ETHICS AND ETHOS IN THE SOUTH AFRICAN POLICE SERVICE:

AN OVERVIEW OF THE JOHANNESBURG CENTRAL POLICE STATION

by

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DEDICATION

I dedicate this dissertation to my lovely wife, Shirley, and sons, Quincy and Quinton. They served as my pillar of strength and inspiration throughout the years.

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LIST OF ABBREVIATIONS

AFU	:	Asset Forfeiture Unit
AG	:	Auditor-General
BC	:	Basic Checks
CBD	:	Central Business District
CCTV	:	Close Circuit Television
CIC	:	Crime Intelligence Commander
CPC	:	Crime Prevention Commander
CPF	:	Community Policing Forum
CPU	:	Crime Prevention Unit
CSC	:	Customer Service Centre
CTC	:	Counter-Terrorists Checks
DC	:	Detective Commander
DPSA	:	Department of Public Service and Administration
DSO	:	Directorate of Special Operation
DSS	:	Department of Safety and Security
DV	:	Developed Vetting
HRD	:	Human Resources Development
HRM	:	Human Resources Management
ICD	:	Independent Complaints Directorate
JCPS	:	Johannesburg Central Police Station
KPA	:	Key Performance Areas
MEC	:	Member of the Executive Council
MIO	:	Management of Information Office
NPA	:	National Prosecuting Authority
NPS	:	National Prosecuting Service
NPSSS	:	National and Provincial Secretariats for Safety and Security
PEP	:	Performance Enhancement Programme
POLTV	:	Police Television
PP	:	Public Protector
PPCSS	:	Parliamentary Portfolio Committee for Safety and Security
RDP	:	Reconstruction and Development Programme
RTC	:	Resistance to Change
SADC	:	Southern African Development Communities
SANDF	:	South African National Defence Force
SAPF	:	South African Police Force
SAPS	:	South African Police Service
SAPS	:	South African Public Services
SC	:	Security Checks
SDU	:	Self Defence Unit
SPU	:	Self Protection Unit
UK	:	United Kingdom
WPU	:	Witness Protection Unit

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ETHICS AND ETHOS IN THE SOUTH AFRICAN POLICE SERVICE: AN OVERVIEW OF THE JOHANNESBURG CENTRAL POLICE STATION

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ABSTRACT

Section 195(1)(a) of the *Constitution of the Republic of South Africa*, 1996 provides that, in public administration, a high standard of professional ethics must be promoted and maintained. The South African Police Service's (SAPS) *Code of Conduct* (1997) provides that "the police service should work actively towards preventing any form of corruption and bringing those guilty of unethical conduct to justice". The Service Integrity Framework of the *SAPS Strategic Plan Document* (2002/5) provides that "police officers should be encouraged to resist and expose any form of unethical conduct and to improve management and supervision thereof". This means that the individual police officer should display a high level of professional ethics in the provision of safety and security to members of the public. However, according to the Independent Complaints Directorate's (ICD) *Annual Report* (2003/4:8) "there is a rising level of unethical conduct amongst individual police officers nationally".

This dissertation aims to analyse the implementation of an ethical framework in the SAPS with specific reference to the Crime Prevention Unit (CPU) of the Johannesburg Central Police Station (JCPS). In this dissertation, both ethics and ethos are conceptualised as cornerstones of effective service delivery. The dissertation analyses the environmental conditions that affect the conduct and behaviour of individual police officers. It focuses on the impact of both internal and external environmental conditions on police officers during their provision of safety and security. The dissertation analyses the causes of negative work ethics and ethos among individual police officers. The dissertation analyses the

manifestations of these negative work ethics and ethos in order to suggest effective comprehensive remedial strategies. This dissertation identifies instruments for the effective implementation of an ethical framework on the CPU of the JCPS and further assesses the efficacy of the existing constitutional institutions towards the effective implementation of an ethical framework in the CPU. Furthermore, this dissertation presents recommendations for the CPU of the JCPS to effectively implement its ethical framework. The enhancement of positive work ethics and ethos is critical for an effective service delivery.

CHAPTER 1

MOTIVATION FOR AND OBJECTIVES OF THE RESEARCH

1.1   Introduction

The Crime Prevention Unit (herein-after referred to as CPU) of the Johannesburg Central Police Station (herein-after referred to as JCPS) is expected to render an effective service that is grounded in high ethical standards. The individual police officers are, however, human beings who have different personal opinions, objectives and interests. The provision of safety and security in the context of crime prevention is the core function of the South African Police Service (herein-after referred to as the SAPS). Therefore, an attempt should be made to align the individual police officers' potential and interests to the organisation's vision, mission and overall strategic objectives. The CPU has a duty to effectively manage the available public resources and adhere to the ethical principles in the provision of safety and security. In the practice of public administration, ethical standards have been adopted as the contributory factor to the achievement of an effective service delivery.

For the SAPS to achieve an effective mandate of law enforcement in the democratic South Africa, the adoption of the highest ethical standards governed by professional ethics and ethos is required. The CPU of the JCPS acknowledges the importance of developing a group of individual police officers with high integrity and morals, but a lack of ethics education and training has the potential to compromise such initiatives. The dissertation is based on the premise that the effective implementation of an ethical framework in the overall service provision has the potential to enhance the effective and efficient service delivery capacity of the CPU of the JCPS.

This chapter will focus on the motivation of the research, the problem statement, objectives of the research and research methodology, which entails different techniques for obtaining information. Furthermore, the conceptual definitions used in this dissertation are given, including Public administration, the South African Public Service, human resource development, performance management, code of conduct, ethics and ethos. Lastly, a brief overview of the framework of the dissertation will be provided.

1.2   Motivation for the research

During the apartheid era in South Africa, the then South African Police Force (herein-after referred to as the SAPF) was not constituted to provide services to the community in a manner consistent with human rights and democracy. Rather, the organisation included the notorious Security Branch, whose objective was to suppress popular resistance against the apartheid state and vigorously enforce its racist laws. The SAPF was dominated by undemocratic laws which were rejected by the majority of the people in South Africa. It was the major security institution in the country known for its militaristic, hard-core, bureaucratic unresponsiveness to members of the public (Service Delivery 2004:100). These actions imply that the SAPF was unaccountable, autocratic and unethical. It did not encourage community participation in the provision of safety and security to members of the public. Rauch (1998:26) states that since 1994, the SAPS adopted community policing strategies which aim to enhance the accountability of individual police officers to members of the public and improve co-operation among them. The strategies aim to enhance the effective implementation of an ethical framework in the CPU of the JCPS with regard to the safety and security of members of the public.

The advent of democracy in South Africa saw the demise of apartheid institutions and ushered in democratic structures built around the explicit values of good governance, transparency and accountability. These values are seen as critical in the process of reforming public institutions to improve service delivery, efficiency and relations with members of the public. The then SAPF underwent radical changes characterised by integration, transformation and democratisation processes. The integration process was characteristic of the recruitment of individuals belonging to other subsidiary and informal policing structures such as the *kitskonstabels*, the railway and municipal police, as well as the militant youth of township Self-Defence Unit (SDU) and Self-Protection Unit (SPU). During integration, there was an amalgamation of approximately 28 791 police officers from the 10 homeland police services into the new national police service (Masuku 2005:40). The transformation process was characterised by a shift from a police force to a police service that is meant to be accountable, responsive and encourage community participation in safety and security. The democratic process was characterised by the repealing of the legislative framework which then governed policing in South Africa (Rauch 1998:26).

The *SAPS Annual Report* (2003/4:8) states that a considerable effort has been made to

put mechanisms in place to detect alleged cases of corruption and to implement restorative actions aimed at dealing with potential shortcomings that may result in or contribute to corruption. This means that risk management procedures are implemented to manage risk, prevent and detect corruption. The *SAPS Code of Conduct* (1997) requires the SAPS to operate with integrity by rendering a responsible and effective service of high quality which is accessible to all members of the public and continuously strive towards improving safety and security. Section 50 of the *SAPS Act, 1995* (Act 68 of 1995) provides for the establishment of the Independent Complaints Directorate (herein-after referred to as the ICD) to investigate complaints of brutality, criminality and misconduct against police officers. The *ICD's Annual Report* (2003/4:46) states that there is a 35% increase in the death of prisoners awaiting trial in police custody as a result of police officers' negligence or unethical conduct in the 2003/4 financial year compared with the same period in 2002/3. This demonstrates a lack of ethics and ethos in the CPU of the JCPS in that of the 334 deaths in national police custody, 22,5% occurred in the Gauteng Province (herein-after referred to as Gauteng).

Lack of accountability, unethical behaviour and corrupt practices has become so pervasive in the CPU of the JCPS to the extent that one may refer to an ethical crisis among individual police officers. The CPU of the JCPS experiences various unethical practices, including outright bribery, corruption, patronage, nepotism, embezzlement, influence peddling, use of one's position for self-enrichment, bestowing of favours on relatives and friends, moonlighting, impartiality, absenteeism, late coming to work, abuse of public property, leaking and/or abuse of government information, all of which have the potential to inhibit the effective implementation of the ethical framework in policing (Stone, 2004: 30). There are indeed various other common manifestations of this malady. The CPU of the JCPS is mandated to provide safety and security to members of the public; therefore, it is important to ensure a high standard of ethical functioning.

These challenges have the potential to shake the community's confidence towards the CPU of the JCPS at two levels: its integrity as a unit and the personal integrity of individual police officers. In practice, individual police officers in the CPU of the JCPS are expected to render services and to use public funds effectively and efficiently to the benefit of members of the public. That is why it shocks members of the public when police officers are found to have engaged in unethical conduct.

This dissertation is motivated by Section 195 (1) of *the Constitution of the Republic of South Africa*, 1996, which provides that public administration as an activity must be governed by the democratic values and principles, which are:

a)   a high standard of *professional ethics* must be promoted and maintained;

b)   *efficient, economic and effective use of resources* must be promoted;

c)   public administration must be *development-orientated;*

d)   service must be *provided impartially, fairly, equitably and without bias;*

e)   people's needs must be *responded* to, and the public must be encouraged to *participate* in policy-making;

f)   public administration must be *accountable;*

g)   *transparency* must be fostered by providing the public with timely, accessible and accurate information;

h)   good *human resources management* and career development practices to maximise human potential must be cultivated; and

i)   public administration must be broadly *representative* of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

Furthermore, Section 195 (2) of the *Constitution of the Republic of South Africa,* 1996 provides that the above principles apply to all administrations in all spheres of government, all organs of state and public enterprises, including the SAPS. Cheminais, Bayat and Van der Waldt (1998:74) states that in rendering safety and security to members of the public, the conduct of individual police officers should always be in the public interest. It should be noted that the public sector is also subject to public scrutiny.

The above-mentioned principles highlight the ethical nature of public administration, which is critical for the enhancement of the effective implementation of an ethical framework in the CPU of the JCPS. In the context of this dissertation, values and principles such as accountability, professionalism, ethics, effectiveness, responsiveness and transparency should form the cornerstone of all actions which individual police officers undertake.

1.3   Problem statement

During the integration, transformation and democratisation process of the police systems, various challenges became eminent.   According to the Service Delivery Review (2004:100), the integration of the police officers from the various police structures of the SAPF, the former homelands (Transkei, Bophuthatswana, Venda and Ciskei) as well as from the self-governing territories of Lebowa, Gazankulu, Kangwane and Kwandebele into the new police service [now SAPS] presented various problems.   Those integrated police officers were poorly educated and had received little or no police training in their homelands.   This led to a situation where the SAPS was saddled with a substantial number of police officers speaking different languages, possessing different ranks, uniforms, firearms and varying levels of training, dedication and commitment. Furthermore, approximately one third of the incorporated police officers were functionally illiterate, 30 000 did not have driver's licences and 20 000 possessed criminal records (Masuku 2005:52).

The key indicator of the size of the problem can be found in official figures revealing that 14 600 police officers faced criminal charges ranging from murder, rape, armed robbery, assault, theft, bribery and reckless driving in the year 2000 (Masuku 2005:52). Therefore, the SAPS inherited a series of unethical practices from the incorporated police officers, which has been prevalent among them for many years. Considering that many of these police officers are in the SAPS, it would be reasonable to expect the continuation of unethical conduct. The SAPS could be likened to a poorly made barrel containing a large number of bad apples. The usefulness of the bad apple approach is that it highlights the reality that there are specific police officers who would be more likely to engage in unethical activities than others for a host of complex psychological and personal value reasons (Chapman 1993:18).

The *ICD's Annual Report (2003/4: 8)* maintains that there was a substantial increase of 47% in reports of serious criminal offences allegedly committed by police officers in the 2003/4 financial year.   In comparison, 1 002 cases of serious criminal offences were allegedly committed by police officers in the 2002/3 financial year, which increased to   1 473 cases in the 2003/4 financial year.   Furthermore, the report states that the police misconduct rose by a 27,6%. In comparison, 2 913 cases of misconduct were committed by police officers in the 2002/3 financial year which rose to 3 716 cases in the 2003/4 financial year. Although the ICD report gives national statistical dimensions, the CPU of

the JCPS is no exception. *The SAPS' Annual Report (2003/4:9)* maintains that, for the period 1 January 2001 to 31 December 2002, a total number of 2 370 corruption-related cases were investigated against police officers. Of the total of 2 370 cases, 1 332 resulted in criminal prosecution and 641 in internal disciplinary hearings. Furthermore, of the total of 2 370 cases, 1 251 were corruption-related cases, there were 40 cases of bribery, 90 cases of assisting escapees, 696 cases of fraud/theft and 293 cases of defeating the ends of justice.

For the period 1 April 2002 to 31 March 2003, 872 police officers were suspended as a result of their alleged involvement in corrupt activities, of the 872 officers, 833 were suspended without pay and 39 with pay. From the total of 872 police officers, 109 were suspended for alleged cases of theft, 188 for corruption, 33 for armed robberies, 34 for defeating the ends of justice, 39 for attempted murder, 40 for absent without leave (AWOL), 57 for fraud, 61 for murder and 96 for assisting escapees *(SAPS Annual Report 2003/4:9)*. This trend shows an increase in the level of unethical conduct in the SAPS countrywide. *SAPS Regulation* 18 (1997) clearly considers it unethical to malinger, or feign or pretend to be ill, infirm, indisposed, injured or pretend to be suffering from pain or attempts to obtain exemption from duty by advancing a false or exaggerated excuse on the ground of illness, infirmity, indisposition, injury or pain. It states that it is unethical for a police officer to willfully maim or injure himself or herself or any other officer, whether at the request of such an officer or not, or willfully cause himself/herself to be injured by another person with the intention of rendering himself or herself unfit for duty (SAPS Regulation 18: 1997).

Hosken (2005:3) reports that the volume of police officers on precautionary suspension (i.e. suspension pending the outcome of the investigation) costs the SAPS almost R3, 28 million per annum while 104 505 policemen and women who reported sick cost the SAPS an estimated R265 million per annum. The author states that absenteeism results in lowered employee morale, dissatisfied customers, reduced productivity and above all increased costs in the SAPS. From what has been argued thus far, it can be deduced that the level of unethical conduct in the SAPS has reached unacceptable levels. The dissertation aims:

> ❖ to evaluate the implementation of an ethical framework in the CPU of the JCPS; and

❖ to propose strategies to enhance positive work ethic and ethos in the CPU of the JCPS.

From this overview, the problem statement emerges, namely:

A positive work ethic and ethos will enhance the delivery of safety and security services in the CPU of the JCPS.

1.4   Objectives of the research

The objectives of the dissertation are:

❖ To analyse the impact of both external and internal environmental conditions on individual police officers during the execution of their daily functions. The environmental analysis aims to develop effective mechanisms for the elimination of factors that lead individual police officers to engage in unethical practices. The ultimate goal is to develop strategies that will be critical for the effective implementation of an ethical framework in the CPU of the JCPS.

❖ To analyse the causes and manifestations of negative work ethics and ethos in the CPU of the JCPS in order to develop effective counter-measures to effectively implement an ethical framework.

❖ To propose instruments for the effective implementation of an ethical framework in the CPU of the JCPS. Furthermore, the dissertation will analyse the strategic mandate of the civilian oversight institutions in the enhancement of positive work ethics and ethos in the CPU of the JCPS.

In the context of this dissertation, the achievement of these objectives is expected to enhance positive work ethics and ethos, which are critical for ensuring efficacy in the delivery of safety and security to members of the public. However, it is important to note that encouraging a consolidated effort of all stake holders is critical for the successful enhancement of positive work ethics and ethos in the CPU of the JCPS.

1.5   Research methodology

The qualitative research methodology was primarily followed for this dissertation since it suited the human element in the research to be conducted. Creswell (1994:15) defines *qualitative research* as an investigation based on distinct methodological traditions of inquiry that explore a social or human problem.   In comparison, Van der Merwe (1996:282) argues that a quantitative researcher works with few variables and many cases while qualitative researcher relies on few cases and many variables.   In other words, qualitative research enables the researcher to work with a smaller research population than quantitative research.   The dissertation will examine the environmental conditions that impact on individual police officers' conduct, in order to understand the organisational culture as it relates to ethics, ethos and a sense of good practice. This will be done through the analysis of the official documentation of the SAPS and relevant oversight bodies.   The official documentation to be used in this regard includes: *Constitution of the Republic of South Africa,* 1996; *SAPS Act,* 1995 (Act 68 of 1995); *SAPS Code of Conduct* (1997); *SAPS Journals; SAPS Annual Reports; SAPS Auditor-General Reports; ICD Annual Reports; Labour Relations Act*, 1995 (Act 66 of 1995); *Public Service Act*, 1994 (Act 35 of 1994); *White Paper on the Transformation of the Public Service* (No. 16838 of 1995); *White Paper on the Reconstruction and Development Programme* (1997); *White Paper on the Transformation of Public Service Delivery* (18340 of 1997) (also known as *Batho Pele*) and *Public Service Regulations* (2001).

The official documentation will be consulted in order to ensure that a comprehensive understanding is established with regard to the implementation of an ethical framework in the CPU of the JCPS.   For the effective development of strategies to enhance the effective implementation of an ethical framework in the CPU of the JCPS, it is required that a comprehensive study of the available legislative framework be made.   The primary data of the dissertation will be gathered through an in-depth interview with the Commander of the CPU in the JCPS.   The anonymous self-administered questionnaires will be handed to individual police officers in the CPU for voluntary completion.

The questionnaire was designed to test the following aspects of human resource management in the context of ethics and ethos:

- ❖ the quality of management that affects the level of unethical conduct;

- ❖ incentive structures which influence unethical conduct;

❖ ethics education and training which could contribute to the level of ethical conduct; and

❖ the control and accountability that are required to enhance ethical conduct.

In order to supplement the collected primary data of the questionnaire and official documentation, a literature review on the subject of human resource management with specific reference to ethics and ethos will be carried out. The secondary sources used in this dissertation include newspapers, the Internet, Intranet, Police TV (POLTV), unpublished dissertations and theses, books, articles in journals and speeches (media briefings). The literature review will consider a variety of views from a number of authors in the field of ethics and ethos. De La Rey (1978:15) states that *research* is a systematic process where variables which may influence outcomes are controlled as far as possible. It is thus important to follow the set scientific procedures in ensuring credible results.

The questionnaire was further designed to ascertain the individual police officers' knowledge on ethics and ethos in the CPU of the JCPS; their views of the efficacy of the civilian oversight bodies; their opinion of the causes of negative work ethics and ethos in the CPU and their knowledge of the instruments and institutions geared for the effective implementation of an ethical framework in the CPU of the JCPS. Due to the importance of direction and intensity of the respondents' perceptions, a Likert-type rating scale was used (Robbins 1995:25). The respondents were requested to indicate whether a particular phenomenon is effective, very effective or not effective. The collected data was used for the empirical interpretation and testing of the problem statement.

The SAPS is a multi-faceted organisation, thus as a limitation to this dissertation only functional police officers appointed through the *SAPS Act*, 1995 (Act 68 of 1995) in the CPU of the JCPS will be targeted. The limited scope of the dissertation is a strategy devised to avoid a too broad and theoretical discussion of the theme of ethics and to allow concentration on the CPU of the JCPS. The dissertation focuses on police constables, sergeants, inspectors, captains, superintendents, directors and commissioners, irrespective of rank and status. For the purposes of this dissertation, the focus will be on the implementation of an ethical framework in the area Johannesburg Central in Gauteng, even though some incidences from other areas will be quoted for comparative purposes.

The dissertation focuses on the period of post-apartheid South Africa (i.e. from 1994 to 2006). In the CPU, a total of 72 questionnaires were distributed which represented a total number of functional police officers in the unit as at February and March 2005. Of the 72 questionnaires sent out, 64 were returned. A total of 88,8% of the functional police officers in the CPU responded to the questionnaire and the conclusions drawn from the respondents can therefore be based on a majority opinion. The following discussion defines concepts which will be used throughout the dissertation for a clearer understanding.

1.6   Conceptual definitions

The dissertation defines various concepts which relate to the enhancement of the implementation of an ethical framework in the CPU of the JCPS. The concepts include, Public administration, the South African Public Service, human resource development, performance management, ethics, ethos and code of conduct.

1.6.1   Public Administration

Miewald (1978:31) argues that Public Administration emerged as a distinct branch of political science. He further argues that Woodrow Wilson and Frank Goodnow advocated the separation of administration from politics. According to Miewald (1978:31) Wilson, in his essay titled "the study of Administration", argues that administration falls outside the sphere of politics. Woodrow Wilson (in Miewald 1978:31) states that politics decides and administration carries out the decisions. According to Miewald (1978:31), Public Administration is divided into two categories; that is Public Administration as a subject and public administration as a practice/activity. This implies that Public Administration as a subject is the study of public administration as a practice/activity.

According to Sangweni and Balia (1999:56), Public Administration as a subject ensures that public officials acquire academic knowledge in order to provide goods and services to the community in a much more effective and efficient manner. In a quest to enhance the implementation of an ethical conduct in public administration and strengthen constitutional provision, the *Public Service Code of Conduct* (1997) was developed, and subsequently the *SAPS Code of Conduct* (1997). Section 195 (1) of the *Constitution of the Republic of South Africa*, 1996 provides that public administration as a practice/activity should in every sphere of government be governed by democratic values and principles.

Public administration refers to a total of six generic functions of which the aim is goal realisation in any institutionalised group activity, but does not include all the activities of all the members nor specific activities of a specific group of members, but specific activities of all the members whose work is directed towards others (Cloete 1994:150). The six generic functions include policy-making, organising, financing, human resources, work procedures and control. Botes (1994:297) argues that human resources have the potential to play a critical role in the enhancement of effective service delivery. The individual police officers have to adopt positive work ethics and ethos which have the potential to enhance the effective service delivery in the CPU of the JCPS.

Public administration ethics is the determination of what is 'right', 'proper' and 'just' in making decisions and taking actions that affect members of the public (Hosmer 1987:32). This means that ethical policing will enhance and encourage moral and ethical behaviour among individual police officers of the CPU of the JCPS. It is expected of individual police officers in the CPU to act in a 'proper' and 'just' manner in the performance of their official duties. This position is based on the belief that there is either a 'right' or a 'wrong' way of acting in a given situation that constitutes a society's moral standards. In the context of this study, public administration refers to the carrying out of the functions assigned to police officers of safety and security. The SAPS will be discussed as an organisational component of the Department of Safety and Security (herein after referred to as DSS) established in terms of Section 7 (2-3) and schedule 1 of the Public Service Act, Proclamation 103 of 1994 (herein-after referred to as the *Public Service Act,* 1994).

1.6.2   South African Public Service

Gildenhuys (2004:153) refers to the South African Public Service as a fixed establishment with defined posts that has been created for the normal and regular requirements of the department. This service provides the day-to-day delivery of services to diverse citizens that manifest diverse needs. This implies that the context of service determines the prime existence of public administration while informed by the needs of the communities. Section 197 (1) of the *Constitution of the Republic of South Africa*, 1996 provides that in public administration there is a public service for the Republic, which must function, and be structured, in terms of national legislation, and which must loyally execute the lawful policies of the government of the day. Section 7 (2) of the *Public Service Act,* 1994 (Act 35 of 1994) structures and organises the Public Service in national departments and provincial administrations.

Section 8 of the *Public Service Act*, 1994 (Act 35 of 1994) declares that the Public Service shall comprise of persons who hold posts on the fixed establishment while the public services include those services that are provided by the public servants employed within the Public Service. Section 195 of the *Constitution of the Republic of South Africa*, 1996 provides that the Public Service must "be non-partisan, career-oriented and function according to fair and equitable principles; promote an effective and efficient public administration that is broadly representative of all population groups; serve all members of the public in an unbiased manner; functioning in terms of the condition of service and be organised in departments". Gildenhuys (2004:154) argues that theories of the Public Service in modern democracies require public officials to adhere to democratic principles and a set of ethical standards and be further guided by community values and common law, which have developed into a separate set of rules, known as administrative law. The *White Paper on the Transformation of Public Service Delivery,* 1997 (also known as *Batho Pele*) provides that "public officials should ensure public access to services".

With regard to public service delivery, Section 205 (3) of the *Constitution of the Republic of South African*, 1996 lays down that the SAPS has a responsibility to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law. According to the *SAPS Act*, 1995 (Act 68 of 1995), the SAPS' vision is to create a safe and secure environment for all people in South Africa. Its mission is to prevent anything that may threaten the safety or security of any community; investigate any crimes that threaten the safety or security of any community; ensure that criminals are brought to justice and participate in efforts to deal with the root causes of crime (SAPS Act, 1995: Act 68 of 1995). The JCPS is headed by a director in the capacity of a station commander with a number of deputy-directors with ranks of superintendent or senior superintendent being commanders of various components. Those components include: Customer Service Commander (CSC), Detective Commander (DC), Crime Prevention Commander (CPC), Crime Intelligence Commander (CIC) and Management of Information Office (SAPS, 2005). For the purposes of this dissertation, only functional police officers under the Crime Prevention Commander are considered. The comprehensive implementation of an ethical framework requires developed, committed and dedicated human resources and the following discussion defines human resource management and development.

1.6.3   Human resource management and development

Human resource management (herein-after referred to as the HRM) is an essential generic function of public administration and a critical component of the effective implementation of an ethical framework in the CPU of the JCPS. According to Harris (1970:6), HRM is the effective utilisation of employees with the aim of effectively achieving the organisational goals and strategies. *Human resource development*   (herein-after referred to as the HRD) is a learning experience that is mainly organised by the employer, usually within a specified period of time, to bring about the possibility of performance improvement and/or personal growth. The main focus of HRD is learning and its principal aim is to attain both organisational and individual objectives. However, learning can take place without producing any improvement in performance and it is therefore important to focus on the word possibility in the definition (Swanepoel, Erasmus, Van Wyk and Schenk 2003:451).

Swanepoel *et al*. (2003:452) argue that learning is generally viewed as a relatively permanent change in behaviour and HRD focuses on intentional rather than incidental learning.   That is, although a person can learn something incidentally by watching television (TV), reading the newspaper or having a discussion with friends; the main purpose of such activities is not to learn. Intentional learning can be formal or informal. *Formal learning* refers to the situation where an employee is taken out of the normal working environment to attend a course or lecture or to do a practical course, while *informal learning* refers to a non-structured on-the-job training which is provided by the supervisor or a person designated to do such training. HRD focuses on improving human resource practices, upgrading human resource professionals and restructuring the human resource department or units in departments (Ulrich 1998:2). Harrison (1993:300) defines HRD as planned learning and development of employees as individuals and groups to benefit the department as well as its employees.

In practice, HRD will not only benefit the individual in his/her job performance, but will also enable and skill them in other social, political, cultural and intellectual roles that society demands from them. This means that the difference between employee training and employee education indicates the direction of human resource developmental goals. Horwitz, Bowmaker-Falconer and Searll (1996:138) argue that employee training is job-related learning that is provided by the employer to an employee with the aim of improving the employee's skills, knowledge and attitudes so that he/she can perform his/her duties

according to set standards. According to the Concise Oxford Dictionary of Current English (1990:373), *education* refers to the act or process of educating or being educated (e.g. giving an intellectual, moral and social instruction to someone) and includes systematic instruction. In order to achieve the effective implementation of an ethical framework in the CPU of the JCPS, continuous training of individual police officers focusing on ethical behaviour is essential

Section 195 (1)(h) of the *Constitution of the Republic of South Africa,* 1996 provides that, "good human resources management and career development practices must be cultivated to maximise human potential". According to the SAPS (2006), HRD refers to an integrated use of training and development, organisational development and career development to individuals, groups and organisational effectiveness. Therefore, HRD should focus on police ethics education and training to develop police officers' skills, knowledge and attitude in order to enhance the effective implementation of an ethical framework in the CPU of the JCPS. The maintenance of the human resource development strategies requires the implementation of a comprehensive performance appraisal system in order to clearly identify possible shortfalls. Thus, the following discussion defines performance management and appraisal.

1.6.4   Performance management and appraisal

According to Baron (1990:10), *performance management* is the administration of the employees' level of competence in order to determine their skills needs. Performance management is significant to the individual employees with regard to promotions, mobility and continued employment. A *performance appraisal* is a formal and systematic process, by means of which the job-relevant strengths and weaknesses of employees are identified, observed, measured, recorded and developed (Swanepoel *et al.* 2003:372). This definition has captured the important components that the process of performance appraisal ideally entails. Those components are identification, observation, measurement, recording and development. *Identification* refers to the rational and legally defensible determination of the performance dimension to be examined. *Observation* indicates that all appraisal aspects should be observed sufficiently for accurate and fair judgements to be made. *Measurement* refers to the appraiser's translations into value judgements about how *good* or *bad* the employee's performance was. *Recording* concerns the documentation of the performance appraisal process outcomes. The *development* component indicates that appraisal is not simply an assessment of the past but should

also focus on the future and on the improvement of individual performance (Swanepoel *et al.* 2003:373).

According to Vermeulen (2002:2), *performance appraisal* refers to an integrated process that defines, assesses, reinforces and promotes the best job-related behaviour, outputs and expected deliverables. The SAPS developed a performance enhancement programme (herein after referred to as PEP) as a performance appraisal system. The development of PEP aims to ensure that individual police officers work smarter in order to achieve organisational objectives. This implies that PEP could be a fundamental developmental tool that is critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS. In the context of this dissertation, performance appraisal assists to identify negative work ethics and ethos in the CPU of the JCPS, and then facilitates the development of mechanisms for motivating police officers in order to enhance the effective implementation of an ethical framework in the unit.

Despite having to put human resource development strategies into context, a performance appraisal system can also be used to provide information regarding work performance, which can then be analysed for a variety of purposes. According to Dowling (1999:56), a performance appraisal system can be used in terms of human resource decision-making which include human resource planning, rewarding decisions, placement decisions and retrenchments. The human resource planning includes compiling skills inventories, obtaining information regarding new positions to be created, and developing succession plans. Rewarding decisions includes salary and wage increases while placement decision includes promotions, transfers, dismissals and retrenchments. All these are critical components for keeping the human resource focused towards the attainment of an ethical framework in the CPU of the JCPS. It can also be used for developmental purposes focusing on developmental functions of the CPU as well as the SAPS as a whole. In terms of the individual, it provides the police officer with feedback on his/her strengths and weaknesses and on how to improve future performance, aiding career planning and development as well as providing inputs on personal remedial interventions. At the organisational level, it facilitates the SAPS' diagnosis by specifying performance levels and suggesting overall training needs. It provides essential information for affirmative action programmes, job redesign efforts, multiskilling programmes and enhances effective communication in the SAPS through ongoing interaction between commanders and subordinates. In the context of job design effort, it should be noted that

in order to achieve positive work ethics and ethos, there should be a formal inclusion of ethical behaviour in the organisational key performance areas (herein-after referred to as the KPA). Relevant to this dissertation, it should be noted that the implementation of an objective performance appraisal system in the CPU of the JCPS could positively contribute to the enhancement of an ethical framework in the context of safety and security.

1.6.5 Ethics and ethos

Ethics refers to the branch of philosophy that deals with values relating to human conduct with respect to the rightness or wrongness of a specific action and to the goodness or badness of the motives and ends thereof (Chandler and Plano 1998:17). The question of rightness entails what ought to be or what is acceptable to a particular society or a group of that society. This means that ethics is a moral guideline which guides human behaviour towards the attainment of common ethos in the provision of safety and security to members of the public. Chapman (1993:16) argues that ethics is concerned not only with distinguishing right from wrong and good from bad but also with the commitment to do what is acceptable. According to Ziman (1998:12), ethical issues always involve interests or feelings. He states that ethics is not just an abstract intellectual discipline; it is about the conflicts that arise in trying to meet real human needs and values. This means that to be clearly ethical is not a matter of following one's interests or feelings, that is, police officers who follow their feelings may recoil from doing what is right; in fact, one's interests might deviate from what is considered ethical by members of the public.

