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watch



Endemic corruption in the  
Johannesburg Metropolitan  
Police Department

**2012 Report**

“ The purpose of the report is to identify the systemic weaknesses that have caused an important law enforcement agency to become synonymous with corruption ”





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Corruption Watch is a South African civil society non-profit organisation. We gather and analyse information from the public; build alliances; and help people take a stand against corruption.

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**with thanks to**

Thank you to those who contributed through providing information for this report. This report focuses on corruption in the Johannesburg Metropolitan Police Department (JMPD).

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# executive summary

The scale of corruption in fact demonstrates that there are systemic weaknesses in current responses to corruption within the JMPD.

This report focuses on corruption in the Johannesburg Metropolitan Police Department (JMPD). Corruption in traffic enforcement is an issue of special concern. It is widespread and it conveys an implicit message when practised as brazenly as it is by some police officers involved in traffic enforcement, amongst them members of the JMPD. The message is that corruption is acceptable; and that it is a matter of indifference to government representatives. This undermines the credibility of the state system and of any aspirations towards advancing the rule of law.

The report starts by discussing survey data from Stats SA that indicates that upwards of 150 000 drivers in Johannesburg are asked to pay bribes annually. The results of two Lead SA surveys are also discussed indicating that corruption in traffic enforcement is especially prominent in Johannesburg and thereby implicating the JMPD.

The report then focuses on the experiences of drivers in Johannesburg regarding corruption. It describes what it calls 'the JMPD routine' – a technique for soliciting bribes that is widely used by JMPD members.

JMPD corruption does not only involve the soliciting of bribes but also involves other forms of criminality that include extortion and acts of robbery that involve snatching or otherwise taking money or other possessions from people who have been stopped. Cases are also reported of JMPD members demanding sexual favours in lieu of 'payment'.

The research on which this report is based found that corruption permeates most areas of the functioning of the JMPD including licensing and the policing of informal traders. These latter JMPD functions will be the subject of future Corruption Watch reports. This report however focuses on corruption in traffic enforcement.

The report concludes that the scale of the problem is of such a nature that it is possible that the majority (more than 50%) of JMPD members are involved in corruption. This means that there are unlikely to be any JMPD members who could not identify, by name, several of their colleagues who are involved in bribery; even though they may not be corrupt themselves.

Although corruption is acknowledged to be a problem, leadership of the JMPD and representatives of the City of Johannesburg severely understate its scale, insisting that only a small minority of JMPD members are directly implicated in corrupt activities. Data on the small number of cases investigated by the JMPD's Internal Affairs division is put forward as representative of the scale of the problem, despite persuasive evidence gathered by researchers and the media, as well as the experience of the Johannesburg citizenry, that JMPD corruption is rampant.

When the issue of corruption is raised with JMPD leaders their response is also frequently to portray it as a problem that is created by the public. While it is true that many members of the public willingly involve themselves in corrupt transactions, it may be assumed that most people would be afraid to offer bribes if they feared that JMPD members would take action against them for doing so.

However, the exact allocation of responsibility between members of the JMPD and the public for the problem of corruption is a secondary matter in this report. The key point is that it is the Johannesburg Metropolitan government and the JMPD who are responsible for maintaining law and order on the roads of Johannesburg and who thus who bear the principal responsibility for addressing corruption.

The scale of corruption in fact demonstrates that there are systemic weaknesses in current responses to corruption within the JMPD. An important manifestation of these weaknesses is that although there is an internal investigative and disciplinary system, it is clearly not meeting the demands being placed on it. For example, the JMPD has up to this point never been able to answer questions about how many, if any, members who are involved in corruption have been found guilty in disciplinary proceedings and dismissed from the JMPD.

The report concludes with recommendations for addressing this complex problem. However, any effort in this direction must begin by the leadership of the city and the JMPD acknowledging the scale of the problem.

## corruption in traffic enforcement is an issue of special concern

# abbreviations & terminology

When discussed here the term corruption mostly refers to cases involving the soliciting or payment of bribes and possibly involving elements of fraud or extortion.

**EMPD** Ekurhuleni Metropolitan Police Department  
**IA** Internal Affairs section of the JMPD  
**IMATU** Independent Municipal and Allied Trade Union  
**JMPD** Johannesburg Metropolitan Police Department  
**MPD** Metropolitan police departments

**MPS** Municipal police services  
**NVCS** National Victims of Crime Survey  
**SAMWU** South African Municipal Workers Union  
**TMPD** Tshwane Metropolitan Police Department

**Corruption** – Mostly refers to cases involving the soliciting or payment of bribes and possibly involving elements of fraud or extortion. However it is accepted that police corruption is a broader phenomenon involving all abuses of policing powers (or other powers derived from their employment as public officials) for personal, and potentially for other (group or organisational) gain.

**Extortion** – When a person unlawfully and intentionally obtains some advantage which is not due to him or her from another by subjecting the latter to pressure which induces him or her to hand over the 'advantage'.

**Kidnapping** – When a person unlawfully and intentionally depriving a person of their freedom of movement and/or, if such a person is a child, his or her custodians of control over him or her.

**Northern suburbs** – A loose term that refers to a large suburban area, extending maybe 20 or more kilometres north of the Johannesburg CBD/Braamfontein area. The area is home to many of Johannesburg's more affluent middle class residents.

**Robbery** – When a person unlawfully, intentionally and violently removes/appropriates moveable corporeal property belonging to another.

**Taxi or taxi driver** – used here refers to minibus taxis. Other taxis are referred to as 'meter taxis'.



“ The practice of bribes has become so common that it is to a certain extent not seen as such a big thing. Officers refer to it as taking ‘Tjo-Tjo’ ”





## introduction

Before the JMPD was created, traffic police in Johannesburg already had a reputation for corrupt activities.

“ bribery, corruption and extortion is on the increase in many greater Johannesburg traffic departments ”

Head of traffic policing in Johannesburg

In the mid-1990s – before the JMPD was created - traffic police in Johannesburg already had a reputation for corruption. A 1996 press report quotes the newly appointed head of traffic policing in Johannesburg as saying that ‘Bribery, corruption and extortion is on the increase in many greater Johannesburg traffic departments’ and that a special dedicated task team should be established to look at the issue.<sup>1</sup> Vehicle and driving licence testing centres, in Johannesburg and elsewhere, were also repeatedly implicated in incidents of corruption. In September 1996 a press report indicated that ‘The Sandton licensing department is investigating 15 charges against its employees regarding the issuing of fraudulent vehicle and driving licences’.<sup>2</sup> An April 1997 report indicated that two licensing officials from Randburg and one from Sandton had been suspended for corruption.<sup>3</sup>

A report published in November 2000, shortly before the establishment of the Johannesburg Metropolitan Police Department (JMPD) in March 2001, indicated that the taking bribes was a chronic feature of traffic policing throughout South Africa. ‘The practise of bribes has become so common that it is to a certain extent not seen as such a big thing. Officers refer to it as taking “Tjo-Tjo”’.<sup>4</sup> The report adds that other ‘areas where corruption is rife are with the issue of licences and roadworthy certificates. The two inspectorates who are responsible for controlling and policing the testing stations and testing centres are simply not touching sides’.<sup>5</sup>

As this report will illustrate, in the eleven years since the JMPD’s establishment corruption has institutionalised itself; it is a chronic and pervasive feature of JMPD activities in Johannesburg.

The JMPD is also responsible for running the licensing centres that are responsible for issuing learner’s and driver’s licences and vehicle roadworthy certificates. They are also responsible for the enforcement of by-laws related to trading. Both of these areas are important components of the JMPD’s work in the city and require specific attention. This report will, however, focus on traffic enforcement.

## Members of the JMPD that are heavily implicated in corruption are unlikely to talk about the issue candidly

### methodology

This research was conducted over the period November 2011 – February 2012. The key question guiding the collation of information was: “What types of sources of information on JMPD corruption may there be?”

Information that has been used in this report includes:

- Statistical data.
- Miscellaneous sources of data – interviews, email messages, press reports.
- Interviews and narrative accounts.
- The approach used here was exploratory.
- A leaflet was produced for circulation. People were asked to contact the researcher if they had experiences of corruption by email, SMS or phone call. The leaflet and notices each generated a small number of responses. Follow up was either by email correspondence, telephonic interview or by in person interview.
- People working with foreign/refugee communities offered to circulate some of the leaflets at meetings of the community.
- Other notices were published in the Arrive Alive Blog, Joburg.co.za, and on the mailing list of the Parkview CPF.
- Narratives often emerged in informal exchanges with people.
- Press reports were sourced from a collection of clippings as well as from online sources for instance by searching under the words ‘JMPD’ and ‘bribe’.
- Lead SA Survey data from November 2010 and 2011. These data were provided by Radio 702. The station agreed to contact a selected group of respondents with whom follow up interviews were conducted.
- Interviews.

Almost 120 people were interviewed.

**NOTE:** All interviewees who had knowledge of incidents of corruption were assured of anonymity unless they specifically indicated that they did not mind being identified. Information that they provided that might result in their being identified is therefore not included in the report. In addition to those referred to above these also included:

- Interviews in the inner city. These were conducted with residents to gain deeper insight into experiences of corruption. The suburb of Yeoville was the site for this research. This serves to counterbalance the relative wealth of respondents in the other data collation channels.

- Interviews with taxi drivers
- Interviews with key stakeholders: a representative of the Johannesburg Metropolitan Council, a representative of the JMPD, and a former MEC for Safety and Security, a representative of SAMWU, and a representative of the organisation E-Blockwatch and Justice Project SA. Informal discussions or interviews were also carried out with journalists.

Quotations that are used throughout the report include quotations from the Lead SA 2010 and 2011 data as well as from interviews.

### limitations

- This was a rapid information gathering process. The research and writing of the report took place over 3 months. For this reason it is not an exhaustive account of the issue and various leads that were identified were not explored due to time constraints.
- The report does not deal with the experiences and perceptions of JMPD members themselves: Members of the JMPD that are heavily implicated in corruption are unlikely to talk about the issue candidly. Therefore research on police corruption must, to a significant extent, use ‘indirect’ methodologies in order to obtain the perceptions of police officers.

### overview of findings

For Johannesburg’s vehicle-owning middle-class residents the primary manifestation of this problem is in their encounters with members of the JMPD whilst driving on Johannesburg’s roads. Of course experiences of JMPD corruption are not confined to the Johannesburg middle class.<sup>6</sup> JMPD corruption is a multi-faceted problem that impacts on other constituencies including poorer vehicle owners, taxi drivers, and applicants for learners, driver’s and vehicle licences, informal traders and (African and Asian) foreigners.

Before exploring in more detail the nature of the problem of JMPD corruption, and JMPD responses to it, this report first provides an overview of the JMPD and discusses statistical data on levels of corruption in traffic policing.

This is followed by a discussion of what the report calls the ‘JMPD routine’ and other aspects of JMPD corruption in respect of traffic violations. The report then discusses the results of interviews with drivers in Yeoville and with taxi drivers. This gives more specific, nuanced information that provides insight into the nature of the interactions between drivers and the JMPD.

This report considers the various impacts of corruption and the JMPD’s approach to dealing with corruption. The report concludes with recommendations.

“ Corruption in traffic enforcement has repeatedly been identified in National Victims of Crime surveys as the form of corruption most often encountered by South Africans ”



**The total personnel complement of the JMPD is now over 4300. Some 2986 are police officers**

## **overview of municipal policing and the JMPD**

While corruption is not limited to the JMPD, the pervasiveness of reports of the involvement of JMPD members in corruption means that it is worthwhile scrutinising the JMPD.

