up on a map. There it was, a parched little pimple of a place in the far north-eastern corner of the country, cosyng up to the Mozambican border and boasting a population of 13,108. Rumour had it that the SANDF was still shipping soldiers to Angola as target practice for Cuban mercenaries and, even if this wasn’t true, I had precious little desire to spend a year sweating it out in some scorched dustbowl being bawled at by angry Afrikaans men.

Salvation lay in the small print: the only way one could exempt oneself from national service was by being enrolled for study at a tertiary education institution or having

decamped to foreign shores. Conscientious objection wasn't my cup of tea and leaving the country was too laborious an undertaking so I hightailed it up the hill and enrolled for a BA at UKZN (then UND) as quickly as possible. Up until then I hadn't given much serious thought to going to university straight after school; however I was pretty serious about not getting sucked into the maw of the military.

Having been accepted into university in November 1989 and with lectures starting in February of 1990, I did what any footloose and fancy-free white, middle-class suburbanite in the teeth of a long, subtropical summer on South Africa's East Coast would do: spent every day on the beach. But it wasn't all blissful innocence; something else was in the salty air that was to quickly herald experience, and that something was change.

The daily papers were abuzz with the imminent repeal of apartheid legislation; the release of Nelson Mandela from 27 years of incarceration; the unbanning of the ANC and the impending inevitability of majority rule. It was an exciting time – apartheid was a universally reviled, morally repugnant system which had finally been brought to its knees and the black population of South Africa, disenfranchised so long, was finally going to be able to determine its destiny at the ballot box.

There was also, unsurprisingly, no shortage of apprehension from the white portion of the populace but what absolutely floored me was the sense of incredulity, scorn and vitriol that relentlessly poured from that department into the letters-to-the-editor section of the papers. Without fail, every day these invectives appeared in print, prophesying all manner of doom and gloom that was all but guaranteed by putting the black man in charge. We had sealed our fate as a failed state. We were going the way of “the rest of Africa”. The white man had civilised the place, mined the minerals and made it rich. Left to his own devices, the black man would still be clad in a leather thong, eating berries and chasing buck with bow and arrow. The only reason the country was prosperous was because of the white smarts and skills that would indubitably flee at the drop of the first black vote in a ballot box. This narrative – that of majority-based democratic rule in South Africa being synonymous with the complete and total ruin of the country – was the guiding one in just about every letter being written to the editor by a white South African.

I simply didn't get it – for the better part of a century we'd kept an entire race group under the jackheel of our boot and somehow we thought this state of affairs could carry on forever? That there'd never be a comeuppance, a day of reckoning, a point in time where the obvious error would be corrected? That was just stupid – how much in denial of history 101 would one have to be? Everyone knew that day would come. And when it finally did come, boy were us whites going to get it in the neck, so the hysterics in the letters pages would have us know. For so long had the National Party been playing the zero-sum game that it could now dupe us all with a classic sunk cost fallacy – even if you didn't agree with apartheid, you had to admit that the black majority had been so comprehensively oppressed for so long that they were now seething with hatred and lusting for revenge to such a degree that springing the locks of the cage would be pure suicide. In other words, the NP's failsafe narrative of the “swart gevaar”.

In the context of this fear, what relief it was when the line from the ANC was all about reconciliation – we were all South Africans, we were all in this together and the time for race-based politics was over. Instead of bloody revenge we were being presented with a tabula rasa, a chance to write the real history of the country from the moment we became an equal-rights democracy. I recall being feeling tremendously buoyant and elated, reassured that all of us guilty of this enormous crime by virtue of the colour of our skins were not going to be stood against the wall and shot in customary post-revolution style.

Quite the contrary: despite the abomination that had been apartheid, those who had for three-quarters of a century been ground into the dust by the political, economic and social machinery of the system were, as they stood on the verge of holding the reins, actually going to forgive us; to let bygones be bygones. Surely this was something to be immensely grateful for? Was there not a palpable sense of having dodged a bullet by not being punished for your crime because the victim pursues not hot-blooded vengeance but a cool-headed vision of a prosperous and peaceful future for all? Yet, instead of dropping to our knees in gratitude and relief that every white person in South Africa wasn't about to have their throats slit – something which was arguably richly deserved – we would become an integral part of the future, a little

ribbon of non-colour in the rainbow nation where race was transcended in favour of an overarching national identity.