Ethics is the study of human conduct in respect of its propriety, its rightness or goodness when measured against accepted value norms. Chandler and Plano (1998:17) concur that ethics essentially deals with questions about whether one ought or ought not to perform certain kinds of actions, about whether the actions are good or bad, right or wrong, virtuous or vicious, worthy of praise or blame, reward or punishment. According to Kernaghan and Dwivendi (1983:153), *ethics* is that "branch of philosophy which concerns human characters and conduct. It is composed of the distinction between right and wrong and one's moral duty and obligations to the community as a whole." From the above definitions, it can be deduced that *ethics* involves decisions about whether actions are right or wrong when measured against acceptable community values. In the case of police officers, this value judgement would be made against the expectation of community

needs and would involve acting either in the best interests of the community or not taking the best interests of the community at heart.

The ethical conduct is sourced from policies and procedures that govern one's organisation, e.g. policies on sexual harassment, whistle-blowing and a code of conduct. However, a moral stance is often reflected in a position taken when an issue is not governed by any law, policy or procedure. Starling (1993:168) simply defines *ethics* as the systematic study of values, whereas Andrews (1998:35) refers to *ethics* as the standard which guides the behaviour and actions of personnel in public institutions, and which may be referred to as moral laws. Although it is hard to pin down the meaning of *ethics*, Hoffman and Moore (1990:1) and Gildenhuys (1991:41) support the conviction that ethics is the study of what is good or right for human beings. From these definitions, it can be deduced that ethical actions go hand-in-hand with prescribed rules, be they formal or informal. These rules usually reflect the fundamental values of the community and thus indicate the correct course of action. They, therefore, establish the ideas of correct behaviour.

Ethos is the inner character that deals with deeper matters of conscience, it has the potential to encourage police officers to go beyond ethics and check their internalised drive and willingness to do what is right or ethical (Manning and Curtis 1987:6). This means that in terms of the provision of safety and security, positive ethos could encourage a positive attitude among police officers towards the execution of their official daily duties. Maklin (1982:67) defines *ethos* as "the perceived degree of character or credibility that a person believes exists in another person or object". This means that, for example, the question of how much trust and belief one has in a communicator or in his or her message or both will have an important bearing on how persuasive the communicator will be in the mind of the listener. Maklin (1982:68) further argues that personal ethos is shaped by variables that have emerged as salient factors of credibility, namely trust, competence and dynamism. Verderber and Verderber (1992:143) define *trust* as "placing confidence in the other", which is the central theme in the context of law enforcement. From these definitions, it can be deduced that credibility plays a significant role on how effective one can be in the performance of ones official duties. This pretext defines the importance of trust extended to the service provider, which is the SAPS in this case.

Verderber and Verderber (1992:144) define *ethos* as "the character, sentiment, or

disposition of a community or people, considered as a natural endowment, the spirit which actuates manners and customs, also, the characteristic tone or genius of an institution or social organisation". According to the Oxford Advanced Learners' Dictionary (2001:301), *ethos* is a characteristic spirit, prevalent sentimental tone of people or community; the 'genius' of an institution or system. This definition focuses on ethos as a collective term, the spirit of the people or the community. This means that ethos is a spirit-like concept, one which has the power not only to join people or community together, but also has the power to change and adapt to any given situation. The internalisation of positive work ethics in an organisational environment has the potential to create a collective positive spirit that could be manifested in the form of positive ethos. In terms of what has been argued thus far, it can be deduced that the attainment of a positive ethos among individual police officers in the CPU of the JCPS could enhance the effective implementation of an ethical framework in the unit.

Considering the arguments of Chandler and Plano (1998:17), Chapman (1993:16), Du Toit *et al.* (1998:134), and Manning and Curtis (1987:6) in differentiating ethics and ethos, it can be deduced that *ethics* has something to do with compliance to a set of ethical principles while *ethos* relates to the commitment in adhering to the ethical principles. Compliance is, therefore, achieved through external forms of compulsion or sanction while commitment includes internal willingness to do some tasks. From what has been argued, thus far, it can be stated that the basic task facing the Commander of the CPU of the JCPS is not only to get individual police officers to comply with the code of conduct, legislation or national orders and instructions, but also to transform that compliant work force into a committed human resource aimed at effective and efficient service delivery. It can be deduced that *ethos* is applied within a culture and presupposes community, whereas *ethics* operates on the basis of principles and is rooted in systems of thought.

1.6.6   Code of conduct

Chapman (1993:18) defines a *code of conduct* as a statement of principle and standards about the right conduct of political office-bearers and public officials. A code of conduct normally contains only a portion of a government's rules on public service ethics. It is narrower compared to ethical rules, which include statutes, regulations and guidelines. Rosenthal and Rosenow (1973:60) define *code of conduct* as a set of principles that are adopted by an organisation in order to define specific principles for which such organisation stands. Rosenthal and Rosenow (1973:60) further argue that it takes a

specific policy selection of the basic ethics in general society and seeks to use them to influence a particular organisation's definition of its programme of action and what kinds of organisation-orientated behaviours are acceptable.

Dowling (1999:18) argues that an *ethical code of conduct* or *ethics code* refers to the established norms, policies and practices that are meant to guide an individual in terms of good (bad) or right (wrong) behaviour.   This implies that ethical guidelines enable individual police officers to be able to decide whether or not to accept or reject a particular rule, or practice, as being a morally right way of behaving or not.   Such rules are usually directed at professional workers, guiding them in the way they ought to choose (or ought not to choose), or guiding them about what it is the right decision (or wrong decision) in a given kind of situation.   In the CPU of the JCPS, the *SAPS Code of Conduct* (1997) serves as a guiding document in terms of determining what is good (bad) or right (wrong) behaviour towards the achievement of an ethical framework.   However, the gist of the problem lies with insufficient implementation of the code.

A code of conduct can either be aspirational, directional or a combination of the two (Rosenthal and Rosenow 1973:60).   Each of these forms has benefits and limitations. An *aspirational code* is a short document that spells out the ethical values that guide behaviour toward internal and external environmental impact.   It is aspirational in that it sets standards that all members of an organisation are expected to meet.   Its strength is that it is a concise document, which is easy to remember; it is brief, it does not contain much detail, so it is less likely to be confusing; it does not spell out every single moral action; and shows respect for the maturity and discretion of people to apply these values as they see fit.   The strength of an aspirational code constitutes its weakness, which is based on its general nature, it does not provide specific guidance on what is expected from organisational members in moral complex situations; it also makes it difficult to specify the consequences for whoever disregards the code, this means that it might be hard to enforce.

A *directional code* is a more extended document that provides specific guidelines about what is expected of members of an organisation in specific circumstances (Rosenthal and Rosenow 1973:60).   It has a definite directional purpose, as it spells out clearly how people in an organisation are expected to behave. The strength of a directional code is that, it is specific, it gives clear guidance to everyone in an organisation and leaves little

room for misinterpretation; it is easy to enforce, as it spells out the consequences that will follow if someone should contravene the code. The strength of a directional code is simultaneously its weaknesses. Because it is specific, it tends to be long and this makes it difficult to remember. It also does not allow much discretion and this can breed an attitude that encourages what Rosenthal and Rosenow (1973:60) have come to name the eleventh commandment: *thou shalt not be caught out*. Rossouw (2002:125) argues that some codes of conduct are powerful instruments that guide the behaviour of organisations while others are totally ineffectual. This means that a special effort is required to draft or design an effective code of conduct that will enhance the effective implementation of an ethical framework in the CPU of the JCPS.

In practice, a *code of conduct* is a multidimensional concept, some call it credo; others call it declaration of business principles; value statement; standard of conduct; and/or code of ethics. In the context of this dissertation, a *code of conduct* is a document or an agreement which clearly stipulates the morally acceptable behaviour among individual police officers in the CPU of the JCPS. It defines the ethical standards or guidelines that need to be respected by all police officers in the CPU of the JCPS in dealing with both internal customers (e.g. management, employees and colleagues) and external customers (e.g. members of the public, contractors and other government institutions). It could be concluded, therefore, that a *code of conduct* is a set of conventional principles and expectations that are considered binding on any person who is a member of a particular group, e.g. the *SAPS Code of Conduct* (1997) is binding only to functional police officers employed through the *SAPS Act*, 1995 (Act 68 of 1995). The code of conduct is, however, a critical component which has the potential to effectively contribute to the enhancement of the ethical work practices in the CPU of the JCPS. Therefore, it could be deduced that a code of conduct has an important role to play in terms of guiding individual police officers with regard to differentiating good from bad practices. For the purpose of the dissertation, the *SAPS Code of Conduct* (1997) will be closely analysed in order to assess its efficacy towards the effective implementation of an ethical framework in the CPU of the JCPS.

1.7 Chapter outline

Chapter 1 outlines the motivation of the research, the problem statement, objective of the research as well as the research methodology, which entails the methods used to obtain

the information. This chapter gives the definition of concepts to be used throughout the dissertation, namely Public administration, South African Public Service, human resource management and development, performance management and appraisal, ethics and ethos and code of conduct. Chapter 1 further provides the framework of the entire dissertation.

Chapter 2 focuses on the environmental framework impacting on the CPU of the JCPS. Both external and internal environmental factors are identified and discussed. The external environmental factors include policy and legislative framework, economic, technological and socio-cultural environments. The internal environmental factors include police knowledge, skills, attitude, motivation, internal disciplinary systems and accountability.

Chapter 3 analyses both causes and manifestations of negative work ethics and ethos in the CPU of the JCPS. The identified causes and manifestations of negative work ethics and ethos include deficient control and accountability, poor management, poorly aligned incentive structures, overcentralised decision-making, leaner sentences (soft penalties) for corrupters, lack of ethics education and training, resistance to change, common causes of unethical behaviour and *noble cause* corruption.

Chapter 4 focuses on both instruments and institutions for the enhancement of an effective implementation of an ethical framework in the CPU of the JCPS. The identified instruments for the enhancement of the effective implementation of an ethical framework include: comprehensive code of conduct, ethics education and training, performance appraisal system, organisational cultural reform, good incentive structures, paradigm shift, National Anti-Corruption Hotline, vetting and regular polygraph tests, as well as stress management training. The identified institutions include Independent Complaints Directorate, Community Policing Forum, the National and Provincial Secretariat for Safety and Security, Parliamentary Portfolio Committee for Safety and Security, Auditor-General, Public Protector, National Prosecuting Authority, Directorate for Special Operations (Scorpions), Asset Forfeiture Unit and Witness Protection Unit.

Chapter 5 provides the recommendations based on the findings of the dissertation and proves or disproves the problem statement. Chapter 5 further gives the conclusions drawn from the entire discussion and recommendations of the dissertation.

1.8   Conclusion

Chapter 1 gives a broad introductory perspective of the dissertation. It outlines the motivation of the research, the problem statement, the objective and the research methodology. The research methodology outlines the approach to research as well as the instruments to be used in the collection and analysis of the relevant information.

The chapter gives the definitions of concepts that will be used throughout the dissertation and their relevance, including Public Administration, South African Public Service, human resource development, performance management, ethics, ethos and code of conduct. This introductory chapter states that the limitation concerns functional police officers in the CPU of the JCPS. The problem statement of this research considers the premise that an effective implementation of an ethical framework is critical for the maintenance of a positive work ethics and ethos. The following chapter analyses both external and internal environmental impacts on individual police officers of the CPU of the JCPS in their operation in their daily work and decision-making.

CHAPTER 2

ENVIRONMENTAL FRAMEWORK IMPACT ON THE CRIME PREVENTION UNIT OF THE JOHANNESBURG CENTRAL POLICE STATION

2.1   Introduction

The approach towards understanding and combating unethical conduct among police officers of the CPU should start by analysing the environment in which individual police officers work. Much of what has been written tends to examine the relationship between the nature of the environment in which police officers work, and the extent to which unethical conduct occurs. This chapter analyses the external and internal environmental impact on individual police officers, which has the potential to influence their conduct.

The most insightful perspective on how the environment could lead to unethical conduct in the crime prevention perspective of the CPU is the deployment of police officers in illegitimate markets such as drug markets. This development positions police officers at the invitational edge of corruption. The main challenge facing the CPU is that individual police officers have high levels of discretionary authority which they often exercise in environments in which close supervision is not possible. Because police officers are involved in a wide variety of activities, both external and internal environmental conditions impact on them in unique ways. The police officers' work includes control of politically motivated riots, traffic control, dealing with cases of assault, investigating murders, intervening in domestic and neighbourhood quarrels, apprehending thieves, saving people's lives, making drug-related arrests, shooting armed robbers and dealing with cases of fraud. Therefore, it is important to analyse the environmental conditions in which police officers of the CPU of the JCPS operate, in order to develop comprehensive strategies for the implementation of an ethical framework in the unit.

Despite the above-mentioned, the police officers have varied responsibilities which include the use of coercive force. They also have a law enforcement role in relation to crimes that have already been committed. This role involves not only the investigation of crimes in the service of truth, but also the duty to arrest offenders and bring them before the courts so that they can be tried and, if found guilty, be punished. However, the same police officers also have important preventive and social work roles. Although different police stations might have different cultural, political, socio-economic, technological and administrative environments, they often confront similar ethical challenges and their response in their ethics management shows common characteristics. The following discussion analyses both external and internal environmental conditions which have the potential to affect the implementation of an ethical framework in the CPU of the JCPS.

The external conditions include policy and legislative framework, economic, technological and socio-cultural environments. The internal conditions include police knowledge, skills, attitude, motivation, internal disciplinary systems and accountability.

2.2   Impact of the external environmental conditions on the Crime Prevention Unit of the Johannesburg Central Police Station

From an open systems perspective, a human resource is seen as being influenced not only by the internal organisational environment, but also by variables or factors in the external environment.   There is a strong interconnectedness between internal and external environments in the CPU and these should be aligned with each other as well as with the overall mission of the SAPS. It should be borne in mind that human resource strategies do not exist in isolation, they should be formulated in order to effectively deal with the external environmental threats, opportunities and constraints.   The external environmental influences need not, however, be accepted passively.   Most proactive commanders attempt to influence or shape their environments, even though such approach will not necessarily make them immune to forces in the external environment (Swanepoel *et al.* 2003:174).

Despite the open systems perspective, the external environment does not only refer to factors or forces external to the CPU, but also to those internal to the unit but external to the SAPS. This means that when environmental scanning is done from the perspective of human resource strategy formulation, it is not only the relevant factors in the political, economic, social and technological (PEST) environments that are explored, but also those factors related to the internal variables of the SAPS.   This implies that the external environmental factors provide opportunities and threats to the CPU, and if taken into cognisance, those opportunities can be capitalised within the unit and the threats can be avoided as far as possible.   The CPU of the JCPS does not operate in a vacuum where they can just decide what to do or not to do without taking external factors into account. The external environmental factors have the potential to shape and influence the individual police officers in making ethical decisions.

In the context of this dissertation, it can be argued that the CPU of the JCPS has observed considerable external environmental changes that impacted on their policing strategies and on how the individual police officers operate. Those changes include the

introduction of democratic policies and regulations; challenging social factors such as HIV/AIDS, high unemployment, poverty, crime and skills; technological factors such as the rising importance of e-government, computer literacy, the Internet and call centres as well as globalisation. The following discussion analyses the impact of the policy and the legislative framework on individual police officers in their execution of safety and security.

2.2.1 Policy and legislative framework

According to Gildenhuys (1988:60), deficient and ambiguous policy statements with regard to ethical issues in the political and administrative systems have the potential to generate unethical conduct. Gildenhuys (1988:60) further argues that if the authorities do not have a clear and unambiguous policy statement about which actions are acceptable and which ones are not, including the sentences or penalties for deviation from set standards, it can be expected that the incidence of unethical conduct will increase. The *White Paper for the Transformation of Public Service Delivery,* 1997 (also known as *Batho Pele)* identifies key principles which inform all services provided by the public institutions. These include, among others, consultation with the public, development of clear service standards, ensuring public access to services, and providing accurate information to members of the public with regard to public service delivery.

In the context of this dissertation, the policy and the legislative framework include the *Constitution of the Republic of South Africa*, 1996, the *SAPS Act*, 1995 (Act 68 of 1995), the *SAPS Code of Conduct* (1997), the *Public Service Act*, 1994 (Act 35 of 1994), as well as relevant national and provincial orders and instructions. According to the *Oxford Advanced Learners Dictionary* (2001:245), a *constitution* is a system of laws or a body of fundamental principles or established precedents according to which a state or an organisation is governed. It represents an operational prescript that directs the operation and conduct of all relevant stakeholders in the entity. The *Constitution of the Republic of South Africa*, 1996 is the supreme law of the land and no other law should be inconsistent with its provisions. The *SAPS Act,* 1995 (Act 68 of 1995) regulates policing in South Africa and all national and provincial regulations, orders and instructions should be congruent with its provisions.

An *order* or a *regulation* is an official rule or directive made and maintained by a government or an authority (Oxford Advanced Learners Dictionary 2001:986). In the

context of this dissertation, an *order* or a *regulation* refers to those rules and instructions that are made within the CPU of the JCPS in order to direct or clarify specific policing operations focused on the achievement of aimed objectives towards the realisation of the ethical objectives. Section 205 (1) of the *Constitution of the Republic of South Africa*, 1996 provides for the establishment of the SAPS. Immediately after its establishment, the priority of the SAPS was to create its legitimacy among members of the public, because until 1994, they served to maintain and enforce apartheid. The major policy and legislative reform in a democratic South Africa was the enactment of the *Constitution of the Republic of South Africa,* 1996 which is supreme and binding in an absolute way on the SAPS. Section 207 (2) of the *Constitution of the Republic of South Africa*, 1996 provides that the National Commissioner must exercise control and manage the SAPS in accordance with national policing policy and the direction of the cabinet member responsible for policing. This implies that the *Constitution of the Republic of South Africa*, 1996 plays a critical role in the enhancement of the implementation of an ethical framework in the SAPS by preventing police officers from acting as a law unto themselves.

The supremacy of the *Constitution of the Republic of South Africa*, 1996 prevents the government or any individual from using the state organs, including the SAPS, to achieve personal objectives. Implicit to this state of affairs is the requirement that individual police officers should only obey lawful commands while using minimal force at all times. Gildenhuys (1988:60) states that the policy and legislative framework include rules, regulations and acts of parliament to be followed by the state's subjects in order to operate within acceptable values and norms. *SAPS Regulation* 18 (1997) clearly states that national orders and instructions are national directives issued in the form of an information note by the National Police Commissioner in order to direct or clarify issues in the SAPS. National orders and instructions should be interpreted as national directives that embrace all officers nationally, although some orders and instructions may be directed to specialised units such as the Special Task Force or Crime Prevention Unit. Furthermore, *SAPS Regulations 18* (1997) provides that, "provincial orders and instructions are tantamount to national orders and instructions, but only apply to police officers in their respective provinces and should not be incongruent with the provisions of the national orders and instructions".

In order to effectively regulate the SAPS and effectively enhance the implementation of an ethical framework within ranks, the government enacted the *SAPS Act,* 1995 (Act 68 of 1995). Section 24(1) of the *SAPS Act,* 1995 (Act 68 of 1995) empowers the Member of the Executive Council (MEC) for Safety and Security to develop appointment procedures, terms and conditions of the SAPS as well as the principles behind the termination of service. Furthermore, Section 24 (1) of the *SAPS Act*, 1995 (Act 68 of 1995) empowers the Minister of Safety and Security to draft regulations with regard to the exercise of police powers as well as the performance of their duties and functions. Section 205 (1) of the *Constitution of the Republic of South Africa,* 1996 provides that the SAPS is structured to function in the national, provincial and, where appropriate, local sphere of government. This means that the policy and legislative framework align the SAPS to greater accountability in terms of the law, the Bill of Rights as provided for by the *Constitution of the Republic of South Africa*, 1996 and the community at large. It is aimed to make the SAPS legitimate in the eyes of members of the public and create a solid basis for fighting crime. Section 206 (3) of the *Constitution of the Republic of South Africa*, 1996 provides that, "each and every province should monitor the police officers and conduct and oversee their effectiveness and efficiency".

From the above, it can be deduced that the *SAPS Act*, 1995 (Act 68 of 1995) plays a central role in an attempt to enhance the effective implementation of an ethical framework in the CPU of the JCPS. It is instituted to resolve instances of unethical conduct amongst police officers in terms of non-compliance. *SAPS Regulation* 18 (1997) outlines the disciplinary proceedings which are aimed to return police officers to an acceptable standard of discipline and, where appropriate, not to punish them but to ensure that disciplinary measures are taken when appropriate in order to protect and enhance the interests of the CPU of the JCPS and its employees. The policy and legislative framework guide the CPU to be able to maintain, sustain and ensure a high ethical standard among individual police officers. It ensures that individual police officers who are suspected of unethical conduct have the right to fair disciplinary proceedings, and that disciplinary steps are not taken arbitrarily or against the police officer as provided by the *Labour Relations Act*, 1995 (Act 66 of 1995). It is the policy and legislative framework that compel the employer to bring to the knowledge of the employee that he/she has a right to be assisted by a representative during any stage of disciplinary proceedings.

SAPS Regulation 18 (1997) states that in making any findings or determination during a disciplinary proceeding, an adjudicator or a presiding officer as well as the appeal authority shall be guided by the principles of equity, fairness and rules of natural justice. Those rules include *nemo debet esse dudex en causa propria sua,* which means that no person can be a judge on his/her own case, and *audi alteram partem* rule, which means that both parties should be given a fair hearing. However, it is worth noting that police officers shall not be indemnified from disciplinary proceedings in terms of these regulations, notwithstanding the fact that the disciplinary proceedings may concern acts or omissions that formed the subject of a charge in respect of which individual police officers were acquitted or convicted by a court of law.

From what has been argued thus far, it is acknowledged that it is difficult to establish rules for ethical conduct which will satisfy value perceptions, conceptions and requirements of all groups in society. However, it is established that in order to ensure uniformity in human resource matters, standards, rules and regulations should be set. From the foregoing, it can be deduced that in order to enhance the effective implementation of the ethical framework in the CPU of the JCPS all police officers irrespective of rank or status should remain bound by the same policies and legislative framework. It is recommended that individual police officers should ensure that they undertake activities only once authorised by a legislative authority and should not exceed their authority or cede their authority to others, and rules regarding administrative authority should be rigorously followed. Furthermore, it is recommended that a sound policy should seek a clear definition of the values involved in ethical conduct, which should include members of the public as sharing responsibility for their implementation. It should be emphasised that the abundance and variety of legal norms concerning ethics are a hindrance to their practical implementation. The impact of the economic conditions on individual police officers with regard to ethics and ethos will now be discussed.

2.2.2 Economic environment

The World Bank (1983:21) asserts that "economic inequalities and poverty are contributing factors to the cause of unethical conduct". According to Gildenhuys (1988:56), a high inflation rate makes public services expensive and it simultaneously erodes the financial position of individuals increasing their vulnerability to unethical conduct. Williams (1982:33) argues that "the development of a monetary economic system in contrast with subsistence economy contributes to the causes of unethical

conduct". This means that harsh economic conditions have the potential to make police officers vulnerable to the temptations of taking bribes.

An economic environment is affected by how all the different parts of the macro-economic environment work together. Gildenhuys (1988:57) argues that the economic environmental factors that affect people's economic standards include, among others, the interest rate; exchange rates; inflation; whether there is a budget deficit or surplus; and savings rates. These economic conditions often change fairly rapidly and have an impact on how police officers view the necessity of taking bribes. Very often the domestic economic environment is also impacted on by other world economies. Previously, exclusive focus on what was taking place in the local economy was sufficient; however, today this is no longer the case as what is taking place in one economy often has a bearing on other economies.

South Africa is a middle-income developing country with a liberal supply of natural resources, well-developed financial, legal, communication, energy and transport sectors, a modern infrastructure and a stock exchange that rank among the largest in the world (*SADC Review* 2002:2). The *White Paper on the Reconstruction and Development Programmes* (herein-after referred to as the RDP) (1997:2) argues that building the economy was one of the major five programmes suggested in the RDP. In the context of this dissertation, building the country's economy is regarded as a critical component that has the potential to positively influence police officers in an attempt to enhance an ethical framework in the CPU of the JCPS. Despite building the economy, the RDP is to meet the basic community needs, developing the country's human resource and democratising the state and the society.

According to Swank and Conser (1983:310), police officers operate in a very strenuous and sophisticated environment, which is inconsistent and unpredictable. This means that police officers are faced with the challenge of satisfying the needs of a demanding public, while enduring an increased workload and job dangers, and as a consequence, many, if not most, police officers feel that their economic rewards do not increase commensurately. The economic environmental conditions have a major bearing on the levels of crime and subsequent police behaviour. This means that unemployment has a negative impact on an individual's economic well-being, which, in turn, has a detrimental effect on the community life and development. In practice, unemployment leads to

poverty, low quality of life, social, political and economic ills, all of which create grounds for police officers to engage in unethical practices. These developments have the potential to inhibit the enhancement of the effective implementation of an ethical framework in the CPU of the JCPS and create opportunities for unethical conduct.

From the foregoing, it can be deduced that the economic factors have a major impact on the conduct of police officers because people can be driven to take bribes due to their financial position. However, good salary structures alone do not guarantee the effective implementation of the ethical framework. It remains imperative that any evaluation on the level of unethical conduct in the CPU of the JCPS should take into cognisance their economic scenarios. The impact of the technological environment will now be discussed.

2.2.3   Technological environment

According to Bergen (2006), technological innovations present ethical implications ranging from challenges of traditional ethical norms to creating an aggregation of effects, changing the distribution of justice and providing great power. In practice, people are creators of their own environment, which gives them physical sustenance and affords them the opportunity for intellectual, moral, social and spiritual growth. Bergen (2006) states that, due to the rapid acceleration of science and technology, people have acquired the power to transform the environment in countless ways and on an unprecedented scale. Both aspects of people's environment, the natural and the man-made, are essential to the well-being and the enjoyment of basic human rights, including the right to life itself.

Technology has allowed people to complete more tasks in less time and with less energy. It has had profound effects on liftestyle throughout human history, and as the rate of progress increases, society must deal with both the good and bad implications (Wikipedia; 2006). These changes present the CPU of the JCPS with many opportunities, such as improving the ability to communicate efficiently. Most importantly, it enables one to keep control of the different administration and services processes that take place in the CPU of the JCPS. This has the potential to put the SAPS in a better position to put control in place as well as enabling it to meet the compliance requirements of the policing and legislative framework.

The *SAPS Annual Report* (2003/4) states that the SAPS commits itself to the use and promotion of information technology. This means that technology is becoming a fundamental framework in which people operate around the world, be it professional or otherwise. The SAPS is unintentionally affected and shaped by various technological developments. The *SAPS Strategic Plan Document* (2004/7) argues that "technological aids will optimise their efforts and serve as an important tool in the fight against crime. The SAPS confirms that they have struck a balance between the use of police officer and technology". The Minister for Safety and Security, in his foreword in the *SAPS Strategic Plan Document* (2004/7), argues that "the use of modern technology can give the SAPS the edge over criminals, but it has to be applied correctly in order to enjoy all the advantages". It is, therefore, imperative that the commander of a CPU ensures appropriate training of individual police officers on the appropriate use of information technology in the fight against crime.

The *SAPS Strategic Plan Document,* (2004/7:13) provides that the contribution of science and technology to economic and social development must be applied to the identification, avoidance and control of environmental risks while providing solutions to environmental problems for the common good of mankind. However, the emergence of cyber crimes such as card-flying and Internet fraud has placed a major challenge on the operation of the CPU of the JCPS and the SAPS as a whole. Furthermore, the introduction of cellular phones has changed the complexion of the criminals' *modus operandi*, presenting a challenge to the counter-functions of police officers. The *SAPS Annual Report* (2003/4) includes an expansion of the use of technological aids such as closed-circuit television (CCTV), which has proved to be a very effective tool in the prevention and combating of crime in the Johannesburg Central Business District (CBD). From what has been argued thus far, it can be deduced that technological challenges could provide various opportunities for improving efficacy, but without proper training, technology becomes a weakness and no longer a strength.

In essence, the CPU of the JCPS should consider educating and training individual police officers about the use of computers in order to ensure sufficient understanding and knowledge about what technology can do to help fight crime. Even though technology may pose challenges, it does provide opportunities for its advantageous use in crime prevention. In the context of this dissertation, it can be concluded that technological developments have a positive impact on police conduct. For example, the installation of

CCTV cameras in the Johannesburg CBD does not only maintain surveillance to criminals, but also to those police officers who commit acts of unethical conduct. This implies that technological innovations can serve as an effective control measure among individual police officers in the CPU of the JCPS in order to enhance the effective implementation of an ethical framework in the unit. The following discussion focuses on the impact of the socio-cultural environmental conditions in the operation of police officers in the CPU of the JCPS.

2.2.4   Socio-cultural environment

The social environment entails all interpersonal and intrapersonal interactions that take place in groups and between groups in a working environment (Fieldhouse 1988:31). The satisfaction an individual receives out of this interaction adds to his/her motivation and job satisfaction. Fieldhouse (1988:32) argues that the governmental organisations are by nature and actions a mirror image of the society in which they function. This view suggests that public morality is mostly determined by the societal cultural values and morals. However, there are bureaucracies that have better or worse moral attitudes than the societies in which they function (Gildenhuys 1988:57). Therefore, the level of morality in society will to an extent influence the level of police conduct and will impact on social organisations, social institutions, social practices and roles, social mobility and demographic patterns in a society. The Oxford Advanced Learners Dictionary (2001:101) defines *culture* as the customs, institutions and achievements of a particular nation, people or group. Culture does consist of either explicit or implicit patterns of behaviour that could be acquired and transmitted by symbols, constituting the distinctive achievement of human groups, including their embodiment in artifacts (Oxford Advanced Learners Dictionary 2001:101).

The socio-cultural challenge facing the South African Government is to ensure a national and social reconciliation. Due to the fact that the apartheid system did not only discriminate against people belonging to the non-white races but also against non-white cultures, the socio-cultural challenge facing the commander of a CPU is to foster unity and co-operation among individual police officers. Because of South Africa's diversity of languages, cultures and races, the commander of the CPU of the JCPS has a duty to ensure a socio-cultural cohesion among police officers in order to effectively achieve a common objective. The impact of the apartheid systems led to misunderstandings and differences between police officers of different cultures and socio-economic backgrounds.

However, the post-apartheid South Africa should tolerate cultural diversity in the workplace by acknowledging and accommodating the values and dignity of each and every culture (South African Government,2006). This implies that the effective enhancement of the implementation of an ethical framework in the CPU of the JCPS is subject to the commander's effective management of socio-cultural interaction between different social groups; not only in the unit but also in the communities they serve. In practice, it should be noted that code of conduct, guidelines or ethics training programmes can not make the individual police officers behave ethically, but the entrenched positive ethos across the organisation has the potential to instigate ethical behaviour among individuals. These will enable the commander in the CPU of the JCPS to be prepared to confront the organisational ethical framework and weigh the available options when having to make difficult ethical decisions.

Du Toit *et al.* (1998:129) argue that the socio-cultural environment entails all social and cultural factors that impact on how police officers live and behave. The socio-cultural environmental factors have a profound impact on policing in the economic, political and legal context. The factors that make up the socio-cultural environment include the language spoken; the food that is eaten; the religions that are prevalent; clothing that is worn and the views on marriage, family, health and fitness standards (Du Toit *et al.* 1998: 129). This implies that understanding the socio-cultural environment in which individual police officers work could facilitate the Commander's development of strategies for the appropriate implementation of an ethical framework in the CPU of the JCPS. From what has been argued this far, it is evident that the socio-cultural environment has a major impact on the operation of individual police officers and enable the Commander of the CPU of the JCPS to identify the needs, views and attitudes of police officers.

In the South African context, people have the fundamental right to freedom, equality and adequate conditions of life as provided by the *Constitution of the Republic of South Africa*, 1996. A competent socio-cultural environment consists of a full quality of life that permits a life of dignity and well-being. It largely rests with members of the public to protect and make the environment conducive for effective policing and prosecution of offenders (Du Toit *et al.* 1998:130). In this context, the effective implementation of an ethical framework in the CPU of the JCPS should serve the multi-purpose function of ensuring that both individual police officers and members of the public are made aware and tolerant of the different sets of the South African socio-cultural environments. In order to achieve

an ethical socio-cultural environment that is conducive for effective policing, there should be a sense of acceptance of responsibility by members of the public and the SAPS that policing is an all-inclusive responsibility.

The police officers of the CPU of the JCPS should embrace collaborative participation with members of the public and accept that individuals in all walks of life as well as organisations in many fields, by their values and the sum of their actions, have a role to play in shaping the SAPS of the future. In turn, the effective implementation of the ethical framework in the CPU of the JCPS has the potential to enhance social development that is essential for ensuring favourable living and working conditions for people while creating conditions that will necessitate the improvement of people's quality of life. The following discussion focuses on the impact of the internal environmental conditions on the operation of police officers in the CPU of the JCPS.