In 1998 an amendment to the South African Police Service (SAPS) Act<sup>7</sup> was promulgated. The legislation provides for the establishment of municipal police services (MPSs).<sup>8</sup> Section 64 of the SAPS Act was amended to 'provide a framework for the establishment, functions and control of municipal police services'. This was subject to various conditions including that 'The municipality has the resources at its disposal to provide for a MPS which complies with national policing standards on a 24-hour basis.'<sup>9</sup>

The legislation provides that municipal police services may be established by any municipality. Most of the MPSs that have been established have been done so by metropolitan governments and are thus known as Metropolitan Police Departments (MPDs).<sup>10</sup> Between 2000 and 2003 Durban, Johannesburg, Ekurhuleni, Tshwane and Cape Town established their own MPDs.

As indicated the JMPD was launched in March 2001. It was composed mostly of former traffic officers, former security and by-law enforcement personnel who were employed by Johannesburg metropolitan government at the time. The total personnel complement of the JMPD is now over 4300.<sup>11</sup> Some 2986 are police officers.<sup>12</sup> Chris (M.C.) Ngcobo has been the Chief of the JMPD since its establishment. The JMPD has about 668 vehicles.<sup>13</sup>

Especially important to understanding the function of the MPDs is Section 64E of the SAPS Act. This provides that MPSs have three functions: traffic policing, the policing of municipal by-laws and regulations and crime prevention. However, related to the fact that the MPDs, including the JMPD, were initially constituted primarily of traffic police, traffic policing has been its primary focus. Part of the significance of Section 64E is also that MPDs may engage in 'crime prevention' but not 'crime investigation'. One of the implications of this is that, as will be discussed later<sup>14</sup>, criminal investigations into allegations of corruption by their MPD members can



**The fact that it is practised so widely and so brazenly by uniformed state officials sends out a message that it is a matter of indifference to government and is thus 'ok'**

only be carried out by the South African Police Service (SAPS) or Independent Police Investigative Directorate (IPID). (Prior to the 1st of April 2012 the IPID was called the Independent Complaints Directorate (ICD)). Investigators who are part of the 'Internal Affairs' section of the JMPD may only carry out investigations for disciplinary purposes.

JMPD members who are involved in traffic enforcement and crime prevention operations are based in regions. There are seven of these (Regions A – G)<sup>15</sup> in Johannesburg. These members fall under a 'Director of Operations', Director Maribe, and are based at regional command 'stations'. Other components of the JMPD include:

- A by-law management unit with various sub-functions and regional representatives located in each of the seven regions.
- Licensing – for vehicle and driver licensing at testing centres under the jurisdiction of the Johannesburg Metropolitan Council.
- A prosecutions processing and courts division.
- The auxiliary, facilities and security services directorate responsible, inter alia, for fleet management, contract management, IT and communications, stores and procurement; and security.
- The JMPD also runs the Johannesburg Metropolitan Police Academy.<sup>16</sup>

The JMPD is one of three MPDs in Gauteng, the other two being the Tshwane Metropolitan Police Department (TMPD) with 1658 police officers, and the Ekurhuleni Metropolitan Police Department (EMPD) with 1911 police officers.<sup>17</sup>

In Johannesburg the JMPD crime prevention jurisdiction overlaps with that of the SAPS; which has responsibility for crime prevention in all parts of South Africa. There are approximately 37000 members of the SAPS in Gauteng.<sup>18</sup> There are also traffic police who fall under the other three main municipalities in Gauteng: the Metsweding, Sedibeng and West Rand district municipalities; and the provincial traffic policing agency, Gauteng Traffic Police, with 564 police officers.<sup>19</sup>

#### **why this research focuses on the JMPD?**

Corruption in traffic enforcement has repeatedly been identified in National Victims of Crime surveys as the form of corruption most often encountered by South Africans. Due to the fact that it is practised so widely and so brazenly by uniformed state officials this sends out a message that it is a matter of indifference to government and is thus 'ok'. This erodes citizens' belief in the state and undermines efforts to strengthen the rule of law.

The JMPD is the key role player in traffic policing in South Africa's wealthiest, most populous and most vehicle congested city. In two consecutive years the Lead SA Survey has pointed to the JMPD as being the metropolitan policing agency most heavily associated with corruption in traffic enforcement. While corruption is not limited to the JMPD, the pervasiveness of reports of the involvement of JMPD members in corruption means that it is worthwhile scrutinising the JMPD.

Nevertheless the types of corruption that the JMPD is implicated in are not exclusive to the JMPD. Some members of the South African Police Service in Johannesburg and elsewhere, other metropolitan police departments, and other South African local and provincial traffic policing agencies are also involved in corrupt interactions with drivers of cars, minibus taxis and other vehicles. This study of corruption in the JMPD is potentially relevant to many of these other agencies.

“ 429 000 drivers in Gauteng and 154 000 drivers in Johannesburg have been asked to pay bribes in respect of traffic fines during the year prior to the survey ”



**In 62% of cases where bribes were solicited in Gauteng, this was for traffic fines**

# the big picture - survey data on corruption in traffic enforcement

Surveys indicate that corruption involving the soliciting and payment of bribes to public officials is shown to be on an upward trajectory over this twelve year period.

This section of the report deals with currently available information on the scale of corruption in traffic enforcement.

**the 2010 national victims of crime survey (NVCS)**

One source of information of this kind is from the National Victims of Crime Survey. In 2010 the survey was carried out by Stats SA.<sup>20</sup>

**Data from national victimisation surveys on selected forms of corruption**

NVCS Survey	% respondents nationally experiencing corruption	% those experiencing corruption		
		traffic fines	police corruption	driver's licences
2010	7 % money, favour or a present (5.6 % bribes involving money)	52.8 %	21.4 %	15.9 %
2007	2.9 % money, favour or a present	32.8 %	18.6 %	13.9 %
2003	5.6 % money, favour or a present (4.6 % bribes involving money)	27.7 %	19.9 %	9.1 %
1998	2 %			

This data from four national victimisation surveys indicates (subject agreement) that corruption involving the soliciting and payment of bribes to public officials is shown to be on an upward trajectory over this twelve year period; with the exception of 2007. A consistent characteristic of the last three surveys is that the biggest sub-category of bribe soliciting has been for 'traffic fines'; bribes solicited by police consistently rate second.<sup>25</sup>



### estimating levels of JMPD corruption

The 2010 survey deals with the soliciting (although not necessarily the paying) of bribes. The survey found that in Gauteng bribes, involving the payment of money, had been solicited from 10,6% of residents.<sup>26</sup> This is substantively more than other South African provinces, with Free State the next highest province at 5,5%<sup>27</sup> followed by Limpopo (5,4%).<sup>28</sup>

In 62% of cases where bribes were solicited in Gauteng, this was for traffic fines.<sup>29</sup> This means that 6,6% of respondents in Gauteng indicated that one or more bribes had been solicited from them in respect of traffic fines.<sup>30</sup> As illustrated in Box 1 below these figures may be taken to indicate that approximately 429 000 drivers in Gauteng and 154 000 drivers in Johannesburg have been asked to pay bribes in respect of traffic fines during the year prior to the survey.

The 2011 NVCS provides a powerful indication that the Johannesburg Metropolitan Police Department, and other agencies involved in traffic law enforcement in Gauteng,<sup>39</sup> are heavily implicated in soliciting bribes. It is worthwhile to note the 2003 NVCS that states:

*'many incidents of corruption or attempted corruption were probably not reported to the survey. Some victims may be aware of their perceived 'complicity' as the bribe payer ... and would worry that by answering the question they might implicate themselves. Others may not be aware that being asked for a bribe in return for a service is a crime, and may instead see this as a 'normal' transaction fee required to ensure the delivery of services.'*<sup>40</sup>

The middle class constituency that drives most of the cars in South Africa is likely well represented by the survey. But surveys like the NVCS, which are based on visits to 'households', may under-represent some of the constituencies, including younger drivers, taxi drivers and immigrants, who are more likely to be routinely exposed to JMPD corruption. Members of these constituencies may, for various reasons, be less accessible to those conducting these surveys.

In terms of its crime prevention mandate the JMPD carries out a 'visible policing' function similar to that carried out by the uniformed members of the SAPS. The 2010 Victims of Crime Survey indicates that 2,5% of households in Gauteng had paid bribes in respect of police services. This is higher than in other provinces. Although this figure incorporates bribery involving members of the SAPS (a recent survey by Transparency International points to a substantial problem of police corruption in South Africa<sup>41</sup>), it may also include acts of corruption involving the JMPD as well as other metropolitan police departments (MPDs) in Gauteng. There are approximately six times as many SAPS members as MPD members in the province.<sup>42</sup>

### Using National Victims of Crime survey data from Gauteng to estimate levels of corruption in the JMPD

This series of deductions indicates the widespread nature of bribery in Gauteng, and Johannesburg specifically.

#### Percentage bribed

- 10,6% of respondents in Gauteng indicated that they had bribes solicited from them.<sup>31</sup>
- 62% of these respondents indicated that these were related to traffic fines.<sup>32</sup>
- Therefore 6,6 % of adult residents of Gauteng had been asked for a bribe in respect of potential traffic fines.<sup>33</sup>

#### Number of people bribed

- There are approximately 6 500 000 (6,5 million) people aged 16 years and over living in Gauteng.
- Therefore 429 000 residents of Gauteng have been asked for a bribe in respect of potential traffic fines.
- Approximately 36 % of residents of Gauteng who drive cars live in Johannesburg.
- Therefore 154 440 residents of Johannesburg were asked for bribes in 2010.
- Approximately 600 000 residents of Johannesburg drive cars.
- Therefore about one in every four people who drives a car in Johannesburg has been asked for a bribe to avoid a traffic fine.

## One remarkable feature is that so many people readily admit to paying a bribe to metro police officers

### findings from lead SA survey

The 2010 NVCS indicates that corruption involving traffic police is rampant especially in Gauteng. Though it does not qualify as a scientific study, a survey conducted by Lead SA in November 2010 and 2011 clearly points to Johannesburg as the city where corruption in traffic policing is most severe.

#### The Lead SA Survey 2010 and 2011

Radio listeners of four South African metropolitan-based radio stations and readers of four newspapers<sup>43</sup> were asked if they had bribed a metro cop in the last three months. The survey was conducted on behalf of Lead SA.<sup>44</sup>

In the 2010 Lead SA surveys people who had 'bribed a metro cop' were urged to report it either by SMS or online (agreement). Responses over a 36 hour period on 10 November and 11 November were collated. A year later, on 17 and 18 November 2011, the exercise was repeated. Though there were substantial differences in the public response to the two surveys, in both surveys the JMPD, far more than any other metro police agency in South Africa, is heavily implicated in corruption.

In 2010, according to a press statement on the results of the survey, 1889 people in Johannesburg indicated that they bribed a metro police officer in Johannesburg. A year later in 2011, far fewer responses were received to the survey. In an analysis of data provided by Lead SA carried out for this report, 226 persons who replied to the survey either identified locations in Johannesburg and/or identified the JMPD as the agency that was involved in the interaction.<sup>45</sup> In 17 cases there is some indication that bribes had been solicited but for various reasons not paid. In the other 209 cases people indicated that they had paid bribes to members of the JMPD.

The Lead SA surveys are of considerable value and interest. One remarkable feature is that so many people readily admit to paying a bribe to metro (or other) police officers. The surveys provide particularly interesting qualitative information regarding metro police corruption, particularly in Johannesburg.