After all, both the ANC and Mandela himself had been repeatedly invoking the narrative of reconciliation, ensuring the discourse around post-apartheid South Africa was about healing wounds and bridging chasms and how an ANC victory at the polls was not to be read in the binaries of conqueror and conquered. Furthermore, since the early 1980s, the ANC had officially committed itself to a Bill of Rights, a “concrete expression to what South Africa can become: [a] constitutional, democratic, political order in which, regardless of colour, gender, religion, political opinion or sexual orientation, the law will provide for the equal protection of all citizens.” Or, as Mandela would later famously put it in his Presidential Inauguration speech: “We enter into a covenant that we shall build the society in which all South Africans, both black and white, will be able to walk tall, without any fear in their hearts, assured of their inalienable right to human dignity – a rainbow nation at peace with itself and the world.”⁵

Yet, despite this epic historical reprieve, the white people of South Africa (well, certainly those in Durban) revealed themselves to be the most bitterly pessimistic of ingrates as letter after letter to *The Daily News* and *The Mercury* balefully proclaimed the beginning of the end. Among the doomsayers, the phrases “tinpot dictatorship”, “banana republic”, “basket case” and “the rest of Africa” were repeated ad nauseam in tones shrill and hysterical. (If I had to do the *Advanced Media Methodologies* course again I’d go to the archives of *Independent Newspapers* and conduct a frequency analysis of those terms – I’m sure the results would be eye-popping). It was as if the institutionalised racism of apartheid was white South Africa’s *Portrait of Dorian Gray* and now, as its destruction was taking place, the real racism, the ugly one that lurked in white bosoms, was being fully unleashed.

To me it seemed like a great big gift horse was not only being looked in the mouth but kicked in the teeth. And, even though my father was no slouch in the racist department, none of this hand-wringing, paranoia and pessimism from the older generation made any sense to me. So I decided to write my own letter to the editor. One that would simply question why white South Africans were being so negative;

why they were incapable of seeing the situation from a positive point of view; why it was accepted as a given that democracy equalled suicide and why there was such obsession with a theoretical future and zero relief that the spectre of “swart gevaar” was revealed to be a paper tiger and in all likelihood we weren’t going to be driven into the sea.

So I said all of this in my letter which I mailed to The Daily News. This being pre-internet times, there was no fake Facebook profile to hide behind – if you wanted your letter published in the paper you had to supply your real name and address. Two days later there was my letter, front and centre of the letters page and headlined by a subeditor with a taste for the hyperbolic with “Attitude of Whites Disgusts Me.” Signed Alexander Sudheim, 40 Manning Road, Glenwood, Durban. For a while I was actually quite proud. After all, there was my name in the city’s most widely-read newspaper. However the ego-boost was quickly replaced by mortal dread as soon as the phone calls started. Of course all you needed was a telephone directory to get my home number. Which a lot of people who had a lot of beef with me and my letter wasted no time doing.

“Hello,” I said when the phone rang the first time. “Is that Alexander Sudheim?” said the voice on the other end of the line. “Yes it is,” I replied confidently, expecting some hearty congratulations on my eloquent political philosophy. Instead the voice on the other line said: “You’re a fucking dead man. Your attitude disgusts ME. I know where you live and me and my friends have got our shotguns and we’re coming over right now.” Click. I stood paralysed with terror. I had certainly expected some spirited debate in the letters pages but not a straight-up death threat. As I stood dumbstruck next to the phone I imagined a bakkie full of angry white ex-military men with 12-gauges on their way from the Bluff to the address I had so helpfully provided them with. My mother and sister were at work and so I was at home alone, a helpless sitting duck waiting for the shooting party to arrive. I had no idea what to do. So I phoned the police.

The cops were there pretty quickly. At least they arrived before the mob of assassins. In the end, despite receiving a number of phone calls similar to the one above, no-one made any attempts on my life, although it has probably been considerably shortened

thanks to the concentration of stress, panic and nerves in the days following the letter's publication. The police, two white guys, came in a van and they looked like decent blokes. "So you've been receiving death threats?" the one asked me in a thick Afrikaans accent. "What's that all about?" He seemed genuinely concerned. I showed him the letter. He read it. He looked at me. The concern was replaced by something closer to contempt. "You wrote this?" he asked. I nodded. He went over to his colleague and who also skimmed over it before casting me a black look. It was clear to me that their sympathies lay with the lynch mob rather than letter-writer, this impertinent "kaffirboetie", a word I overheard when they spoke *sotto voce* to one another.

Nevertheless, they stuck around the garden gate for about half an hour or so until they surmised that the threats had been empty ones. When they left, they promised to drive past the house on a regular basis, a promise I know they kept since I spent the rest of the day and night quivering next to an upstairs window with my eyes fixed on the gate to the street.