2.3   Impact of the internal environmental conditions on the Crime Prevention Unit of the Johannesburg Central Police Station

An *internal environment* refers to such factors intrinsic to the organisation and directly impacting on the daily operations of the organisation (SAPS:2006)**.** Swank and Conser (1983:310) argue that the feeling for self-expression is a basic drive for most individuals, and police officers are no exception. This means that the people wish to communicate their aims, feelings, complaints and ideas to others. Police officers often get frustrated in their efforts of letting management know of their dissatisfaction about such ideas as poor equipment, lack of training, unfair promotional policies, or poor supervisor relationships. The motivated police officers with good knowledge and skills about their work are likely to present a positive attitude, ethics and ethos in their work performance. The following discussion focuses on the impact of the police officers' knowledge and skills on their work with regard to the enhancement of the effective implementation of an ethical framework in the CPU of the JCPS.

2.3.1   Knowledge and skills

A *skill* is the ability to demonstrate a strategy and flow of behaviour that is realistically related to the attainment of a performance goal, it is not a result of a single action but rather the culmination of a process or sequence of actions (Robbins 1995:15). It is presumed that for effective and productive service delivery some sort of skill is needed.

The police officers work in units directly with members of the public emphasising the importance of interpersonal and communication skills which will enhance one's ability to work well with others. According to the Concise Oxford Dictionary (1990:656), *knowledge* refers to the awareness or familiarity gained by experience or is a person's range of information or it is a theoretical or practical understanding of a subject or a language. According to the *SAPS Code of Conduct* (1997), individual police officers undertake to develop their own skills and participate in the development of their fellow members to ensure equal opportunities for all. Both knowledge and skills are internal factors that play an important role in the effective and efficient functioning of police officers. In practice, functional policing (crime prevention) is a career, so if the functional pressure, under which individual police officers of the CPU have to operate in, is not taken into account, skills development and transferring of knowledge become imperative. The breakdown of individual police officers' knowledge in the CPU of the JCPS with regard to the *SAPS Code of Conduct* (1997) is depicted in Figure 2.1.

FIGURE 2.1: Did you receive orientation with regard to the *SAPS Code of Conduct* (1997) in your unit?
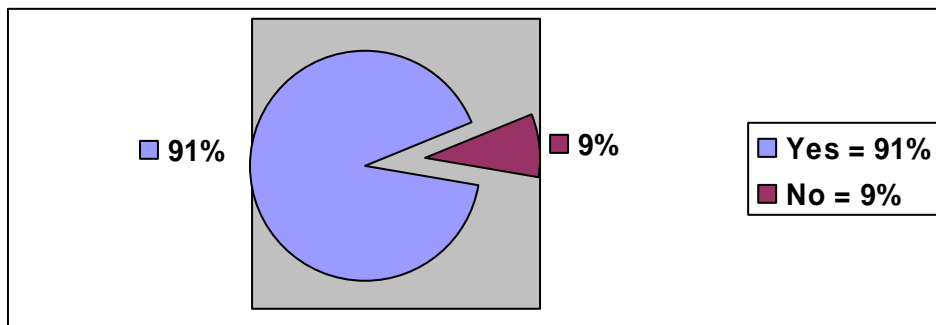
In response to the research question depicted in Figure 2.1, 91% of the respondents indicated *yes* and 9% indicated *no*. The *SAPS Code of Conduct* (1997) serves as a guiding document for individual police officers in the CPU of the JCPS towards the attainment of an ethical policing. This illustration demonstrates the popularity of the *SAPS Code of Conduct* (1997) among individual police officers in the CPU of the JCPS with regard to its operational value, however, the challenge lies in the interpretation and implementation of its provisions.

Swanepoel *et al.* (2003:19) argue that even though people might not have the required skills, as long as they show the ability or potential in terms of mental and physical qualities to learn or obtain the skill, they can still be considered. In practice, the SAPS' recruitment and selection process is based on people's aptitude and abilities (SAPS,2005). It is from one's aptitude and ability that a skill develops. *Aptitude* is a person's natural inborn capacity or capability to learn something or to develop a specific level of performance or skill in future, while on the other hand, *ability* is regarded as innate or learned general traits that actually enable people to do something (Swanepoel *et al.* 2003:19). This means that having a skill in terms of doing a particular function, include having the adequate and necessary intelligence of how to perform such a task. It is, therefore, imperative that individual police officers of the CPU of the JCPS acquire adequate knowledge and necessary skills in crime prevention techniques in order to achieve the implementation of an ethical framework in the unit.

Intelligence refers to each person's mental ability or cognitive capacity to use the intellect, to think, to solve problems, to reason, to learn and to understand. Intelligence includes specific mental abilities such as verbal comprehension, spatial orientation, numerical abilities, span of memory, verbal or word fluency and inductive or deductive reasoning (Garcia-Zamor, 2001). This means that it is imperative that skill plays a critical role as an internal environmental factor impacting on individual police officers in the CPU. In the context of this dissertation, transferring the appropriate policing knowledge and skills to police officers in the CPU of the JCPS is likely to improve service delivery and enhance the effective implementation of an ethical framework in the unit.

From what has been argued thus far, it can be deduced that the continuous reskilling and training of police officers are critical for always keeping them on a par with the latest policing developments. However, it should be noted that high skills or intelligence do not necessarily guarantee high performance, because the ability to perform is one thing and the will to perform is something quite different. Swanepoel *et al* (2003:19) argue that *skill* refers to the task-related competences that a person already possesses. This implies that having the necessary skill is critical for an effective service delivery. For the fact that people's abilities and skills differ and that different jobs require different skills, abilities and aptitudes, it is important to understand that different people are better suited to different jobs and careers. Therefore, it is imperative for the Commander of the CPU of the JCPS to ensure that police officers with relevant knowledge and skills are placed in the crime

prevention roles, because a wrongly placed person is likely to be demotivated and display some sense of reluctance in the performance of duties, which could develop into negative work ethics and ethos.

Skills and knowledge are acquired through learning. Garcia-Zamor (2001:52) states that *learning* is a process by which relatively enduring changes in the thought processes and behaviour or potential behaviour are brought about as a result of indirect or direct experience or practices. Personality is very important in terms of shaping conduct, it be positive or negative. Personality is a way in which the biological, physical, social, psychological and moral traits of an individual are organised into a whole. It also refers to the relatively stable set of behavioural patterns which flows from the dynamic interaction between the individual and his/her environment in a particular situation. Personality includes aspects such as emotions, interests, attitudes, values, behaviour and mental characteristics (Garcia-Zamor, 2001). This means that an individual's personality as a police officer has the potential to shape and determine his/her behaviour and conduct in varied situations. Considering the above arguments, it could be argued that human resource specialists tend to universally believe that an individual's personality has the potential to influence one's work performance to the extent that such an employee could adjust the work environment. This implies that personal traits such as introversion, extroversion, sociability, dominance and locus of control are critical for shaping one's conduct. In practice, the latter suggests that personal values play an integral part in determining what is perceived as ethical or unethical in the CPU of the JCPS.

Swanepoel *et al.* (2003:20) state that *values* refer to explicit or implicit conceptions of the desirable that are held by an individual or a group. These values are concerned with what 'should be', including the normative standards by which people are influenced when choosing between alternatives. Values are generally regarded as conceptions of what is right or wrong, good or bad and influence the feeling about specific objects or situations. It can be deduced that values are linked to attitude and together form an integrated part of the psychic system of one's personality. It is assumed that a more knowledgeable and skilled individual police officer of the CPU of the JCPS will likely operate within the prescribed set of standards and regulations, thus contributing towards the enhancement of an ethical framework in the unit. The following discussion focuses on the impact of attitude on the enhancement of positive ethical conduct in the CPU of the JCPS.

2.3.2 Attitude

Williams (1982:52) describes *attitude* as a predisposition that evaluates an object in a favourable or unfavourable manner; it involves both feelings and beliefs. This implies that the individual police officer's dedication and commitment depend on the level of his/her attitude based on the recognition and compensation for a good work done, that is, a committed and dedicated police officer is likely to perform according to set standards, rules and regulations. Williams (1982:53) maintains that an employee whose work environment consistently provides rewards for hard work and responsible behaviour will probably perform more acceptably than those employees whose environments reward antisocial behaviour. This implies that the police officer's attitude towards his/her work is mostly influenced by the perceptions one has about his/her work or the employer. Williams (1982:54) describes *perception* as a filter through which the environment is viewed. This implies that the police officer's perception about his/her work determines the attitude that he/she develops towards such work, and this is critical in determining the embracing of either positive or negative work ethics.

Attitude refers to the degree of either positive or negative feeling that a police officer can have towards a particular object, such as a place, thing, situation or other person. The police officer can have a positive job attitude only when he/she has pleasant internal feelings about his/her job or certain aspects of his/her job (Swanepoel *et al.* 2003:22). This clearly demonstrates that attitude is shaped and influenced by either primary or secondary influencers. The primary influencers include family, peer groups, teachers and representatives of religion, while, secondary influencers include mass communication media such as television, radio and newspapers, experts in a particular field, people with authority and information sources (Swanepoel *et al.* 2003:22).

According to Swanepoel *et al.* (2003:22), an employee's attitude is critical for the enhancement of the implementation of an ethical framework in the CPU of the JCPS, including:

- ❖ the importance of knowing the aspects of the job that makes an employee respond either favourably or unfavourably mainly for the job design decisions; and

- ❖ the importance of philosophical reasons, that is, it is no longer relevant for employers to provide the employee with high volumes of work,

because they (employers) are expected to provide meaningful, challenging and satisfying work.

The above demonstrate the importance of understanding the police officer's attitude towards specific situations, which has the potential to reinforce positive features while negative factors get improved or removed. This could serve as the breeding ground for the enhancement of the implementation of an ethical framework in the CPU of the JCPS. As already demonstrated in Figure 2.1, 91% of respondents indicated that they received orientation with regard to the *SAPS Code Conduct* (1997), while 9% indicated *No*. Figure 2.2 depicts the level of the worthiness of the received orientation.

FIGURE 2.2: Was the orientation worthwhile?
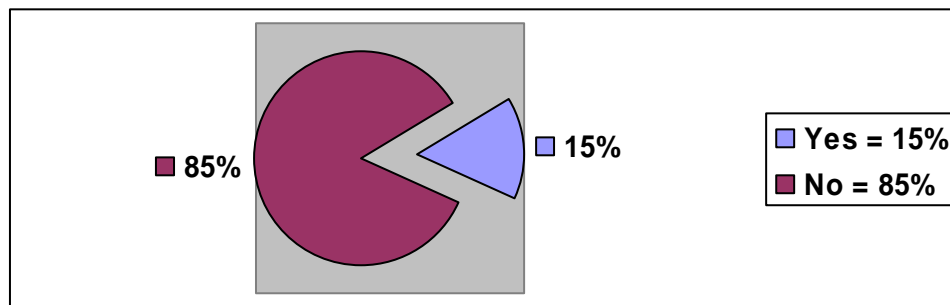
The individual police officers in the CPU of the JCPS have various challenges which make it difficult to supervise and enforce ethical provisions. Despite having been orientated towards the *SAPS Code of Conduct* (1997), 85% of the respondents have found the orientation to the code not worthwhile while only 15% found it worthwhile. This development demonstrates the power of attitude among individual police officers with regard to policing.

Considering the views of Swanepoel *et al*. (2003:23), it could be stated that job satisfaction is synonymous with job attitude. However, Steers, Porter and Bigley (1996:9) view *job satisfaction* as the degree of discrepancy that exists between what people expect to gain from work in conjunction with what people perceive as gained. Robbins (1995:168) measures job satisfaction in terms of the gratification of strong needs in the workplace. However, Degenaar (1994:8) regards job satisfaction as a purely emotional response to a job situation. In the context of this dissertation, *job satisfaction* is described as the end-product of the combination of the actual workplace conditions and

an individual's attitude towards his/her work in general. It is imperative that in order to enhance the effective implementation of an ethical framework in the CPU of the JCPS, individual police officers should feel good about their work since it generally involves them in their everyday lives. The commander of the CPU should consider job satisfaction as an important component in its own right and not just as a means to an end.

Steers *et al.* (1985:46) state that the different reactions that people have towards job satisfaction or dissatisfaction have an important implication for the work performance. The police officers who think that they have been treated badly may even feel justified in stealing from the SAPS or taking bribes, thereby helping themselves to what they see as a morally justifiable supplement to their wages. Similarly, job dissatisfaction appears to be associated with emotional illness and symptoms of emotional disorder. This implies that a police officer's attitude plays an integral part as an internal environmental factor which impacts on individual police officers.   In practice, job satisfaction is critical for the enhancement of the effective implementation of an ethical framework in the CPU of the JCPS.

According to the arguments of Steers, Ungson and Mowday (1985:46) and Swanepoel *et al.* (2003:54), it could be deduced that an individual's commitment to the organisation is characterised by three factors, namely a strong belief and acceptance of the organisation's goals and values; a willingness to exert considerable effort on behalf of the organisation, and a strong desire to maintain membership of that organisation. The *SAPS Code of Conduct* (1997) provides that individual police officers should uphold the law, be guided by community needs and give full recognition to the SAPS as an employer. In essence, organisational commitment emphasises loyalty, but commitment goes beyond loyalty to a more active contribution. An organisational commitment, as an attitude, is broader than job satisfaction because it applies to the organisation as a whole, not just to the job. It is also more stable, because day-to-day events at work are less likely to influence it. Once again it is important to note that it takes a good fit between the nature of the individual and the characteristics of the employing organisation to obtain the right level of commitment. From what has been argued thus far, it can be concluded that a positive attitude coupled with an individual's job satisfaction is a critical component of the enhancement of the effective implementation of an ethical framework in the CPU of the JCPS.

2.3.3 Motivation

Steers *et al.* (1996:8) state that *motivation* refers to the relationship of a set of dependent/ independent variables that explain the direction, amplitude and persistence of an individual's behaviour, holding constant the effects of aptitude, skill and understanding to the task and the constraints operating in the environment. *Motivation* is the willingness to do something while conditioned by the action's ability to satisfy some need of the individual. This means that to elicit the best performance from police officers it is necessary to understand what motivates them. The manner in which police officers are treated has a profound impact on their work performance (Robbins 1995:292). In this context, the importance of motivation is to ensure that people are not only attracted to join the CPU, but also remain motivated to stay in it.

Motivation is the willingness to do something and that willingness depends on an expressed need that can either be physiological or psychological. This means that a de-motivated police officer can develop a dissatisfaction which could lead to tension and the greater the tension, the greater the possibility of the development of negative work ethics and ethos. In the context of this dissertation, police officers' motivation is viewed as a cornerstone of better performance and employees' sense of belonging. In practice, this means that a commander can induce performance by selecting the drives and desires that could motivate individual police officers.

According to Robbins (1995:298), Herzberg's two-factor theory, namely motivators and maintenance factors, describes what drives employees to improve their performance. The motivators include factors such as challenging work, achievement, growth, increased responsibility, advancement and recognition while the maintenance factors include issues regarding interpersonal relations, departmental policies, working conditions, job security, salary and personal life. Some of the employees get motivated because they believe that the organisation will reciprocate their effort by allocating resources necessary to achieve an effective and efficient job performance. In the context of this dissertation, the motivation of individual police officers is a critical aspect of the attempt to enhance the effective implementation of an ethical framework in the CPU of the JCPS. In practice, it is not enough to reduce opportunities for unethical conduct and introduce an elaborate system of detection and deterrence. The systems of detection and deterrence carry significant costs, not only in terms of resources, but also in terms of the organisational independence of the SAPS, and the proper exercise of discretionary powers. However, the overregulation and excessive

preoccupation of detection and deterrence of unethical conduct could cause police officers to be ruled by fear and develop a by-the-book mentality. These developments could have a negative impact on the enhancement of the effective implementation of an ethical framework in the CPU of the JCPS.

Most importantly, the reliance on detection and deterrence alone bypasses the issue of moral responsibility. The force that is strong enough to resist negative work ethics is the moral sense that is achieved through motivation because it creates the desire to do what is right and avoid doing what is wrong. If individual police officers do not have a desire to avoid doing what is illegal or otherwise immoral, no system of detection and deterrence, no matter how extensive and elaborate, can possibly suffice to control negative work ethics and ethos. Therefore, motivation becomes a very important factor, especially in the supervisor-subordinate relationship. It can, therefore, be deduced that a motivated police officer is likely to contribute positively towards the enhancement of an ethical framework in the CPU of the JCPS. The ethical framework is critical for the restoration of positive work ethics and ethos, which will contribute to the delivery of safety and security within the CPU of the JCPS.

2.4   Conclusion

From the foregoing, it could be deduced that the environment plays a critical role in determining police officers' conduct. Acts of indiscipline, incompetence and corruption in the CPU of the JCPS should be traced along internal and external environmental factors. However, the democratic policing environment does allow honest and open examination of any unacceptable policing behaviour. Good discipline among individual police officers in the CPU is affected by the extraneous factors which depend on the support of the broader community and democratic institutions. In practice, it is difficult for the effective establishment and maintenance of a service-orientated human resource in the law enforcement agency without a firm political will and state support. For the purpose of this dissertation, it is evident that the policy and the legislative framework have been set, so the challenge is its effective implementation.

In the context of the CPU, the cornerstone of an ethical policing is self-discipline, which is critical for the exercise of policing skills and functions towards the achievement of a common goal. The issue of the environmental impact on ethics and ethos has either

positive or negative connotations. The achievement of positive ethics is subject to good conduct and hard work while bad conduct or unacceptable behaviour should be punishable. It is necessary for individual police officers in the CPU to buy into the SAPS disciplinary code of conduct, to understand it and above all to implement it, live and work by it. The policy and legislative framework should be construed as the critical instruments for the enhancement of the effective implementation of an ethical framework in the CPU of the JCPS.

Considering the internal environmental conditions, it could be concluded that a police officer's knowledge, skills, attitude and motivation are critical components of the enhancement of the effective implementation of an ethical framework in the CPU of the JCPS. This implies that the SAPS and members of the public have a duty to create an environment that is conducive to effective policing by improving police officers' knowledge and skills in the way of education and training and further by improving communication between police officers and members of the public. However, the final decision on whether to act ethically or unethically lies with an individual police officer. The development of an effective motivational mechanism has the potential to positively influence the police officers' attitude for the better. A motivated police officer is, however, likely to show high regards for ethical standards. This will be critical for the enhancement of the ethical implementation of an ethical standard in the CPU of the JCPS.

CHAPTER 3

CAUSES AND MANIFESTATIONS OF NEGATIVE WORK ETHICS AND ETHOS IN THE CRIME PREVENTION UNIT OF THE JOHANNESBURG CENTRAL POLICE STATION

3.1   Introduction

Positive work ethics and ethos are critical for the enhancement of an effective service delivery in crime prevention. However, the CPU of the JCPS experiences negative work ethics and ethos. But what is vital is the recognition that police officers' conduct and

actions are instigated by specific factors depending on the socio-structural context in which they exist and are only perceived through the ideological grids of the people observing them. Thus, for the CPU of the JCPS to run smoothly, efficiently, effectively and productively, it is imperative that all police officers understand, enforce, implement and adhere to the organisational guidelines, instructions, rules and regulations.

This chapter gives an analysis of the causes of negative work ethics and ethos as well as the manifestation thereof. In the crime prevention context, the question of negative work ethics and ethos does not only imply dishonesty and inefficiency but includes undermining positive work ethics and the ethos of policing. The causes and manifestations of negative work ethics and ethos include deficient control and accountability, poor management, poorly aligned incentive structures, overcentralised decision-making, soft penalties for corrupters and a lack of ethics education and training. The prevalence of the latter causes has the potential to discourage the implementation of an ethical framework in the CPU of the JCPS. Positive work ethics and ethos have the potential to enhance the delivery of safety and security in the CPU of the JCPS.

3.2 The causes and manifestations of negative work ethics and ethos in the Crime Prevention Unit of the Johannesburg Central Police Station.

The individual police officers in the CPU of the JCPS are entrusted with the authorities to achieve a law-enforcement objective. Those authorities include, amongst others, the authority of arrest, detention and to use force where such is necessary for the achievement of legitimate law enforcement objectives (De Rover 1998:146). It is from these authorities that unethical practices, deficient accountability and inappropriate behaviour derive. The individual police officers in the CPU of the JCPS have the authority to prevent, detect and investigate crime, which includes the authority of entry, search and seizure. The authority of entry guarantees entrance to places, localities and homes where crimes were committed or traces have been left. The authority of search enables police officers to access crime scenes for searching evidence and possible confiscation for the purpose of prosecution. The authority of seizure allows police officers to take persons and/or objects related to the committed crime (De Rover 1998:147). These authorities are defined in law and should be exercised only for legal law-enforcement purposes. The illegal use of these authorities for personal gain manifests an unethical practice that is associated with negative work ethics and ethos. There are, however, various factors which have the potential to cause negative work ethics and ethos. Figure 3.1 depicts the

main causes of negative work ethics and ethos according to individual police officers in the CPU of the JCPS.

FIGURE 3.1: What do you consider to be the causes of negative work ethics and ethos in your unit?
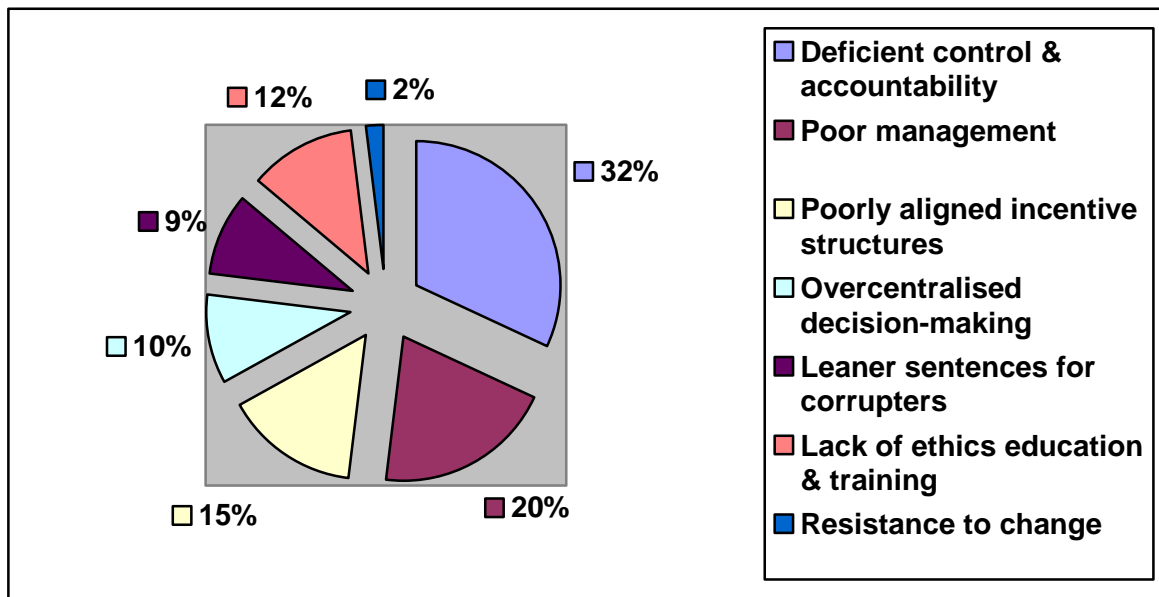
The development of organisational negative work ethics and ethos can be caused by various factors. In response to the question depicted in Figure 3.1, *What do you consider to be the cause of negative work ethics and ethos in your unit?*, 32% of the respondents indicated deficient control and accountability, 20% indicated poor management, 15% indicated poorly aligned incentive structures, 12% indicated lack of ethics education and training, 10% indicated overcentralised decision-making, 9% indicated leaner sentences for corrupters and 2% indicated resistance to change. Figure 3.1 demonstrates the complex nature of crime prevention and how various factors can contribute to negative work ethics and ethos. However, the following discussion explains such matters. The individual police officers in the CPU of the JCPS are faced with various situations and circumstances, which are dictated by a neutral turn of events, that needs urgent decisions and actions on the spot. In the context of this dissertation, it is imperative to analyse the causes and manifestations of negative work ethics and ethos on the basis of legality, necessity and proportionality.

In terms of legality, it is critical to determine whether the authority used in a particular situation has its basis in national law. In terms of necessity, it will be up to the police officer to determine whether the authority used in a particular situation was necessary. And in terms of proportionality, it will be up to the police officer to determine whether the authority used in a particular situation was in proportion to the seriousness of the offence directed towards the achievement of the law-enforcement objectives (De Rover 1998:147). Only in situations where all three questions are answered in the affirmative, will the use of such authority be justifiable, but if any of the three questions is answered in the negative, it will mean an abuse of authority which is tantamount to negative work ethics and ethos. The following discussion analyses the factors in Figure 3.1 which have the potential to instigate negative work ethics and ethos in the CPU of the JCPS. Furthermore, the discussion analyses the manifestations of negative work ethics and ethos in order to develop effective strategies for the enhancement of positive work ethics and ethos.

3.2.1   Deficient control and accountability

Schwella (1996:164) argues that an established organisation with deficient control and accountability is likely to experience dishonest practices among its employees by exploiting the situation for their own personal gain. This implies that deficient control and the absence of accounting measures have the potential to make individual police officers deviate from the set ethical principles. These could be manifested in the form of police brutality, discrimination, sexual harassment, intimidation and illicit use of weapons. In response to the research question, *What could be considered as the causes of negative work ethics and ethos in the CPU of the JCPS*?, 32% of the respondents in Figure 3.1 indicated that deficient control and accountability have the potential to instigate negative work ethics and ethos. This implies that individual police officers can develop negative work ethics and ethos when there is an element of deficient control and accountability.

The consolidation of both control and accountability remains the cornerstone of the effective and efficient functioning of a government department. It encourages answerability to members of the public for rendered and/or unrendered services (Maluleke 1999:3). Chapter 2 of the *Constitution of the Republic of South Africa*, 1996 through its Bill of Rights, requires all spheres of government to function within the bounds of what is reasonable and justifiable in an open and democratic society, based on human dignity, equality and freedom. In crime prevention strategies, when the behaviour of individual

police officers is not carefully defined, described and accountability is vague and diffused, opportunities for maladministration and corruption could occur. In the context of this dissertation, it is apparent that no individual or organisation can perform an appropriate crime prevention function without maintaining a widespread respect and support in the context of public accountability (SAPS,2006). The individual police officers in the CPU of the JCPS should ensure a sustainable provision of safety and security that meets the community needs. Individual police officers should learn to account and be responsible for their own actions. This is critical for the enhancement of an effective service delivery.

Section 207(1) (2) of the *Constitution of the Republic of South Africa*, 1996 provides that the President as head of the executive appoints the National Commissioner of the Police Service who is to control and manage the service while accounting to the cabinet member responsible for policing. Creating a strong chain of command might facilitate control and accountability. The South African rule of law is critical for every individual to obey and to be held accountable if one breaks it. However, the due process of the law insists that the law be equally, fairly and consistently enforced. The individual police officers are required to uphold and enforce the law, but are not above the law. They can also face criminal prosecution, arrest, detention, trial and imprisonment, if they are found guilty of breaking the law. Civil claims for damages can also be instituted against individual police officers by injured parties in cases of intentional and malicious unethical conducts which overlooked control and accountability measures. In cases of misconduct that can cause harm to civilians, police officers can be held personally liable (SAPS,2006). From what has been argued thus far, it could be deduced that the presence of both internal and external control measures has the potential to enhance the implementation of positive work ethics and ethos in the CPU of the JCPS.

3.2.2 Poor management

The element of poor management is intertwined with deficient control and accountability. It is the management's prerogative to ensure that employees account for their actions. Thus, the chief qualification of a manager is determined by one's ability to resolve issues of competing ethical codes, be it on legal, technical, personal, professional and organisational level (Stillman 1992:488). In practice, poor management is manifested by the increasing extent of police officers using and acquiring public resources for their personal use. However, the police management ethics is the means of motivation that has the potential to direct the conduct and behaviour of individual police officers in the CPU of the JCPS and provide the necessary guidelines in ethical decision-making. In the

context of management, *SAPS Regulation 18* (1997) considers it unethical to treat lower-ranking officers in a tyrannical or oppressive manner. It is the management's responsibility to direct and manage subordinates to an ethical position in terms of police service delivery standards. This means that the ability to effectively manage ethics in the context of policing has the potential to enhance positive work ethics and ethos in the CPU of the JCPS.

The management is expected to play a leading role in the implementation of the ethical framework and that is critical for the enhancement of positive work ethics and ethos. According to Du Toit *et al.* (1998:126), there are various elements which have the potential to enhance the implementation of ethical framework, namely:

> ❖ establishing and enforcing a high moral tone in the organisation;
>
> ❖ developing mechanisms to encourage ethical behaviour throughout the organisation (e.g. an enforceable code of conduct);
>
> ❖ rewarding proper behaviour;
>
> ❖ involving colleagues and the public in decision-making;
>
> ❖ establishing a balance between the employee's rights and management's prerogatives;
>
> ❖ ensuring responsibility and accountability in a system of representative democracy; and
>
> ❖ disclosing wastage of resources, illegal activities and strengthening public trust (whistle-blowing).

The above ethical framework implies that the management's behaviour has a major impact on the organisation and respective subordinates. In response to the research question, *What could be considered as the causes of negative work ethics and ethos in the CPU of the JCPS?,* 20% of the respondents indicated poor management (Figure 3.1). The management defines the ethical standards according to which the CPU of the JCPS has to treat police officers, especially on issues of hiring, wages, working conditions and employee privacy. In practice, if the management becomes aware of elements of negative work ethics and ethos among subordinate officers and allows it to continue, it will be contributing to negative work ethics and ethos. The practice of positive work ethics and ethos among individual police officers is determined by the management's ability to

deal with matters relating to conflict of interest, secrecy and honesty. Positive work ethics and ethos are critical for the enhancement of an effective service delivery in the context of safety and security in the CPU of the JCPS.

Rasheed (1995:21) argues that the quality of management has the potential to directly or indirectly influence or affect the community and the environment in which the organisation functions, either in a positive or negative way. In the context of this dissertation, the management should ensure a good interaction between the individual police officers and the Johannesburg community at large. Therefore, management ethics remains the social responsibility of an organisation being expressed through management. The issue of negative work ethics and ethos has the potential to undermine the organisation's social responsibility actions.

SAPS Regulation 18 (1997) outlines that the SAPS management has a duty to remain ethical in the provision of safety and security, be sensitive to the needs of the community and honestly handle the public resources. However, Du Toit *et al.* (1998:125) argue that a highly unstable political environment might force police commanders to feel pressured and implement the political programmes which might harm the organisational integrity. This implies that the senior management's decisions have far-reaching effects on the individual police officers and that this could affect the entire organisation. In the context of this dissertation, Figure 3.2 demonstrates the individual police officers' level of interaction with their commanders.

FIGURE 3.2: Do you get appropriate motivation from your commanders?
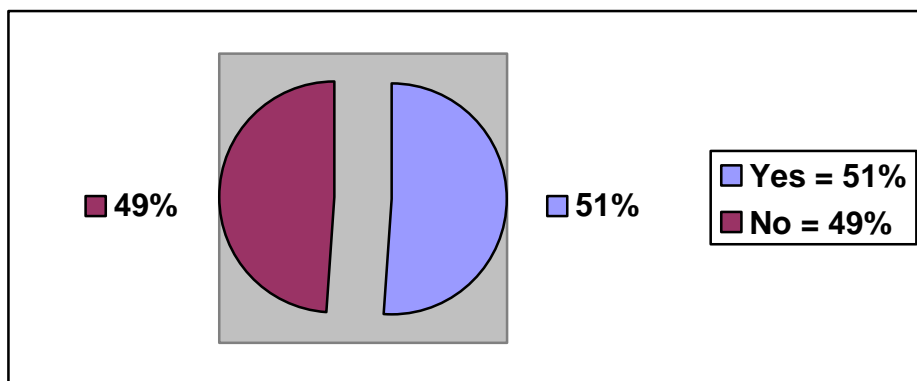
In response to the question depicted in Figure 3.2, *Do you get appropriate motivation from your commanders?*, 51% of the respondents indicated *Yes,* they do get appropriate motivation from their commanders, while 49% of the respondents indicated *No.* The *SAPS Disciplinary Regulations* (1996:15) cleary asserts that any form of torture, corruption, theft, infringement of human rights and sexual harrassment consisting of requests for sexual favours in return of employment benefits, mutiny, strikes, serious insurbodination or any similar misconduct, are regarded as serious misconduct at all times.

From what has been argued thus far, it can be deduced that the management's ability to appropriately motivate its surbodinates has the potential to enhance positive work ethics and ethos, which is critical for the achievement of an effective service delivery. However, the management's inability to appropriately motivate its surbodinates has the potential to inhibit the enhancement of positive work ethics and ethos in the CPU of the JCPS. Furthermore, in response to the follow-up question of Figure 3.2, the 49% respondents who indicated *No,* cited various reasons for their de-motivation by their commanders as depicted on Figure 3.3.