However, the Lead SA survey results must be interpreted with caution and cannot be regarded as accurate indicators of levels or trends of police corruption. In particular the significant difference between the number of responses received in 2010 and those received in 2011 mean that the surveys cannot be accepted as evidence of changes in the levels of JMPD corruption. If the survey results were to be believed, this would indicate that metro police corruption suddenly plummeted in jurisdictions throughout the country. The idea that this may have happened is contradicted by the Stats SA data. This could only have happened if there had been an extremely dramatic increase in anti-corruption activity focusing on agencies involved in traffic policing between the 2010 and 2011 survey. There is no indication of any such increase in activity. It is not entirely clear what accounts for the differences in response between the two surveys. Perhaps in 2010, a particularly charismatic presenter played a prominent role in encouraging listeners to the radio stations to respond to the survey. Another factor might have been the novelty of the survey with the survey sparking public interest in 2010 but having lost its novelty in 2011.

“ Though the JMPD  
‘routine’ is widespread  
it seems that it is now a  
common occurrence for  
the JMPD member to  
directly solicit a bribe ”



**For many people it seems that, if they have to pay something they would rather pay the bribe**

# the 'JMPD routine' and other aspects of corruption in JMPD traffic enforcement

As officers of the law JMPD members are empowered with the discretion, to either enforce the law against the person, or to let them go.

## the JMPD routine

Picture this: as you turn the bend there are a couple of JMPD vehicles parked at the side of the road. A JMPD officer in blue shirt and khaki pants is standing in the road. A bit further down another is bending down at the window of a car which has presumably just been pulled over. The first JMPD member signals to you to pull over to the side of the road. You do so. You probably feel slightly anxious. The officer comes towards your car window and asks politely for your licence. You show it to him and he looks at it very briefly, perhaps crossing to the left side of your car to take a glance at your car licence disc. 'Thank you very much' he says signalling that you may go.

For many drivers in Johannesburg this is the normal routine in many, if not all, of their interactions with members of the JMPD. Often they are not stopped at all and simply waved on.

But there is another routine. Usually, the precursor to this is some infringement of road traffic laws on the part of the driver. The driver was talking on his or her cellphone. Perhaps when the car stops the JMPD officer observes that the driver is not wearing a seat belt. Or he or she does not have a driver's licence or this or the vehicle licence has expired.

As officers of the law, JMPD members are empowered with the discretion to either enforce the law against the person, or to let them go. For instance, a person may react with surprise to being informed that their licence, which expired at the end of the last month, has expired. The expiry of the licence seems clearly to be an unintended oversight by the driver. The driver assures the JMPD member that he or she will promptly rectify this oversight. When they let them go, it is appropriate for the JMPD member to warn them about their obligation to comply with the law. There are circumstances where it is inappropriate to merely issue a warning but for many traffic infringements it is not inappropriate for the police officer to deal with the case in this manner. Many drivers in Johannesburg have had this type of experience too.



What the other routine involves however is that the JMPD member neither indicates that he is issuing a ticket nor gives a warning. Instead the JMPD member commences with a brief monologue that involves emphasising, and sometimes exaggerating, the severity of the infringement and the harshness of the penalties. The driver will be told that he or she faces a fine of R1000 for talking on a cellphone<sup>46</sup>, that his or her car is about to be impounded because the vehicle licence has just expired<sup>47</sup>, or that he or she will have to pay R2000 because his or her tyres are worn.<sup>48</sup> In doing so the police officer is often taking advantage of the ignorance of many drivers. It is likely that tens of thousands of drivers in Johannesburg have had this experience. In the words of some Johannesburg drivers:

*"They will say things like "oh this is a very serious thing, pity there isn't some other way of sorting it out'. . . . It's never 'you're talking [on your phone], I'm writing you a ticket'. Always this stuff about 'this is very serious, a hefty fine'."*

*"They will say how expensive the fine is. Things like 'Whew, R500 is a lot of money for talking on a cellphone'."*

Reports clearly indicate that very few drivers have any illusions about the purpose of this routine. Through this monologue the JMPD member is encouraging the driver to ask for or propose another way of resolving the situation, one that involves the payment of money or some other item of value to the JMPD member.

It must be emphasised that the extent to which incidents of corruption are initiated by the driver or by the members of the JMPD cannot be established. It is possible that in a substantial number of cases the driver may initiate the process. One driver pointed out though, 'I would be too nervous to offer them a bribe if it hadn't been clear that they were looking for one'.

In the same way that thousands of motorists in Johannesburg have experienced this type of situation, almost every JMPD member who has played this opening gambit has found that it is frequently successful. The motorist could be relieved that the officer has signalled that he is open to receiving a bribe. For many people it seems that, if they have to pay something they would rather pay the bribe. Despite the moral, ethical and legal implications, it is usually cheaper, quicker and easier to do so.

Some people who have found themselves paying bribes to JMPD members do however say that there were other costs involved:

*"I felt very annoyed with myself. I felt soiled and tainted. It was the first time ever I'd paid a bribe to anyone."*

On the other hand, a considerable number of people ignore the JMPD member's invitation to enter into a corrupt transaction. Many people in these situations urge the JMPD member to write a ticket, if necessary. In such instances it appears that JMPD members quickly lose interest:

*"2 years ago in Hurlingham Manor an officer tried for about 20 minutes to get a bribe out of me. I got angry and demanded that he give me my legal fine. Suddenly he decided to let me off with a warning."*

*"Was stopped as I pulled out petrol station in Melville and was busy putting on seatbelt. Solicited 'cooldrink' money. Insisted on fine and they let me go."*

*"In both cases I just said, 'listen, if you want to write it, write it' and then they just let me go. It was not like there are two choices [a bribe or a fine]. Once I said to them write it up then they have no real interest in pursuing the matter."*

Drivers who indicate that they do not have any money are sometimes fortunate in a similar way:

*"A week ago on rivonia a cop pulled me off and kept on asking how much I wanted pay for my offence (which I did not agree with). What I can afford? I showed him that my wallet was empty and he rudely told me to just go."*

Other techniques also sometimes seem to work for drivers who are not willing to pay a bribe:

*"Last weekend I was stopped by a metrocop who wanted to fine me R500 for not having a red triangle, then quickly he changed his attitude and started telling me how hungry and thirsty he was... But then he saw I was recording him on my phone and he told me to go away (very angrily). This was on Saturday in Braamfontein at a huge roadblock."*

*"Attempted extortion 3 times on R55 roadblocks. I'm gogo & escaped paying by weeping."*

“ I felt very annoyed with myself. I felt soiled and tainted. It was the first time ever I'd paid a bribe to anyone ”

Anonymous driver

“ Sandton police tried to bribe my brother, who was borrowing my car, for a traffic violation. They asked for R3000, when he refused they arrested him ”

Anonymous driver

Sometimes people who are guilty of serious infringements get away with paying bribes involving negligible amounts of money. In other cases the payments take the form of food that the driver has in the car or even a 'Coke':

*"I was coming back from Fourways at night and probably over the limit as I had been attending a function where I had been drinking. The guy was just totally interested in doing something. I didn't have much money, about R30, and the guy just said fine and off I went on my way."*

*"I bribed a traffic officer in Randburg by giving him my pizza."*

*"I bribed a cop with a coke last week friday haha!"*

*"Was stopped on Beyers Naude at Westpark cemetery last week. I was told I was doing 64 on 60 limit. Send me summons I said. No give R300 and no summons. Said, only have R10. She said fine."*

*"Got pulled over on Rivonia for being on my cell. Told the cop I only have R12.50. He took it and let me go."*

*"Last month I was going home from work and passing Grayston bridge going towards Alex. I turned right at the second street and had just received a call from my daughter of 10 years old when I dropped the phone as I saw them. But still stopped me and wanted to give me a fine of R500 and said unless you want to give me something. I checked in my bag and had R40 gave it to him and off I went."*

Many JMPD members are themselves involved in evading the law as they do their work, this is despite the fact that they are law enforcement officers. A standard strategy for corrupt members of the JMPD is not to wear their name tags. This minimises the chances that any drivers who may wish to report them will be able to identify them by name. There are also other techniques that are intended to ensure that the transaction is not visible to other possible observers:

*"I was told that I was speeding. I know I was doing 90 in an 80 zone in Randburg. The cop said he was hungry and I must put R100 in my id and give it to him, so I did."*

*"She said fine, roll it, drop out window and drive on. So I rolled piece paper and dropped that out window, drove away, saw her pick it up in my rear view!"*

It is widely believed that corrupt JMPD members actively target specific groups including black drivers and foreigners but also drivers of expensive cars. This perception has elements of truth although the opposite has also been found. Some drivers indicate that even when they have committed offences, bribes have not been solicited from them despite the belief that JMPD members in their area are widely involved in corruption.

It may be that corrupt JMPD members have a 'profile' of driver from whom they believe it safe to solicit a bribe; and others from whom they are unlikely to extort money. However it seems that many JMPD members have few scruples about whom to target and seem to try their luck fairly indiscriminately. This even extends to attempting to solicit payments from drivers who are not guilty of any kind of violation:

*"I was stopped by a traffic officer who did not indicate any kind of traffic violation, and to my knowledge none had been committed. He just said that he wanted money to get a cooldrink. I said to him that I didn't think that was appropriate, as he receives a salary from the city council. He persisted for some time, but waved me on eventually when he realised I wasn't going to budge on giving him money. He also saw me looking at his name tag, which I think made him uncomfortable."*

In some cases JMPD members may simply pretend that an offence has been committed in order to extort money:

*"On William Nicol I was pulled over for a supposed routine stop. The metro cop said that my front tires were worn and that he would fine me R2 000. He then said that I could pay R300 "lunch money". There was NOTHING wrong with my tires."*

There are no doubt some cases where people who refuse to bribe JMPD members are fined or arrested:

*"Sandton police tried to bribe my brother, who was borrowing my car, for a traffic violation. They asked for R3000, when he refused they arrested him"<sup>50</sup>*

However, instances where a fine is actually written or an arrest process is initiated appear to be rare as JMPD members often seem reluctant to invest time in activities that will not result in personal financial benefit. This is illustrated by figures indicating that out of more than a million 'infringement notices' issued by the JMPD during a 3 month period in 2009 roughly 1%, or 11000 notices, were not for speeding infringements. This indicates that in the three month period an average of 1 to 2 infringement notices per JMPD member were issued each month.<sup>51</sup>

“ He said don't do this again because it's going to cost you lunch. I said I'm not buying you lunch. He then gave me back my licence ”

Anonymous driver

On the other hand corrupt officers will sometimes go to considerable lengths to get money from people who have no money or where the money available is judged as insufficient. Many people tell of being accompanied to ATMS, or back to their homes by JMPD members who are intent on receiving money:

*“They said it would be R800. I only had R500 but they said it's not enough. They drove me to an ATM in Rosettenville and I drew some money and they each took R400. It was nearly 12 o'clock by then. The whole thing took nearly 1.5 hours.”*

*“Once the cop followed him back to our house to get the money.”*

*“He said he was shoved into a bakkie and driven to an ATM at the BP garage down the road.”*

*“Metro cops Randburg between Bram Fischer & Main. 2 male officers in metro van solicit bribes for dui consistently. Escort victim to ATM and park outside Sandton on peter place won't drive into garage due to cameras.”*

### drivers who are under the influence of alcohol

The 'routine' has some different features where the JMPD member suspects that the driver is over the legal limit, or has allegedly committed a violation for which it is appropriate to arrest the driver. It is likely to be even more protracted, amplifying the gravity of the situation that the driver now finds him or herself in.