After the whole brouhaha had died down I was left reflecting upon some lessons learned on that short, sharp ride from cloistered suburban innocence to people-will-kill-you-if-they-don't-like-your-attitude experience. The first lesson was that whoever said "the pen is mightier than the sword" was full of shit. The next time I stuck my head out with inflammatory opinions it would most certainly be under an assumed identity since, as much as I liked to stir the pot of public opinion, I was in no mood to be target practice for the Durban chapter of the KKK. I had seen *Mississippi Burning*. I knew what happened to white boys with progressive ideas about civil society.

The second was that police officers are not robots programmed to blindly enforce the law of the land in methodically neutral and objective fashion. They too are people with their own set of hang-ups, prejudices, moral compasses and belief systems. Yet when these were required to be subsumed under the greater calling of their profession, they obediently did so. Where professional and personal lives intersected was a complex fault line and here the seed of my fascination with the nature of the police officer was planted.

Of course this was no blinding revelation – I’d seen films like *Bad Lieutenant* and knew full well that cops were as capable of being villains as they were of being heroes – but my experience with the two cops despatched to deal with my death-threat scenario had just made the phenomenon that much more personal and real. Moreover, based upon this microcosm, it was tremendously interesting to speculate upon how vectors such as duty, ideology and personal belief could both complement and contradict one another in the service of a socially constructed identity.

The two cops sent to deal with my death threat were, from a subjectively ideological point of view, more sympathetic to the author of said threat than the recipient thereof. Yet, due to their allegiance to an objective ideology – that of the role of the police force in civil society being to serve and protect equally all members of that society – their allegiance lay with me. In other words, their commitment to the belief that the ultimate purpose of a police officer is the very public one of preventing the forces of chaos and violence from triumphing over those of order and peace outweighed whatever private convictions they held regarding the matter at hand. They had sworn to uphold the law of the land and this is what they were doing.

Fast-forward to 2014 and this selfsame fundamental aspect of a police officer’s duty was at the very heart of the controversial Khayelitsha Commission. “The commission heard, over and over again,” it was reported, “tales of police failing to respond to phone calls unless a personal contact was invoked; of police failing to barricade crime scenes and letting onlookers contaminate evidence; of police losing dockets and neglecting to communicate any case progress to the mothers of murdered children; of police robbing and extorting money from the very people they are tasked with protecting.”⁶

The report goes on to note that, “in a situation where police are perceived as ineffective in bringing criminals to book, an alternative, informal security force has developed comprised of taxi drivers, who patrol in vehicles in the evening sometimes carrying whips. Gangsters, witnesses testified, fear taxi drivers more than the police at this point. Justin du Toit, of Mthenthe Research, quoted a respondent as saying: ‘Taxi drivers are now the go-to group; they are quick to respond to crimes’”.⁶

Thus, when a police officer's personal agenda – in this case a toxic blend of indifference, apathy and criminal complicity brought on by an overwhelming sense of futility and impotence – succeeds in overriding his or her public responsibility, then he or she has failed the society he or she has sworn to protect. From an ideological perspective he or she ceases to exist – in other words he or she crosses the line from crime-fighter to criminal – whereupon said society seeks other agents for their protection which, in the case of Khayelitsha, became vigilantes and taxi drivers.

The points at which society and police converge and diverge and the fraught nature of policing in a deeply divided developing nation such as South Africa was an issue that once again made its presence felt in my life very shortly after the drama of the death threat. I had just started lectures and, even though my primary motivation for studying was admittedly to have as little to do with Phalaborwa and the SADF as possible, 1990 was certainly an exciting time to be studying Politics and Economics.

The Groote Schuur Minute and The Pretoria Minute were signed and the various CODESA's were around the corner. After five years in an all-white, all-boys' school with a penchant for corporal punishment, the melting-pot maelstrom of university was a glorious culture shock: I joined the campus newspaper and radio stations and I joined SASPU; I shook Mandela's hand at UKZN and witnessed the fiery oratory of Chris Hani at a SASPU conference at UWC. Although I hardly became a raging left-wing radical, my sensibilities were most certainly of the progressive kind as I took my seat on the jubilant juggernaut that led to the 1994 national elections.

Being white and middle-class and living in the suburbs, our doorbell rang often and we listened to entreaties of the homeless and the destitute and gave them as much money, food and old clothes as was deemed correct by our guilty white consciences. However there was one young lady in particular who was a frequent visitor and eventual friend and it was through her acquaintance that the politics of policing in South Africa became personal again.

Thuli was sixteen and was determined to finish school so she could study, get a degree and enter the working the world. The first day she rang our doorbell I was struck by her obvious intelligence and strength of spirit. She was deadly earnest and

hardly knocking on doors for handouts – it was simply that she had no other options. What moved me to help Thuli more than anyone else was that it was more a case of “investing in the future”, as horribly sanctimonious as it sounds, than the mere “charity” of simply giving someone a few bucks for something to eat.