FIGURE 3.3: If your answer to question 3 of the questionnaire (Figure 3.2) is No, why are you not appropriately motivated by your commanders?
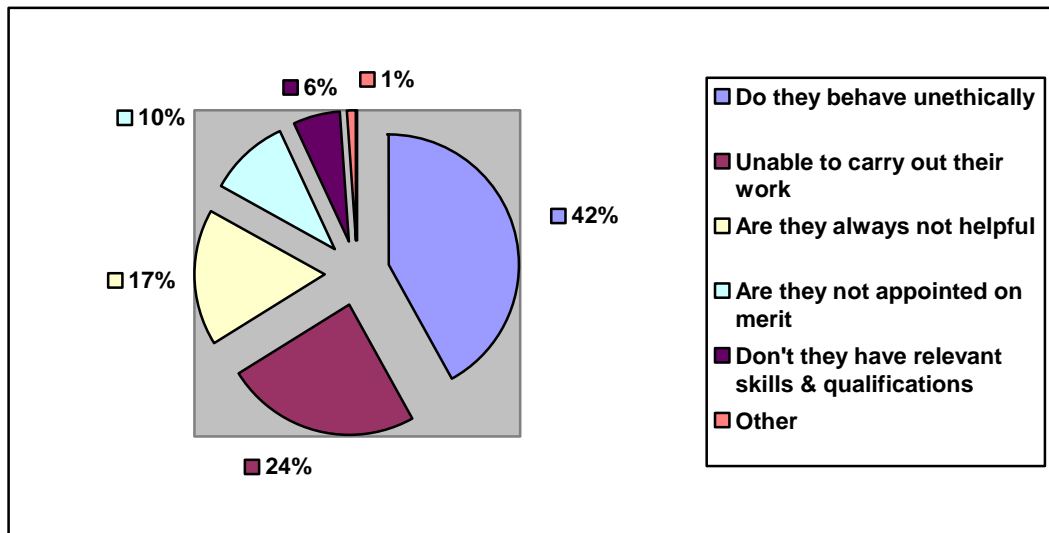
In response to the question depicted in Figure 3.3, 42% of the respondents indicated that they do not get appropriate motivation from their commanders because the management behave unethically, 24% indicated that the management is unable to carry out their work properly, 17% indicated that the management is not always helpful, 10% indicated that the management is not appointed on merit, 6% of the respondents indicated that the management does not have relevant skills and qualifications and only 1% of the respondents cited other reasons such as lack of management's commitment to the obligations of safety and security. In the context of poor management, Du Toit *et al.* (1998:126) argue that sub-standard management is characterised by lack of planning, vague communication, lax control and absence of support or inadequate evaluation of progress.

Ethical management is characteristic of effectively managing an administrative process which comprises the completion of tasks, the creation of a cohesive group of people and the good motivation of staff members. From the latter arguments, it can be deduced that the accomplishment of the ethical management is critical for the effective realisation of the ethical standards in the CPU of the JCPS. It is therefore important to note that the comprehensive participation of management in ethical issues has the potential to enhance positive work ethics and ethos in the working environment. In the context of ethics, poor management is not always the result of a lack of judgement or failure of intellect, but it is the failure to enhance positive work ethics and ethos. This implies that poor management contributes to the failure to achieve a desired state of affairs.

3.2.3   Poorly aligned incentive structures

According to Rasheed (1995:23), the combination of poor working conditions and miserable pay is a critical contributor to the loss of integrity and deplorable service in most law-enforcement agencies. The poor salaries will not motivate individual police officers to increase service delivery or rather enhance their commitment to the organisational ethics standards. In the context of this dissertation, it is important to note that the public service salaries are not competitive with what the private sector offers for similar qualifications and levels of competence (Rasheed 1995:24). This situation leads to the uncontrollable loss of professional talent to the private sector leaving the public service with *deadwood* or *mediocre* elements and the CPU of the JCPS is not immune from the latter assertion. In response to the research question, *What do you consider to be the causes of negative work ethics and ethos in your unit*?, 15% of the respondents in Figure 3.1 indicated that poorly aligned incentive structures do have the potential to instigate negative work ethics and ethos in the CPU of the JCPS.

Since the advent of democracy in South Africa, the SAPS has commissioned various reforms, but most of its reform programmes dealt with issues of good governance and corruption while the issue of pay remains unresolved or unattended. *The Star* (2004:4) reports that individual police officers in major cities including Johannesburg Central take up security duties with private security companies outside their working shifts in order to supplement their salaries. The combination of poor compensation and reward policies has the potential to instigate negative work ethics and ethos in the CPU of the JCPS. It has the potential to cause police officers to engage in corrupt practices including grand fraud, bribery, kickbacks, circumventing laws and regulations to aggrandise personal advantage by using both government property and time for private gains (Schmalleger 2003:227). This implies that the inability of the SAPS to pay salaries which will enable individual police officers to lead a standard of life that commensurates with their professional identity and career status encourages such corrupt practices. Considering the views of Schmalleger (2003:227), it could be argued that uncompetitive salaries for individual police officers have the potential to instigate them to resort to unconventional means of supplementing their income in order to make ends meet.

In juxtaposition, the good incentive structures could be critical for the motivation of individual police officers in the CPU of the JCPS for a course of action that enhances positive work ethics and ethos. This is in view of the fact that positive work ethics and ethos have the potential to enhance the effective delivery of safety and security. Individual police officers enjoy a high level of status which is not commensurate with the

salaries they receive. In terms of the economic analysis, the monetary incentive structure largely plays a role in determining the police officers' vulnerability of taking bribes. According to the *Public Service Anti-Corruption Strategy* (2002:3), *bribery* is described as an offering, giving, receiving, or soliciting of any item of value to influence the actions of an official or other person in discharge of a public or legal duty. However, the *SAPS Code of Conduct* (1997) clearly asserts that it is considered unethical conduct for a police officer to use his/her official position to obtain private benefits or accept gifts for personal gain. Figure 3.4 demonstrates the respondents' analysis of whether incidents of unethical conduct remained constant or not.

FIGURE 3.4: Do you think the level of unethical conduct has increased, decreased or stayed the same since you were part of the SAPS?
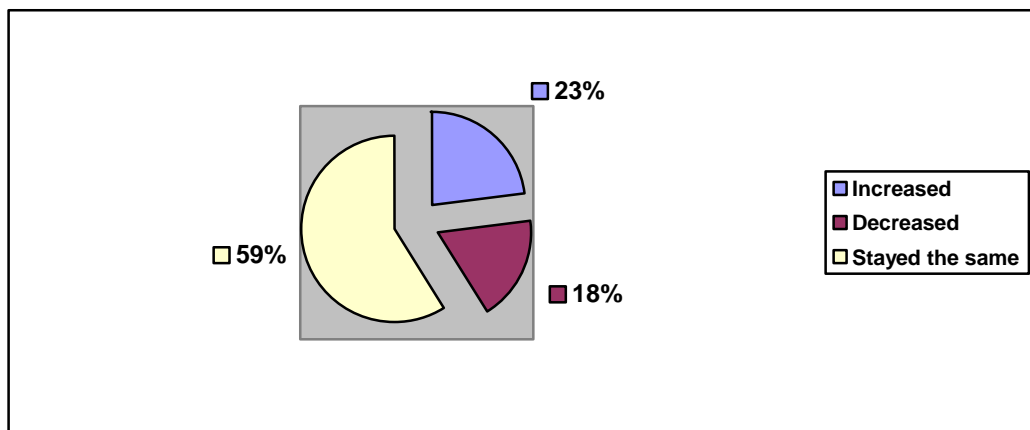
In response to the research question indicated in Figure 3.4, *Do you think the level of unethical conduct has increased, decreased or stayed the same since you were part of the SAPS?,* 23% of the respondents indicated that it increased, 18% indicated that it decreased and 59% indicated that it stayed the same. The issue of unethical conduct by police entails the abuse of police authority for personal gain which comes in many shapes and sizes. It includes major drug trafficking, money laundering and looking the other way when colleagues, friends and family members commit minor violations of the law. According to Schmalleger (2003:229), the most common unethical practice amongst individual police officers include serious crimes such as general brutality, drugs trading and framing of suspects. Figure 3.4 demonstrates that the majority of the police officers in the CPU of the JCPS (59%) view the levels of unethical practices as having remained the same since the days of apartheid South Africa. However, poorly aligned incentive structures do have the potential to instigate negative work ethics and ethos.

Incentive structures could be classified according to the different ways in which it motivates recipients in taking a particular course of action. Schmalleger (2003:228) divides incentives into three broad classes, namely:

- ❖ remunerative incentives or financial incentives which exist where an employee can expect some form of material reward, especially money in exchange for acting in a particular way;

- ❖ moral incentive exists where a particular choice is widely regarded as the right thing to do or as particularly admirable or where the failure to act in a specific way is regarded as indecent. A person acting on moral incentive in the positive context can expect a sense of self-esteem and approval or even admiration from the community while the one acting against a moral incentive can expect a sense of guilt and condemnation or even ostracism from the community; and

- ❖ coercive incentive exists where a person can expect that failure to act in a particular way will result in physical force being used against his/her loved ones by others in the community, e.g. by inflicting pain through punishment, imprisoning, confiscating or destroying one's possessions.

These categories do not, by any means, exhaust every possible form of incentive that an individual person may have. In particular, they do not encompass the many other forms of incentives which may be roughly grouped together under the heading personal incentives, that motivate an individual person through his/her tastes, desires, sense of duty, pride, personal drives to artistic creation or to achieve remarkable feats. Thus, the effective implementation of remunerative, moral and coercive incentives has the potential to instigate the enhancement of positive work ethics and ethos in the CPU of the JCPS. Positive work ethics and ethos are critical for an effective service delivery in the context of safety and security.

The absence of economic, social or personal incentives for individual police officers in the CPU of the JCPS is critical for the instigation of negative work ethics and ethos. In comparison, an employer who avails various kinds of incentives to the relevant deserving employees is likely to gain better results, while an employer who provides no or little

incentives is likely to suffer or experience the employees' weak morale. The remunerative/financial incentives have dominated both moral and coercive incentives, not because the latter two are unimportant, but because remunerative incentives are the main form of incentive used in the world. In the context of this dissertation, the full implementation of moral incentives among individual police officers has the potential to promote positive work ethics and ethos. Over and above the extremely difficult work that individual police officers perform and their possible attempt to *clean up their act*, there is little acknowledgement for what they do.

Davids (2005) argues that, in the light of corruption, financial risks still override reputational risks when it comes to determining ethical practices. It could, therefore, be deduced that good incentive structures have the full potential to enhance positive work ethics and ethos in the CPU of the JCPS. The development of social incentive structures in the CPU of the JCPS could positively influence both motives and actions of individual police officers. However, the introduction of personal incentives is critical for the development of a common understanding among individual police officers of the way a group of people act or do things. The social analysis takes into account the situation faced by an individual in a given position in a given society by examining the practices, rules and norms established at a social, rather than a personal level (Davids,2005). It is also worth noting that these categories are not necessarily exclusive, but one and the same situation may in its different aspects carry incentives that come under any or all of these categories. The issue of economic prosperity and social esteem is often closely intertwined and when the people in a culture tend to admire those who are economically successful and view those who are not with a specific amount of contempt the prospect of getting or losing a job carries not only the obvious remunerative incentives, but also substantial moral incentive. From what has been argued thus far, it can be deduced that poorly aligned incentive structures have the potential to instigate negative work ethics and ethos while positive work ethics and ethos will enhance the delivery of safety and security within the CPU of the JCPS.

3.2.4   Overcentralised decision-making

The issue of overcentralising decision-making is indicative of the presence of deficient control and accountability, poor management and poorly aligned incentive structures.

Overcentralised decision-making has the potential to monopolise decision-making, reduce responsibility and create a platform for negative work ethics and ethos. *Delegation* refers to a situation where the supervisor transfers his/her delegated authority to the subordinate. However, it should be noted that accountability cannot be delegated. In contrast, *centralisation* is critical for ensuring uniformity and consistent ethical standards, minimising inequalities and avoiding the duplication of functions while *decentralisation* enhances local autonomy, empowers and encourages customisation, innovation and increased participation (Garcia-Zamor 2001:56). However, the overcentralisation of decision-making has the potential to instigate negative work ethics and ethos in the CPU of the JCPS. In response to the research question, *What do you consider to be the causes of negative work ethics and ethos in your Unit?,* 10% (Figure 3.1) of the respondents indicated overcentralised decision-making. It is the fourth major cause of negative work ethics and ethos in the CPU of the JCPS after deficient control and accountability, poor management and poorly aligned incentive structures.

Both concepts of centralisation and decentralisation are complex and multidimensional in practice and have the ability to generate negative work ethics and ethos when excessively applied (Garcia-Zamor, 2001). However, the appropriate balance between centralising and decentralising decision-making systems remains crucial. The CPU of the JCPS should develop guidelines for decision-making, especially with regard to the locus of decision rights and chain of command. The development of an integrated chain of command is critical for the enhancement of positive work ethics and ethos. Positive work ethics and ethos will enhance the delivery of safety and security in the CPU of the JCPS.

Gildenhuys (2004:99) emphasises the rule of *delegatus non potest delegare* which means that the subordinate may not delegate his/her delegated authority unless the supervisor has allowed him/her to do so. In the context of decision-making, there are four types of delegation, namely the mandate, the ministerium, deconcentration and decentralisation. However, for the purposes of this dissertation only decentralisation and deconcentration will be analysed. *Decentralisation* entails a situation where the supervisor regards his/her subordinate as an independent entity, while in *deconcentration* the supervisor retains the final authority and may even intervene in the functioning and authority of the subordinate. This implies that within decentralisation, the subordinate is an independent entity while in deconcentration, the subordinate is a dependent entity. It is, however, important to note that any kind of delegation must have a statutory origin in order to avoid the existence of

illegal operations and deficient controls. In the context of this dissertation, the CPU of the JCPS should utilise decentralisation in its daily policing duties in order to enhance positive work ethics and ethos and ensure effective decision-making. Decentralisation is not linked to deficient control and accountability, but essential for the subordinate to account to the supervisor on the actions taken or not taken.

It is, therefore, important to note that the CPU of the JCPS should act within the proper authority and avoid overcentralising decision-making. The delegation of responsibilities aims to facilitate the smooth and most rapid execution of policing functions for the benefit of members of the public. In the context of ethics and ethos, a police officer who only executes commands from the seniors without effective use of his/her own discretion and initiatives is likely to become unenthusiastic and uninterested in his/her work. This situation could develop into negative work ethics and ethos. However, the delegation of authority requires full adherence to the proper chain of command because any police officer who might take specific actions without appropriate delegated authority will be held legally liable for the implications of such actions.

3.2.5 Leaner sentences (soft penalties) for corrupters

Poor managerial strategies have the potential to instigate the imposition of leaner or soft penalties to organisational corrupters. This practice has the potential to instigate negative work ethics and ethos. *Leaner sentences* (soft penalties) refer to a situation where light sentences or fines are imposed on people who have been found to have committed unethical practices (NPA,2005). In the work environment, corruption can be considered as a sophisticated practice because what may be considered as a most reprehensible unethical conduct by one society may not be viewed as such by other societies (Dwivedi 1978:8). Thus, the preparation of a comprehensive list of unethical practices or corrupt activities is difficult and may be dangerously misleading. However, Dwivedi (1978:8) lists a few examples of unethical practices, namely bribery, theft, nepotism, conflict of interests (including such activities as financial transactions for personal gain), misuse of inside information for personal gain, protecting incompetence, regulating trade practice or lowering standards in such a manner as to give advantage to the family members, as well as the use and abuse of official or state properties for private gains.

In the law-enforcement environment, the imposition of leaner sentences or soft penalties

for corrupters has the potential to instigate inefficiency, mistrust of the government and its employees, distortion of programme achievements, waste of public resources, encouragement of racial discrimination and eventual national instability, especially if done by the people who are expected to enforce the law (NPA,2005).

FIGURE 3.5: Indicate whether you think sentencing officials guilty of unethical conduct is a *very effective, effective, not effective or not effective at all* measure in an attempt to combat unethical conduct in your unit?
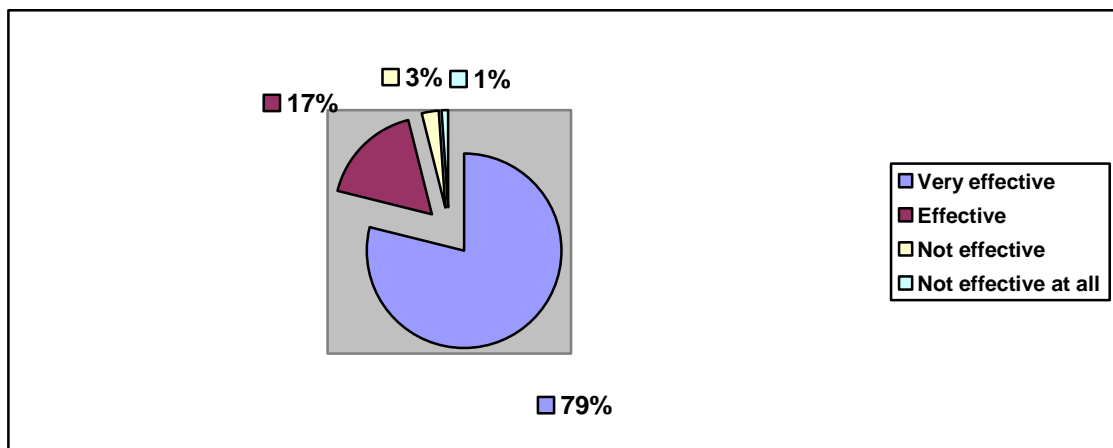
In response to the research question shown in Figure 3.5, 79% of the respondents indicated that sentencing officials guilty of unethical conduct is a very effective measure in an attempt to combat unethical conduct in the CPU of the JCPS, 17% indicated that it is an effective measure while 3% and 1% of the respondents respectively indicated that it is not effective and not effective at all. In practice, the imposition of leaner sentences or soft penalties for corrupters has the potential to inhibit the enhancement of positive work ethics and ethos. In turn, positive work ethics and ethos will enhance the delivery of safety and security in the CPU of the JCPS.

In the public service environment, unethical conduct mainly exists when there is someone willing to corrupt and is capable of corrupting. Thus, an effective organisation should develop specific agreements among employees on how to act towards one another in order to reach a tacit consensus on what is acceptable or unacceptable behaviour. In the context of this dissertation, it is critical to develop a common standard of behaviour according to which penalties will be stated in case one breaks either written or unwritten

rules. According to Ekpo (1979:46), *corruption* is not just a deviation of behaviour from the acceptable norms, but the deviation from norms and established patterns of ethical behaviour. This means that *norms* are interpreted as standards and criteria of determining what is right and wrong. This spearheads the condemnation of some traditional behaviour patterns as corrupt, such as the domination of the man in the household as the head of the family. The *Explanatory Manual of the Code of Conduct of the Public Service* (2002:9) clearly asserts that public officials shall be guilty of misconduct in terms of Section 20(t) of the *Public Service Act,* 1994 (Act 35 of 1994) and may be dealt with in accordance with the relevant section of the act, if found to have contravened any provisions of the code or failed to comply with any provision thereof. However, failure to impose appropriate sentences to the perpetrators has the potential to demotivate the relevant stakeholders.

According to the *ICD Annual Report* (2003/4:35), the ICD has investigated a total of 714 deaths in police custody, which were due to police actions, and has recommended to the Director of Public Prosecutions to hold inquests. However, the NPA failed to penalise those responsible and imposed leaner sentences. In general, public service corruption has the ability to weaken the organisational structures and chain of command. In this regard, it is important to note that the CPU of the JCPS has adopted the corrupt culture of its predecessor; therefore, stringent measures should be taken against corrupters in order to instill a sense of morality among individual police officers. *Unethical conduct* can be summarised as a practice that takes place when a police officer defies the prescribed or accepted norms and set rules in order to advance his/her personal interests (Huntington 1981:313). This implies that unethical conduct is the one's deviation from one's official duties for private gains. Both corruption and maladministration remains critical forms of unethical conduct across the public sector. The imposition of the appropriate penalties against corrupters is critical for the enhancement of positive work ethics and ethos and this is essential for ensuring the effective delivery of safety and security in the CPU of the JCPS.

FIGURE 3.6: Public officials found guilty of unethical conduct could face a number of situations. Which of the following do you think is the most appropriate?
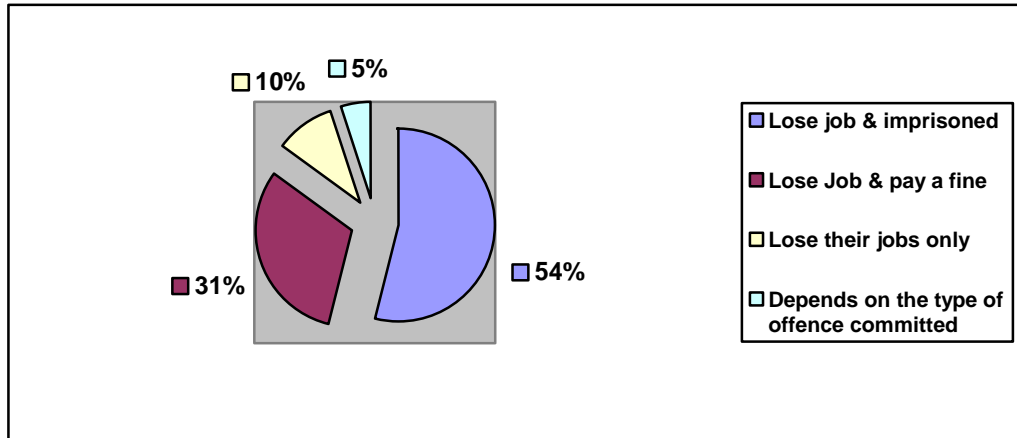
Figure 3.6 demonstrates that 54% of the individual police officers in the CPU of the JCPS would want to see individuals who are found guilty of unethical conduct losing their jobs and imprisoned, 31% indicated that losing the jobs and paying a fine will be appropriate, 10% indicated that losing the job only will be appropriate, while 5% of the respondents indicated that any penalty should primarily depend of the nature of the offence committed. Sherman (1992:50) argues that the success of an anti-corruption strategy depends on its ability to effectively deal with the culprits in the form of harsh penalties and sentences because that has the potential to maintain positive work ethics and ethos.

Therefore, in order to successfully correct unethical practices, some meaningful action should be taken against those found to have committed such practices. This has to be done because failure to take such actions could undermine all other initiatives aimed towards combating or preventing unethical practices. A typical policy response to eradicate negative work ethics and ethos is the tightening of the internal control measures aimed to impose appropriate penalties to corrupters. This has the potential to enhance positive work ethics and ethos in the CPU of the JCPS. In practice, it is important to note that any regulation, legislation or restriction without accompanying sanctions/sentences is difficult to implement. People generally observe rules when they know what penalties could be imposed on them if they fail to observe such rules. It is against this background that the CPU of the JCPS requires strict sanctions for corrupters as a control tool. This will also be critical for the delivery of safety and security in the unit.

3.2.6   Lack of ethics education and training

Education and training represent a process where one could develop and acquire

knowledge, moral values and understanding about a particular subject that is critical for an effective service delivery (DPSA,2006). Middlemist (1981:19) argues that *education and training* resemble a systematic acquisition of skills, rules, knowledge and attitudes that have broad and general applicability in one's total environment. Thus, lack of ethics education and training has the potential to inhibit the enhancement of positive work ethics and ethos. In response to the research question in Figure 3.1, *What do you consider to be the causes of negative work ethics and ethos in your unit?*, 12% of the respondents indicated lack of ethics education and training (Figure 3.1). This implies that lack of ethics education and training has the potential to instigate negative work ethics and ethos in the CPU of the JCPS. In practice, an organisation without an ethics education and training programme will not consistently maintain an ethical behaviour among its employees and this is critical for the instigation of corruption and unethical behaviour among individual employees.

Mafunisa (2000:5) argues that lack of ethics education and training is a deterrent for the accomplishment of both efficacy and effectiveness in public service delivery, particularly because a productive organisation is determined and measured in terms of whether it is able to deliver services that are responsive to community needs. The elements of inefficiency and ineffectiveness are critical for the development of a destructive climate that inhibits the enhancement of positive work ethics and ethos. This implies that it is not the *bad apple* which causes the problem, but the *bad barrels*. Basically, it is the combination of one's personality and ethics knowledge that shapes one's morals in the implementation of crime prevention. Positive work ethics and ethos will enhance the delivery of safety and security in the CPU of the JCPS. Lack of ethics education and training could be manifested in the form of nepotism which is tantamount to favouritism where individuals consider their family members for appointment in posts, while compromising the issue of merits. According to Cameron and Stone (1995:77), *nepotism* is regarded in many countries as unethical practice and has the potential to instigate negative work ethics and ethos.

The South African National Police Commissioner, Selebi, told the Parliamentary Standing Committee on Public Accounts that "all police trainees have grade twelve certificates, but can hardly construct a sentence in English" (SAPS,2004). The National Police Commissioner argues that "the requirements for the appointment of functional police officers are both grade 12 certificate and a driver's licence". Therefore, applicants present

their grade 12 certificate and a driver's licence, but then it is found that they can hardly construct a sentence in English. This implies that lack of competency is a critical barrier for an effective service delivery. With regard to the police trainees' level of education, Selebi blames the Department of Education for producing incompetent matriculants (SAPS,2005). This demonstrates the problems associated with inadequate education and training.

From the above, it can be deduced that individual police officers are appointed to their positions based on their suitability and qualifications. However, effective performance is a dynamic process which requires continuous education and training in order to remain within set standards. Given the fact that policing is an ethics-based profession, a continuous ethics education and training programme is recommended in order to enable individual police officers to expand and grow within the profession. Ethics education and training is critical for instilling an advanced state of knowledge and consciousness that could enable one to adapt to new environmental challenges. The prevalence of positive work ethics and ethos in the CPU of the JCPS has the potential to enhance an effective service delivery in the context of crime prevention.

3.2.7   Resistance to change

Change is regarded as a turning around of events or one's mindset allowing the adoption of new thinking patterns in doing things. However, the reality of fearing the unknown is a critical factor in causing employees to resist change. According to Swanepoel *et al.* (2003:737), fearing the unknown is the product of uncertainty which the employees develop with regard to the cause and effect of a contemplated change as well as how such change could affect their work and lives. That is, even though employees might have some appreciable dissatisfaction with the *status quo*; they may still worry that things might be worse when the proposed changes are implemented. This fear can be exacerbated when the proposed change is initiated from outside as that could cause employees to feel manipulated and used as opposed to a change that is initiated from within. Extraneous change initiatives have the potential to trigger employee uncertainty and elements of wonder about the real intentions behind such change. Swanepoel *et al.* (2003:737) further argues that resistance to change (herein-after referred to as RTC) could stem from the individuals, the organisation or both. Resistance to change has the potential to instigate negative work ethics and ethos in the CPU of the JCPS. Considering the argument of Swanepoel *et al.* (2003:737), it could be deduced that the employees'

failure to recognise the need for a particular change has the potential to develop some elements of resistance. Thus, the successful implementation of a change process requires all employees to recognise, fully understand and appreciate the reasons for change otherwise their vested interests of keeping things the same may result in RTC.

Kotter (1978:739) argues that the existence of employees' RTC could be signalling the presence of one or both of the following problems:

❖ the problem or uncertainity with the proposed design for such change or with the change itself; and/or

❖ it could be about mistakes made during the presentation of the proposal.

This implies that when the employer encounters employees' RTC, it remains critical to re-evaluate the adopted strategies for such change in order to determine the actual cause of the resistance. However, employee participation remains critical for the successful implementation of a change process. Denhardt (1998:69) argues that in order to reduce or eliminate RTC in the workplace, the employer should have the affected employees participating in the design of such change. In the context of this dissertation, RTC can be eliminated by the introduction of an effective education and communication system that will deal with/resolve the advantages and disadvantages of the contemplated change.

In the context of this dissertation, the police management should clearly explain the contemplated change to individual police officers, subordinates, groups in meetings, or to the entire unit through an elaborate audiovisual education campaign in order to ensure a successful change process. Leavitt, Pinfield and Webb (1974:43) state that the people who are entrusted with the implementation of a change process should consider the social effects of such change on individual employees. In the context of crime prevention, a successful change process is critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS. Swanepoel *et al.* (2003:739) argue that easing the change process and providing support to those caught up in it is another way of dealing with RTC. For example, the designing of a retraining programme, allowing time off after a difficult period and offering emotional support to victims of change have the potential to eliminate RTC.

Positive work ethics and ethos enhance an effective service delivery. In the CPU of the JCPS, the management should negotiate with the potential resisters of changes and obtain letters of consent from respective heads of sub-units that would be affected by the contemplated change. Furthermore, in order to avoid the development of negative work ethics and ethos negotiations and agreements should be entered into between the employer and representatives of prospective employees. However, manipulation and co-option can also be used to maintain an ethical standard where a commander could covertly steer individual police officers or group of officers away from RTC. For example, the commander may co-opt an individual police officer or perhaps a key person in a group by giving him/her a desirable role in designing or carrying out the change process (SAPS, 2005). The absence of employee willingness to change has the potential to instigate negative work ethics and ethos. Positive work ethics and ethos will enhance the delivery of safety and security in the CPU of the JCPS.

Therefore, both individual and organisational RTC have the potential to inhibit the enhancement of positive work ethics and ethos in the CPU of the JCPS. However, understanding the level of dissatisfaction on the *status quo* among concerned police officers is critical for the elimination of RTC. It is imperative that the CPU of the JCPS conduct in-depth research before the implementation of change. The contemplated change framework should clearly define the desired state of affairs as well as the practical steps towards the attainment of such desire. Because it is difficult to implement change where people are satisfied with the *status quo,* it is important to make people dissatisfied with the *status quo* and then create an ideal vision of the future state of affairs and ensure that it is well communicated to concerned employees. It is important to note that some employees resist change for their own self-interest, e.g. for the fear of losing power, prestige and salary which the *status quo* offers. In some cases, employees resist change in an attempt to avoid new ways of doing things as a consequence of being lazy to develop new competencies. This does exist as some employees use habit in order to cope with the complexity of work and life itself. They rely on habits or programmed responses in doing certain things. However, change is viewed differently across organisations; some employees might see it as a threat while others see it as a challenge.

3.2.8   Common causes of negative work ethics and ethos

Despite deficient control and accountability, poor management, poorly aligned incentive structures, overcentralised decision-making, leaner sentences (soft penalties) for

corrupters, lack of ethics education and training and resistance to change, Steinberg and Austern (1990:24) maintain that there are other common causes of negative work ethics and ethos. The individual police officers engage in unethical practices for the accomplishment of good intentions. Steinberg and Austern (1990: 24) argue that individual police officers behave unethically by intentionally ignoring laws, codes of conduct, policies and procedures. However, due to lack of ethics education and training police officers do not know the laws and directives that deal with issues of ethics and ethos in the context of differentiating right from wrong. That leads police officers to be driven by ego and think that they know what is best for SAPS regardless of what the organisation decides. Furthermore, despite the issue of poorly aligned incentive structures, police officers behave unethically due to greed by exploiting their positions in order to enrich themselves.

The DPSA (2006) indicates that a common form of unethical practice among young public service officials is a post-employment 'revolving door' syndrome where officials attempt to secure a job outside the public service by awarding tenders to or doing other forms of favours for specific companies with the hope of securing an employment opportunity with such companies in future. From what has been argued thus far, it can be deduced that employees with financial problems are likely to engage in unethical practices, especially by taking bribes in order to cope with their financial difficulties. However, with regard to institutional corruption, specific employees suffer from the 'going along' syndrome where they feel that, since other employees act unethically at work, they also feel entitled to join in. On the other hand, some employees engage in unethical practices for purposes of survival. They would do anything to ensure that they maintain and defend their current positions. On the extreme, there are some employees who just feel that because they are exploited by their bosses, they should just do anything to turn the tables on their *exploiters*.

3.2.9 *Noble cause* corruption

The element of *noble cause* corruption is a controversial phenomenon and has the potential to instigate negative work ethics and ethos in the CPU of the JCPS. According

to Miller (1999:21), *noble cause* corruption is doing wrong in order to achieve good, or at least to avoid evil.   It is the development of a habit that bends and breaks the law for the greater moral good of justice.   In practice, *noble cause* corruption is notably prevalent where the law is hopelessly and irredeemably inadequate.   Miller (1999:21) argues that *noble cause* refers to a highly specific or extraordinary circumstance that will not necessarily be repeated.   In contrast, corruption is typically motivated at least in part by individual or narrow collective self-interest, such as personal financial gain or career advancement, while *noble cause* corruption is motivated by the moral good of justice.