Reports indicate that another preferred practice of a significant number of JMPD members is to stake out well-known drinking establishments. This occurs especially late on Friday nights, often into the early hours of Saturday morning:

*“Metro prey on patrons of News Cafe, Rivonia Boulevard,”*

*“Yes, Bryanston. Police wait outside the Baron and pull you off for drunk driving when you are 1km away. That's all they do the whole night. Just collecting bribe money from people leaving the pub.”*

*“Yes...at Monte Casino! they are there every Saturday night until the early parts of Sunday morning!!!”*

Even though these drivers may not be willing to pay a fine they are afraid of being taken into custody. Corrupt JMPD members know this, providing them with more leverage and the takings in these 'shakedowns' are consistently higher. Often the threat

of arrest is used to extort money. At the beginning of the weekend this is exacerbated by the knowledge that there is the potential that the arrestee will spend the full weekend in custody. The JMPD member may emphasise each step of the process that the driver may now be subjected to - the blood tests, arrests and incarceration - and the likelihood of a criminal record:

*“There are always these things that they say which make it clear that they are looking for bribes. They say things like “Look you are going to spend the weekend in jail”. On a Friday night they'll emphasise that you will spend the whole weekend there. They will ask questions like “What do you do?” and say “I'm sure you don't want a criminal record.”*

*“She kept on saying “We are going to test you” but then she started saying “We are going to take you to Brixton. You will spend the night in a cell.”*

*“Sometimes you would get stopped by the metro cop, sometimes by the SAPS. Every time it would be the same thing, “You've been drinking, now you are in trouble. Either give us money or we are gonna arrest you” or “Give me something and we can make a plan.”*

*“Had to bribe a metro cop, they were threatening to arrest my husband for the weekend as he was over the drinking limit. So we eventually gave the cop R150, as it was all we had on us.”*

### direct soliciting of bribes

Though the JMPD 'routine' is widespread it seems that it is now a common occurrence for the JMPD member to directly solicit a bribe. The claim that they are hungry or need 'lunch' is often the preferred euphemism:

*“My car licence disc had expired. I intended renewing it within the week. Officer told me he should fine me R500 but as it was lunch time and he was hungry what could I offer. I paid him R100. About 2 months ago. Hendrick Potgieter st. Roodepoort. Near Clearwaters.”*

*“He said don't do this again because it's going to cost you lunch. I said I'm not buying you lunch. He then gave me back my licence and that was the end of it.”*

There are apparently also more elaborate strategies allegedly involving complicity between JMPD and SAPS members and an element of deception. Andre Snyman from e-Blockwatch describes an elaborate charade where SAPS members use the threat of a supposed road-block 'further down the road' to extract money out of people. There are indications that JMPD members are part of the scam.

### coercion, aggression and violence by JMPD members during incidents of corruption

Because SAPS wield authority as officers of the law, many people are afraid to openly defy them. People fear being charged when they do not follow their instructions.<sup>52</sup> One way of pressuring people into paying them a bribe is simply not to let them proceed on their way:

*"This went on for literally half an hour, with him refusing point blank to write me out a ticket and me adamant that I was not going to succumb to what he obviously wanted as firstly, apart from the fact that such is 'unethical', I also had not a cent on me."*

*"We were stopped and search on the cnr of witkoppen & main. They found nothing but refused to let us leave until we gave them R20 to buy cooldrink."*

Delaying people unnecessarily is just one tactic used to extort money. In some cases JMPD members demand money from people in an aggressive and intimidating manner:

*"He was very aggressive and in your face saying 'You must give me something now'. He stuck his hand into the car and 'tugged at my husband's pants and said "what have you got?". My husband, out of fear, gave him R100.00."*

Not only are there cases where JMPD members aggressively demand money. There are an increasing number of reports of JMPD members snatching money from people and other acts that amount to crimes of robbery, fraud and kidnapping.<sup>53</sup>

*"Daughter stopped by police, 1 metro 1 SAPS in a flying squad vehicle in Rivonia road. Metro got into her vehicle under threat of taking her for tests to check for alcohol. After driving her around with the other car following they pulled up on a quiet side road, officer opened her handbag, removed R300 and told her she could go. She is 23 and now scared of the very people who should be protecting her."*

*"The guys can go to levels beyond comprehension, they once emptied my car's ash tray that was full of 5 cent coins because I did not have any cash on me, and only because I failed to stop at an intersection and there was no stop sign directing one to stop"*

*"Pay or be arrested. Told him not enough money on me, do they take credit card. He then took R200 out my wallet and told me to go. I am scared if I report him I will get prosecuted."*

*"It was in soweto on a road block, a police man opened my ashtray looking for money for cold drink. There was nothing wrong with me or my car, he took about R30. They will even take your groceries if you don't have money. Even go with you to your house."*

*In Rosebank and Sandton areas no need to bribe - they simply help themselves to the content of your purse or wallet. If you threaten to take any action they take you to the station and lay a charge of bribery against you. Bugged whatever you do!*

*I got pulled over 2 weeks ago for not wearing a seatbelt. The metro officer asked for my driver's licence. I got my wallet. And as I opened to get my driver's he took R70 from my wallet and said it was fine and started walking away. I was so shocked I didn't even try and offer it to him. It was my lunch money for the week. I was very pissed but didn't know what to do.*

*I was caught for a safely belt offence & when I refused to offer a bribe, he added a red traffic offence to the fine. I was advised not to report him ... as they had my home address."*

A similar case to that last mentioned, of a person allegedly being fraudulently and vindictively charged, is reported on the Justice Project South Africa website. Here, in early 2010, the young man was allegedly stopped as his rear number plate was missing (it was inside his car). He was arrested, charged with "Operating a motor vehicle without displaying both number

“ Pay or be arrested. Told him not enough money on me, do they take credit card. He then took R200 out of my wallet and told me to go ”

Anonymous driver

“They are not speeding or breaking the law. They are often asked to get out of the car and sometimes asked for phone numbers”

Anonymous driver

plates” and with evading arrest (after following the JMPD officer to Diepkloof police station in his car) and subsequently locked in the cells. The apparent motivation for the JMPD officer’s vindictiveness was that he had recorded the officer’s interaction with him on his phone.<sup>54</sup>

In an interview, another man described an incident involving an attempt at extortion, possibly involving collusion with sex workers, off Oxford Rd in June 2011. The man was about to turn into the entrance to the building that he lives in, just off Oxford Rd. He slowed down for a woman, who had run into the road and tried to flag him down; he thought that she might be in distress. A police car suddenly appeared on the scene with its bright lights on. Though he was not certain, the interviewee was under the impression that the police involved in this incident were members of the JMPD.<sup>55</sup> A pattern of extortion of this kind involving members of the SAPS in the same area was the subject of a Special Assignment expose in September 2004.<sup>56</sup>

One woman described an ordeal to which she was subjected in early 2010. The JMPD member appears to have been motivated by vindictive rage after his assumption that he could expect a bribe from her was not fulfilled. After turning against the yellow light she was stopped by the police officer in Braamfontein. At several points throughout her interaction with him he would pause ‘waiting around, looking around’ and her sense was that he wanted her to offer him a bribe. But he became more and more aggressive, apparently realising that he was not to be offered one. At one point he jumped into the car with her and her passenger. He subsequently ordered her to drive to the Hillbrow police station. He prevented her from phoning anyone and at the station tied her hands behind her back and insisted that she sit on the floor. She was held in a room seemingly used for processing arrestees. While she was still in this room the JMPD officer came in and asked for her address. He wrote this down in a book. As he left he looked at the book and looked at her and tapped it and said ‘No hard feelings’ and put it in his pocket. She understood that he was saying to her that he knew where to find her and that she would pay the price if anything happened to him following this incident.

### sexual and other assaults and harassment

Abuses of power by JMPD members are not limited to personal financial gain. In some instances they appear to be motivated by needing to feel power over people; and extend to sexual harassment and assault. An incident of extortion and sexual assault involving JMPD members is alleged to have taken place in Main Rd, Bryanston in the late hours of a Saturday night in June 2011.<sup>57</sup> According to an article on the Justice Project South Africa website there is a growing trend of forms of sexual assault and the extortion of sexual favours involving ‘some metro and traffic officers’.<sup>58</sup> Another interviewee indicated that her daughters were persistently subjected to harassment by JMPD members in the area near where they live:

*“They are not speeding or breaking the law. They are often asked to get out of the car and sometimes asked for phone numbers. It is a form of sexual harassment. The police are often ‘chatty, chatty, chatty’. If they weren’t in a uniform you could just say to them ‘Excuse me but I need to be on my way’. However because it is someone in uniform they are unsure about what may happen to them if they do this. They are abusing their uniforms and positions of authority.”*

There are also accounts of assaults and other aggressive behaviour by JMPD members. Another woman alleges that in February 2010 she was punched in the face by a JMPD member in Yeoville. The metro officer approached her vehicle in the street as she was trying to reverse out of the way of other vehicles. Instead of writing her a ticket, he pulled the keys out of her vehicle and walked away. She followed him and he turned around and punched her hard in the mouth. When she asked the metro cop for his name, he responded by telling her she was “trying to be too clever” and she was thrown into a police van and taken to the Hillbrow police station. There she was further harassed by male police officers who suggested that she should become their lover.

At its ugliest end therefore, the spectrum of abusive acts by JMPD members extends to a variety of practices of criminality, violence and vindictive cruelty. These acts are manifestations of the degree to which JMPD members believe, with considerable justification that they may act with impunity.

### allegations of reckless use of lethal force by JMPD members

Press reports record that on the 25th June 2008 JMPD members fired live ammunition at South African Police Service members in the Eloff Street-M2 freeway area of the city in a protest related to JMPD industrial action. According to one report ‘The gunfight came after hundreds of protesting metro police blocked both lanes of the M2 highway going east and west. Just after 6pm, SAPS officers clad in riot geared moved in and tried to get the JMPD officers to disperse.

They refused and forced the two dozen or so police officers to move back. Minutes later, a Nyala rolled towards the chanting protesters. A policeman popped his head out of the vehicle and threw a stun grenade. Police then opened fired, using rubber bullets. Scores of metro cops drew their service weapons and shot back while they fled. As stunned motorists hit the ground, some rolling under their stranded vehicles, the shooting continued, with SA police driving back JMPD officers. Police fire injured nine metro officers. A member of the public subsequently said that JMPD officers swore at and assaulted some commuters who tried to remove the blockades.

“They were spraying pepper into people’s eyes,” he said. “One policeman hit someone across the face with a tree branch”. The strike was motivated by alleged high levels of nepotism and disparities in salaries in the JMPD.<sup>59</sup> However according to a union member a SAPS report on the incident subsequently concluded that no JMPD members discharged their firearms. A disciplinary process against a number of members involved in the incident was instituted and abandoned, and then, after a considerable delay, reinstated late in 2011 against a smaller group.<sup>60</sup>

Reports also appeared in the press in November 2011 and February 2012 highlighting the involvement of JMPD members in two incidents of apparently reckless use of lethal force that resulted in injuries to members of the public. In the one incident in March 2011 a 43-year-old woman was left paralysed from the chest down after being shot by a Johannesburg metro police officer at a roadblock in Midrand. The bullet that caused the damage remains lodged in her head, resting close to her right temple. JMPD spokesman Wayne Minnaar is quoted as saying the officers were shooting at another car that had failed to stop at the roadblock. One of their bullets hit the woman’s car in an “unfortunate incident”, though the JMPD spokesman apparently still refers to the police as having done “the right thing”.<sup>61</sup> In the other incident a JMPD member pursuing a stolen vehicle allegedly opened fire in a busy Johannesburg street injuring a newspaper vendor.<sup>62</sup>

### involvement of the SAPS and collusion with corrupt JMPD members

Though there is no indication that their involvement is as extensive as that of JMPD members, SAPS members are also involved in extorting bribes from vehicle users in Johannesburg and elsewhere:

*Anyway in the last 3 months I bribed more than 10 cops. I say cops cause metro is not the only culprit. SAPS also has regular road blocks.*

*Attempted bribe at Allandale road involving two SA police in car registration no BRW 524 B. Asking money for lunch else will be arrested for bad driving.*

*I was held at gun point by a machine gun hand gun and shot gun threatened to be shot and arrested. For exceeding the speed limit by 20 km I had to pay R600 they were normal policemen.*

*Why don't you send a ground crew to Bruma Chinatown area and M 2 off ramp towards Roodepoort? You will see how the SAPS and metro police making money. It is an eye opening tour.*

*Yes - Main Rd Bryanston as you are about to cross over the highway N1 - hide in Sloane St or set up on the bridge. Fridays after 11pm (SAP van) flashing blue lights, very aggressive and blatant, pay up or going to lock you up.*

A particularly high profile case involved the arrest of Zizi Kodwa, spokesperson for President Jacob Zuma, by SAPS members in Rosebank in November 2011. Police informed him that he was suspected of being over the limit. According to press reports Kodwa says that he has not touched alcohol for four years and felt that he was victimised because he would not give the police a bribe.<sup>66</sup>

It would appear that this type of corruption also sometimes involves direct cooperation between JMPD and SAPS members particularly late at night in the Bryanston area. At least two accounts of this in Rivonia Road in Sandton are contained in this report. The late night extortion of bribes from motorists in the vicinity of Main Road and William Nicol in Bryanston is also believed to involve collusion between members of the two organisations.