As far as I was concerned, Thuli was the poster-child for the future of the rainbow nation: smart, sincere and unwaveringly determined to make something of her life. Surely this was the kind of kid the government would be falling over themselves to invest in? Yet the greatest obstacle facing her at this point in time was simply the cost of going to school – school fees, bus fare, books and uniforms all had to be paid for by the student. I was livid. This was a government school, not some fancy private institution, so why wasn't the government footing these piddling bills? How many Thulis were there in South Africa whose futures – futures as doctors, lawyers, political leaders, academics et al – were going down the drain because they couldn't afford a new school uniform?

It was around this point that the public/private binary became a narrative I started paying a lot closer attention to, although it would only later be specifically focused – as it is in this dissertation – upon policing in the context of private sector vs public sector. It was one thing studying Marxism in Economic Theory and musing upon the iniquities of a system which, based upon the laws regarding private property, concentrated wealth in the hands of the few and consequently deprived the many. It was, however, another thing entirely coming face-to-face with a situation in which the public coffer was seemingly so depleted that the poorest of the poor could not go to school unless they paid for things they could never afford. Surely this should be the duty of the state, not the private individual?

Granted, a massive state-run undertaking such as public education is by necessity rather impersonal and can't be expected to respond to the nuances of every case on an individual basis. Furthermore, Thuli's case was a relatively exceptional one – both her parents had been killed in a car crash and she lived in Lamontville with her wheelchair-bound grandmother and younger brother. It has been often observed that economic hardship and inequality is very much a generational issue and this is as applicable in South Africa as it is anywhere else with yawning chasms of income

disparities. Thuli had no aunts, uncles or other relatives with any kind of financial means to foot her paltry bills so tirelessly trolling the 'burbs every weekend was pretty much the only option left to her. For the record, Thuli is currently International Students Administration Officer at the Nelson Mandela Medical School at UKZN and is studying toward a Bachelor in Business Administration.

However it was through Thuli's brother Sibusiso that the SAPS loomed large on my radar once more. Sibusiso occasionally accompanied his sister on her fund-raising sojourns through the suburbs and, even though he was nowhere near as fixated upon his future as Thuli, he was a likeable, easygoing guy. Once, when she proudly showed me her latest school report – 80s and 90s across the board – he rather sheepishly showed me his and we laughed about him managing to somehow be worse at maths at school than I had been.

Then one evening in the middle of the week Thuli arrived with the distressing news that Sibusiso was in jail. The circumstances of his arrest beggared belief: he had arrived at their tiny house in Lamontville to discover four men assaulting his grandmother in her wheelchair. They were demanding she hand over her pension money, claiming to know that she had received her cheque that day. Alarmed, Sibusiso ran to his cousin's house. There was no-one there but he knew his cousin had a gun. He found it and ran back to his house where he confronted his grandmother's assailants. When he shot one of them in the leg the other three ran off and, under circumstances I never could quite fully understand, Sibusiso was arrested for attempted murder and thrown into Westville Prison. His bail had been set at R500 and the court case scheduled 8 months hence.

A friend of mine worked for NICRO (the South African National Institute for Crime Prevention and the Reintegration of Offenders) and, according to him, awaiting-trial prisoners who were first offenders had the hardest time in prison. I had also spoken to some people in the university's law department who were of the opinion that the preposterousness of the charges would virtually guarantee an instant acquittal when a magistrate heard the whole story.

However the real trial was the gruelling 8 months Sibusiso would have to survive in one of South Africa's most notorious prisons. I discussed the situation with Thuli and we agreed that the optimal solution here was to pay the bail and have Sibusiso go to court on his appointed date, tell his story and that would be the end of that. After making more than a dozen phone calls, the procedure appeared to be as follows: pay the bail at the police station where the docket was held (Lamontville) and then proceed with the requisite paperwork to Westville Prison where the prisoner would be "processed" and released. Sounded simple enough. Although the term "kafkaesque" is grossly overused and glibly misused, this particular day did indeed bring many of the abstractions encountered in my reading of "The Trial" into all-too-real relief.

Like most townships surrounding major South African cities, Lamontville is a sprawling, overcrowded peri-urban vortex with the general disarray that characterised the place amplified tenfold inside the police station. The stereotype of indifferent members of the force languishing listlessly in a sour, sweaty police station (this is not a merely anecdotal portrait but one borne out by hundreds of pages of testimony at this year's Khayelitsha Commission) was alive and well that day and took over an hour of finding the right policeman to reluctantly rifle through towers of rusting, rickety filing cabinets to find the right paperwork.