Wikipedia (2006) argues that *noble cause* corruption is not motivated by either self-interest or a collective self-interest as is corruption.   It is presumed that *noble cause* corruption is not pure corruption and therefore ought not to be labelled as such.   However, this move could be a little too quick, because according to the DPSA (2006:5), corrupt actions including acts of *noble cause* corruption are habitual and not once-off actions performed against the provision of the moral principles that have been applied in a particular non-recurring situation.   There is an inherent possibility, and perhaps tendency, for acts of *noble cause* corruption not to be morally justified when individually considered. A police officer who performs an individual act of *noble cause* corruption simply acts from habit, and does not take the time to consider whether or not the means really did justify the ends in each particular case.

In the context of crime prevention, an act of *noble cause* corruption has the potential to instigate negative work ethics and ethos in the CPU of the JCPS.   It is regarded as an end-product of a degree of moral negligence.   Elements of *noble cause* corruption are not communally sanctioned, but only justified on the moral principles adhered to by the individual police officer or a group of police officers.   However, there is the possibility of a moral arrogance and insularity inherent in *noble cause* corruption.   In turn, empirical studies have claimed an indirect connection between *noble cause* corruption and self-interest.   It is empirically argued that employees who engage in *noble cause* corruption often end up committing common corruption.

Miller (1999:22) further argues that *noble cause* corruption relates to the paradox where employees use methods that are morally wrong to secure a morally worthy end and that sets up a dangerous moral dynamic.   In the context of *noble cause* corruption, individual employees come to think that the ends always justify the means in order to come to accept

the inevitability and desirability of their actions. It can, therefore, be deduced that an act of *noble cause* corruption has the potential to become corruption, especially in normal circumstances where corruption gets motivated by greed and personal gain. A typical example of *noble cause* corruption is when a police officer who is trying to find a kidnapped girl whose life is in imminent danger can, under normal circumstances in order to determine where the girl is in order to save her, inflict significant pain on the kidnapper who is otherwise refusing to reveal her whereabouts. This is in fact an act of torture which is legally forbidden, but done for the purpose of finding the kidnapped girl. A further example of *noble cause* corruption is when the authorities inflict a non-lethal pain on a murderous psychopath in an attempt to obtain ethically compelling information. However, it is critical to determine as to whether fabricating evidence, beating up suspects, 'verballing' them and committing perjury in order to obtain convictions are in the same moral category as the latter example. However, in the context of this dissertation, the use of excessive force and fabricating evidence have the full potential to instigate negative work ethics and ethos in the CPU of the JCPS. The latter recourse does not only violate the suspect's rights, but tends to instigate corruption among individual police officers.

Thus, a clear distinction should be made between a normally immoral practice and *noble cause* corruption. However, the use of coercive force can be ethically justified in the apprehension of offenders under certain conditions. While the intrusive surveillance of suspects could be regarded as an infringement of privacy, it is also critical to realise its moral ends in crime prevention. However, the clear articulation and communal sanctioning of ethical principles are critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS. It is of course unethical for individual police officers to conduct his/her professional activities in accordance with their own private ethical principles or in accordance with ethical principles specific to some elements of their profession. For example, both South African and international legislative frameworks prohibit the law-enforcement agencies from using the coercive force except in the apprehension of dangerous offenders, especially in the absence or unavailability of other means.

Any act of corruption by individual police officers ought to be regarded as an occupational hazard that needs urgent treatment. In general, corruption should be understood as corruption without degrees or distinctions. However, *noble cause* corruption is not adequately understood in policing and the wider community. Therefore, when the

distinctive phenomenon of *noble cause* corruption in policing is not properly understood, efforts to combat police corruption will unlikely succeed.

3.3   Conclusion

From the foregoing, it could be deduced that analysing both causes and manifestations of negative work ethics and ethos is critical for the development of effective strategies for the enhancement of positive work ethics and ethos in the CPU of the JCPS. This chapter highlighted the significance of positive work ethics and ethos in the context of accountability for an effective public service delivery. The values behind ethics and accountability are critical for the enhancement of good morals and ethical decision- making. The encouragement of responsiveness, accountability and integrity in response to community needs is critical for the enhancement of positive work ethics and ethos. From the foregoing, it is deduced that the causes of negative work ethics and ethos need to be contextualised in order to effectively design techniques that will be directed towards the elimination of such causes. Furthermore, it is important to note that an effective analysis of the manifestations of negative work ethics and ethos is significant for the development of instruments for the enhancement of positive work ethics and ethos in the CPU of the JCPS.

In general terms, it is important to note that the spread of negative work ethics and ethos among law-enforcement agencies has the potential to retard the country's prospects for effective and ethical crime prevention. However, this chapter indicated that poor compensation and reward policies (poorly aligned incentive structures) in the CPU of the JCPS have the potential to generate negative working ethics and ethos. This research concludes that poor pay forces individual police officers to succumb to the temptation of petty and grand corruption, such as fraud, bribery, kickbacks and circumventing laws and regulations to aggrandise personal advantage. Considering all arguments thus far, it could be concluded that a comprehensive programme to combat unethical practices should emphasise the identification and elimination of cause factors of negative work ethics and ethos in the CPU of the JCPS. The understanding of political and institutional flaws has the potential to help design strategies to improve functions. Moreover, enhancing ethics requires the availability of public information, political leadership and collective action that involves the private sector, an independent and responsible print and electronic media, professional organisations and the civil society. The following chapter outlines and analyses both instruments and institutions for the enhancement of positive

work ethics and ethos in the CPU of the JCPS.

CHAPTER 4

INSTRUMENTS AND INSTITUTIONS FOR THE ENHANCEMENT OF POSITIVE WORK ETHICS AND ETHOS IN THE CRIME PREVENTION UNIT OF THE JOHANNESBURG CENTRAL POLICE STATION

4.1   Introduction

The SAPS has in the past decade (i.e. 1995 to 2005) undertook a number of legislative reform programmes which include the enactment of the *SAPS Act*, 1995 (Act 68 of 1995) and the *SAPS Code of Conduct* (1997). The reform was aimed at creating a legitimate and accountable police service that was to be recognised and respected by all South Africans. These legislative reforms were to facilitate the creation of an integrated, flexible, customer-centred and results-orientated police service. The current challenge of the SAPS is to create a police service that is based on high levels of moral ground characterised by positive work ethics and ethos. This is relevant because the development of an accountable, responsive and ethical police service is critical for the enhancement of effective service delivery in safety and security. In practice, the SAPS' legislative reform interventions to combat elements of unethical practices among individual police officers have remained ineffective. The legislative interventions were strengthened by the establishment of the oversight structures such as the Independent Complaints Directorate (herein-after referred to as ICD) and the Parliamentary Portfolio Committee for Safety and Security (herein-after referred to as PPCSS). These structures continue to work towards the successful achievement of their strategic objectives, but the incidence of unethical practices continues to increase.

Chapter 3 has analysed the causes and manifestations of negative work ethics and ethos and Chapter 4 will analyse the instruments and institutions for the enhancement of positive work ethics and ethos in the CPU of the JCPS. These instruments are critical for the enhancement of an effective service delivery in safety and security. They include a comprehensive code of conduct, ethics education and training, performance appraisal system, organisational cultural reform, good incentive structures, paradigm shift, National Anti-Corruption Hotline, stress management training, vetting and regular polygraph tests. The effective implementation of these instruments has the potential to empower and raise the employee morals thereby changing their attitude as front-line officers who forms the most important policing sphere in the service delivery chain. Furthermore, the effective utilisation of the Independent Complaints Directorate, Community Policing Forums, the National and Provincial Secretariat for Safety and Security, Parliamentary Portfolio Committee for Safety and Security, Auditor-General, Public Protector, National Prosecuting Authority, Directorate of Special Operations (Scorpions), Asset Forfeiture Unit and Witness Protection Unit has the potential to enhance positive work ethics and ethos in

the CPU of the JCPS.

4.2 The instruments for the enhancement of positive work ethics and ethos in the Crime Prevention Unit of the Johannesburg Central Police Station

The SAPS has a responsibility to improve its efficacy, responsiveness and general performance in the provision of safety and security. This improvement is critical for the enhancement of positive work ethics and ethos. Chapter three has identified the causes and manifestations of negative work ethics and ethos and the following discussion presents strategies to enhance positive work ethics and ethos. The structural instruments that constitute an ethics programme are critical for the support of the embedded ethical practices. The effective implementation of such instruments will enhance the delivery of safety and security within the CPU of the JCPS.

Crawshaw *et al.* (1998:50) outline various structural instruments which have the potential to enhance positive work ethics and ethos. These instruments are critical for the enhancement of ethical conduct in the delivery of safety and security, and include:

❖ a regular and formal identification of ethical risk areas;

❖ the development and strengthening of the monitoring and compliance policies, procedures and systems;

❖ the establishment of easily accessible safe reporting channels (e.g. protected disclosure and whistle-blowing);

❖ the alignment of the organisation's disciplinary code with its code of ethical practice;

❖ the development of performance measurement and remuneration systems that reward ethical behaviour and punish unethical conduct;

❖ the integrity assessment as part of selection and promotion procedures;

❖ the induction of new appointees;

❖ the training on ethical principles, standards and decision-making;

❖ regular monitoring of compliance with ethical principles and standards, e.g. using the internal conduct audit;

❖ reporting the level status of compliance to relevant authorities; and

❖ ensuring the independent verification of conformance to established principles and standards of ethical behaviour.

During the provision of safety and security, these instruments should be taken into consideration and individual police officers should understand without any doubt whatsoever that neither the community nor their colleagues nor senior officers nor political leaders expect or require them to break the law or to violate human rights in order to do their job. In essence, crime prevention could be extremely difficult and demanding, be it emotionally, intellectually and/or even physically, but that does not justify the adoption of negative work ethics and ethos. However, during crime prevention operations, individual police officers experience personal danger, discomfort, severe trauma and anxiety, that is why they need constant guidance and support from their commanders on the latter instruments in order for them to cope with the conflicting pressures they face on a daily basis. Figure 4.1 demonstrates the views of individual police officers in the CPU of the JCPS with regard to the SAPS' initiatives to enhance positive work ethics and ethos.

FIGURE 4.1: Is anything done to enhance ethical conduct in your unit?
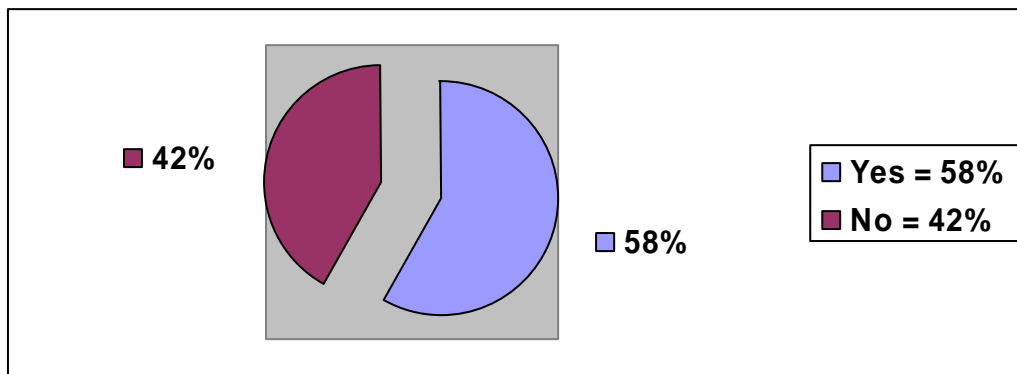
Crawshaw *et al.* (1998:50) argue that the organisation should ensure the independent verification of conformance to established principles and standards of ethical behaviour in order to enhance positive work ethics and ethos. Thus, in response to the research question in Figure 4.1, *Is anything done to enhance ethical conduct in your unit?,* 58% of the respondents indicated Yes and 42% of the respondents indicated No. This implies that the individual police officers in the CPU of the JCPS have different views with regard to the SAPS' initiatives towards the enhancement of positive work ethics and ethos.

However, Figure 4.2 demonstrates what individual police officers think can enhance ethical conduct in the CPU of the JCPS.

FIGURE 4.2: If your answer to question 9 on Figure 4.1 is Yes, what do you think will enhance ethical conduct in your unit?
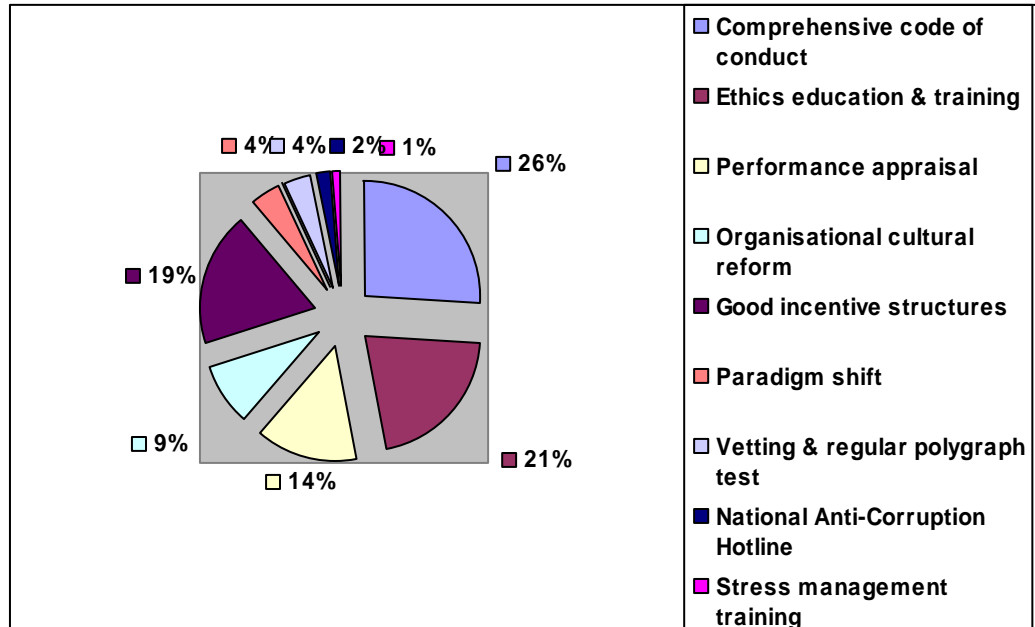
In response to the research question in Figure 4.2, 26% of the respondents indicated that the adoption of a comprehensive code of conduct is critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS, 21% indicated ethics education and training, 19% indicated good incentive structures, 14% indicated performance appraisal, 9% indicated organisational cultural reform, 4% indicated paradigm shift, 4% indicated vetting and regular polygraph testing, 2% indicated the establishment of the National Anti-Corruption Hotline and 1% indicated stress management training. Figure 4.2 demonstrates various instruments that have the potential to instigate positive work ethics and ethos. The following discussion analyses the various instruments, which have the potential to enhance positive work ethics and ethos in the CPU of the JCPS.

4.2.1   Comprehensive code of conduct

Section 50 of the *SAPS Act*, 1995 (Act 68 of 1995) provides for the establishment of the *SAPS Code of Conduct* (1997). The code gives effect to the relevant constitutional provisions relating to the SAPS and provides guidelines to individual police officers as to

what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with others (SAPS: 2004). This implies that compliance to the code is critical for the enhancement of the effective implementation of an ethical framework in the CPU of the JCPS. However, it should be noted that the abundance of strict legislations is not the only answer to ethical transgressions. The elements of motivation, commitment and dedication from individual police officers remain critical in the adherence of the ethical framework. Furthermore, the development of negative work ethics and ethos is instigated by the ineffective implementation of the existing laws, rules and regulations, creating loopholes for unethical practices. However, the establishment of a comprehensive code of conduct is critical for the provision of the effective guidelines of the exemplary conduct that is characteristic of a positive work ethics and ethos.

The *SAPS Code of Conduct* (1997) provides that the individual police officers should endeavour to resolve/deal with the root causes of crime in the community, prevent any action which may threaten the safety or security of any community, investigate criminal conduct which has the potential to endanger the safety or security of the community and bring the perpetrators therefore to justice. In an attempt to enhance positive work ethics and ethos, the *SAPS Code of Conduct* (1997) encourages individual police officers to uphold the *Constitution of the Republic of South Africa*, 1996 and the law while guided by the community needs. In an attempt to enhance ethical policing, the *SAPS' National Instruction on Disciplinary Regulations* (1996:16) provides that the conduct sheet in respect of every police officer shall be kept and maintained in the manner and form determined by the National Commissioner. All findings and sanctions against an individual police officer on account of misconduct and disciplinary actions shall be recorded in the conduct sheet.

Zimbabwean Police Commissioner Chihuri, speaking in Harare on the conferment of ranks to the newly promoted superintendents, argued that senior police officers are required to ensure that members of the force under their command conform to the disciplinary code of conduct of the Zimbabwean Republican Police. He further argued that discipline is the cornerstone of all facets of police work and as such senior officers should deal with all disciplinary cases as judiciously as the law permits so that all possible unethical practices can be eliminated from the force while positive work ethics and ethos are encouraged across the police force (*AllAfrica*: 2006). Ndlovu (2005) argues in an interview that the senior officers have a duty to set exemplary conduct to their juniors by

effectively observing the ethical principles. This implies that the effective implementation of the comprehensive code of conduct has the potential to instill discipline among individual police officers thereby enhancing positive work ethics and ethos. In the law-enforcement environment, positive work ethics and ethos will enhance the delivery of safety and security in the CPU of the JCPS.

Crawshaw *et al.* (1998:49) indicate that a comprehensive code of conduct should be formulated and implemented for the following purposes:

❖ to clarify what is acceptable and/or unacceptable practice by guiding the organisational policy through the provision of appropriate ethical standards;

❖ encourage managerial and employee ethical behaviour at all levels by guiding difficult decision-making;

❖ make ethical infringements easy to identify, by promoting awareness of and sensitivity to ethical issues;

❖ help to resolve conflicts by specifying the organisational social responsibility; and

❖ cover relations between stakeholders and enhance the ethical reputation of the organisation.

These imply that the development of a demonstrable principle of ethical conduct has the potential to provide a strong measure for organisational integrity. In response to the research question in Figure 4.2, 26% of the police officers in the CPU of the JCPS indicated that the adoption of a comprehensive code of conduct has the potential to enhance positive work ethics and ethos in the unit. However, these ethical principles should be codified in a manner that is easily communicable to individual police officers in order to avoid unnecessary confusions. Furthermore, a comprehensive code of conduct should be broad and aspirational enough to guide individual police officers' decision-making in unprecedented situations and contextualised enough to give practical guidance. A copy of the code of conduct should be made readily available to all police officers in order to facilitate the enhancement of positive work ethics and ethos in the CPU of the JCPS. The comprehensive code of conduct should aspire to and demonstrate a commitment to organisational integrity. The core ethical principles include fairness; transparency; honesty; non-discrimination; accountability, responsibility; respect for

human dignity, human rights and social justice. These imply that the formulation of a comprehensive code of conduct should adopt standards of ethical practice and demonstrate principles of adherence and practicality.

According to the *White Paper on the Transformation of Public Service Delivery* (1997) (also known as *Batho Pele*), the departmental code of conduct should set courtesy standards that include greetings, addressing of customers, the identification of staff by names (wearing name tags) when dealing with customers, whether in person, on the telephone or in writing. The departmental code of conduct should enforce a comprehensive tone of communication that demonstrates some sense of simplifications and customer-friendliness in the implementation of crime prevention strategies. Furthermore, the White Paper requires each department to set a maximum length of time within which responses should be made to inquiries. A comprehensive code of conduct should set effective strategies, for example, statement taking and for dealing with complaints in accordance with special needs, such as the elderly or infirm, and needs such as gender and language.

Considering the above arguments, it could be deduced that the adoption of a comprehensive code of conduct is critical for the enhancement of responsible behaviour among individual police officers. Responsible behaviour has the potential to enhance public confidence towards the CPU of the JCPS and maintain guidelines regarding police officers' relationship with each other, with elected public officials and with members of the public with regard to the exercise of their discretionary authorities. It can be concluded that a comprehensive code of conduct has the potential to manage the moral performance of individual police officers which is a daunting challenge for the police management. This implies that the management's failure to achieve an ethical police service could discourage community participation in policing. This will certainly damage the integrity of both management and individual employees. The effective implementation of a comprehensive code of conduct has the potential to restore organisational control and accountability which will enhance positive work ethics and ethos. The accomplishment of positive work ethics and ethos is critical for the enhancement of the delivery of safety and security in the CPU of the JCPS.

4.2.2   Ethics education and training

The *White Paper on the Transformation of Public Service Delivery* (1997: 6) (also known as *Batho Pele*) asserts that the government is committed to continually improve the lives of the people of South Africa by a transformed public service which is representative, coherent, transparent, efficient, effective, accountable and responsive to the needs of all through the creation of a people-centred and people-driven public service, which is characterised by equity, quality, time and a strong code of ethics. The achievement of a public service that is characterised by a strong code of ethics is subject to the adoption of a comprehensive ethics education and training programme. The significance of ethics education and training is to educate and enlighten individual police officers on what is ethical or unethical during their provision of safety and security to members of the public. In response to the research question in Figure 4.2, 21% of the police officers in the CPU of the JCPS indicated that the adoption of a comprehensive ethics education and training programme has the potential to enhance positive work ethics and ethos in the unit. *Service Delivery Review* (2004:23) quoted the Minister of Education, Pandor stating that "when nurses neglect patients, when pension clerks abuse the elderly, when senior managers are rude to their staff, I do not think of skills programmes, but I plead for ethics courses, for a new value orientation". In the context of this dissertation, Pandor's sentiments are shared in that, when the level of police misconduct rises, when criminal cases allegedly committed by police officers increase and death in police custody due to police negligence increases, one does not think of firearm training courses, but of ethics education and training.

In the crime prevention context, the achievement of an effective and efficient service delivery requires the individual police officers to receive on-going ethics education and training in order that they acquire the relevant skills for keeping up with the new developments at work. This implies that individual police officers in particular would regard such training as a critical component of keeping abreast with new regulations, ethical requirements and acts of parliament. The issue of moral development and regeneration primarily depends on good ethics education that can be learned in both formal and informal environments. However, Fox *et al.* (1998:67) argue that learning is a human process by which skills, knowledge, habitat and attitude are acquired and utilised in such a way that behaviour is modified. In the context of this dissertation, it can be argued that an educated police officer who has acquired adequate ethics knowledge in policing is rather likely to present ethical and professional behaviour than the ones with little or no ethics knowledge at all. The adoption of a comprehensive ethics education and training programme through the relevant learning channels is critical for the enhancement

of positive work ethics and ethos in the CPU of the JCPS. Thus, the SAPS has a duty to ensure a continuous orientation of individual police officers on issues of ethics, morality, ethos and code of conduct.

FIGURE 4.3:   Indicate whether you think designing good ethics education and training programmes is a *very effective, effective, not effective or not effective at all* instrument in an attempt to combat unethical conduct in your unit?
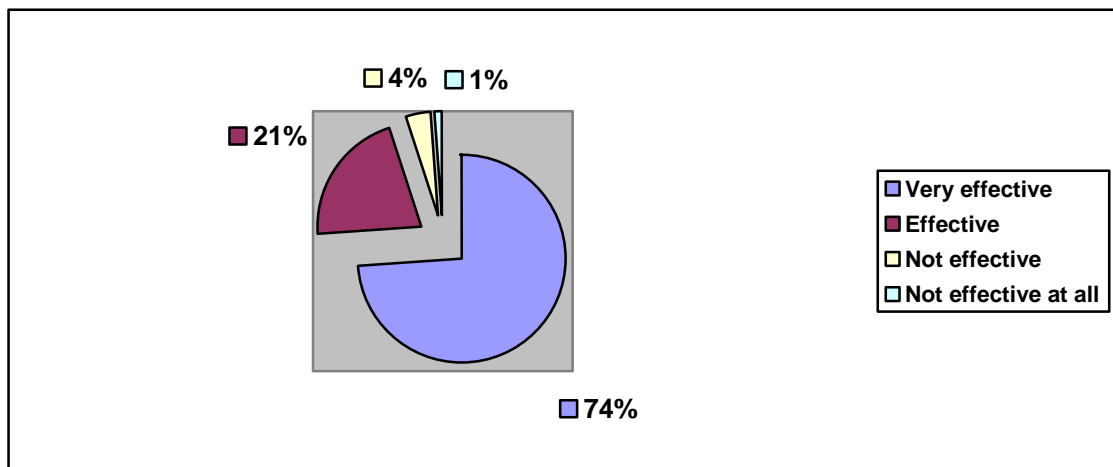
In response to the research question in Figure 4.3, 74% of the respondents indicated that designing good ethics education and training programmes is a very effective measure in an attempt to combat unethical conduct in the CPU of the JCPS, 21% indicated it is effective and 4% and 1% respectively indicated it is not effective and not effective at all. This implies that an individual police officer's personal knowledge is critical for his/her decision-making, especially in differentiating right from wrong. Fox *et al.* (1998:67) argues that personal knowledge represents everything that a person knows or has gained through experience and it is a body of information that one has. In the context of police service delivery, body strength and physical fitness are an inadequate combination for effective policing, especially in handling victims of sexual harassment. In the context of ethics education and training, the *SAPS Annual Report* (2003/4: 20) maintains that individual police officers are sent for training programmes that are aimed to improve police service delivery.

Therefore, it can be deduced that training is a systematic or organised procedure in which people gain knowledge and skills for a particular defined purpose. Thus, an individual

police officer who is grounded on high levels of ethical standards becomes a competent human resource which is well positioned to effectively achieve an organisational mandate. However, the objective of an ethics education and training programme should be to achieve a behaviour change among individual trainees and reduce the learning time. The development of ethics education and training could enable an acceptable performance and lead to improved ethical conduct. The effective implementation of the organisational ethics education and training systems has the capacity to mould individual police officers' attitude towards their work and ensures an improved service delivery of safety and security within the CPU of the JCPS. In the context of this dissertation, it is worth noting that training is not a panacea for unethical practices, but may assist in solving operational problems especially in cases where employees do not see things in the same light.

The *Batho Pele White Paper on the Transformation of Public Service Delivery* (1997) states that the performance of staff members who deal with customers has to be regularly monitored and the performance which falls below specified standards should not be tolerated. The White Paper emphasises the importance of ethics education, service delivery improvement and customer care as critical components of future training programmes. The ethics training programmes should prioritise individual police officers who directly deal with members of the public, whether face to face, in writing or on the telephone. However, this recommended ethics education and training programme does not require the injection of large sums of additional resources, but needs the re-orientation of the existing resources to issues of ethics and ethos. The effective orientation of the new police recruits on issues of ethics and ethos is critical for the   long-term enhancement of positive work ethics and ethos in the CPU of the JCPS.

Considering the above arguments, it could be deduced that adopting ethical conduct will ensure that police officers' activities and duties are executed in accordance with ethical norms. These will in turn facilitate the analysis of individual police officers' personal values, organisational culture and public perceptions as well as how they affect the provision of safety and security. In turn, both ethics and morality ensure an orderly way of thinking which considers the ethical implications of decisions and further assess alternatives from a moral perspective. Relevant to this dissertation, it can be concluded that ethics education and training have the potential to ensure that the legislative framework is implemented in accordance with ethical principles. This implementation will encourage individual police officers to make reasonable ethical judgements before

members of the public.

4.2.3 Performance appraisal system

Performance measuring is critical to determine whether employees indeed perform at the required level and whether their performance has improved over a certain period of time. However, the success of performance appraisal systems depends on whether the management is convinced that the results of the appraisal will be useful in achieving organisational goals, and employees believe that the method of appraisal is fair and unbiased (Huddleston 1984:62). In the human resource management environment, the effective implementation of the performance appraisal systems is critical for the enhancement of positive work ethics and ethos. This is, however, possible where a positive attitude is recognised and rewarded in line with good job performance.

Williams (2002:9) outlines various common problems associated with performance in the context of organisational shortfalls, systems problems, problems related to performance appraisal elements and the outcome of the performance appraisal systems, namely:

- ❖ In terms of organisational shortfalls, there is no commitment to the appraisal process and it is not regarded as an important managerial function. It is declared redundant in democratic participative climate and its conduct is not reinforced. There are no rewards for conscientious appraisals due to the inability to observe performance;

- ❖ In terms of system problems, the rating systems are administered subjectively with the results being used to discriminate against people on the basis of race, sex, gender and religion. It fails to develop job analysis and performance measures while there is no user participation in systems development;

- ❖ In terms of performance appraisal policy, there are no standard policies with regard to the rater's task in the appraisal process, a policy pertaining to the frequency of the appraisal process;

- ❖ In terms of the performance appraisal elements, there is a lack of knowledge on the ratee's job and this results in the erroneous or incomplete information resulting in different expectations due to different hierarchical levels. The judgement becomes bias and errors occur in human judgement full of stereotypes and prejudices;

❖ In terms of performance appraisal outcomes, the evaluation systems fail to recognise excellent performance which then causes promotional decision errors. This means that the outcome of the appraisal process causes inadequate skills mix;

❖ In terms of performance measure, there is a lack of specificity; behaviour-based language; ambiguity of performance measures, incompleteness; irrelevant performance criteria and the communication of the rater's criteria is not explicitly explained to the ratees.

The above problems demonstrate the complexities associated with the implementation of a performance appraisal system as an instrument for the enhancement of positive work ethics and ethos in the CPU of the JCPS. However, the effective implementation of a performance appraisal system is critical for the enhancement of positive work ethics and ethos while its ineffective implementation could fail to reflect the dynamic nature of the jobs, especially in organisations which lack credibility due to outdated systems. In response to the research question in Figure 4.2, 14% of the respondents indicated that the effective implementation of a performance appraisal system has the potential to enhance ethical conduct in the CPU of the JCPS. Cowling (1988:109) argues that for the effective implementation of the performance appraisal systems, the employers should involve individual employees in their self-evaluation and joint problem-solving. This implies that it will be critical for employers to ensure a comprehensive training of performance appraisal systems not only to the appraisers but also to the appraitees. Vermeulen (2002:2) indicates that the SAPS has developed performance enhancement process (herein-after referred to as PEP) as its performance appraisal system. According to Vermeulen (2002:2), the introduction of PEP is in two segments of salary levels 1-6 (from constable to sergeant) and level 7-12 (from inspector to senior superintendent) in order to ensure that individual police officers have the opportunity to develop skills and knowledge and remain positive and committed to their work.

Considering the views of Vermeulen (2002), it could be deduced that PEP is meant to regularly and objectively measure performance and assess competencies of individual police officers. It is aimed at keeping individual police officers focused and motivated, hence the introduction of performance-related salary adjustments in the year 2004. A performance appraisal system could be an effective instrument for the enhancement of positive work ethics and ethos, especially when it facilitates the transformation of

organisational culture from rule-bound to results-driven. The importance of performance assessment will be recognised if performance is aligned with the strategic objectives of the CPU of the JCPS. According to Crawshaw *et al.* (1998:57), there is no legal, moral and even practical ground which could justify unlawful, unethical and/or inhumane conducts of police officers in the delivery of safety and security. However, the commander of the CPU should ensure the effective implementation of performance appraisal systems in order to ensure sustained support and guidance to the individual police officers in the context of making ethical decisions.

The performance appraisal system is expected to enhance and encourage a lawful ethical policing, which has the potential to facilitate the maintenance and establishment of high ethical standards in the CPU of the JCPS. Positive work ethics and ethos are critical for the enhancement of effective service delivery of safety and security. In the context of this dissertation, it is important to note that junior police officers at the CPU of the JCPS have high regard for their seniors, therefore, it is critical that senior police officers closely monitor their own conduct considering the example they set for their subordinates. In the context of crime prevention, the way in which senior police officers respond to the unlawful and unethical behaviour of their colleagues/subordinates has the potential to affect organisational behaviour. Furthermore, the way in which senior police officers deal with their subordinates' response to external pressure could determine the general officers' behaviour.

PEP is regarded as a constructive exercise to improve job relations, job satisfaction and job performance. Thus every effort must be made by both the assessor and the assessee to reach a consensus during the performance rating process. The objective is not to discipline anyone, but to develop employees and enhance team spirit, loyalty and commitment. The issue of competency assessment is an important component of PEP because it provides for the development of employees' work-related skills, knowledge and experience. Furthermore, a competency assessment process provides both the supervisor and the subordinate employee to work collaboratively towards the improvement of the employee's performance which will contribute to the attainment of organisational effectiveness. In conclusion, it could be deduced that the effective implementation of a performance appraisal system has the potential to enhance positive work ethics and ethos in the CPU of the JCPS. Positive work ethics and ethos will enhance the delivery of safety and security in the CPU of the JCPS.