Collusion between corrupt JMPD members and others extends to the prosecution system. A front page press report in The Star, 18 November 2011, described the arrest of a senior prosecutor at the Johannesburg Traffic Court. The prosecutor is accused of quashing the summonses served on speeding motorists for R2 000 each. It is alleged that he has been doing this over a two-year period, pocketing at least R5 million. SAPS spokeswoman Captain Pinky Tsinyane said another prosecutor at the court had been suspected of similar corruption and was moved to another section. "We suspect other prosecutors and members of the JMPD, who are based at the Loveday Street offices, are also involved in this syndicate. We have obtained statements from witnesses to this effect," said Tsinyane, adding that 10 JMPD officials allegedly involved in the syndicate would be arrested soon.<sup>67</sup>

“ Stopping people who have been drinking alcohol and are over the legal limit is clearly one of the more lucrative pastimes of corrupt police officers ”

Anonymous taxi driver

### amounts paid

Stopping people who have been drinking alcohol and are over the legal limit is clearly one of the more lucrative pastimes of corrupt police officers. This is not surprising as people who are stopped in these circumstances are often very frightened as they may be arrested. Some of the highest amounts paid in bribes to JMPD members are paid for this violation. Two interviewees spoke of amounts of R2500 and R1500 paid by friends of theirs caught driving in these circumstances.<sup>68</sup> However not all bribes paid for this violation were as high. Some people mentioned paying bribes between R100 to R500; one driver paid an amount of 'about R30'.

There are three other accounts of drivers who talked about paying amounts of R1000 or more. One of these was a taxi driver who was told by police that he would be fined R5000 for overloading his taxi with four extra passengers, and for speeding. He paid a bribe of R1000. One of the press reports tells the story of a driver, a Congolese national. JMPD members demanded that he pay R3000 using the threat of imprisonment after they found him with a certified copy of his driver's licence. With the help of his friends he managed to put together a bribe of R2100. One of the respondents in the 2011 Lead SA survey claims to have paid a bribe of R3000 for failing to stop at a red traffic light.<sup>69</sup>

It seems that many of the payments made were within a similar range. It is not particularly clear that taxi drivers get off more lightly than other road users. The one Lead SA respondent who talked about paying a bribe for not wearing a seatbelt referred to an amount of R100. Taxi drivers who talked about paying bribes for seatbelts referred to amounts of R170, R150 (two drivers), R100 (two) and R50. Another said 'You can pay R50 for not wearing your seatbelt and on another occasion you can pay R200 – it depends a lot on the officer'.

There are some differences however between groups of drivers in relation to the types of offences for which bribes were paid. For instance numerous taxi drivers talked about paying bribes for speeding and for not wearing seatbelts, along with dropping off passengers in the middle of the road, and overloading which may be associated with the taxi trade. However in these interviews with taxi drivers there were no references to driving under the influence or paying bribes for use of a cellphone.

Another difference is the amounts paid for driving without a licence. Two respondents to the 2011 Lead SA survey said that they had paid bribes of R200 and R100 respectively for this. In Yeoville one of the interviewees said that a person known to him had usually paid bribes of R50 for this violation.<sup>70</sup> Another said that people in Yeoville say that all you need is R20 or R50 if you don't have a licence.<sup>71</sup> It is likely that JMPD members in areas with similar socio-economic profiles to Yeoville do not expect the more substantial bribes as officers who operate in more affluent areas.

“ JMPD members  
should ‘abide by the  
laws themselves and  
not just enforce it on  
the public”



**corruption is a  
routine aspect of  
JMPD interactions  
with drivers**

## **the inner city experience of JMPD traffic corruption**



Rather than fining people or arresting them, delaying people was a principle means of coercion used by the JMPD to get people to pay them money.

In order to strengthen the understanding of JMPD corruption the report focuses in greater depth on its characteristics in the Johannesburg suburb of Yeoville. The Lead SA Surveys recorded significant evidence of JMPD corruption but this was primarily in the more affluent northern suburbs of Johannesburg. This may be, mistakenly, taken to imply that JMPD corruption is mainly focused on more affluent drivers and does not impact so heavily on other parts of the city. The report selected Yeoville<sup>64</sup> in the inner city as the site of more detailed research on the basis of information indicating that the JMPD is very active in this area with roadside stops a frequent occurrence.

The suburb of Yeoville lies on the north eastern side of the Johannesburg inner city adjacent to the suburbs of Hillbrow and Berea. Whilst Hillbrow and parts of Berea are constituted primarily by flatland; most of the properties in Yeoville are houses. It may be characterised as a multi-class suburb incorporating a mixture of working class and (lower) middle-class residents and, related to this, occupies something of an 'in-between' position. This is reflected in the fact that there is fairly widespread vehicle ownership; and social interactions by residents of the area with non-Yeoville residents, who also have cars. The Raleigh/Rockey street-corridor that runs through Yeoville and the neighbouring suburbs of Bellevue and Bellevue-East, includes a number of restaurants and pubs. These also attract people to the area and partly related to this, driving under the influence of alcohol is a significant feature of traffic offences in the area.

Related to the fact that many residents struggle to make ends meet, many vehicles in the area are defective in one way or another. Many vehicles are on their second, third or fourth owner. Many people do not have the money to maintain their cars. In addition, it appears that a significant proportion of people who drive cars do not have licences, or have licences that are not up-to-date, or have been irregularly obtained. Nevertheless, as elsewhere, cars are highly valued as they provide mobility, including access to jobs. Yeoville therefore offers very wide scope for law enforcement 'opportunities' and consequently also the extraction of bribes.

## conducting the research

This research was launched with a notice in the Yeoville News calling people who had been exposed to JMPD corruption to get in touch with the author of the report. Leaflets supported this information gathering process. There was a limited response to the notice from people who had experiences of corruption. However, one of the respondents was a Yeoville resident who expressed interest in participating in the research.

The researcher conducted a number of informal interviews or conversations with drivers of cars or taxis in the Yeoville area. The researcher used the printed notice as a way of introducing themselves to people and then conducted semi-structured conversations with them about their experiences of and/or attitudes to corruption. They recorded their own notes on these interviews. These notes provided the basis for discussions that were conducted with her about these interviews. Altogether about 40 conversations took place with some being more extensive than others. The section also makes use of the information from two other interviews that were conducted.

## Findings of the interviews

One man whose work involves the use of his vehicle described being stopped by the JMPD on numerous occasions in the area. 'Pretty much everyone has a wrecked car' he said, expressing appreciation that one could have confidence that they will not arrest or fine everyone with a damaged car. Though he said that virtually every time he is stopped by the JMPD, he knows he has to pay up. But he also believed that even if he didn't pay, if for instance he had no money, they may delay him but ultimately they would let him go.

After describing an incident in which he had paid a bribe in the nearby suburb of Braamfontein another resident was asked if he thought the JMPD's actions could be justified. 'Yes they sure can', he said. 'Think about it, a zillion people do not abide by the law and get away with it. Why not let them pay a little?' In relation to a question on what should be done about it his response was 'nothing'.

In another interview, a man noted that he 'had a problem' with his licence; and this seemed to rationalise his involvement in paying bribes. "I know I'm a wrongdoer so if I can pay up when I'm in a hurry to go where I'm going, I don't see a problem with that" he said.

It must be acknowledged that there were drivers in the area who did not indicate that they had paid bribes or who condemned corruption. One man said that JMPD members should 'abide by the law themselves' and not just enforce it on the public. Another described corruption as a 'bad idea' saying that 'it hurts me a lot, especially when they take money from vendors who are just trying to make a living'.

Though there were people who condemned corruption, a substantial number of Yeoville residents who were interviewed appeared to perceive paying bribes as very common and entirely normal. In the words of a Yeoville resident who assisted with the research, 'It is like when you get stopped by them you know what they want and you know what you are supposed to do. When a person is stopped for having no licence disc and is able to pay a few rand to get off they see the JMPD as doing them a favour', she said. 'They just say 'fair enough' as if they don't mind it at all. Or even if they do mind they just have the mentality that they can't do anything about it', she continued. Lack of knowledge plays an important role in these perspectives. Many people were afraid that they would be going to jail and so opted for the way that they view as easier.

Rather than fining people or arresting them, delaying people was a principle means of coercion used by the JMPD to get people to pay them money. A number of people indicated that they sometimes paid simply because they were in a hurry. People claimed that if they had had the time they would have tried to justify or explain themselves to the officer, or persuade the officer to let them go.

A few interviewees also indicated that in Yeoville it was not necessary to have a driver's licence. One interviewee referred to someone who - before he got his licence - "got stopped about 8 or 10 times. He just paid the cops; it was about R50 per time. Once there were two guys and they each wanted R50. Once, the police officer followed him back to their house to get the money. It was mainly metro cops but sometimes the SAPS", he said. Another said:

'There are plenty of them. Every 2 or 3 days you will happen to be stopped. Even if you have your licence and so on they will end up finding something. If you give them something they will let you go. People around here say "I don't have to have a licence. All you have to do is have 20 or 50 bucks on you". The other day I was driving. We had a lot of booze in the car. I know it's wrong but I was drinking. The cop said "You have to do something for me or you go to jail". My friends gave him R100.'

## delaying people was a principle means of coercion used by the JMPD to get people to pay them money

The positive way in which some of the respondents appeared to view JMPD corruption was also accompanied by some hostility towards research being conducted into the matter and the potential that the research would disturb the comfortable relationship between JMPD and community members.

When approached with questions about JMPD corruption one taxi driver in Yeoville engaged in a lengthy diatribe expressing his suspicion that participation in the research would be to his detriment. Information that he provided would inevitably get back to the JMPD, he said. As a result he would be deprived of the advantages obtained by being able to pay bribes to the JMPD as they would no longer accept bribes from him. Furthermore, he anticipated, the taxi owner would insist that he pay the fines as punishment for his stupidity in cooperating with the research. "What is wrong with people paying bribes?" he asked. "The fines are often too much". He said the interviewer was a 'trouble maker' and asking him to be an 'impimpi'.

Another young man working in the area was similarly critical of the research. "You are the one that destroy the smooth running of the nation," he said. "Are you not aware of the fact that you are ruining a perfect relationship?" Pointing out that very substantial fines could be paid "even for not wearing a seatbelt", he said "Bribery is a very wise action you know. I mean rich folks are stupid. They are actually willing to pay a R500 ticket instead of just paying a R50 bribe. There is no stupidity beyond that. Bribery is justified man and it is justified because it is and there is nothing you can do about that," he said.