When everything was signed and I produced the R500, another form had to be filled out to verify payment so we could go to Westville prison and prove the bail had been paid. However the whereabouts of the book containing this particular type of form were presently unknown and we were asked if we could come back another day. I insisted it was a matter of some urgency and, after much belaboured searching, the thing was found, the money paid and the form received.

Westville Prison was another labyrinth of administrative bedlam. Sibusiso could not be located in the wing he was supposed to be in. Thuli and I stood at the prison gates for hours while various guards shuffled off in search of their errant prisoner. Eventually it was discovered that, despite being an awaiting-trial prisoner, Sibusiso had accidentally been sequestered in the maximum-security wing of the prison amongst convicted murderers and other more insalubrious ex-members of society.

Thuli and I had left for Lamontville police station at around 8 that morning and now, with the sun setting at around 7pm, I dropped her and her freshly bailed brother off at their gran's. Less than a week later Thuli phoned to tell me Sibusiso had been murdered.

He had been shot dead and, although there had reportedly been no witnesses, Thuli was positive that it was revenge wrought by the gang whose assault of his grandmother Sibusiso had brought to an abrupt end by shooting one of them. She knew their names and went to the police station to see what justice she could obtain for her slain brother. I went with her to collect the R500 bail I had paid. It felt like collecting a bounty for having killed someone so I gave the money to Thuli to help pay for the funeral.

A docket of murder had indeed been opened but when she told the investigating officer that she strongly suspected these four particular individuals, she was asked what proof she had. She told the cop that one of the four had been shot by her brother; that he had subsequently been charged with attempted murder and that he was recently released on bail. Clearly this man had a motive – as soon as he heard word that the guy who had shot him was out on bail he began to plot his revenge. The cop conceded that this did indeed constitute a motive. He added the man's name to the docket and promised he would investigate.

Thuli returned to the police station on a daily basis to discover whether any progress had been made but always to no avail. Frequently the investigating officer was on leave. When he was there he showed her the pile of other cases he was working on. But he assured her he would look into it. One day he said he had been to the suspect's address but was told that he no longer resided there. He did some asking around and received answers only of the vaguest kind. Yes, he had moved. Where had he moved to? Umlazi E Section some said. Or was it C Section? Yet others had heard from someone else that he had gone to stay with some relatives on a farm somewhere near Mtwalume on the South Coast of KwaZulu-Natal. The officer told her he would keep tabs on the case but that every day there were new cases. Then the policeman was transferred to another department and the docket was one among many dozen that was handed over to a new officer.

Was this, I wondered, any kind of microcosm of the criminal justice system in South Africa? A kid defending his gran gets accused of attempted murder and is thrown in jail. When out on bail he is murdered by the same men he defended his gran against. Why is no-one getting thrown in jail now? Because the murderer did something as devilishly clever to outfox the police as moving to another area? That's preposterous, like the scene in a cartoon when Bugs Bunny holds a branch in front of his face and Elmer Fudd can't find him because he thinks he's a tree. And even if this suspect moved to another area, why couldn't the police pick up the trail? This was a nineteen year-old with a 9mm, not Edward Snowden. Why couldn't they track down his family in Mtwalume and ask some questions? Surely there were police stations in whatever new area he had moved to? Were the police that bad or did it have nothing to do with calibre of the police officer but the abject nature of his or her job?

Perhaps said police officer was, to all intents and purposes, a super-sleuth but, with several dozen murder, rape, robbery, assault and whatever else dockets lying on his or her desk, was simply too overwhelmed to be effective at even the most rudimentary level. These and many other questions boiled in my brain and, owing to several subsequent events, became the core questions this thesis would attempt to gain some small insight into.

Perhaps it's no small coincidence that at this point I began to eschew hulking modernist novels for non-fiction, especially works that dealt with the great philosophical questions of social organisation such as how to balance rights with responsibilities and the rights of the individual versus the good of the whole. During three years of Political Philosophy I had absorbed several of the key tomes on the subject such as Rousseau's *The Social Contract*; Hobbes' *Leviathan*; Marx's *Das Kapital*; Kant's *Critique of Pure Reason*; Rawls' *Theory of Justice*; Berlin's *Two Concepts of Liberty*; Hume's *An Enquiry Concerning Human Understanding*; Nietzsche's *Beyond Good and Evil*; Deleuze & Guattari's *Anti-Oedipus: Capitalism and Schizophrenia* and various others. I was also attracted to works that distilled these philosophical abstractions into lived experience. But, as entertaining as the hard-boiled crime fiction of Raymond Chandler, Dashiell Hammett and Donald Westlake

can be, nothing could beat the narrative heft of non-fiction crime humdingers such as *In Cold Blood* and *Homicide: A Year on the Killing Streets*.