4.2.4   Organisational cultural reform and paradigm shift

Culture is a distinguishing characteristic of a specific civilisation, society, community or a group (Fox *et al.* 1998:94). According to Williams (2002:40), an *organisational culture* refers to a system of shared meaning, including language, dress, patterns of behaviour, value systems, feelings, attitudes, interactions and group norms of members. A *norm* represents organised and shared ideas regarding what members should feel and do, how their behaviour should be regulated and what sanctions should be applied when such behaviour does not match the social expectations. In the context of this dissertation, it is acknowledged that each and every organisation has its own way of operating that is guided and directed by a specific set of rules and regulations.   Like any other organisation, the SAPS has its own set or systems of shared features in terms of values, norms, sentiments and expectations, which constitutes its organisational culture (SAPS, 2005).   The issue of organisational cultural reform is central to the enhancement of positive work ethics and ethos in the CPU of the JCPS. An ethical organisational culture is characteristic of a commitment to help its individual members to realise their full potential as human beings. According to Swanepoel *et al.* (2003:29), it is an ethical organisational culture that is continuously in the process of minimising the organisation's self-destructiveness while maximising prospects for survival and prosperity. This implies that the adoption of an ethical organisational culture has the potential to serve its members, stakeholders and the larger members of the public with integrity and high ethical standards.

According to Fox *et al.* (1998:93), an *organisational culture* represents the shared understanding that exists among individual employees regarding the way in which things are done in the organisation at all levels. However, the challenge that faces new recruits across organisations is to learn the relevant organisational culture, because it facilitates the understanding of the organisational *modus operandi,* which is mostly learned during the induction process. This implies that culture is not the behaviour of the people who *live in it*, but it is the *it* in which they exist. The organisational culture constitutes the social reinforcement that generates and sustains the people's behaviour. Thus, for an effective enhancement of positive work ethics and ethos in the CPU of the JCPS, it is important to consider organisational cultural reform because it is critical for the enhancement of effective service delivery in safety and security. According to Williams (2002:41), an organisation that develops an ethical culture has been found to be effective and efficient

in service delivery. Furthermore, a positive organisational culture has the potential to facilitate consensus and unity among individual police officers and it encourages and motivates them to behave ethically. However, it should be noted that a culture that changes with times has the chance to remain relevant within both internal and external environmental conditions.

The effective implementation of an ethical organisational culture has the potential to encourage the moral principles and behaviour that guide and regulate the employees' performance, quality, excellence and ethics. Furthermore, the presence of a strong positive organisational culture has the potential to facilitate goal alignment and increases the levels of employee motivation. In response to the research question in Figure 4.2, 9% of the individual police officers in the CPU of the JCPS indicated that the effective implementation of the organisational cultural reform has the potential to enhance ethical conduct in the unit. In practice, an organisational culture plays an integral part in shaping the employee's behaviour in various situations. According to Fox *et al.* (1998:95), the organisational values and behaviours are unique and special to organisations because some patterns of behaviour could be functional (positive) and facilitate the accomplishment of the organisational goals, while some patterns of behaviour and cultural norms may actually inhibit or restrict (negative) the accomplishment of these organisational goals.

Considering what has been argued thus far, it important to note that the CPU of the JCPS has inherited a militaristic style of policing from its predecessor. Therefore, it remains inevitable to consider an organisational cultural reform in order to effectively resolve the current challenges. The commander of the CPU should optimise functional (positive) behaviour among individual police officers in order to efficiently achieve the expected organisational goals. Individual police officers should eliminate any pattern of behaviour or cultural norms that constrain the achievement of the intended organisational goals. In the business context, Williams (2002:41) argues that a corporate-culture approach indicates that the organisational culture should be assessed, managed, constructed and manipulated in the pursuit of an enhanced organisational effectiveness. Thus, the norms, beliefs and value systems of individual police officers should be changed to contribute to an appropriate behaviour that is committed to the unit and support the management strategy. This implies that for the achievement of the shared positive norms and values across the CPU, the individual police officers should consider cultural reform that will

generate positive ethical behaviour. The *SAPS Learners' Guide on Professional Conduct* (2002:1) asserts that despite the legislative interventions, organisational rules, policies and procedures, there are customs which represent unwritten rules and regulations in the CPU of the JCPS.   These customs have the potential to determine the police behaviour patterns, practices and build into an organisational culture.

According to Crawshaw *et al*. (1998:110), *culture* represents the unique lifestyle of a particular group of people and does have the ability to affects people's values, attitudes and behaviour. The essential dynamic of a culture is that it consists of the traditional ideas which are historically derived and attached to values. Cultural systems may, on the other hand, be considered to be products of action or be seen as conditioning elements of further actions (Crawshaw *et al*. 1998:111). It is important to consider the impact of the organisational culture when analysing issues of ethics and ethos in the CPU of the JCPS. However, it is important to note that although the influence of a collective culture within a particular cultural group can be substantial, it is not all-determining, because individual cultural differences exist within all cultures. To enhance effective organisational cultural reform in crime prevention, both attributes and non-attributes of organisational culture should be analysed. According to the *SAPS Learners' Guide on Professional Conduct* (2002:3), the attributes of culture are a language of sign systems, values, beliefs and patterns of thinking which are directly involved in shaping people's conduct while non-attributes indicate that culture is not defined by race, inborn or transmitted through genes and does not consist of ethnicity alone. This implies that both culture and cultural diversity are critical in determining how people value things, beliefs, habits and react to commands. In the context of this dissertation, a police culture takes more definite shape at the SAPS training colleges through occupational socialisation. This is the induction process of the police recruits into the SAPS where the occupational culture is learned and consists of interaction, assimilation and adaptation.

The organisational customs include the habit and the behavioural patterns that a group of members obey without being forced to, but they obey it because they chose to belong to a group which expects it of them. However, over the years a concerted effort has been made at the SAPS training colleges to transform the apartheid-based customs into a people-centred custom that is based on equity, efficiency, effectiveness and a strong code of ethics. It could be concluded that the SAPS training colleges are the cradle of the police customs where recruits come into contact with the unwritten behavioural patterns of

the police officers (SAPS,2006). This implies that the SAPS culture is acquired at the training colleges where life-long bonds and loyalties are formed and carried over into the work environment.

In the induction of police recruits, special attention should be given to issues of ethics, ethos and human rights. Furthermore, special attention should be given in the teaching of alternatives to the use of force and firearms. In order to achieve an organisational cultural reform, police recruits should be taught ways of peaceful conflict settlement, the understanding of crowd behaviour and new methods of persuasion, negotiation and mediation, as well as the technical means of limiting the use of excessive force. An organisational culture can either change naturally or spontaneously or it can be consciously and deliberately changed. Thus, it is important that the police management uses any available communication methods to communicate the required ethical values in order to enhance positive work ethics and ethos. The management should take the centre stage in determining an organisational culture. In practice, an ethical management is expected to always act ethically; adhere to the ethical policies, procedures and guidelines. A positive organisational culture is expected to instigate individual police officers to act strongly and consistently against unethical practices and encourage colleagues to enhance positive work ethics and ethos in the CPU of the JCPS. Positive work ethics and ethos are critical for the enhancement of an effective service delivery in safety and security in the CPU of the JCPS.

A *paradigm* is a system of logically interrelated propositions, the sum of which is taken to adequately explain the phenomenon in a given field of scientific inquiry (Miller and Fox 1995:60). A person's conduct and behaviour is directed and driven by the nature of the information, attitude, belief and knowledge system that one possesses in the subconscious mind. There are people who tend to cling strongly to what they have already learned in the past and then demonstrate resistance when new things have to be learned and such people often do not want to learn and explore new paradigms or change their conceptions (Miller *et al.* 1995:60). It is, therefore, imperative to note that for the successful enhancement of positive work ethics and ethos, a paradigm shift should be considered. A *paradigm shift* refers to a process which starts in the mind and engages a mental or psychological shift from one belief system to another. In order to achieve a successful paradigm shift, an organisation should be able to effectively implement and achieve a common vision, objectives and elements of commonality through symptoms of

common mental models among individual employees. However, the question of differences in mental models explains why two people can observe the same event and describe it differently; this is because they pay attention to different details. Thus, it is important to note that the issue of paradigm shift is critical in shaping the employees' conduct.

According to Fox *et al.* (1998:28), a paradigm resembles a set of belief structures that is created by one's experiences and background, it serves as a filter through which people observe and view the world. However, the question of paradigm paralysis makes paradigm shift difficult. *Paradigm paralysis* refers to a situation where one's mind maps block one's understanding of conflicting information. In most cases, veterans are victims of paradigm paralysis by allowing their mental models to block their creativity and opt to maintain the *status quo*. This implies that the CPU of the JCPS has the challenge of having to discard the militaristic mental paradigm of the apartheid-generation police officers and generate a paradigm of high levels of good morals, ethics and ethos. Kuhn (1988:89) argues that paradigms are related to one's thinking patterns and makes it difficult for people to identify the paradigm in which they are trapped in. However, it mostly takes an outsider to identify the nature of the paradigm in which a certain group of people are trapped in. Paradigms do shape a person's actions and modes of behaviours. For example, if a manager believes that a certain group of people or an individual is untrustworthy, as a manager one could act differently towards such a group or such an individual than one should have if one believed that they are trustworthy.

Considering the view of Kuhn (1988), Miller and Fox (1995) and Fox *et al.* (1998), it could be deduced that a paradigm has the potential to shape peoples' perceptions by selecting the information that suits their views and allowing that information to influence their ideas and assumptions about other people or situations which ultimately form their perceptions. In response to the research question in Figure 4.2, 4% of the individual police officers in the CPU of the JCPS indicated that the successful achievement of a paradigm shift is critical for the achievement of an ethical conduct in the unit. This means that a paradigm influence peoples' actions and/or behaviour by basing their assumptions on selective information that shapes their perceptions of certain situations or persons. Furthermore, it should be noted that perceptions directly influence people's reasoning which could directly impact on their actions and behaviour. For the successful enhancement of positive work ethics and ethos in the CPU of the JCPS, that are free from corruption, nepotism and

patronage, a positive paradigm characterised by a high moral ground, good ethics and ethos should be developed. Positive work ethics and ethos are critical for the enhancement of an effective service delivery in safety and security. The successful implementation of an organisational paradigm shift will reduce the level of individual police officer's resistance to change and encourage them to easily adopt the new organisational culture that is characterised by a high level of professional work ethics and ethos.

4.2.5 Good incentive structures

The combination of an ethical organisational culture and good incentive structures has the potential to enhance positive work ethics and ethos. In the work environment, a human resource is the most sophisticated and unique resource to manage, more than any other kind of the available resources across the sectors. Individual employees need to be motivated and often come into conflict with each other as well as with those that are expected to manage them. They are able to organise themselves into personnel associations and negotiate with those who are appointed to control them. Most importantly, human resources have a life to run, over and beyond their working life, which generally has nothing to do with their work environment (Fox *et al.* 1998:99). This implies that individual police officers have many roles to play both in and outside the CPU within which they earn a living. Thus, a good incentive structure is critical for the enhancement of positive work ethics and ethos which will facilitate the delivery of safety and security in the CPU of the JCPS.

According to the *SAPS* (2004), the Minister for Safety and Security and the National Police Commissioner outlined in their joint media statement that "there will be a substantial performance-related salary improvement for deserving functional police officers from April 2005". The salary improvement will be allocated in three phases over a Medium Term Expenditure Framework to both committed and deserving individual police officers from the 1 April 2005. The intention behind this salary improvement was to boost the morals of individual police officers in order to enhance positive work ethics and ethos as well as to improve service delivery to members of the public. The report further outlined that the salary improvement will assist in the recruitment and retention of professionals with specialised and scarce skills into the SAPS. This development was meant to motivate individual police officers in an attempt to improve productivity and reduce their temptation of engaging in unethical practices. The implementation of this salary adjustment programme proposed an increase in productivity levels being

accompanied by a marked improvement in public service delivery. The *SAPS Strategic Plan Document* (2004/7: ix) outlines that the National Police Commissioner assured members of the public that the SAPS is committed to reducing priority crimes, especially contact crimes by between seven to ten percent per annum. It implies that this performance-based salary improvement will go a long way in promoting professionalism among individual police officers.

Good incentive structures are critical for the enhancement of positive work ethics and ethos. In response to the research question in Figure 4.2, 19% of the individual police officers in the CPU of the JCPS indicated that the establishment of good incentive structures has the potential to enhance ethical conduct in the unit. However, it should be noted that reward versus effort could enhance positive work ethics and ethos in the CPU of the JCPS only if the following factors are taken into cognisance (DPSA, 2005):

❖ the size of the reward should reflect the size of the effort, e.g. an employee or a team idea that generates a big return for the employer (SAPS) should be rewarded accordingly;

❖ rewards should be tied to an individual's contribution, not simply to the length of the time with the organisation; and

❖ participating employees (police officers) should be aware of the criteria used to assess performance.

The above factors imply that the utilisation of an effective performance appraisal system is the cornerstone of the establishment of good incentive structures. The allocation of incentives should be conducted objectively without any element of bias. The issue of merit should play a central role when determining incentives for individual police officers in order to encourage high levels of ethical conduct. The successful establishment of good incentive structures is significant for the elimination of poorly aligned incentive structures.

FIGURE 4.4:   Indicate whether you think the establishment of good incentive structures is a *very effective, effective, not effective or not effective at all* instrument in an attempt to combat unethical conduct in your unit?
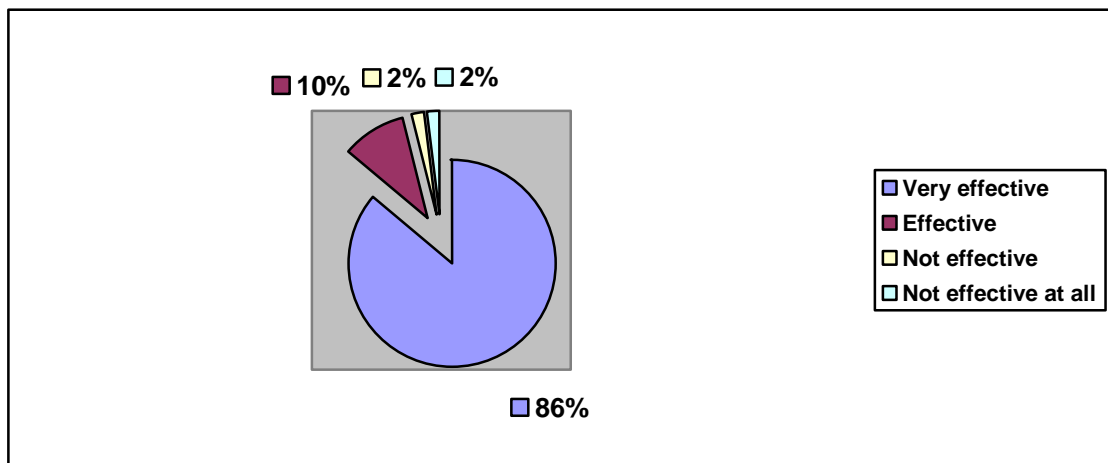
In response to the research question in Figure 4.4, 86% of the individual police officers in the CPU of the JCPS indicated that the establishment of good incentive structures is a very effective measure to combat unethical conduct in the unit, 10% indicated that it is effective, 2% indicated that it is not effective and 2% indicated that it is not effective at all. This implies that in order to maintain the individual police officers' high moral standards, the CPU of the JCPS should provide the salary packages that are at least on a par with those offered elsewhere in the job market. These should not be viewed as an attempt to pay for ethics or to deter individuals from illicit actions, but as a priority that the CPU places on justice, fairness, honesty and accountability. The inadequacy of the public sector salaries directly contributes to the increase of unethical practices at the level of need and petty corruption. The essence of ensuring a decent living wage is crucial for the accomplishment of public sector efficiency and effectiveness (*Ugandan government, 2006*).

According to the *Singaporean government* (2006), Singapore has been successful in the establishment of good public sector incentive structures. They developed an anti-corruption strategy which was implemented along-side a gradual pay rise, fair salary adjustments and strict penalties to corrupt elements. Currently, Singaporean public sector salaries stand among the highest in the world and its productivity and effectiveness are widely recognised when compared with other countries. The *Ugandan government* (2006) outlines that in support of the World Bank and other substantial bilateral donors, they undertook the challenge of civil service reform. In the course of this reform, all civil servants' benefits were being *monetarised*. Currently, Ugandan public servants are at

liberty to decide whether they wish to receive gifts or have their benefits replaced with the relevant monetary equivalent. This demonstrates the significance of good incentive structures in an attempt to enhance positive work ethics and ethos. Such a positive work ethics and ethos will enhance the delivery of safety and security in the CPU of the JCPS.

Considering the *Ugandan government's* case study, it is hoped that the freedom to create discretionary spending with one's benefits package will enhance the value that the public servants will attach to their posts. This has the potential to decrease the public servants' vulnerability to accept bribes and lead to higher standards of public service delivery. It is essential for the public servants and members of the public to fully understand the rationale behind any major public sector pay rise. In essence, the benefit of higher salaries comes with the responsibility of enhanced service delivery and accountability. However, raising pay without tightening the oversight capability could result in prospective job candidates just enjoying the privilege of obtaining a government job. It is recommended that a committee of supervisors who closely work with the prospective candidates should be tasked to award such incentives and rewards based on an individual's meritorious performance. The purpose of such good incentive structures should be to inspire individual police officers to uphold the highest standard of ethical behaviour.

The effective implementation of good incentive structures has the potential to ensure that the desire among individual police officers to do what is right is reinforced, and this is critical for ensuring positive work ethics and ethos. Unjust systems of promotion, unreasonable harsh disciplinary procedures for minor errors and unfair workloads are all deeply corrosive of the desire to do one's job well and to resist inducements to do what is illegal or otherwise immoral. The establishment of good incentive structures is critical for an effective service delivery in safety and security in the CPU of the JCPS. It is, however, important to note that both objectivity and meritorious considerations remain the key principles to determine the deserving employees. Having such measures in place creates powerful incentives for the realisation of positive work ethics and ethos.

4.2.6   National Anti-Corruption Hotline

According to the *DPSA's Anti-Corruption Capacity Requirements* (2006:52), the most effective way of detecting unethical conduct is when people (either staff or people from

outside the organisation) report such incidents in their daily lives. Unfortunately, many people are reluctant to report the incidents which they witness around them. The *DPSA's Anti-Corruption Capacity Requirements* (2006:52) cited three reasons for such reluctance, namely:

- ❖ people do not believe that the department will do something about it;

- ❖ people have a fear of retaliation from management; and

- ❖ linked to the fear of retaliation, people feel that there is a lack of an anonymous and confidential means of reporting.

This implies that the individual employees have been reluctant to report incidents of unethical practices due to uncertainity with regard to their anonymity. However, the *Public Service Commission* (2006) indicates that the *National Anti-Corruption Hotline* is an independent and impartial initiative that is meant to maintain a high standard of professional ethics and anonymity in the reporting of unethical practices in the public service. This means that the hotline provides for a safe, confidential and private way of reporting incidents of unethical conduct across the public service. In response to the research question in Figure 4.2, 2% of the individual police officers in the CPU of the JCPS indicated that the effective utilisation of the National Anti-Corruption Hotline has the potential to enhance ethical conduct in the unit. In practice, it is the management's responsibility to promote the use of this hotline and other internal reporting mechanisms and ensure the effective utilisation of the protected disclosure policies (whistle-blowing).

The effective utilisation of the hotline has the potential to enhance positive work ethics and ethos in the CPU of the JCPS. With regard to anonymity, the hotline operates 24 hours a day and all calls are logged in the system with a reference number for future inquiries without having to give a name. Complaints are then referred to the relevant department for investigation and feedback is required by the Public Service Commission (herein-after referred to as PSC) on the progress of each case. Considering other elements of whistle-blowing, the hotline is the safest way of reporting unethical practices involving public officials, including police officers. Furthermore, the hotline is available to members of the public (ordinary people, contractors and suppliers dealing with government institutions) to report fraud or corruption where a government official is involved and also to public service employees who might prefer not to make use of an internal whistle-blowing mechanism (*DPSA,* 2006).

FIGURE 4.5: **Indicate whether you think the establishment of good incentive structures is a *very effective, effective, not effective or not effective at all* instrument in an attempt to combat unethical conduct in your unit?**
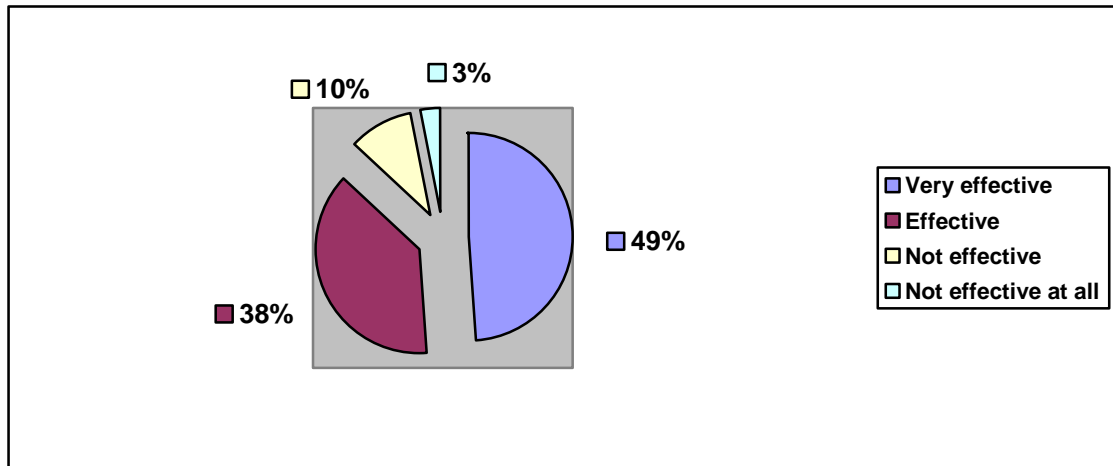
In response to the research question in Figure 4.5, 49% of the individual police officers in the CPU of the JCPS indicated that the utilisation of the *National Anti-Corruption Hotline* is a very effective measure in an attempt to combat unethical conduct in the unit, 38% indicated that it is an effective measure, 10% indicated that it not an effective measure and 3% indicated that it is not an effective measure at all.   This implies that the effective utilisation of the hotline has the potential to enhance positive work ethics and ethos, which is critical for the delivery of safety and security in the CPU of the JCPS. However, since there have been other departmental hotlines, it is recommended that those departmental hotlines be integrated into the National Anti-Corruption Hotline in order to avoid the duplication of functions and to facilitate the creation of the national corruption statistical database. The police management has a duty to support the hotline and make it popular among individual police officers in order to enhance positive work ethics and ethos in the CPU of the JCPS.   Thus, it can be deduced that the successful integration of the departmental hotlines into the national hotline coupled with effective advertisement of the hotline is a critical component of the enhancement of positive work ethics and ethos. The issue of positive work ethics and ethos is critical for the enhancement of effective service delivery in safety and security.

4.2.7   Vetting and regular polygraph tests

Vetting refers to the examination of something or someone in order to carefully ascertain whether one is acceptable or suitable for a particular purpose. For example, during the war most governments vetted all news reports before publishing. A common example of low-level vetting is that of a banking institution which carefully vets everyone who applies for a bank account (*Cambridge Advanced Learner's Dictionary,*2006). According to the *South African National Defence Force (SANDF)* (2006), personnel security vetting is important because employees might take on certain jobs or carry out particular tasks that contain classified information that might need security clearance. In practice, vetting is commonly used in the Ministry of Defence, law-enforcement agencies, armed services, and industries on defence-related work, financial institutions and other private security companies for the purposes of security. In the context of this dissertation, it is important to note that the effective vetting of individual police officers has the potential to enhance positive work ethics and ethos in the CPU of the JCPS.

The *SAPS* (2005) clearly asserts that personnel security vetting is to ensure that the police officers who are given access to sensitive information are unlikely to abuse the trust vested on them. However, although the vetting process can show the unsuitability of certain candidates for certain jobs, it can never guarantee that the accepted individuals will be reliable. However, the *snapshot* of the people being vetted is only accurate at the time of the security assessment, so the question of *aftercare* becomes imperative. *Aftercare* refers to the continuation of investigations to determine whether the clearance recipient deserves such clearance or not. The security vetting process has the potential to reveal the character flaws or other circumstances that might make certain people serious security risks. This implies that the process could refuse some candidates' employment while others might be employed and be carefully monitored or else moved to less sensitive jobs. The effective implementation of the security vetting process in the SAPS has the potential to discourage people with flaws from applying for the   security-related jobs. The significance of the security vetting process cannot be underestimated, because there is no way to judge the damage that might have been caused by the rejected candidates if it had not shown that they are unsuitable for the jobs (*UK government,*2006).

The *United Kingdom's* (herein-after referred to as UK) *Military* (2006) outlines four types of the security vetting clearances that are conducted in the UK and issued to candidates prior to employment in security-related fields, namely:

❖ Basic checks (BC), which is the prerequisite in the conduct of security clearance and is carried out to confirm one's personal identity by the recruiting authorities;

❖ Counter-terrorist check (CTC), which gives people access to government buildings and establishments threatened by terrorism and denies access to marked assets of classified nature;

❖ Security check (SC), which is the widely held clearance recommended for jobs covering long-term, frequent and uncontrolled access to secret, occasional and top secret assets and information. This clearance is reviewed every ten years for permanent staff and five years for contractors; and

❖ Developed vetting (DV), is the highest security clearance needed for the most sensitive jobs and tasks which involves long-term access to top secret information. The DV clearances are reviewed regularly.

The above checks imply that the effective implementation of the vetting process has the potential to ensure the recruitment of people of high moral grounds. In the UK, once the clearance has been issued to a recruit or the relevant stakeholder, a further investigation dubbed *aftercare* continues. Thus, in order to enhance positive work ethics and ethos in the CPU of the JCPS, it is recommended that a comprehensive vetting process should be adopted. Positive work ethics and ethos will enhance the delivery of safety and security in the CPU of the JCPS. The vetting process has the potential to analyse the people's core elements, such as the history of breaking the law, financial problems and other personal problems that can make one vulnerable to outside pressure and end up getting tempted to behave unethically. According to the *SANDF* (2006), a comprehensive vetting process covers issues of family background, past experiences, health, personal life, drinking habits, experience (if any) of drug taking, finances, general political views (though not on which party one supports), hobbies and foreign travel. It should, however, be noted that a vetting interview should be searching and intrusive, but not as harsh as interrogation.

A *polygraph* is a scientific instrument that is designed specifically to record the physiological changes that occur in the human body. A polygraph test is the evaluation of those changes as they occur when questions are asked. The physiological changes are monitored in terms of heart racing, palms sweating, and other symptoms of apprehension. During a polygraph evaluation, the polygraph chart evaluates the 32 different physiological changes indicative of lying. The examiner monitors those changes consistent with deception and forms an opinion about one's truthfulness (*UK government,* 2006). The effective utilisation of polygraph testing is critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS. The polygraph test records one's respiration, skin ability to conduct electricity and cardiovascular activity in the following patterns:

- ❖ the recordings of one's respiration patterns are accomplished using two electronic strain gauges, one across the chest and the other across the abdomen;

- ❖ the ability of one's skin to conduct electricity is recorded by placing two silver electrodes on the fingers. Those electrodes are coated with a gel to help control perspiration and improve the recording of any reactions that may occur; and

- ❖ the cardiovascular activity is recorded using a standard blood pressure cuff placed on either the forearm or the upper arm.

Considering the latter assertions, it is important to note that comprehensive vetting and regular polygraph tests are critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS. Positive work ethics and ethos are critical for effective service delivery in crime prevention. In response to the research question in Figure 4.2, 4% of the individual police officers in the CPU of the JCPS indicated that vetting and regular polygraph tests will enhance ethical conduct in the unit. Thus, it is important to note that a vetted individual police officer who is subjected to regular polygraph testing could be trusted with sensitive government information (case dockets) and/or assets without being easily susceptible to pressure and committing unethical practices.

Although vetting and regular polygraph testing might be expensive, it however ensures that people of good character and personal integrity are recruited providing the assurance

of loyalty, reliability and trustworthiness of the individual. However, it should be noted that during vetting and polygraph testing, the individual police officers should be treated impartially and consistently irrespective of gender, marital status, age, ethnicity, origin, religious views or sexual orientation. In the context of achieving positive work ethics and ethos, it is important to note that individual police officers have the capacity to resist temptations, but it will be fairly reasonable to subject such capacity to an ongoing testing through vetting and regular polygraph testing. The successful implementation of vetting and regular polygraph testing in the CPU of the JCPS will enhance positive work ethics and ethos, which are critical for improving the delivery of safety and security.

4.2.8   Stress management training

Stress denotes a psychological state that can be caused by stressors and be experienced by an individual when faced with demands, constraints and or opportunities that have important but uncertain outcomes. *Stressors* refer to the environmental conditions, situations or events that are potentially capable of producing the state of stress. The elements of stress manifest themselves in the form of strains and depressants, which have the potential to instigate negative work ethics and ethos and cause unethical practices. However, work-related stress is associated with work overload, job dissatisfaction, job insecurity, role conflict, interpersonal demands and a variety of other work stressors (Ivancevich *et al*. 1987:25). Stress is manifested in the form of headache (migraine), heartburn, backache and generalised fatigue. Stress could contribute to the development of physical disorders such as peptic ulcers, hypertension, suppression of the immune system and psychological disorders such as anxiety and depression.

The *Concise Oxford Dictionary* (1990:1206) describes *stress* as the manifestation of the pressure or tension exerted on an object or a human being. In the general context, stress could be caused by external factors such as divorce, bereavement, changing houses or money-related problems. However, employers cannot be held accountable for a   stress-related unethical conduct that was caused by the above external factors, but should instead take such matters into account when discussing/considering employees' poor performance and/or negative work ethics and ethos. Invancevich *et al*. (1987:26) outlines various factors that are related to work stressors, namely:

> ❖ unrealistic deadlines that make employees feel rushed and overwhelmed;

❖ insufficient work allocation which could make people feel that their skills are being underutilised;

❖ lack of control over work activities;

❖ lack of interpersonal support or poor working relationships leading to a sense of isolation;

❖ employees being asked to do jobs which they have insufficient experience or training for or having problems to settle into a new job, both in terms of meeting the new role's requirements and adapting to possible changes in relationships with colleagues;

❖ the bullying or harassment of employees by either colleagues or supervisors;

❖ the prevalence of a blame culture in an organisation, which could cause people to be afraid to get things wrong;

❖ weak or ineffective management, which leaves employees feeling that they do not have a sense of direction;

❖ employees having to report to more than one supervisor with each asking for his/her work to be prioritised;

❖ failure to keep employees informed about the significant changes in the service, causing them to feel uncertain about their future; and

❖ poor physical working environment perhaps caused by excessive heat, cold or noise.

The above factors imply that stress could be caused by stressors that arise in the work domain or the non-work domain. However, the prevalence of stress among individual police officers has the potential to instigate negative work ethics and ethos in the CPU of the JCPS. When the element of stress is ignored, it has the potential to produce emotional, behavioural and psychological strain to individual police officers, thereby, inhibit the enhancement of positive work ethics and ethos. In response to the research question in Figure 4.2, 1% of the individual police officers in the CPU of the JCPS indicated that the adoption of a comprehensive stress management training programme is critical for the enhancement of ethical conduct in the unit. Positive work ethics and ethos will enhance the delivery of safety and security in the CPU of the JCPS.

In the work environment, change has the potential to cause insecurities and bring much pain and anxiety to individual employees. The transformation of the South African police systems created some sense of insecurity and anxiety to both black and white police officers across the rank levels. During the transformation process, concerns were raised such as, *Who will be forming part of the new SAPS management? Who will be promoted? and Who will be identified as the perpetrator of human rights violations of the past?* (SAPS,2004). These presented some elements of stress among individual police officers. Furthermore, Bayley (2001:75) argues that the post-1994 SAPS' new recruits undergo a basic training that is vastly different from the kind of training that many long-standing police officers underwent. Thus, the pre-1994 police officers have to work with colleagues who have had a completely different approach to policing and this becomes stressful to both long-standing police officers and new recruits. The post-1994 police officers often have to deal with their inherited and entrenched modes of policing. Furthermore, the implementation of affirmative action within the SAPS has since remained stressful, especially to the police officers who were uncertain about their future (SAPS, 2006).

According to *AllAfrica* (2006), the most prevalent stressor in the police services is the ideological grid which suggests that individual police officers should be muscular and physically strong. This ideological grid suggests that the real police officers are those who work on the streets with strong records of brute force arrests as opposed to those who work in the offices. This has since remained stressful for those police officers who are perhaps small in build, not very muscular and work in the office (*AllAfrica:* 2006). This ideological grid has the potential to inflict negative work ethics and ethos, especially to police women, to the more passive and to those with a small built. However, the effective utilisation of the social support structures of the social workers and psychologists could eliminate such stressors and enhance positive work ethics and ethos because it is critical for an effective service delivery in safety and security. Considering the latter arguments, a comprehensive stress management training is recommended in order to enable individual police officers to reduce, manage and tolerate the existing stressful conditions and the internal demands.