A middle-aged woman warned the interviewer that she was putting her life at risk by "finding things out about people who are employed by the government". "The police know what they are doing just as much as we who bribe them. We do not need a rescuer," she said. "This is now the life. You are crazy to jump around like you are wanting change that will never come."

This exploration of the Yeoville area demonstrates that corruption is a routine aspect of JMPD interactions with drivers in the area. Read next to the Johannesburg data from the Lead SA surveys it seems reasonable to infer from this that JMPD corruption is not restricted to wealthier areas of the city and is a chronic problem in most areas where the JMPD are active. Furthermore, rather than something that is burdensome the research indicates that many residents of Yeoville regard JMPD corruption in an appreciative way. These types of attitudes are probably also not restricted to Yeoville or to less affluent parts of Johannesburg. Another interviewee from the northern suburbs of Johannesburg also observed that "Some people will talk about the fact that you are able to get away with paying a bribe as an advantage".

“ Many taxi drivers feel that they have little choice but to pay bribes if they are to stay on the roads. A number of them indicated that they would never refuse to pay a bribe ”



# the experience of minibus taxi drivers

In order to ensure that no-one, including any taxi passengers, witnesses the incident, the taxi driver often has to get out of the taxi and walk to the police officer's vehicle to hand over the money.

“ Yes, I have paid the metro police money several times. I know many taxi drivers who have paid bribes. This happens every day on our roads ”

Anonymous taxi driver

Taxi drivers were interviewed in the Johannesburg inner city. All but one driver routes between the Bree or Noord Street taxi ranks and other areas including Soweto (eight of the 15 drivers), Diepsloot, Randburg, Auckland Park and Killarney.

## conducting the research

The procedure involved approaching the rank marshal and explaining about the research project. The rank marshal granted permission to conduct the interviews, and asked some of the drivers to make themselves available to be interviewed. The interviews were conducted using a structured questionnaire. This questionnaire is Annex A.

Taxi drivers were initially reluctant to be interviewed one on one but were willing to be interviewed as a group. Once the interviewer explained the process and drivers were guaranteed confidentiality, they were open to being interviewed individually. Notwithstanding their initial hesitation, a characteristic of this aspect of the research was the high level of enthusiasm with many drivers making themselves available to be interviewed. A substantial number of interviews were conducted. The notes that have been used for this report were from the first 15 interviews that were conducted. All the interviews were conducted in English. If the respondent seemed not to understand the question it was translated in Zulu. Most of the responses however were given in Zulu. Interviews were conducted between the 2nd and 5th of December 2012.

## findings of the interviews

All fifteen taxi drivers were in agreement that corruption is a widespread problem that occurs daily:

*“This happens every day. I know for sure that even if I am not the one paying someone is paying.”*

*“Yes, I have paid the metro police money several times. I know many taxi drivers who have paid bribes. This happens every day on our roads.”*

*“I have been a driver for more than 10 years and during that period I have paid thousands of rands in bribes to police officers. I have paid more money to the metro police than any other law enforcement agency.”*

Though a few drivers referred to incidents where they had bribed SAPS or provincial traffic police, the majority of their experiences of corruption involved members of the JMPD.

Three of the taxi drivers said that they were not involved in paying bribes to the JMPD, at least not in recent years:

*To tell you the truth my brother I have never paid a cop a bribe. I keep my vehicle in condition and I don't commit offences on the road. The only thing that the police have been bothering me with is the issue of fire extinguisher but I have one now and there is nothing they can do. But not all police officers demand bribe because often when everything is OK they just let you go.*

*No cop has ever requested a bribe from me. I have transgressed on the road like overtaking on the yellow line but I have never risked the life of my passengers. I am single mother and this taxi is my livelihood. I will simply apologise if I am caught transgressing but will not offer a bribe, I am sorry.*

*It happened a long time maybe 2 years ago. Since I have been driving a brand new taxi I have not paid a bribe. The bribe that I paid was for un-roadworthiness of the taxi. I had to pay the bribe so that I can continue to operate. Without driving the taxi I would have starved my children.*

Another said that he had not paid a bribe in the past year:

*I have been disciplined on the road to avoid traffic offences and paying bribes. I can see the fruits of my discipline because in 12 months I have only been stopped once and never paid a bribe. You need to be disciplined if you are a taxi driver and avoid committing road offences and the police will not bother you.*

Amongst the remaining drivers there were a variety of responses. Some appeared to indicate that bribe paying was something that occurred frequently though not necessarily every month, some indicated that it tended to occur at least every month or more frequently whilst others referred to it as something that happens on a weekly, and in one case daily, basis.

### » **remarks of eleven taxi drivers about the frequency of paying bribes**

- It varies because at times you can go for a week or even months without paying a bribe. I would say it depends on your luck because you don't know exactly when they will stop you and demand a bribe.
- Tends to happen on weekends and month end.
- Many times. Sharp increase in cops demanding bribes in recent months. More intense at month ends & at 'peak seasons' such as Xmas and Easter.
- Not daily but once or twice a month. Maybe 5 times in 2011.
- Many times but last 3 months ago.
- Not in the last two weeks.
- Happens once or twice monthly.
- Four times last month.
- Paid during past week.
- Many times. Last was last week.
- From 2 times a week to everyday.

“ It is better when there is a roadblock because when there are many they do not ask for bribes. When a cop is working alone there is a strong chance that they will ask for a bribe. ”

Anonymous taxi driver

Some taxi drivers expressed opinions about the time of day and circumstances at which they were most likely to be stopped by the JMPD and bribes solicited:

*It is better when there is roadblock because when there are many they do not ask for bribes. When a cop is working alone there is a strong chance that they will ask for a bribe.*

*This happens very often and in particular on Fridays, weekends and month ends. Police are very busy during these periods and they know that we will also be very busy and carrying a lot of cash. Sometimes I pay bribes during the rush hours, sometimes in the morning and sometimes in the afternoon, just as the passengers are about to leave work. There is no fixed time when police ask for bribes. JMPD uses this time because they know I have money with me and I don't want to get stopped because I'm rushing for the next load. During the day the JMPD focuses on private cars not on taxis, but this doesn't mean they won't stop a taxi, but they are most likely to stop a taxi in the morning and in the afternoon.*

*It happens throughout the day especially when there is not too much traffic. During rush hour it is difficult for police to stop taxis because of the rush. I have never paid a bribe during the rush hour, but, if you were to go now you will mostly likely to be stopped and they will request a bribe. They will just say we need lunch money or cool drink and at times we pay if you want to avoid paying a fine.*

Related to their extensive experience of JMPD corruption, some taxi drivers were able to give quite nuanced explanations of factors impacting on the amounts that had to be paid in bribes:

*When the police threaten you with arrest you must know that the offence is a criminal offence and you can be locked up. When they threaten you with a fine depending on the amount of a fine the offence might be less serious. When the police are many in the car and they all can see that you are about to pay up they want a higher amount, but if I'm stopped and there are many cars stopped the bribe isn't as high, because he knows that he can't be wasting time with one taxi for too long, he wants more taxis to stop.*

A few of drivers indicated that the individual police officer had a big influence on the amount paid in bribes:

*No you don't pay the same amount of money because each and every one of them aren't the same. Some will accept any amount but some will tell you how much they want.*

*The bribe is not fixed because some police officers do not want to take bigger sums of money for fear of losing their jobs. You can pay R50 to more depending also on the greediness of the police officer.*

*It depends on the seriousness of the offence and the cop. Some cops are reasonable when they request a bribe while others are ruthless. I have heard of cops that demand R2000 bribe if the offence is very serious. Others do not request a bribe at all.*

In order to ensure that no-one, including any taxi passengers, witnesses the incident, the taxi driver often has to get out of the taxi and walk to the police officer's vehicle to hand over the money:

*I told them I was rushing and that I had only R300 with me. The cop just said "follow me to the vehicle". I followed him to the metro car where I dropped it onto a seat. He simply picked it up and said, "you can go". I didn't have my seat belt on, so I was stopped. When I noticed it was a woman I prepared money, about R50 to apologise, thinking that will do the trick. She approached me and greeted me, and asked what's wrong with my seatbelt. I told her "I'm sorry I will wear it, I forgot about it". I said I'm sorry and asked "how can I fix this?" She said "You know what to do". I secretly showed her the R50 folded. She said "You can do better than that". I said "But that's all I have with me at the moment, I can't take out more money because passengers are watching". She said "That's not my problem". I knew that she can fine me so I went to her car and gave her R170 for a seatbelt.*

Many taxi drivers will try and negotiate a lower bribe. But the haggling that takes place is often driven by the demands of JMPD members for more money. As with other drivers, not having any money sometimes enables taxi drivers to escape without paying:

**“** I pay if I know I was wrong though the metro police demand money even if there is nothing wrong. They can harass you and demand that you pay them money **”**

Anonymous taxi driver

*At times, the police do not bother you if you do not have money and you are polite to them, they will just say you owe us a drink.*

On the other hand, as has been experienced by private vehicle drivers, corrupt JMPD members are sometimes persistent in demanding money irrespective of whether there is an identified violation:

*I pay if I know I was wrong though the metro police demand money even if there is nothing wrong. They can harass you and demand that you pay them money.*

Many taxi drivers feel that they have little choice but to pay bribes if they are to stay on the roads. A number of them indicated that they would never refuse to pay a bribe. However taxi drivers who do not cooperate in bribe paying also run the risk of suffering vindictive and criminal behaviour by corrupt JMPD members as a consequence:

*Yes on few occasions I have refused to pay a bribe. On another occasion I was driving along Grayston Drive off ramp by the robots and they asked for my driver's licence and all my papers were in order. Now, this cop started going around the car checking the car and I'm sitting in the taxi. He spots the worn out tyres and he says to me "Come out and see what I see". I climbed out and said "Yes I know about the tyres. I told the owner and he keeps telling me he will buy new tyres". The cop then says to me "Make a plan". I said "okay I'll speak to the owner again later today. This won't happen again." He says, "Okay make a plan now". I told him "But all my papers are okay. Give the owner a traffic fine. His details are on the windscreen so I can give it to him later. He says "that's not acceptable". I told him then "I don't know". He said "well then since you refusing to do as I ask then I'll do this". He walked to my windscreen took out the taxis disk and said "Now let's see how you going to work with a taxi with no disk". I tried to beg for the disk but he said "stop following me" and walked away. I had to go and get a new disk with the owner and did not work for 3 days because of that.*

“ Without being able to quantify exactly how many incidents of corruption involving JMPD members take place in South Africa it seems that it is not an exaggeration to say that, for many people, corruption is a routine aspect of their interaction with JMPD members ”



## Multiple encounters with corrupt JMPD officers

it is not an exaggeration to say that, for many people, corruption is a routine aspect of their interaction with JMPD members.



“ I have been asked and paid maybe 12 bribes in 2 years, only received 1 actual fine in that time. It’s a joke when I tell my mates back home what goes on in JHB. ”

Anonymous driver

As discussed earlier in this report the 2010 NVCS indicates that many drivers, running into the hundreds of thousands, have had bribes solicited from them in respect of traffic fines in Johannesburg and elsewhere in Gauteng. To appreciate the scale of the phenomenon in Johannesburg it is also important to reflect on another question:

### How frequent are people’s experiences of corruption involving the JMPD?

In answering this question the complexities of an investigation into corruption becomes apparent. Corruption is in its nature secret. It is possible to deduce from the research that some drivers have frequent interactions with the JMPD in which there is no element of corruption; while others experience the very opposite. This point has already been illustrated in the discussion of taxi drivers who indicated that experiences of corruption are repeated, in some cases weekly.