As much as Capote's book deserves its reputation as a literary classic, it was David Simon's *Homicide* that was a real game-changer for me: the biggest, most daunting, complex and challenging book about crime I had ever read was also by a long chalk the most riveting, compelling and spellbinding book about crime I had ever read. The author, a reporter at *The Baltimore Sun*, spent a year with the homicide squad of the West Baltimore Police Department and exhaustively chronicled his experiences there. These were covered in relentless detail, revealing a gallery of deeply flawed, tangibly human men and women whose job it was to be the proverbial thin blue line between the citizens of Baltimore and the city's heaving, seething underworld of drugs, gangs, smuggling, murder and mayhem.

What makes Simon's account so gripping is that the heroes aren't wise-cracking tough guys in fedoras and overcoats and the villains aren't evil sociopaths. In fact, the distinction between hero and villain – if not the concept itself – is completely neutralised. His warts-and-all, fly-on-the-wall, ultra-realistic depiction of the homicide detectives of Baltimore PD is a Breughel-esque portrait of the human condition in police form. The atmosphere is dank and gritty. It drips with tension, frustration and repressed rage. The cops often hate their jobs, their bosses, their paycheques, their lives. I often hated the cops I read about for their pettiness, truculence, ignorance and casual brutality. I often sympathised with the criminals, who were just sad, pathetic victims of social systems that had failed them beyond redemption. Often they had more dignity than the cops. Often the cops saw this dignity and hated the system that made them have to treat them like criminals. As a consequence, all lines became blurred and the book became an achingly accurate portrayal of the real life of cops in modern America.

The bleakness of Simon's portrayal becomes overwhelming at times. "The decay is unremitting, epic," he writes. "To police against it, you need either the quixotic rage of a crusader or sense enough to detach yourself from the totality of the nightmare, to hump your share of calls and makes some cases and then grab that twenty-year pension."⁸ Elsewhere he speaks of the "towering pyramid of authority beneath which

squats the homicide detective, laboring in anonymity over some bludgeoned prostitute or shot-to-shit narcotics trafficker.”⁹ Not exactly the raw material the glamorous hero-cops of Hollywood are wrought from.

Yet the book became an unexpected entertainment sensation in its own right. Simon fused the tales of *Homicide* with those of its non-identical twin *The Corner*, his other masterpiece of sociology-by-way-of-criminology and a devastating depiction of the life and times of a coterie of desperate souls who live and die in a decidedly quotidian milieu of heroin addiction. This resulted in the epochal television series *The Wire*, the unforgettable five-season saga which ushered the age of “narrative complexity” into television long before *Breaking Bad* came along.

Way ahead of its time, *The Wire* garnered some cautious appreciation during its original run yet today it is regarded as one of the highwater marks of modern television. With its emphasis upon the real – time grinds, forensic labs barely function, tempers flare, politics and paperwork rule the day, a cop can be more crooked than any crook and a crook can be more virtuous than any cop – it is about as startlingly real an account of the prosaic grind of actual policework in the age of CSI-polluted high-tech razzle-dazzle as one could ask for. The real – as opposed to the mythic – nature of the police was something I was clearly transfixed by.

This interest continued to be fed soon after I left university and stumbled into a semi-career in print and television journalism. I had met Sophie Perryer, then-editor of the *Friday* section of the Mail & Guardian, at an art gallery in Johannesburg. I criticised *Friday*'s focus on arts and culture in Johannesburg and Cape Town to the exclusion of Durban – this was a national newspaper after all – whereupon she replied that they were in fact at that moment looking for someone to cover the arts and culture beat in KZN and, since I had such a big mouth, why didn't I put my money there?

Back in Durban, I set about sniffing out quirky cultural tales, the more offbeat the better. There was Durban's Hottest Bunnychow, a chaotic, crowd-pulling curryfest; there was illegal dragracing through the city centre at 3am and there was Africa's first 3D porn cinema on Durban's beachfront run by a devout Muslim man. There was Pistols, Ramsgate's answer to a violent redneck biker bar which was something like a

scene from *The Hills Have Eyes*: ZZ Top blared, the shitfaced patrons brawled and there was a giant pig called Rascal who would give you a vicious bite if you didn't pour beer down its gullet.