In practice, the provision of safety and security places individual police officers at the receiving end of the community problems. They are often in touch with the extremely strenuous community issues. They are expected to restore law and order in very difficult

situations while placing their lives at risk. During the implementation of crime prevention strategies, individual police officers deal with child abuse cases, wife battery, rape and also attend to scenes of brutal murders and assaults. The exposure to these horrific circumstances is stressful and could at times lead to feelings of depression and disillusionment (Burton 2000:70). From what has been argued thus far, the importance of stress management training remains critical in order to enhance positive work ethics and ethos. Stress management training includes the psychological empowerment of individual police officers in order to ensure their emotional maturity. It includes the encouragement of officers to effectively use the organisational support structures such as psychologists and social workers. However, during the performance of their daily tasks, individual police officers remain exposed to extreme poverty and hardships experienced by members of the public and this in itself is very depressing and has the potential to instigate negative work ethics and ethos.

In certain cases, individual police officers often are unable to speak to their families and friends about their work experiences and this could result in a feeling of isolation. The same feeling is taken home where police officers often feel misunderstood, placing them under severe stress as a result of the domestic responsibilities. The consequence to this is a high divorce rate among police officers, especially those whose spouses are not members of the police service. In more extreme cases, this feeling of isolation and despair leads to suicidal actions. The *SAPS* (2006) outlines that the Division Helping Profession consists of social workers, psychologists and chaplains who effectively help individual police officers with their stress and spiritual-related difficulties. However, there are challenges to this effect, ranging from the work overload on those professionals while some individual officers feel that they will not submit themselves to such civilians for help. Thus, it is necessary to clarify the perception that seeking professional help does not mean being helpless and powerless, but it is in fact a strength not a weakness.

In the context of this dissertation, the establishment of self-help groups at police stations, areas, provinces and national level where individual police officers can share personal difficulties, is recommended. Even though sharing a problem may not directly solve the problem, it is socially acknowledged that sharing problems can bring about huge psychological relief. The spouses and family members of individual police officers are at the receiving end of these psychological tensions. Thus, the establishment of the self-

help groups for the partners and family members of these police officers is recommended in order to enable them to effectively share the problems as part of secondary stress management. The successful implementation of the latter proposal will improve and extend the officers' support base beyond their working life. This has the potential to enhance positive work ethics and ethos, which is critical for the effective delivery of safety and security in the CPU of the JCPS.

4.3 Institutions for the enhancement of positive work ethics and ethos in the Crime Prevention Unit of the Johannesburg Central Police Station

Over and above the discussed instruments for the enhancement of positive work ethics and ethos, there are various statutory institutions that have been established to enhance positive work ethics and ethos in the SAPS. However, the complexities of modern policing require comprehensive police accountability to multiple audiences through multiple mechanisms. This implies that individual police officers are not only to be held accountable to their commanders but also to the communities they serve. According to Stone (1994:46), there are three levels of control against which police accountability should be assessed in any democratic police system, namely:

- ❖ internal control by the organisation itself through its chain of command;

- ❖ state or government control; and

- ❖ social or civil society control.

Chapter 9 of the *Constitution of the Republic of South Africa*, 1996 provides for the establishment of state institutions supporting constitutional democracy such as the Public Protector (PP) and the Auditor-General (AG). These institutions have a duty to support the South African constitutional democracy and enhance positive work ethics and ethos across the public service. Within the context of policing, the legislative framework has been set, so the challenge is to mould the ethical norms and behaviour expectations of the individual police officers in the CPU of the JCPS.

According to the *ICD* (2005), the *Constitution of the Republic of South Africa*, 1996 has established oversight institutions to be able to identify unethical practices among public officials, correct them and enhance ethical work conduct. However, Mafunisa (2000:39) argues that the penalties meted out for unethical behaviour patterns vary in the same way

as their interpretation and, despite the difficulties, it is still possible to pass value judgement on what is acceptable behaviour. Section 181(2) of the *Constitution of the Republic of South Africa*, 1996 provides that these institutions are independent and subject only to the Constitution and the law. They must be impartial and exercise their powers and perform their functions without fear, favour or prejudice. The following discussion analyses various institutions that have the potential to enhance positive work ethics and ethos in the CPU of the JCPS. The discussion focuses on how such institutions will help in the enhancement of positive work ethics and ethos during the implementation of their strategic plans.

4.3.1   Civilian oversight bodies

The transformation of the South African public sector, the criminal justice system and the police in particular was critical for the consolidation of democracy in South Africa. Good governance requires a sound law enforcement system that will create a conducive environment for the effective delivery of public services in a transparent, accountable and responsive manner to members of the public. To this end, the government established the civilian institutions that are responsible for police oversight in an attempt to enhance the effective delivery of safety and security. The primary bodies responsible for civilian oversight are the Independent Complaints Directorate (herein-after referred to as the ICD), which operates in national and provincial spheres, the Community Policing Forum (herein-after referred to as the CPF) which operates in the local sphere, the National and Provincial Secretariats for Safety and Security (herein-after referred to as NPSSS) which operate in the provincial and local sphere as well as the Parliamentary Portfolio Committee for Safety and Security (herein-after referred to as PPCSS) which operates at the parliamentary level.

FIGURE 4.6: Which of the following civilian oversight bodies do you consider to be the most effective institution for the effective enhancement of positive work ethics and ethos in the Crime Prevention Unit of the Johannesburg Central Police Station?
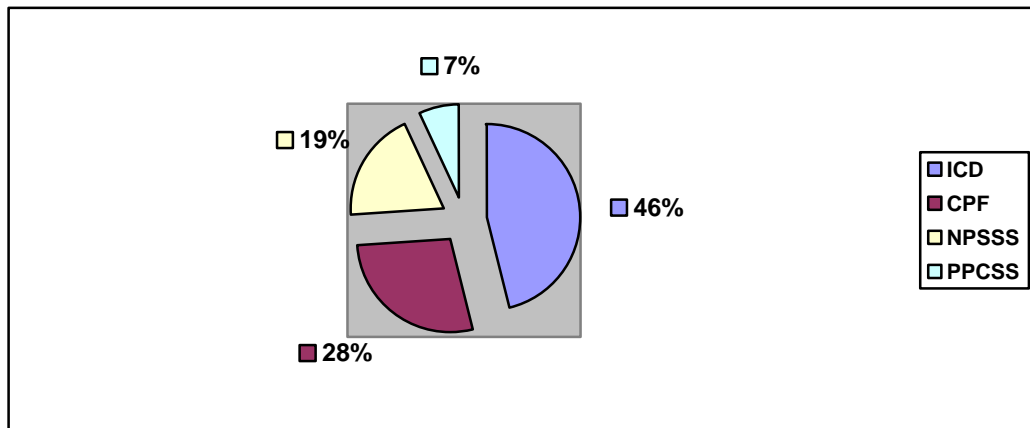
In response to the research question in Figure 4.6, 46% of the individual police officers in the CPU of the JCPS indicated that the ICD is the effective institution for the effective enhancement of positive work ethics and ethos in the CPU of the JCPS, 28% indicated the CPF, 19% indicated the NPSSS and 7% indicated the PPCSS. The effective utilisation of these civilian oversight bodies has the potential to enhance positive work ethics and ethics in the CPU of the JCPS. These civilian oversight bodies are expected to ensure that individual police officers render an effective and good service that is characterised by principles of high moral standing. The civilian oversight structures should ensure that individual police officers do not become a law unto themselves, but ensure sustained accountability for their actions. The following discussion analyses the role of the above oversight bodies in their attempt to enhance positive work ethics and ethos.

4.3.1.1 Independent Complaints Directorate

Section 50 of the *SAPS Act*, 1995 (Act 68 of 1995) provides for the establishment of the ICD to oversee the conduct of individual police officers in their implementation of safety and security. The ICD is structured to operate at both national and provincial spheres of government by ensuring a high level of professional ethics among members of the SAPS and the Municipal Police Service (MPS). The ICD operates independently from the SAPS and ensures that individual police officers are held accountable in the performance of their daily tasks. According to the *ICD's Annual Report* (2003/4: 7), the vision of the ICD is to achieve a police service that is in line with the spirit of the *Constitution of the Republic of South Africa*, 1996 and its mission is to promote proper police conduct. The effective utilisation of the ICD has the potential to enhance positive work ethics and ethos, which is critical for an effective delivery of safety and security in the CPU of the JCPS. Furthermore, Section 53 (2) of the *SAPS Act*, 1995 (Act 68 of 1995) provides for the

statutory objectives of the ICD, namely:

- ❖ the ICD may *mero metu* or upon receipt of a complaint, investigate any misconduct or offence allegedly committed by a member, and may, where appropriate, refer such investigation to the Police Commissioner concerned;

- ❖ the ICD shall *mero metu* or upon receipt of a complaint, investigate any death in police custody or as a result of police action; and

- ❖ may investigate any matter referred to themselves by the Minister or Member of the Executive Council (MEC).

Considering the latter arguments, it can be concluded that the ICD has an important role to play in an attempt to create a police service that is grounded in high levels of moral ground and that is critical for the enhancement of positive work ethics and ethos. The Gauteng Provincial ICD oversees the operation of individual police officers in the CPU of the JCPS. This civilian oversight institution ensures a high level of ethical conduct among individual police officers in the CPU of the JCPS by investigating complaints of brutality, criminality and acts of misconduct or unethical practices allegedly committed by police officers. In response to the research questionnaire in Figure 4.6, *Which of the following civilian oversight bodies do you consider to be the effective institution for the effective enhancement of positive work ethics and ethos in the CPU of the JCPS?*, 46% of the respondents indicated the ICD. This makes the ICD a critical institution for the enhancement of positive work ethics and ethos in the CPU of the JCPS. A positive work ethics and ethos will enhance the delivery of safety and security services in the CPU of the JCPS.

Jones (2003:604) argues that the external police oversight does not rely so much on the direct interaction with the organisation, but more on secondary information obtained from police records, or from complaints of members of the public. This arrangement has the potential to compromise the efficacy of the oversight bodies. Thus, the ICD should establish a system that will facilitate the collection of reliable information on a number of indicators. The CPU of the JCPS should keep a high-quality data management system in place in order to produce data that is objective, valid and reliable. However, the absence of such systems may undermine the internal control measures by failing to clearly identify the existing challenges. The successful enhancement of positive work ethics and ethos

requires the ICD to develop comprehensive strategic interventions in order to resolve shortcomings for achieving an effective ethical policing.

According to Adams (1999:2), the most critical information in the policing environment is not always available to senior managers, policy-makers and/or members of the public. Thus, a collective effort among the management, policy-makers and members of the public is essential in order to succeed in building a strong oversight structure. The ICD plays a critical role in ensuring a high level of professional ethics in the CPU of the JCPS. This implies that the individual police officers in the CPU hold the ICD in high regard and this has the potential to enhance positive work ethics and ethos. However, the SAPS should in consultation with the ICD develop an effective data management system in order to produce reliable information on police misconduct and discipline. It should be publicly known as to how such data is generated, where it is generated from, where it is kept and how it is managed, analysed and used within the unit. Furthermore, there should be an effective system to communicate such data internally and to the external oversight bodies (Walker 2001:48). The effective utilisation of the ICD has the potential to enhance positive work ethics and ethos in the CPU of the JCPS, which is critical for an effective service delivery in safety and security. In practice, the ICD is meant to ensure that the SAPS' delivery of safety and security is in accordance with the constitutional mandate and is performed in an effective and efficient way.

In order for the ICD to remain relevant in the public eye, the directorate should conduct the relevant public awareness campaigns with regards to their operations and constitutional objectives. The *SAPS Annual Report* (2003/4) reported that the SAPS' anti-corruption hotline has received a total of 21 283 complaints from members of the public against individual police officers in the 2003/4 financial year, while the ICD received 5 903 complaints during the same period. These imply that the SAPS has received and handled more public complaints against individual police officers than the ICD, which could result in a compromise of public trust and respect for the directorate. According to Masuku (2005:17), few members of the public are educated on how to lay complaints against individual police officers with the ICD and on what the subsequent procedures are. The *SAPS Learners' Guide on Professional Conduct* (2004: 3) asserts that the ICD should analyse the public complaints about the individual police officers in order to determine the cause of such problems and provide recommendations on possible corrective measures. Thus, the successful implementation of the latter assertion will enhance positive work

ethics and ethos, which is critical for an effective delivery of safety and security in the CPU of the JCPS. The *ICD's Annual Report* (2003/4: 6) clearly asserts that every six months the National Police Commissioner is expected to submit a report to the Parliamentary Portfolio Committee for Safety and Security regarding the steps taken following the ICD's recommendations in the respective period under review. This implies that the ICD has a duty to deflect the unfounded criticisms that are levelled against the SAPS and persistently isolate any element of unethical practice. The effective utilisation of the ICD has the potential to facilitate the transformation of the CPU of the JCPS into a unit that deservedly receives the respect and support of the community in the delivery of safety and security.

The ICD's investigations are mostly restricted to allegations of police misconduct relating to deaths in police custody or deaths as a result of police action. This is unfortunate because the ICD's legislative mandate goes beyond that. Furthermore, according to the ICD (2006), the directorate's budget increased by 13% while its caseload increased by 42% in the 2003/4 financial year. The R42-million budget allocation to the ICD during the 2003/4 financial year was wholly inadequate to meaningfully enable the directorate to fulfill its legislative mandate. However, in the *ICD's Annual Report* (2003/4: 5), the Minister for Safety and Security states that, "in light of the increase in the ICD's workload and change in strategy (monitoring and investigation of cases), it will be imperative to review its future budgets". Furthermore, the fact that the ICD has to rely on forensic and other support from the SAPS, the very people they are meant to investigate, is indicative of its compromised position. From the foregoing, it could be recommended that more resources need to be allocated to the ICD in order to effectively fight against unethical practices among individual police officers in the CPU of the JCPS. The capacitation and effective utilisation of the ICD is critical for the enhancement of positive work ethics and ethos, which is critical for the effective delivery of safety and security in the CPU of the JCPS.

4.3.1.2 Community Policing Forums

The negative relationship which existed between the apartheid police force (SAPF) and the black communities in particular necessitated the establishment of the CPFs (SAPS, 2006). The dawn of democracy in South Africa placed an obligation on both parties to

start working on their relationship. During the apartheid era in South Africa, the black communities saw individual police officers as agents of the apartheid government who specialised in hunting down the political activists in the townships on the pretext of maintaining law and order while inflicting public violence instead. The establishment of the alternative policing structures such as the Self-Defence Units (SDU) and   Self-Protection Units (SPU) clearly showed the extent to which police officers were disliked in the black communities. However, the police officers felt that the community members were not willing to co-operate by withholding information from them while members of the public were hostile to the police and *no go* areas were an example of this phenomenon (Mistry 1996:2). This implies that the improvement of the relationship between the individual police officers and members of the public remained imperative. Thus, the successful establishment and utilisation of CPFs are critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS.

According to the *White Paper for the Transformation of Public Service Delivery* (1997) (also known as *Batho Pele),* the consistent consultation between public officials and members of the public has the potential to improve public service delivery. Section 208 of the *Constitution of the Republic of South Africa*, 1996 provides that each and every province is entitled to monitor the police conduct and promote good relations between the police and the community. However, for the successful promotion of a good relationship between individual police officers and members of the public, the establishment of the CPFs became imperative. The CPFs represent a group of appointed members of the community who sit with the relevant police authorities to discuss issues of safety and security in a particular locality. Thus, the CPFs attached to the JCPS have direct interaction with individual members of the CPU serving as a deterrent for individual police officers to engage in unethical practices because members of the community are watching their moves. An effectively functioning CPF has the potential to instigate professionalism among members of the SAPS in their delivery of safety and security. Thus, section 19 of the *SAPS Act*, 1995 (Act 68 of 1995) provides for the establishment of the CPFs in order:

> ❖ to promote the accountability of the SAPS to the local communities by improving co-operation between the two;
>
> ❖ to monitor the effectiveness and efficiency of the SAPS;
>
> ❖ to advise the SAPS regarding local policing priorities;
>
> ❖ to evaluate the provision of visible policing in their area; and

❖ to request enquiries regarding police matters in the respective localities.

This implies that the effective utilisation of the CPFs has the potential to increase the levels of police accountability with regard to what has been done or has not been done. Improved co-operation between the individual police officers and members of the public is critical for the consolidation of an effective delivery of safety and security in the CPU of the JCPS. Furthermore, section 20 of the *SAPS Act*, 1995 (Act 68 of 1995) provides that the SAPS should liaise with members of the communities through the CPFs at national, provincial and local levels of government in order:

❖ to maintain a partnership between the community and the SAPS;

❖ to promote communication between the SAPS and the community;

❖ to promote co-operation between the SAPS and the community in fulfilling the needs of the community regarding policing;

❖ to improve the rendering of police services to members of the communities at national, provincial, area, and local level; and

❖ to improve transparency in the SAPS and promote accountability of the SAPS to members of the community while encouraging joint problem identification and problem-solving.

Considering the latter arguments, it is important to note that the SAPS' legislative framework does encourage community participation in policing affairs in order to facilitate the enhancement of positive work ethics and ethos. The effective implementation of the community policing strategy is critical for the facilitation of an effective service delivery in safety and security in the CPU of the JCPS. The concept of a community policing strategy is aimed at developing a shared vision, mission and values between individual police officers and members of the community. The effective ultilisation of the CPFs has the potential to create and develop a new organisational culture of accountability that will revive managerial co-operation and the empowerment for the lower ranking officers. This implies that the CPFs could instigate a management style that is based on teamwork, participation and joint problem-solving. It is envisaged that continuous consultation with the community members will be promoted. According to Fox *et al*. (1998:69), the CPFs encourage the development of new policies and practices that support the quality of service provision and the philosophical style of community participation. It should be

noted that the successful implementation of a community policing strategy depends on the organisational decentralisation and re-orientation of the patrol tactics (visible policing) in order to create dual informal channels of communication between the individual police officers and members of the communities.

The successful utilisation of the CPFs in various communities will recreate proximity and enhance mutual understanding between the individual police officers and various members of the public. For the effective enhancement of positive work ethics and ethos in the CPU of the JCPS, the issue of law enforcement should be regarded as a shared responsibility between the SAPS and members of the public. The consistent adherence to the key democratic principles of responsiveness, representation and accountability remains critical for the successful law enforcement. According to De Rover (1998:145), the SAPS should remain instrumental in the establishment of the CPFs across communities and should be the catalysts in servicing such forums for effective co-operations. However, members of the public in the CPFs of historically black communities have a tendency of aligning themselves according to the political parties while in historically white communities the issue of political representation is not an overriding factor. According to Mistry (1996:3), the operation of the CPFs should be apolitical and representative of the general community needs in order to maximise citizen participation.

According to Mistry (1996:3) in his study, *the challenges of the community policing systems in South Africa,* the station commanders and other high-ranking officers always attend the CPF meetings while constables and sergeants who are in direct contact with members of the public do not attend. Therefore, these constables and sergeants receive reports that community members complain about the standard of the SAPS' service delivery. This leads to poor implementation of the CPF resolutions owing to poor communication in the SAPS structures. Furthermore, the CPF concept lacks the element of youth representation in various communities. However, the youth have a critical role to play in making the CPF a viable instrument for the enhancement of positive work ethics and ethos in the CPU of the JCPS. According to Mistry (1996:3), the Johannesburg North CPF, endorsed a youth forum as a portfolio in the management committee and that has since proved to be successful. For example, the youth forum undertook campaigns such as adopt-a-cop in the Hillbrow area. A CPF should be representative of the community age groups in order to capture the community's confidence and assist individual police

officers in the tracking down of suspects thereby making the area safer. In response to the research question in Figure 4.6, 28% of the respondents indicated that the CPF is an effective institution for an effective enhancement of positive work ethics and ethos in the CPU of the JCPS. The establishment of the CPFs aims to improve co-operation between the individual police officers and members of the public in order to enhance the delivery of safety and security.

The effective utilisation of the CPFs has the potential to enhance positive work ethics and ethos in the CPU of the JCPS and that is critical for an efficient service delivery in safety and security.   However, some people demand some financial compensation for their participation in the CPF activities and claim to be putting their lives at risk. According to Mistry (1996:4), some CPF active members demand financial compensation for acting as buffers between the SAPS and members of the public. They are allegedly called *impimpis* (informants) by some community members because they co-operation with the police officer. Section 23(2) of the *SAPS Act, (Act 68 of 1995)* provides that members of the CPFs render a voluntary service and have no legal recourse to claim for compensation. Scott and De Grandpre (2001:30) describe the community policing strategy as a means of making a commitment to be fair, consultative, supportive, transparent and accountable. The adoption of a community policing strategy is critical for educating individual police officers to be flexible and open to the community ideas when dealing with issues of community safety. Furthermore, for an effective implementation of a community policing strategy, both the police management and the CPF structures should ensure that the elected members of the public represent the community needs without reservations. The management should guard against individuals who might try to protect their personal interests, e.g. gang members and crime syndicates might join the CPF for their own personal interests and sabotage progressive initiatives.

Considering the above arguments, it is important to note that the community policing strategy was adopted in order to partly rectify the bad relationships which existed between the apartheid police officers and members of the black communities in particular and further rectify the damage caused to such relationship. It is recommended that individual police officers remain sensitive to the community needs and be open to community input regarding issues of safety and security. The community policing strategy is expected to change the culture of community noninvolvement to a culture of involvement.   In the

context of the CPFs, the individual community members are made aware of their role and the role of police officers in the maintenance of law and order. The CPFs have an oversight role to play in the law-enforcement initiatives while maintaining its community empowerment mandate. This development has the potential to enhance positive work ethics and ethos in the CPU of the JCPS. Furthermore, it is recommended that annual strategic plan meetings should be conducted in order to consolidate the operational mechanisms of the CPF's towards its vision and simplify its strategic points under consideration. The participation of the individual members of the public in the CPF structures is very critical because they remain more knowledgeable about their environment, constraints, shortcomings and weak points than any outside expert. However, it is acknowledged that the people's apathy is not easy to overcome, but perhaps perseverance and visible success stories would enhance these people's interest. The ability to sustain the police officer's level of accountability and transparency is critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS. The effective implementation of the community policing strategies could serve as an effective control measure and make it difficult, if not impossible, for individual police officers to engage in unethical conduct.

4.3.1.3 National and Provincial Secretariat for Safety and Security

Section 208 of the *Constitution of the Republic of South Africa*, 1996 provides for the establishment of a police civilian secretariat which will function under the direction of the cabinet member responsible for policing. The *South African Government* (2006) states that the National Secretariat for Safety and Security was appointed in 1995 and the provincial secretariats were established thereafter. According to Section 3(1) of *the SAPS Act*, 1995 (Act 68 of 1995), the mandate of the secretariat includes advising the Minister for Safety and Security in the exercise of his powers, and promoting democratic accountability and transparency in the police services. The *South African Government* (2006) states that the primary task of the secretariat on its establishment in 1995 was to transform the SAPF from a police force to a legitimate public-oriented police service (SAPS). As a result, there were high expectations of the secretariat's role and impact in the entire police systems. However, it later became factual that transforming the police systems was to be a long-term project. In response to the research question in Figure 4.6, 19% of the respondents indicated that the NPSSS is an effective institution for the effective enhancement of positive work ethics and ethos in the CPU of the JCPS. However, the current focus of the NPSSS is to monitor and conduct oversight of police

operations at both policy and strategic level. As already discussed in Chapter 1, the policy and legislative framework have a direct impact on the functioning of the individual police officers as an external environmental factor. Thus, police officers in the CPU implement the operational/tactical directives set by the NPSSS.

The context within which the secretariat was established shaped its structure. It reports to the Minister for Safety and Security, as does the National Police Commissioner and the Executive Director of the ICD. The Minister deals with diverse but competing interests, which have often resulted in the national secretariat being sidelined. In contrast, the ICD has a greater degree of autonomy and impact on the execution of its functions than the secretariat. It is, however, worth noting that in the first five years of its establishment, the secretariat played a prominent role in formulating policies and overseeing their implementation. But as the years progressed, it lost its focus. The provincial secretariats are autonomous bodies and account to the provincial executive and remain independent from the national secretariat. Even though the provincial secretariats might have different configurations, they nevertheless carry out the same type of work, as the national secretariat. They do policy monitoring, respond to service delivery complaints and conduct crime awareness campaigns in their respective provinces (SA Government, 2006).

Considering the above argument, it is evident that both national and provincial secretariats for safety and security are better positioned to enhance positive work ethics and ethos in the CPU of the JCPS. It is recommended that both the secretariat and the ICD should engage into collaborative planning and strategic meetings in order to create a common understanding in the context of needs and priorities and for ensuring uniformity in approach where appropriate and necessary. For the achievement of a successful policy formulation on strategic oversights, there is a need for a comprehensive capacitation of the oversight bodies on policy analysis, monitoring and evaluation. A continuous capacitation programme is recommended to ensure continuity in the fulfilment of their constitutional mandate. The effective utilisation of both national and provincial secretariat for safety and security is critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS. Positive work ethics and ethos are critical for an effective service delivery in safety and security.

4.3.1.4 Parliamentary Portfolio Committee for Safety and Security

In order to give effect to the principles of transparency and accountability, Section 199(8) of the *Constitution of the Republic of South Africa*, 1996 provides for the establishment of a multiparty parliamentary committee that would provide oversight of all security services in a manner determined by the national legislation, the rule of law and acts of parliament. It is from this provision that the Parliamentary Portfolio Committee for Safety and Security was established. The PPCSS ensures the implementation of professional work ethics in the context of the relevant chain of command ranging from the Minister for Safety and Security to the CPU Commanders and individual police officers in the unit. In response to the research question in Figure 4.6, 7% of the respondents indicated that the PPCSS is an effective institution for the effective enhancement of positive work ethics and ethos in the CPU of the JCPS. This implies that the PPCSS is a top-level oversight institution and has the potential to hold the top political officer bearers accountable for their actions on safety and security issues.

Section 206(8) of the *Constitution of the Republic of South Africa*, 1996 provides that a committee composed of the cabinet member and members of the executive council responsible for policing must be established to ensure the effective co-ordination of the police service and effective co-operation among spheres of government. This is meant to ensure a concerted effort to honour the accounting parliamentary challenges. However, the effective utilisation of the PPCSS has the potential to enhance positive work ethics and ethos in the CPU of the JCPS. A positive work ethics and ethos have the potential to enhance the effective delivery of safety and security.

4.3.2   Auditor-General

Section 188(1) of the *Constitution of the Republic of South Africa*, 1996 provides that the Auditor-General (herein-after referred to as AG) must audit and report on the accounts, financial statements and financial management of all national and provincial state departments and administrations, of which the SAPS is no exception. Section 188(3) of the *Constitution of the Republic of South Africa*, 1996 provides that the AG must submit audit reports to any legislature that has a direct interest in the audit, and to any other authority prescribed by national legislation. The national legislation requires all reports to be made public in order to instill the culture of positive work ethics and ethos in the CPU of the JCPS. The existence of the AG serves as a deterrent for individual police officers in the CPU of the JCPS to engage in financial mismanagement or intentional misappropriation of the taxpayers' money for personal gain. The Commander of the

JCPS is an accounting officer and has to ensure that a high level of professional ethics is maintained across the station especially on issues of financial utilisation.

FIGURE 4.7: Indicate whether you think the establishment of the Auditor-General (AG) is a *very effective, effective, not effective or not effective at all* instrument in an attempt to combat unethical conduct in your unit?
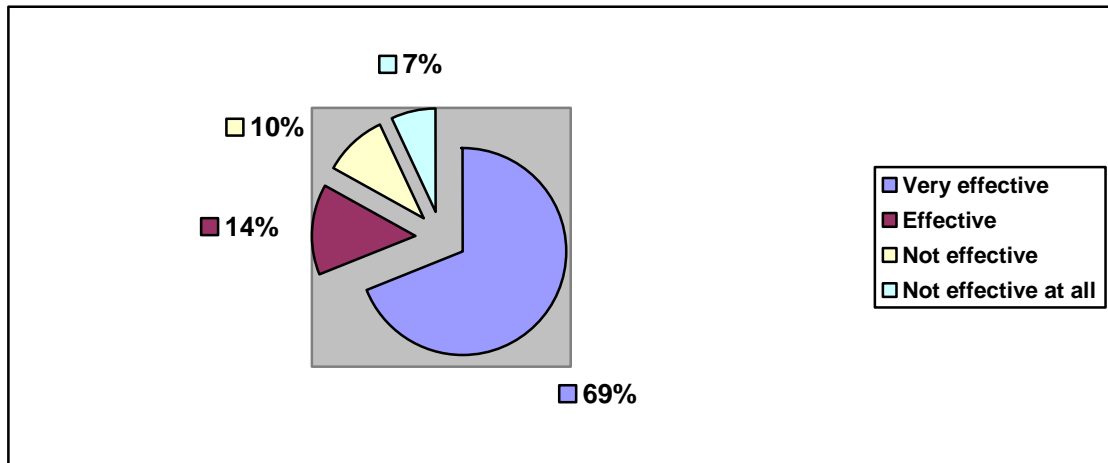
In response to the research question in Figure 4.7, 69% of the individual police officers in the CPU of the JCPS indicated that the establishment of the AG was a very effective move in an attempt to combat unethical conduct in the CPU, 14% indicated that it was effective, 10% indicated that it was not effective and 7% indicated that it was not effective at all. In terms of its operation, the AG has the potential to enhance positive work ethics and ethos among individual police officers in the CPU of the JCPS, especially on issues of financial management. The AG is to ensure that individual government departments comply with the provision of the *Financial Management Act*, 1999 (Act 200 of 1999). The effective implementation of this Act coupled with the effective monitoring by the AG has the potential to enhance positive work ethics and ethos which is critical for an effective delivery of safety and security in the CPU of the JCPS.

4.3.3   Public Protector

Section 182(1) of the *Constitution of the Republic of South Africa*, 1996 provides that the Public Protector (herein-after referred to as PP) has the powers to investigate any conduct in state affairs or in public administration of any sphere of government that is alleged or

suspected to be improper or resulting in any impropriety or prejudice. The PP receives and investigates complaints from the public against government agencies or individual officials, and has the power to issue reports and recommends corrective measures. The PP provides free services to members of the public with a guaranteed sense of anonymity. The names of the complainants are kept as confidential as possible. Section 183 of the *Constitution of the Republic of South Africa*, 1996 provides that the PP is appointed by the President on recommendation of the National Assembly for a non-renewable period of seven years. The PP is only subject to the Constitution and the law and is independent of government and any political party. No person or organ of state may interfere with the functioning of the PP's office. Considering the latter arguments, the PP is well positioned to provide an effective monitoring of the operation of the SAPS. Thus, an effective utilisation of the PP has the potential to enhance positive work ethics and ethos in the CPU of the JCPS. However, it is the management's prerogative to put in place necessary control measures in order to ensure compliance to set policies, strategies, processes and procedures.

The PP investigates all lodged complaints falling within their jurisdiction which are found to be justified and suitable for investigation. The PP does whatever possible to find solutions to the problems and present recommendations to the relevant authorities. The reported matter can be referred to parliament for deliberations in order to ensure that all prospective recommendations are followed. Although the PP conducts informal investigations, he/she could also summon people to give an evidence or affirmation under oath when such becomes necessary. The *South African Government* (2006) outlines that the PP can summon anyone in government including members of the central, provincial and local government to account. The summons could be served to any person who performs the official duties which affect ordinary South Africans, e.g. a policeman or an electoral officer. This development serves as a deterrent for individual police officers in the CPU of the JCPS to engage in unethical practices during the provision of safety and security to members of the public.

FIGURE 4.8: Indicate whether you think the establishment of the Public Protector (PP) is a *very effective, effective, not effective or not effective at all* instrument in an attempt to combat unethical conduct in your unit?
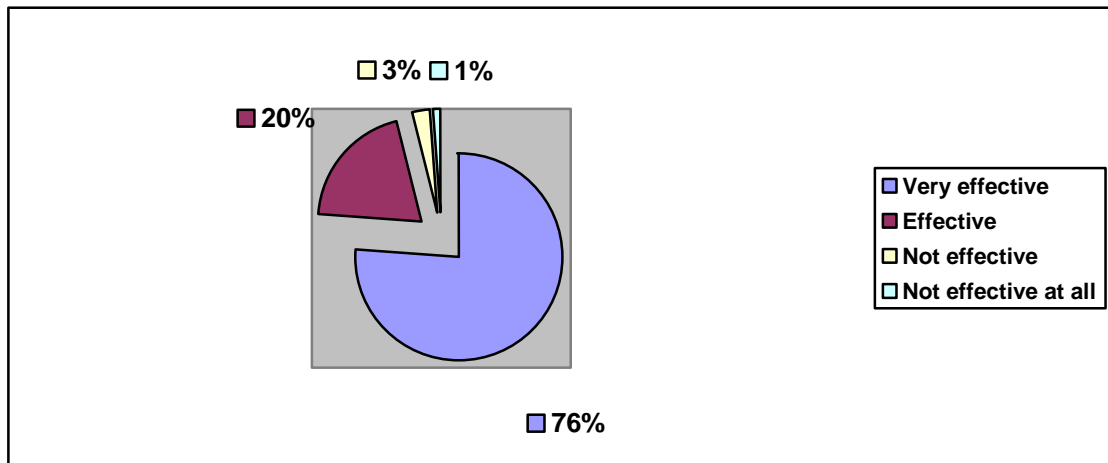
In response to the research question in Figure 4.8, 76% of the individual police officers in the CPU of the JCPS indicated that the establishment of the PP was a very effective move in an attempt to combat unethical conduct in the CPU, 20% indicated that it was an effective move, 3% indicated that it was not an effective move and 1% indicated that it was not an effective move at all. Therefore, it could be argued that the PP has a jurisdiction on the improper prejudice that might have been suffered by the complainant or another person. The PP does cover issues relating to the abuse of power, unfair treatment, undue delays, the violation of a human rights and any other taken decisions or situation brought about by the authorities.