A number of responses to the Lead SA survey also indicate that encounters with corrupt JMPD members occur often:

*“You don’t need to bribe the metro cops, they solicit money from you. To give an idea how bad it is. After never having offered any money for an infringement, I have been asked and paid maybe 12 bribes in 2 years, only received 1 actual fine in that time. It’s a joke when I tell my mates back home what goes on in JHB.”*

This driver then would have paid bribes to metro police in Johannesburg on average every two months. But this by no means represents the upper end of the spectrum.

Some of the responses to the survey indicated that experiences of JMPD corruption occurred many times in a month.

- City johannesburg central. 4 times to 6 times per month
- Yes, jhb city and sandton. At least 2-3 times a month.
- Yes. Daily. Northern Suburbs

At least 12 others said they had paid bribes 2, 3 or 4 times within the previous three month period in specific localities within the area of jurisdiction of the JMPD.

- Johannesburg 4 , 1 in Randburg in the last two months
- Yes 4 metro cops in last 3 months: Two in Sandton, one in Woodmead just this morning, and one in Midrand.
- Yes I did 4 times in Johannesburg CBD
- Rivonia Road, Bowling Ave, Grayston Drive
- Yes, Fourways, Friday nights, about once every month
- JMPD Dane road, Midrand, 3 times. They stand there every end of the month and harass you till you pay up anything between R50 and R 150; if you don't pay you get threatened with arrest.
- Yes. in Yeoville, Hillbrow and Turfontein
- Yes, Randburg and Roodepoort
- Yes twice, Randburg
- Twice, both on Witkoppen in Sunninghill
- I was bribed by a metro cop twice on Witkoppen and Main Road within 3 months.
- Twice on Rivonia Road

**it's not an exaggeration to say that, for many people, corruption is a routine aspect of their interaction with JMPD**

A number of other responses also indicated that corruption was routine, though not necessarily confined to Johannesburg or to metro police.

- I was given a fine along Mdlalose Street in Protea North, Soweto by JMPD who openly take bribe everyday along above mentioned street.
- Hi! I've bribed several metro cops in Lenasia and Eikenhof road.
- Yes, Lenasia in all areas
- Yes. Joburg x 6 or 7. Nelspruit x 4 (at least). Krugersdorp x 8. Middelberg and Witbank once or twice per city.
- Bribing is the norm. I have not been fined in three years.
- Gauteng – many, many times - cops expect it
- In the last 3 months I bribed more than 10 cops. I say cops cause metro is not the only culprit sap also has regular road blocks
- Yes , "all d time , all d areas"
- Yes, have bribed.... All the time.... Everywhere!!
- Yes. Everywhere
- Yes. I drive a taxi and have bribed more than 20 metro police in the last 3 mnths.

Without being able to quantify exactly how many incidents of corruption involving JMPD members take place in South Africa it seems that it is not an exaggeration to say that, for many people, corruption is a routine aspect of their interaction with JMPD members. This does not only apply to motorists of course but also to other groups that are effected such as traders and immigrants. But this should not be taken to imply that all JMPD members are corrupt.

“ The proportion of members of the JMPD who are not corrupt is unclear. The chief of the JMPD has gone on record as indicating that the proportion of JMPD members who were involved in abusing their powers was ‘plus/minus 10%’ ”





## the extent of corruption in the JMPD

Corruption is entrenched not only within traffic policing but also within other aspects of the work of the JMPD, including licensing and by-law enforcement.

“ Yes there are many police officers who do not demand a bribe. I think it’s just that many police officers demand money hence they are all painted by one brush ”

Anonymous driver

There are, of course, JMPD members who are not corrupt. This was emphasised by many taxi drivers:

*“There are many police officers who do not do this. It’s just like when people talk about taxi drivers. People think that taxi drivers are rude, don’t respect the rules of the road and speed; but the reality is that there are many taxi drivers who are professional and respect the rules of the road. The image of the police is very bad but there are good cops who will simply issue you with a fine without asking you for a bribe.”*

*“Yes there are many good police officers who are clean and do not take bribes. Some cops just give you a warning and do not even ask for a bribe.”*

*“Yes there are many police officers who do not demand a bribe. I think it’s just that many police officers demand money hence they are all painted by one brush.”*

*“It also depends on the cop because some cops demand a bribe while some will either issue you with a traffic fine or they will warn you and let you go.”*

But not all of the taxi drivers interviewed were in agreement on this point. Asked if there were JMPD members who are not involved some others said:

*“I don’t know because I have not met them. The metro police that I have met have often requested a bribe. They always find something that they will use as leverage to force you to pay.”*

*“There may be [members who do not take bribes] in the offices but on the road metro police are stinking corrupt.”*

The proportion of members of the JMPD who are not corrupt is unclear. The chief of the JMPD has gone on record as indicating that the proportion of JMPD members who were involved in abusing their powers was ‘plus/minus 10%’. He suggested that the JMPD was not unique in this respect as this was the pattern all over the world.<sup>72</sup> Another JMPD senior manager interviewed for this report put the figure at less than 1%. A senior official of the Johannesburg Metropolitan Council said ‘In 10 you have 8 who are good’.

Other interviewees were less generous. A member of the JMPD who sat in on one of the interviews noted that the proportion of corrupt members is ‘9 out of 10’. One taxi driver said that the JMPD who are ‘clean’ ‘might be few but they are there’, whilst another said:

*“There are few cops who do not, so in the main they stop taxi drivers with the intention of extorting money from them. If there are [that do not take bribes] they are few because the majority of metro cops are greedy.”*

### **the systemic nature of JMPD corruption**

The information presented in this report compellingly demonstrates that corruption is a routine aspect of the functioning of the JMPD. Corruption is entrenched not only within traffic policing but also within other aspects of the work of the JMPD, including licensing and by-law enforcement, which are not examined in this report. But notwithstanding the volume of evidence it is impossible to draw precise conclusions as to the exact proportion of JMPD members involved in corruption. The information presented in this report however suggests that the scale of the problem is of such a nature, that it is quite possible that the majority (more than 50%) of JMPD members are involved in corruption in one way or another. It may be noted that, taking into account the perspective of some of those interviewed above, this may be a conservative estimate.

There are two important issues that emerge here. Firstly, though the majority of JMPD members may be corrupt, there are still JMPD members who do not involve themselves in corruption. It would be interesting to know why these members refrain from corrupt activities; and how these members experience working in the JMPD.

“ they stop taxi drivers with the intention of extorting money from them. If there are (that do not take bribes) they are few because the majority of metro cops are greedy ”

Anonymous driver

It is likely that as JMPD corruption is so pervasive, even JMPD members who are hostile to corruption will nevertheless be unwilling accomplices to it. It is very hard to believe that there are any JMPD members who cannot identify, by name, several of their colleagues who are involved in taking bribes. Presumably most of them will not report these activities even though they do not wish to be associated with them. It is likely that this is because they fear the likely consequences – potential ostracism and victimisation. Reinforcing these fears may be the concern, or knowledge, that their superiors, the people to whom they would report the corruption, are themselves implicated.

### **the extent to which senior officers are involved in corruption**

This brings us to the second issue. It is inevitable that a report of this kind must broach the uncomfortable question: how high up the organisational ladder does corruption go? It may be noted that over the last decade there have been allegations that go to the most senior levels in the organisation.

An article in The Star in 2004 describes the contents of a report by a consultancy group appointed by the City of Johannesburg to investigate alleged irregularities in the JMPD. Allegations in the report refer inter-alia to:

- Fraud and corruption regarding leave and overtime
- The breach of procedures regarding appointments with staff hired on grounds of favouritism and nepotism, appointments made haphazardly and staff brought in “through the back door”
- ‘Discrepancies’ in overtime, salaries and travel allowances
- Grievances not being addressed timeously
- That employees with criminal records who continue to be employed
- That a senior official of the JMPD, who retains his position at the time of writing of this report, allegedly used official council stationery (letterheads, logos etc) to apply for a study grant for his daughter; and was associated with irregularities regarding the paying off of a debt by a staff member.

“...for corruption..to develop it must involve the organised cooperation of other police in equally relevant areas. It also involves usually some degree of continuity or at least a time factor”

Anonymous driver

The report recommends that five disciplinary charges be brought against Ngcobo, and two against the other official.

In February 2009 an investigation was launched by the City of Johannesburg into allegations of corruption against Ngcobo after a week-long strike by JMPD members, affiliated with the union SAMWU. In light of the allegations against him Ngcobo stepped down pending the outcome of the investigation. In early August 2009 then Johannesburg Mayor Amos Masondo announced that Ngcobo had been cleared of the allegations against him saying that ‘none of the allegations leveled by the union were supported by credible and substantial evidence.’. A SAMWU spokesperson on the other hand alleged that there were irregularities in the investigation.<sup>74</sup>

According to SAMWU there continue to be chronic problems with the management of the JMPD. In several documents issued in May 2011 SAMWU expresses concerns over ‘radarless leadership’, ‘gross interference in internal disciplinary processes’ and ‘preferential treatment’ including ‘selective promotion without merit of individuals who are perceived to be close to management’. The union also states that presiding officers and prosecutors involved in internal disciplinary processes lack objectivity.<sup>75</sup>

This report has not concerned itself with the culpability of individuals and so it is not necessary for this report to reach a conclusion on these allegations. Nevertheless there is an evident truth to the following quotation:

*... for corruption ... to develop ... it must involve the organised cooperation of other police in equally relevant areas. It also involves usually some degree of continuity or at least a time factor. To achieve this involves either knowledge and acquiescence at various levels of supervision or a lack of knowledge, either real or pretended, the first implying incompetence and withdrawal from reality and the latter something close to complicity. The very nature of the supervisory structure usually found within a police force means that it is virtually impossible for it to exist without some involvement at different levels, although numbers may be fewer at the higher levels.*<sup>76</sup>

The clear picture that emerges in this report is of the JMPD as pervasively corrupt. It is therefore unavoidable to conclude that corruption is not limited to the ‘frontline’ of JMPD in traffic or by-law enforcement; or in the licensing departments. Some of those who are complicit must be members at higher levels in the organisation. The taxi driver who said that there may be JMPD members ‘in the offices’ who do not take bribes was not necessarily wrong; however it is unlikely that all of those ‘in the offices’ are completely innocent either.

It is likely that one way in which corrupt commanders within the JMPD are able to enrich themselves is by demanding payments from officers in return for deployments to more lucrative areas of the city. By means of vehicle tracking and identification technology JMPD managers may monitor the movements of officers. Every day there is a migration of large numbers of JMPD members to localities where they may expect to be able to enrich themselves. The consequence of repeated corruption is that despite spending considerable time at these locations they return to the JMPD offices having barely issued a single ticket. A 2009 speech by the CEO of the RTMC indicating that out of more than a million ‘infringement notices’ issued by the JMPD during a 3 month period in 2009 roughly 1% were NOT for speeding infringements. This indicates that in that three month period roughly 11 000 non-speeding infringement notices were issued providing a rate of roughly 4 notices per JMPD member in every three month period. This works out at a rate of 16 or so per year. The information below suggests that the JMPD has recently started to take steps to address this problem.

### JMPD aims to rake in 20 million rand<sup>77</sup>

The low turnover by JMPD members in the issuing of tickets is a problem that has been acknowledged by JPSA management.