But the most surreal story of all was an SAPS PR spectacle involving a rap concert, a football demonstration and the public incineration of some 3000 guns. The police had embarked upon a nationwide "firearm amnesty" where anyone who had an illegal firearm could hand it in to the cops, no questions asked. Clearly the idea was to demonstrate to the South African public that their police were doing something serious about the scourge of illegal firearms. In eThekweni somewhere between two and three thousand weapons had been collected and these were, in a symbolic act of triumph, to be burnt in public so that everyone could see first-hand what amazing feats the police had pulled off in protecting them.

Since "come watch the guns burn!" was presumably a slogan somewhat lacking in the crowd-pulling power the event required, the immolation ceremony was to be preceded by a live football demonstration by some of South Africa's top soccer players and performances by popular Durban hip-hop/rap acts TRO and SHANA. All of this to be held at the kwaMashu soccer stadium with entrance free to effect maximum attendance. This sounded like a suitably bizarre cultural event for me to cover so I organised the press credentials and rocked up at the stadium on the designated day and was quickly ushered into the "VIP" area. The event had indeed drawn a huge crowd but what was really weird was that the crowd was contained behind a massive chain-link fence that separated them from the field upon which the performances were to take place. Where one would normally expect fans to throng to the front of the stage, sometimes separated by a thin security barrier, on this occasion the stage was separated by the fenced spectators by half a football field of empty grass. I asked the SAPS PR person what that was all about and she said "it would be dangerous to have thousands of people around a stockpile of illegal firearms." Well, she had a point there.

After an impressive display of soccer skills the bands kicked off, their pulsating rhythms travelling across an eerie expanse of desolate field before reaching their clamouring fans, held in check behind the iron fence. It was very strange. The

musicians on the stage, giving it their all, the impassive expanse of grassy no-mans land, the fans behind the fence like visitors to an alien zoo who were not allowed to come closer than 30 metres to the exhibit. Myself and a couple of other “VIPs” stood next to the stage feeling a lot like the guys in biohazard suits in the post-apocalypse zombie movies.

Once the music was over the highlight of the evening loomed. I readied my camera, anticipating some dramatic close-ups and wides of a massive pile of deadly weaponry being engulfed in flame. Which is when this happened: a policeman emerged from behind a Casspir with a wheelbarrow piled high with plastic guns. Not realistic training-dummy guns but toy guns, the kind of cheap, mass-produced synthetic crap you find on the shelves of any supermarket. He parked the wheelbarrow full of these geegaws in front of the stage, poured petrol from a 2-litre Fanta bottle over them and set them alight. A black, greasy pyre plumed thick and rank-smelling before puttering into a pool of liquid plastic goop. I took a picture of the smouldering wheelbarrow for my story.

So what happened? Of course I asked the cops and their PR person. The latter seemed flustered. Clearly she hadn't been briefed on the 11th-hour surprise. She tried to improvise, saying it was “all symbolic”. The cop I spoke to smiled, crossed his arms and gestured generously.

“Ja... you can't just suddenly have all these guns here with all these people. There could be a problem,” he said.

“But I thought that's what the fences were for? To keep the people away. That's why they're so far away. Behind the fences,” I said.

“Ja, but you never know,” he continued vaguely. “There could be a problem.”

“So where are all the real guns? The ones that got handed in?” I enquired.

At this he looked at me sharply, the affability replaced with scrutiny. “They're at the station,” he said bluntly.

“Well, um,” I said and pointed at my camera. “I'd really like to get a picture of them. Can I take a photo of the guns at the station then?”

“Give me your number,” he said. I gave him my number and also managed to find out his name and the name of the station where he was posted.

After a few attempts I got hold of the guy, reminded him who I was and enquired as to when might be convenient for me to come down to the station to take some pictures of the impounded guns.

“The guns?” he asked, nonplussed. “Oh, those guns. Yes, they have all been sent to Pretoria.”

“Pretoria?” I repeated.

“Yes. They are going to destroy all the guns in Pretoria,” he said.

“Oh. Are they going to do it in public?” I asked.

“No. No, I don’t think so,” he replied.

“Do you know which police station in Pretoria the guns are being sent to?” I asked.

“No. No I don’t,” he replied.

After enough phone calls to make me realise that, unless I turned into Don Quixote and made solving this mystery my life’s purpose, I had hit a brick wall. How many firearms were recovered during this “amnesty” I never discovered. Whether the “thousands” promised by PR were a media-baiting fabrication and there wasn’t a single one I’ll never know. I’ll also never know whether or not, even if a veritable avalanche of weaponry descended upon the SAPS, they were simply sold back to the dark corners whence they came. The police force, I concluded, was a rather opaque entity, accustomed to working according to its own inscrutable inner mechanisms. As with many a politician, the “servant” part of “public servant” was comparatively devoid of meaning. They commanded authority. They had power. They possessed weapons. Sure, on some level they were required to protect the public from the big bad world of crime but, in some warped commensurate way, the public had no business demanding to know precisely how they went about that particular business.