The PP further handles issues related to maladministration, dishonesty or improper dealings with public monies. However, those received cases which fall outside the PP are diverted to the appropriate authorities, i.e. certain cases can be referred to the courts of law if the court is the ideal institution to handle such a complaint. Since the PP is not a legal representative, he/she could help with the acquisition of a legal representative when the matter is to be heard in a court of law. The primary focus of the PP is issues related to corruption and misuse of public resources. The effective utilisation of the PP has the potential to enhance positive work ethics and ethos, which is critical for the effective delivery of safety and security in the CPU of the JCPS.

4.3.4   National Prosecuting Authority

The National Prosecuting Authority (herein-after referred to as NPA) is a critical institution for the enhancement of positive work ethics and ethos. It has the potential to discourage individual police officers from engaging in unethical practices. Section 179(1) of the *Constitution of the Republic of South Africa,* 1996 provides for a single NPA in the Republic. Section 179(1)(a) of the *Constitution of the Republic of South Africa*, 1996 provides that the President appoints the National Director of Public Prosecutions to head the NPA. The *NPA Act*, 1998 (Act 32 of 1998), as amended by Act, 2000 (Act 61 of 2000) provides for the powers and functions of the NPA. The prosecuting authority is expected to institute and conduct criminal proceedings on behalf of the state in order to ensure that appropriate penalties are imposed to those individuals who are engaged in unethical practices (*NPA:* 2006).

FIGURE 4.9: Indicate which of the following National Prosecuting Authority (NPA) units you consider to be an effective institution for the effective enhancement of positive work ethics and ethos in your unit?
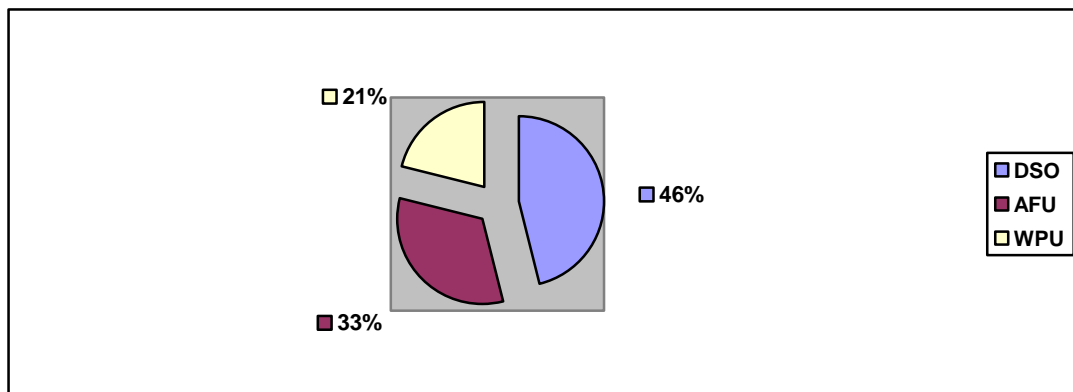

In response to the research question in Figure 4.9, 46% of the individual police officers in the CPU of the JCPS indicated that the Directorate of Special Operations (herein-after referred to as the DSO) is an effective institution for an effective enhancement of positive work ethics and ethos in the unit, 33% indicated that the AFU is effective and 21% indicated that the WPU is effective. However, the latter NPA units complement each other in their operations; therefore, individual police officers in the CPU indicated their high regard for the NPA. The NPA structure includes the National Prosecuting Service (NPS), the DSO (Scorpions), the Witness Protection Unit (WPU), the Asset Forfeiture Unit (AFU) and specialised units such as the Sexual Offences and Community Affairs Unit and the Specialised Commercial Crime Unit. The *NPA Amendment Act*, 2000 (Act 61 of 2000)

provides that the DSO is a distinct and autonomous agency (*South African Government*,2006). The following discussion analyses the role and impact of the NPA structures in the CPU of the JCPS in an attempt to enhance positive work ethics and ethos among individual police officers. The effective utilisation of the NPA structures has the potential to enhance the effective delivery of safety and security within the CPU of the JCPS.

4.3.4.1 Directorate of Special Operations

During September 1999, President Mbeki recommitted the government to a fresh and bold initiative regarding the establishment of a crime fighting capacity to effectively investigate and prosecute national priority crimes in South Africa. That led to the launching of the DSO (Scorpions) as the first step. The legislation in terms of which the Directorate was established came into operation on 12 January 2001. The DSO has its investigating mandate limited to serious criminal or unlawful conduct committed in an organised fashion (*South African Government*,2005). The positioning of the DSO is critical for ensuring that individual police officers act with integrity.

Section 7(1)(a) of the *NPA Act*, 1998 (Act 32 of 1998) outlines that the DSO investigates and carries out functions incidental to crimes of serious economic offences. The DSO gathers, keeps and analyses information and where appropriate institute criminal proceedings against offenders. This implies that the DSO does not react to day-to-day complaints but rather focuses on organised crimes and high-profile cases. However, the DSO investigates and prosecutes individuals who organise crime and profit from it. They intervene in crime markets that have the greatest economic, social or security impact on the citizens of South Africa in general. In response to the research question in Figure 4.9, 46% of the respondents indicated that the DSO is an effective institution for an effective enhancement of positive work ethics and ethos in the CPU of the JCPS. Considering the latter arguments, it can be deduced that the effective utilisation of the DSO has the potential to enhance positive work ethics and ethos in the CPU of the JCPS.

The DSO serves all members of the general public by conducting its own market research, information collection and analysis, culminating in a crime threat analysis, and guiding its strategic crime focus. The *NPA Annual Report* (2002/3) states that the DSO's service delivery environments are political, economic, social and technological. The legislative mandate of the DSO includes organised crime, corruption, serious and complex financial crime, as well as racketeering and money laundering (NPA,2006). The *SAPS*

Learners' Guide on Professional Conduct (2004:34) argues that the DSO investigators work closely with the prosecutors and interact with each other on a daily basis. This *prosecution-led investigation* ensures a successful prosecution of organised crime syndicates and their leaders. The DSO's operating procedures allow a specific team Investigators to follow a particular case from the initial stages all the way to a successful prosecution. In comparison with other anti-corruption units, the DSO ensures a complete compliance to set work standards and procedures by the public officials. The DSO members have undergone world-class training ranging from physical training, ethics, self-defence, handcuffing techniques and computer skills.

The DSO focuses on crimes of national concerns that require the integration of intelligence, investigation and prosecution supported by modern technology. The *NPA (2006)* provides that the DSO's vision is to ensure justice in South Africa so that people can live in freedom and security, be loved by the people, feared by the criminals, respected by the peers. The DSO's mission includes employing a multidisciplinary approach in the investigation and prosecution of serious and complex organised crimes. The DSO's values include integrity, excellence, patriotism, accountability and professionalism, which are critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS.

4.3.4.2 Asset Forfeiture Unit

The Asset Forfeiture Unit (herein-after referred to as AFU) was established in May 1999 by the Office of the National Director of Public Prosecution. The AFU implements Chapters 5 and 6 of the *Prevention of Organised Crime Act*, 1998 (Act 121 of 1998), which include seizing the criminal's assets that have been acquired by unlawful means, especially through organised crime (South African Government,2006). The existence of the AFU serves as a deterrent for individual police officers in the CPU of the JCPS with regard to accumulating assets illegally. The gesture of asset seizure is critical for the enhancement of good working ethics and ethos in the CPU of the JCPS. In response to the research question in Figure 4.9, 33% of the respondents indicated that the AFU is an effective institution for the effective enhancement of positive work ethics and ethos in the CPU of the JCPS. The effective confistication of the properties that have been acquired by unethical practices has the potential to deter individual police officers from engaging in unethical conduct.

Both Chapters 5 and 6 of the *Prevention of Organised Crime Act*, 1998 (Act 121 of 1998) provide that the AFU can seize and forfeit property that was bought from the proceeds of crime, or property that has been used to commit a crime. The AFU has two major strategic objectives, namely the development of the law by taking test cases to court and creating the legal precedents necessary to allow for the effective use of the law; and building capacity to ensure that asset forfeiture is used as widely as possible to make a real impact in the fight against crime. Given the latter objective, it could be deduced that the effective utilisation of asset forfeiture has the potential to enhance positive work ethics and ethos in the CPU of the JCPS. The AFU has been one of the government's important innovations in the context of minimising unethical practices. Since 1999, the AFU recorded a success rate of more than 91 percent. For example, in the last nine months of the 2003/04 financial year, the AFU returned more than R100 million to victims of crime and froze assets valued at R78 million, involving more than 170 cases. This is an indication that the AFU has the potential to reduce unethical practices among individual police officers in the CPU of the JCPS.

4.3.4.3 Witness Protection Unit

The office of witness protection falls under the auspices of the NPA. It is responsible for the protection of witnesses in terms of the *Witness Protection Act,* 1998 (Act 112 of 1998) and its regulations. The *NPA* (2006) provides that the Witness Protection Unit   (herein-after referred to as WPU) makes provision for placing a person related to the witness under protection at the request of the witness, prospective witness or a person who has given evidence or is required to give evidence in criminal proceedings or before a commission of inquiry. The WPU is a complementary unit to the DSO and the AFU which serves as a guarantor for individual police officers in the CPU of the JCPS to come forward and report incidents of unethical conduct by fellow colleagues without fear of victimisation. In response to the research question in Figure 4.9, 21% of the respondents indicated that the WPU is an effective institution for the effective enhancement of positive work ethics and ethos in the CPU of the JCPS. This implies that the effective provision of witness protection has the potential to encourage individual police officers to come forward and report cases of corruption in the CPU of the JCPS.

The NPA witness protection programmes do not offer an incentive to witnesses while the SAPS witness protection does. However, the WPU programmes offer sustenance in the form of a food allowance, replacement of salary if employment has been lost, free accommodation including all municipal services, a clothing allowance, transport, a

housing allowance for school-going children and medical expenses (*South African Government,*2006). This development aims to encourage individuals to come forward and report incidences of unethical practices. The WPU programmes have the potential to encourage individual employees to blow the whistle by reporting incidences of unethical practices.

4.4   Conclusion

From the above, it can be concluded that the achievement of a trust relationship between individual police officers and members of the public is critical for the enhancement of positive work ethics and ethos in the CPU of the JCPS. Furthermore, it is important to note that both management and individual police officers' conduct has a direct impact on determining and shaping the organisational culture. That is, the conduct of individual police officers in their private and professional lives has the potential to change the perceptions of members of the public about the organisation as a whole. Thus, the police officers should observe, uphold and enforce all laws without bias or prejudice in order to gain public confidence as the catalysts of honesty, stability, fidelity and morality. Furthermore, it can be concluded that the establishment of a good incentive structure has the potential to enhance positive work ethics and ethos in the CPU of the JCPS. The police management should monetarise the service awards and incentives in order to enhance the motivation of individual police officers.

Considering the stated arguments, it can be deduced that the successful enhancement of positive work ethics and ethos in the CPU of the JCPS will foster and ensure the enabling conditions for a good service provision. This could facilitate the attainment of professional and ethical standards in the provision of safety and security in the CPU of the JCPS. The advancement and affirmation of sound recruitment policies, training and personnel management are critical components of ensuring the acquisition of personnel of high moral grounds. The foregoing discussion has highlighted the significance of a paradigm shift in an attempt to reform an organisational culture towards a positive work culture. The CPU of the JCPS has a duty to institutionalise professional values and defend its occupational interests through the enhancement of the psychology of good service delivery. Furthermore, the effective utilisation of the discussed instruments and institutions has the potential to create, strengthen and uphold the integrity and effectiveness of the CPU of the JCPS.

The improvement of police accountability, cutting down on excessive centralisation and bureaucratisation could improve employee morale. The effective enforcement of legal instruments, codes of conduct, national orders and instructions could further improve officers' moral. The adoption of mass education campaigns on the extent and cost of corruption and unethical practices could enlighten corrupters to reduce their practices. The judiciary has a responsibility to ensure a systematic and impartial prosecution of violators in order to foster popular participation in responsiveness, accountability and transparency.

CHAPTER 5

INTRODUCTION, RECOMMENDATIONS AND CONCLUSION

5.1   Introduction

This chapter provides recommendations and offers a conclusion of the dissertation in terms of the objectives, aims and observable measures that have a direct impact on the

conduct of individual police officers. The previous chapters provided the analysis of the environmental impact on the conduct of individual police officers, the causes and manifestations of negative work ethics and ethos as well as the instruments and institutions for the enhancement of positive work ethics and ethos respectively in the CPU of the JCPS. These recommendations have the potential to accelerate the enhancement of positive work ethics and ethos in the CPU of the JCPS. Furthermore, this chapter draws conclusions from the recommendations based on the empirical interpretation of the literature review and the survey questionnaire.

The SAPS legislative framework includes the *SAPS Act,* 1995 (Act 68 of 1995), the *SAPS Code of Conduct* (1997), the *SAPS Strategic Plan Documents* (2004/7) and *National/Provincial Orders and Instructions*. The latter framework is expected to guide the police conduct and enhance positive work ethics and ethos in order to protect the integrity of the individual police officers and the SAPS. The realisation of positive work ethics and ethos is to ensure that members of the public do trust and have confidence in the police officers during their provision of safety and security. Despite the optimism, the question of transparency, trust and confidence remains the precondition for the consolidation of the integrity of individual police officers while ethics laws and regulations serve to ensure that such integrity is protected and preserved. However, while regulations exist to guide the behaviour of individual police officers, it is still easier for such officers to be susceptible to unethical practices. It is, therefore, imperative to facilitate the functioning of the oversight structures in order to ensure accountability of individual police officers.

During the provision of safety and security, the individual police officers face various environmental challenges. The socio-economic conditions and lack of specialised skills and knowledge are among the challenges. The provision of safety and security holds the direct challenge of having to make ethical choices in a short space of time. That is, policing is conducted under environmental conditions where close supervision is not possible. This chapter will outline various recommendations which aim to remedy the various causes of unethical conduct that are prevalent among individual police officers. Those causes include the poorly aligned incentive structures and lack of ethics education and training. Although, ethical decisions are personal choices, the employer has a duty to provide conducive environmental conditions to such choices. Unethical conduct presents itself in a number of ways, including taking bribes, moonlighting and extortion. However, the government has established constitutional structures in an attempt to enhance positive

work ethics and ethos in the CPU of the JCPS. There are various instruments and institutions for the enhancement of positive work ethics and ethos. For example, the development of comprehensive ethics education and training as well as good incentive structures are among the instruments.

The objective of this dissertation is to analyse, investigate and propose strategies to police commanders and/or other officials who are tasked with the responsibility of implementing the minimum anti-corruption capacity requirements and develop effective remedial strategies. The dissertation provides strategies that could be helpful to anyone who has an oversight role over these functions and all other role-players in the enhancement of positive work ethics and ethos in the CPU of the JCPS. This dissertation provides guidelines for a comprehensive anti-corruption strategy that is organised around the prevention, detection, investigation and the resolution of negative work ethics and ethos. From the above deliberations, it can be deduced that positive work ethics and ethos will enhance the delivery of safety and security services in the CPU of the JCPS. The dissertation has since proved the problem statement and the following are relevant recommendations.

5.2   Recommendations

In the context of this dissertation, it is important to note that preventing misconduct is as complex as the phenomenon of misconduct itself. Therefore, a range of integrated mechanisms are needed for its successful reduction, including sound ethics management systems. In the light of the research, the following are recommended:

a)   The SAPS should develop a comprehensive ethics education and training programme for the integration into their existing curricula at the training centres as well as in-service training for current members through the workshop systems. The envisaged training should provide the implementable guidelines for the practical application of professional ethics which enhances a full cognisance to a wider campaign that promotes the *Batho Pele* principles.

b)   In order to achieve a committed, reliable and trustworthy police service the following aspects are recommended: the introduction of a generic vetting system and regular polygraph tests for new recruits and serving members, especially for those who will have access to confidential, restricted, secret and top secret

security information. If there is a tendency of unethical conduct in policing, it is crucial that those who are recruited have the highest moral character in terms of issues that have a bearing on their tasks. In addition to courage, loyalty, suspiciousness and ability, new recruits have to have a high level of resistance to temptations to engage in unethical practices (e.g. using their positions for financial gain). Thus, individual police officers should avoid abusing their powers, such as the coercive power of arrest, detention and cross-examination, by allowing their fellow officers to override their moral duty. Furthermore, individual police officers should expose any kind of unethical conduct in their ranks. The reality is, if there is a good chance that even those of good character can be corrupted, there is obviously no chance of those of bad character being reformed by undertaking police work.

c) The SAPS should adopt a comprehensive awareness campaign about the current legislative framework as it relates to corruption. The SAPS should give practical guidelines on the right of officers who blow the whistle on corruption as well as the nature of the witness protection system relating to the roles and responsibilities of the existing anti-corruption institutions and oversight bodies. Such campaigns will facilitate ethics awareness and develop essential skills for ethical analysis and moral reasoning. The utilisation of impartial advice mechanisms will help to put officers at ease and then create the willingness to confront and resolve ethical tensions and problems.

d) In terms of strenuous working conditions, it is recommended that a comprehensive stress management training programme be adopted, which will encompass varied approaches to managing strain symptoms produced by both work and non-work stressors. These should include self-care or self-management activities such as continuous physical exercise. There should be comprehensive strategies that would guide the utilisation of the existing social support mechanisms such as social workers and psychologists. However, since individual strategies may not be sufficiently effective in isolation, a combination of actions, such as problem-solving and strain management, may be helpful in certain circumstances.

e) In the context of performance appraisals, it is recommended that all police service unions should be mobilised to educate fellow members on the need for appraisal

in order to instill professional ethics among individual police officers. Both raters and ratees should be trained to conduct performance reviews in accordance with the organisational schedule. The training should deal with preparation for the review, purpose of the review, methods to be used, techniques for recognising and removing performance obstacles, techniques for setting performance goals and career-development counselling for rated employees.

f)   In terms of oversight, it is recommended that the ICD be adequately resourced and capacitated to effectively conduct proactive oversight duties towards the enhancement of positive work ethics in the CPU of the JCPS, rather than being reactionaries. This dissertation recommends the establishment of the ethics section in the ICD consisting of professional ethics officers for the effective implementation and spearheading of the monitoring of professional work ethics and ethos within the CPU of the JCPS (SAPS structures). In practice, the mechanisms for the effective detection and investigation of wrongdoing are necessary parts of the ethics infrastructure. Therefore, it is necessary to have reliable procedures and resources for monitoring, reporting and investigating breaches of the legislative framework, as well as commensurate administrative or disciplinary sanctions to discourage misconduct.

g)   In relation to the code of conduct, it is acknowledged that the SAPS already has a code of conduct, but the adoption of a comprehensive (functional) code is recommended for the entire service. The comprehensive (functional) code will require regular compliance, monitoring and evaluation entrenching the established ethical principles and standards. Individual police officers should consider the nature and the extent of their relationship with citizens and identify individual police officers who do not show appropriate commitment to such principles and standards. It is acknowledged that the development and full implementation of an ethics programme takes a considerable amount of time, therefore, a regular interim report on progress should be made available during the implementation process. The effective implementation of a comprehensive (functional) code of conduct requires the establishment of the following compliance standards and procedures:

❖   the assignment of the high-level individuals to oversee employee compliance to the code;

- ❖ the exercise of due care in the delegation of the discretionary authority;

- ❖ the communication with and training of all police officers regarding the SAPS values and compliance procedures;

- ❖ the monitoring, auditing and provision of safe reporting systems;

- ❖ the enforcement of appropriate disciplinary measures with consistency and response to offences in order to prevent recurrence; and

- ❖ the definition of a methodology for the implementation of the code of conduct already in force. Further, the reduction of the punitive character of the code of conduct in order to emphasise education without an overreliance on punishment.

It is worth noting that these recommendations are not only desirable but are also necessary in order to strengthen the current efforts of trying to improve service delivery in the CPU of the JCPS. The effective enhancement of positive work ethics and ethos has the potential to protect the integrity of individual police officers and the SAPS. These recommendations can be used by commanders in various police stations in reviewing their ethics management systems and evaluation of the extent to which ethics is operationalised in their areas of responsibility. However, these recommendations are not sufficient in their isolated nature, but should be seen as a way of integrating ethics management with the broader moral regeneration interventions.

If the world is to be brought to order, my nation must first be changed, if my nation is to be changed, my home town must be made over, if my home town must be made over, my family must first be set right, if my family is to be regenerated, I myself must first be. These are the words of a Chinese army general (*AllAfrica,*2006).

Ethics and ethos represent an individual's personal internal control measure (conscience) that drives one to do either right or wrong, so it cannot be forced on anybody in any way.

5.3   Conclusion

Over and above what has been discussed, the democratic institutions, economic reward systems, the legal systems, ethical schemes and pedagogical socio-cultural

environments, all have the cornerstone of the tacit assumption of autonomous individual selves. In practice, all individual police officers still have the power to choose, so it is only a question of being responsible for what they choose. In the context of the above recommendations, this dissertation drew the following conclusions:

a) Mavuso and Balia (1999:241) maintain that there are serious questions in terms of the efficacy of the South African Public Service management systems, their appointment procedures, performance monitoring, evaluation systems and incentive structures. Therefore, poor management within the SAPS structures contributes to an increase of the level of unethical conduct in the CPU of the JCPS. Figure 3.1 concurs with the latter conclusion.

b) The question of good incentives has the potential to instigate positive work ethics and ethos while prompting individual police officers to behave ethically, because financial reward is the most significant or perhaps the most obvious instrument. Thus, poorly aligned incentive structures contribute towards the climate of negative work ethics and ethos in the CPU of the JCPS. Figure 3.1 concurs with the latter conclusion.

c) Although there might be many existing good initiatives to fight unethical practices, awareness by individual police officers is still lacking. Police officers are insufficiently educated about their rights and responsibilities as well as the mechanisms that exist to fight corruption. Therefore, lack of ethics education and training inhibits the effective enhancement of ethical conduct in the CPU of the JCPS.

d) The issues of positive working ethics and ethos have been found to be in full existence in areas where formal co-ordination and integration mechanisms are functional. Thus, deficient control and accountability have the potential to inhibit the effective enhancement of positive work ethics and ethos in CPU of the JCPS.

It should be noted, however, that a code of conduct or ethics law is by nature not to be based on the assumption or conviction that all police officers are inherently corrupt or otherwise they will necessarily become so. But instead the nature of the police work requires them to constantly decide among competing interests which range from national, constituent-based, political to the personal level. Therefore, the purpose of the code of

conduct or ethics should not focus on stopping and punishing corrupt officers, but rather on promoting the reality and perception of integrity in law enforcement by preventing unethical practices before it occurs. In the context of this dissertation, it is worth noting that a code of conduct is not a law, therefore police officers can escape its jurisdiction by simply leaving the service.

In conclusion, for the CPU of the JCPS to effectively take action that will ensure the proper functioning of the unit and accelerate systems for the enhancement of positive work ethics and ethos, the following should be considered. The effective implementation of the following concluding assertions is critical for the effective delivery of safety and security. This can be achieved by:

a)   developing and regularly reviewing policies, procedures, practices and institutions influencing ethical conduct in the police service;

b)   promoting departmental and organisational ethical actions to maintain high standards of conduct and counter-corruption in the police service;

c)   incorporating the ethical dimension into management frameworks to ensure that management practices are consistent with the values and principles of the police service;

d)   combining judiciously those aspects of ethics management systems based on ideals with those based on the respect of rules; and

e)   assessing the effects of public management reforms on police service ethical conduct.

The effective enhancement of positive work ethics and ethos is a multidimensional phenomenon which requires a combination of multidimensional strategic interventions. From the above, it can be deduced that the realisation of positive work ethics and ethos is critical for the effective delivery of safety and security services in the CPU of the JCPS.

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APPENDIX A:

JOHANNESBURG CENTRAL POLICE STATION

MASTER'S DISSERTATION: **Ethics and ethos in the South African Police Services: An overview of the Johannesburg Central Police Station.**

Good morning/Good day/ Good evening.

Kindly complete this questionnaire by encircling an answer that most accurately or closely resembles your personal opinion or attitude regarding each scenario.

Please note: that the data collected through this questionnaire will only be used to argue the case of the above-mentioned topic and is for an academic purpose.

No names are required on the questionnaire and your participation will be treated as confidential.

NB: The South African Police Service's principles of ethical policing demand employees to act with integrity and respect for people's diversity and the law, thereby enhancing service excellence to the approval of the public.

GENERAL PERSONAL INFORMATION

a

1.   Gender: A. Male

                    B. Female

2.   Highest academic qualifications:

      A.   Matric
      B.   Diploma
      C.   Degree
      D.   Honours
      E.   Master's
      F.   Doctorate/PhD
      G.   …………………………………..

3.   Occupation

      A.   Administrative Officer
      B.   Functional Police Officer
      C.   Managerial
      D.   ……………………………………

GENERIC QUESTIONS ON ETHICS AND ETHOS

b

1. What do you understand by the concept *ethical conduct*?

   a) Execute duties in a professional and competent manner
   b) Recuse from any action which may result in improper personal gain
   c) Honest and accountable in dealing with public funds
   d) Use public service property efficiently and effectively
   e) Democratic, accountable, transparent and open to the public
   f) …………………………………………………………………..

2. Do you think police officers must behave ethically?

   a) Yes
   b) No

3. Do you get appropriate motivation from your commanders?

   a) Yes
   b) No

4. If your answer to question 3 is No, why are you not appropriately motivated by your commanders?

   a) Do they behave unethically?
   b) Are they unable to carry out their assignment?
   c) Are they always not helpful?
   d) They are not appointed on merit.
   e) Or they just don't have relevant skills and qualifications.
   f) …………………………………………………………………..

5. What do you consider to be the causes of negative work ethics and ethos in your unit?

   a) Poor management
   b) Deficient control and accountability
   c) Poorly aligned incentive structures
   d) Overcentralised decision-making
   e) Leaner sentences (soft penalties) for corrupters.
   f) Lack of ethics education and training

c

g)   …………………………………………………………………………..

6.   Did you receive orientation with regard to the *SAPS Code of Conduct* (1997) in your unit?

a)   Yes
b)   No

7.   If your answer to question 6 is Yes, was the orientation worthwhile?
a)   Yes
b)   No

8.   If your answer to question 7 is No, what do you think was the problem?
a)   Training needs were not identified
b)   Environment not conducive for training
c)   Training programme outdated
d)   Officials studied different courses and are not much interested in the police service
e)   ……………………………………………………………

9.   Is there anything done to enhance ethical conduct in your unit?
a)   Yes
b)   No

10.   If the answer in question 9 is Yes, what do you think will enhance ethical conduct in your unit?

a)   Comprehensive code of conduct
b)   Ethics education and training
c)   Performance appraisal
d)   Organisational cultural reform
e)   Good incentive structures
f)   Paradigm shift
g)   National Anti-Corruption Hotline
h)   Vetting and regular polygraph test
i)   Stress management training

d

j)   …………………………………………………………..

11.   How satisfied are you on how the unit is handling cases of unethical conduct?
       a)   Very satisfied/ no need for immediate improvement
       b)   Satisfied/ room for some improvement
       c)   Neither satisfied/ dissatisfied or needs improvement on limited aspects
       d)   Dissatisfied/ needs attention
       e)   Very dissatisfied/ needs urgent attention and improvement
       f)   ……………………………………………………………………

12.   How committed do you think the unit is to fight against unethical conduct?, would you
       say the unit is…….?
       a)   Very committed
       b)   committed
       c)   Not committed
       d)   Not committed at all
       e)   ……………………………………………………

13.   Does the unit have enough resources to fight unethical conduct?
       a)   Have enough resources
       b)   Needs more resources
       c)   Needs few resources
       d)   Needs a lot more resources
       e)   …………………………………………………………….

14.   Public officials found guilty of unethical conduct could face a number of situations.
       Which of the following do you think is the most appropriate?
       a)   Lose job and imprisoned
       b)   Lose job and pay a fine
       c)   Lose their jobs only
       d)   Depends on the type of offence committed
       e)   ……………………………………………………………

15.   Which of the following civilian oversight bodies do you consider to be the most
       effective institutions for the effective enhancement of positive work ethics and ethos in

your unit?

a)   Independent Complaints Directorate (ICD)

b)   Community Policing Forum (CPF)

c)   National and Provincial Secretariat for Safety and Security (NPSSS)

d)   Parliamentary Portfolio Committee for Safety and Security (PPCSS)

16.   Which of the following National Prosecuting Authority units do you consider to be an effective institution for an effective enhancement of positive work ethics and ethos in the CPU of the JCPS?

a)   Directorate on Special Operations (DSO)

b)   Asset Forfeiture Unit (AFU)

c)   Witness Protection Unit (WPU)

17.   Different people talk about the measures to combat unethical conduct in the South African Police Service. For each of the following proposals tell me whether you think the measures are either **very effective, effective, not effective or not effective at all** in combating unethical conduct in the service. <u>Please circle what is appropriate!</u>

a)   Sentencing officials guilty of unethical conduct

Very effective /effective/ not effective/ not effective at all

b)   Establishment of National Anti-Corruption Hotline

Very effective/ effective/ not effective/ not effective at all

c)   Enacting legislation enabling prosecution and harsher sentences to corrupters

Very effective / effective/ not effective/ not effective at all

d)   Establishment of Special Anti-Corruption Courts

Very effective /effective/ not effective/ not effective at all

e)   Establishment of DSO (Scorpions), Asset Forfeiture Unit & Forensic Auditing

Very effective / effective/ not effective/ not effective at all

f)   Establishment of the good incentive structures

Very effective /effective/ not effective/ not effective at all

g)   Designing good ethics education and training programmes

Very effective /effective/ not effective/ not effective at all

i)   Encourage opposition parties to act as watchdogs

Very effective / effective/ not effective/ not effective at all

j)   Establishment of the Auditor-General (AG)

Very effective /effective/ not effective/ not effective at all

k)   Establishment of the Public Protector (PP)

Very effective /effective/ not effective/ not effective at all

18.   Do you think the level of unethical conduct has increased, decreased or stayed the same since you were part of the SAPS?

     a)   Increased

     b)   Decreased

     c)   Stayed the same

     d)   ……………………………………………….

19.   Based on your answer to question 16, substantiate, why do you say that?

     ………………………………………………………………………………………………

     ………………………………………………………………………………………………

20.   Overall (in summary), what would you say were major successes in fighting unethical conduct in the South African Police Service?

     ………………………………………………………………………………………………

     ………………………………………………………………………………………………

21.   Overall (in summary), what would you say were major failures in fighting unethical conduct in the South African Police Service?

     ………………………………………………………………………………………………

     ………………………………………………………………………………………………

22.   In your own words, what do you understand by the statement *promoting ethical conduct*?

     ………………………………………………………………………………………………

     ………………………………………………………………………………………………

End of interview questionnaire

<u>Thank you for your time and inputs</u>

APPENDIX B:

SOUTH AFRICAN POLICE SERVICE CODE OF CONDUCT (1997)

We, as Police Officials of the South African Police Service commit ourselves to the creation of a safe and secure environment for all the people in South Africa by participating in endeavours to address the root causes of crime in the community; preventing action which may threaten the safety or security of any community; and investigating criminal conduct which has endangered the safety or security of the community and bringing the perpetrators thereof to justice.

In realization of the aforesaid commitment, we shall at all times uphold the Constitution and the law; be guided by the needs of the community; give full recognition to the needs of the South African Police Service as employer; and co-operate with the community, government at every level and all other related role players.

In order to achieve a safe and secure environment for all the people of South Africa we undertake to with integrity, render a responsible and effective service of high quality which is accessible to every person and continuously strive towards improving this service; utilize all the available resources responsibly, efficiently and cost effectively to maximize their use; develop our own skills and participate in the development of our fellow members to ensure equal opportunities for all; contribute to the reconstruction and development of, and reconciliation in our country; uphold and protect the fundamental rights of every person; act impartially, courteously, honestly, respectfully, transparently and in an accountable manner; exercise the powers conferred upon us in a responsible and controlled manner; and work actively towards preventing any form of corruption and to bring the perpetrators thereof to justice.