It was many years later when I indirectly encountered the South African Police Services once more. Now working as the creative writing lecturer at a private-sector advertising college in Durban, I wanted my students to work on brands beyond the glut of the usual consumer porn a la McDonalds, Coca Cola, Diesel, Lindt, Apple et al. I became interested in the concept of Non-Governmental Organisations (NGOs) as brands and how creative and innovative communication strategies could increase their profiles and thus attract more funding. The big international NGOs such as

Greenpeace and Amnesty didn't strike me as appealing a challenge as the local NGOs which, for the most part, were largely anonymous.

One of my students chose to work on the Jes Foord Foundation and, in the process of helping them conduct research into the foundation – and, by extension, into the subject of rape in South Africa – I got to know Jes pretty well and obviously became familiar with her story. What struck me about her was her absolute fidelity to the narrative that having been gang-raped was nothing to be ashamed of. Society tends to tread very gingerly around this sensitive topic and it not usual for someone who has been raped to speak about it frequently, openly and without a hint of shame or embarrassment. This, as far as Jes is concerned, is the way to empower the victim who is all too often stigmatised by what has happened to her. When the trial of the men who raped her was held, she had the option of having it in camera. But she was having none of that. It was a public trial and she testified publicly, not shrinking from revealing harrowing details such as being forced to kiss the penis of one of the rapists. “They might have taken my body but I won't let them take my mind” was her philosophy and it is one she passionately advocates through her foundation.

Jes had been raped in a particularly cruel way. Five men had ambushed her and her father while they were walking their dogs in a nature reserve. They had tied her father to a tree, his hat stuffed in his mouth so he couldn't scream, then took turns raping his daughter before his very eyes with a breadknife held to her throat. Like everybody else I was glad that the men who had done this to her had been caught and were serving very long sentences in Westville Prison. I also became transfixed with the dramatic tale of the identification, pursuit and capture of her assailants which sounded like something out of a Hollywood revenge thriller starring Charles Bronson or Chuck Norris. A lone private investigator, fuelled by a righteous zeal to see justice served, made it his personal business to see that the guilty would be punished. Within 48 hours of the rape, Brad Nathanson, PI, had single-handedly rounded up the rapists and dragged them kicking and screaming to the cops where full confessions were quickly attained. Perhaps Chuck Norris isn't too far off the mark – Nathanson is an ex-competitive bodybuilder and an ex-cop who rides a Harley Davidson and whose heavily muscled arms are covered in fearsome tattoos.

I became intrigued as to how a private citizen had managed to pull off this remarkable feat and whether or not the cops would have been able to achieve similarly spectacular results or, for that matter, any results at all. Furthermore, I rather wistfully wondered if someone like Brad Nathanson, who was clearly in a position to dedicate himself to a single case, would have been able to track down Sibusiso's murderer all those years ago. Unlike the overworked cop staggering under a pile of paperwork, would he have been able to make the trip to Mtwalume, track the man down, roust him from his hiding place and hand him over to the cops so that justice could be served?

I was able to try to answer this question several years later when I was transferred to Cape Town and my employer suggested I make use of the company's staff improvement initiative and do my master's at UCT. As a journalist and a lecturer in the world of branding and advertising, the MA in Media Theory & Practice had my name written all over it. It was in the Crime & Justice component of the Creative Non-Fiction course that I once more encountered the world of crime in its decidedly non-fictional form. I had read several of Jonny Steinberg's books and was particularly riveted by *The Number*. Antony Albeker's *Fruit of a Poisoned Tree* had revealed the detectives of the SAPS – at least those determined to pin the Inge Lotz murder on Fred van der Vyver – as a rather cynical bunch of jaded professionals.

So, when it came time to write my essay for the course, I decided to take a closer look at the Jes Foord case and how a private investigator had managed such an astonishing feat of sleuthing. This undertaking very nearly hit the skids since Nathanson is highly elusive and, unless you're a paying client, very difficult to get hold of. But, at the 11th hour, I managed to secure a telephone interview which served as the basis of the essay. Then, when it came time to decide what to write about for the dissertation component of my MA, it occurred to me that I'd only scratched the surface of the subject in the essay and wanted to revisit it and greatly expand upon it by placing the Jes Foord case in the wider context of the discourse surrounding crime, public policing and private investigation in contemporary South Africa.

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