*In August 2011 the Saturday Star reported that ‘Joburg traffic officers have been given targets of issuing 100 000 traffic fines a month.’ Reporters from the newspapers had ‘seen a memo circulated in one of the Johannesburg Metro Police Department’s seven regions, justifying the directive on the grounds that “JMPD must generate R20 million for the new financial year” as a result of which officers have to issue a set number of fines a day’. The JMPD defended the new strategy as a “management tool used to measure performance of its officers on the streets”. JMPD spokeswoman Edna Mamonyane said the targets were “reasonable”. “On a daily basis every second vehicle is committing an offence. In Joburg I can pick 15 fines in the space of an hour. The reason why we end up with so many corrupt officers is because they are not writing fines. This is a way to curb that. There are officers who come to work and abuse JMPD vehicles going to shopping malls. It is a management tool. Why would we parade these people and not manage them to know where they are and what they are doing?”*

Officers quoted in the report criticised the directive. But commentators on driving and road safety issues indicated that there might be some value in the measures. Rob Handfield-Jones, managing director of driving.co.za, said if the focus of the targets was road safety and not making money he would fully support it. “I am in favour of performance quotas if they are linked to the most dangerous offences on the road,” he said. “It depends on how these targets are going to be used... I suppose it is possible that it could lead to prosecution of petty offences to fill in the quota books.” Their job was to make the roads safer and reduce the number of road traffic casualties. Howard Dembovsky, chairman of motoring lobby group Justice Project SA, said physical enforcement was encouraging provided it was done correctly. “There is no shortage of people in Joburg who are not wearing their seatbelts and those jumping red traffic lights. You cannot assure public safety if you are just standing around doing nothing,” he said.

Once senior members are known to be involved in corruption, they become unable to enforce accountability as they run the risk of themselves being exposed.<sup>78</sup> As a result their organisations become incapable of dealing with issues of discipline, and members increasingly become uncontrollable.

Corruption in the JMPD hierarchy itself may therefore be part of the explanation for the scale of corruption currently in the JMPD; and an unwillingness to address it meaningfully. In the next section the reports considers the impacts of corruption more broadly.

“ The overall impact of this scope of corruption does undermine law enforcement. In so doing it undermines the purpose of road traffic laws, including the safety of drivers, passengers and pedestrians ”





## The impact of JMPD corruption

For some people paying a bribe to a JMPD traffic officer is a superficial convenience, something that enables them to treat the rules of the road with casual indifference.

“ I had to pay the bribe so that I can continue to operate. Without driving the taxi I would have starved my children ”

Anonymous taxi driver

### some complexities of corruption and its prevention

The issue of corruption's impact, and the likely impact of interventions intended to prevent corruption, is not one which can be regarded as neutral nor value free. For some people paying a bribe to a JMPD traffic officer is a superficial convenience, something that enables them to treat the rules of the road with casual indifference. But for others bribery has become a mechanism that enables them to put bread on their tables. This was clearly revealed in a number of the interviews conducted with taxi drivers:

*“I had to pay the bribe so that I can continue to operate. Without driving the taxi I would have starved my children.”*

*“I pay the bribe because I don't want a higher punishment, or a higher traffic fine. Besides, when you pay a bribe the police generally let you go and you simply continue working. I have to work every day to feed my children. I can't afford going to court and spending a lot of time there. I prefer to just pay a bribe and continue with my journey.”*

*“We have no other option other than pay bribes otherwise we risk being arrested or pay heavier fines. We have children to feed and if we do not work hard we don't get anything. I have a very stingy taxi owner who wants his money every day. If I don't meet the target it gets me into trouble because then I get nothing. It's not like we enjoy what we are doing but we have to drive fast and get to our destinations faster. It's tough my brother here, you also have to act tough otherwise you don't make it as a taxi driver.”*

In the absence of corruption, more consistent law enforcement would promote greater adherence to rules of the road (maintaining roadworthy vehicles, wearing of safety belts, no use of cellphones, maintaining the speed limit). However what is clear from the above comments is that adherence to the rules of the road has, to a significant extent, become replaced by adherence to a corrupted system. This system relies on bribery rather than adherence to the rules of the road for its smooth functioning. When corruption has reached this point, it may be described as systemic or endemic.

By the same token, although corruption facilitates breaking the law it is also probably true that corruption has some deterrent impacts. An interviewee in Bryanston who lives in the vicinity of a well-known drinking establishment said that it was his

impression that, by incentivising a police presence in the area late at night, corruption had contributed to a reduction in violent crime in the area. Another interviewee said that restaurants were now finding it more difficult to sell alcohol to patrons as they feared being stopped by corrupt police officers. Yet another thought that more people in the northern suburbs were now using taxis to get home if they had been drinking:

*I think also that people are taking fewer chances now. Especially with drunken driving where they can use the threat of locking you up. I think people are very wary about that. Where people are going to get away with paying a fine, they are less concerned. But the threat of the cells is something that people take much more seriously. There is that thing that 'I don't want to put myself in that situation'. You don't want them to get something over you.*

By incentivising police to focus on drivers who may have been drinking, he implied, the extraction of bribes was discouraging drunken driving.

The implication then is that seeking to end corruption in the JMPD is not an endeavour with entirely unambiguous implications, even for those who are victims of corruption. Proper enforcement of the law is likely to have harsh consequences for some people – potentially threatening their livelihoods. Clamping down on bribe-taking may also remove some of the incentives that JMPD members have, to be present in certain areas at certain times and to focus on some types of public behaviour that pose a danger to other people. It is worthwhile noting that strengthening efforts to reduce bribery will not in itself necessarily result in improved policing.

But while interventions against JMPD corruption may not necessarily be entirely benign it is important to note what is at stake:

The scale of JMPD corruption in traffic enforcement is of such a nature that, even many of the drivers who may be dependent on it for their freedom to use the roads find it oppressive due to the frequency with which they have to fork out money. Moreover it is important to emphasise that once corruption becomes the basis for people's access to the means to earn a living, for deterring drunk driving, or which determines which whether or not there is a police presence in specific neighbourhoods, it has become endemic and a tipping point has been reached.

### impact on public resources

Related to this corruption in the JMPD is the massive abuse of public resources. The resources of the City of Johannesburg that should be incoming as a result of fines are intended to pay for policing services. Instead those who are appointed as police are using the authority conferred upon them for their own enrichment. Activities that do not hold out the prospect of corrupt earnings are unpopular; and therefore key traffic policing responsibilities are neglected. Though the generation of revenue should not be the motivation for issuing of tickets, corruption nevertheless means depriving the city of significant legitimate revenue.

### impact on the Rule of Law and government credibility

The overall impact of this scope of corruption does undermine law enforcement. In so doing it undermines the purpose of road traffic laws, including the safety of drivers, passengers and pedestrians. In the words of one taxi driver:

*Personally, I will not have a problem with the police issuing fines instead of receiving bribes because the bribe does not correct the problem. Taxis are causing a lot of accidents because the police are not doing their jobs properly.*

Perhaps most importantly, although there may be other forms of corruption that are even more destructive, the brazenness and pervasiveness of JMPD corruption creates the impression that it is immaterial to government representatives. It feeds into the perception that the lack of any credible government response is because government condone corruption – and as such are party to corruption. In other words it brings the credibility of the entire state system and all government leaders into question.

This in turn feeds into pervasive disrespect for the law, further reinforcing the potential for corruption. Referring to the pervasiveness of the practise of paying for driver's licences one young interviewee said, people do it

*"both because they are lazy but also because they lack faith in the system. They expect licensing officials to be corrupt and so it is a matter of 'if you can't beat them join them'."*<sup>80</sup>

“Every taxi driver has paid a bribe sometime on the road because at times it does not matter that you have not committed an offence”

Anonymous taxi driver

Or as some taxi drivers said:

*"Yes, all the drivers here can confirm what I am telling. Police are harassing a lot on the road and we now don't care really. We end up doing bad things on the road because it does not matter. Whether you obey the rules or you don't they will extort money from you."*

*"Every taxi driver has paid a bribe sometime on the road because at times it does not matter that you have not committed an offence because cops will find something wrong in a taxi. It's a problem because the more they take money the more we are tempted to violate traffic rules in an attempt to recover the bribe. It's a vicious circle that will not come to an end."*

This too lends weight to the notion that corruption has, in the areas of jurisdiction of the JMPD, become deeply and systemically embedded.

### indirect effects on JMPD members

A recent report on police corruption in South Africa came to the conclusion that 'the incident of corruption tends to be higher' when police officers are dealing with crimes that they see 'as non-core, victimless crimes'.<sup>81</sup> The perceptions of JMPD members have not been explored in this report and it may be true that many JMPD members see the crimes or misdemeanours for which they accept bribes as largely victimless. However this is a superficial interpretation of their role in protecting communities.

This is most apparent in relation to drunken driving. There is documented evidence of the correlation between road accidents and alcohol use or abuse. Data from the National Injury Mortality Surveillance System indicates that, year on year, more than 50% of drivers killed in fatal road accidents have some alcohol in their blood; most are over the legal limit.<sup>82</sup> This is only part of the picture though, as accidents caused by intoxicated drivers may kill or injure other people (or cause other harm such as damage to property); whether the driver is killed or injured or not.

It is worth noting that JMPD members are themselves not immune to the consequences of their own organisations failure to ensure proper adherence to the law. As with other members of the public they may be physically harmed, or killed, as a result of drunken driving. But it is also their responsibility to attend the scenes of vehicle accidents, and sometimes their exposure to the suffering of victims at these scenes causes deep and lasting distress.

*"Towards Bez Valley one BMW overtook me and ahead of me, it hit something at the curve and began rolling. It ended up hitting the tree on the side of the road and caught fire. There were three Indian male passengers in the car. Before the fire brigade comes, the car had already burnt to the ashes with the passengers inside. It all happened in front of my eyes. I could not sleep for some time thinking about the human beings burning to ashes. I have seen accidents before, but I cannot forget about this one."*<sup>83</sup>

Addressing corruption in the JMPD may therefore contribute to reducing the exposure of JMPD members to this type of trauma. It may also benefit JMPD officers in other ways, not least by restoring some level of self-respect to the organisation that they work for and the job that they do.

“ The routine that many JMPD members engage in, of emphasising the severity of the consequences for the infringement for which they have stopped a motorist, is no doubt partly motivated by the knowledge that many road users, given the chance, will offer them a bribe ”



# the chicken and the egg: who is to blame for JMPD corruption?



For some people paying a bribe to a JMPD traffic officer is a superficial convenience, something that enables them to treat the rules of the road with casual indifference.

“ In my own interaction with people who have paid bribes there is an assumption it is the norm and therefore, acceptable behaviour to offer money ”

Anonymous driver

In discussions of JMPD corruption one point of contention is whether bribery is mostly initiated by JMPD members who solicit bribes, or by drivers who have been caught breaking road traffic laws and offer bribes to the JMPD. In public pronouncements and in the interviews for this report senior JMPD officials and representatives of the Johannesburg metropolitan government consistently implied that it was the public that mostly initiated corrupt transactions with JMPD members. The research for this report however shows that JMPD members are widely involved in soliciting bribes. This does not mean that there may not be many cases where corruption is initiated by members of the public.

A 1996 press report provides a profile of a 'caring' Johannesburg traffic officer, Johannes Castelyn, and the challenges that he faces on a daily basis. The article begins with 'Johannesburg's drivers are rude, undisciplined, impatient, argumentative and sometimes offer traffic officers bribes when they have been caught committing a traffic offence'. The article indicates that traffic officers in Johannesburg 'need to build a strong character to resist the temptation of accepting bribes'. It refers to the temptations placed in the path of traffic officers by the 'up to 20 bribes a day they are offered by motorists'.

It is probably true that many motorists do initiate acts of corruption by offering bribes to JMPD members. It is likely that some drivers for instance have their own 'routine' that involves ways of signalling to the police officer that they would prefer not to pay a fine. People may do this in the hope that they can be let off with a warning. For some it also works as a way of indicating that they are open to paying a bribe.

As indicated above in this report, some vehicle owners, notably in the Yeoville area, defended JMPD corruption saying that it was a means of enabling things to 'run smoothly'. Even amongst many of the bribe payers who are critical of the JMPD, there is little shame or embarrassment. Some of the respondents to the Lead SA survey for instance seemed to be annoyed with the frequency with which bribes were solicited from them, and the amounts of money that they ended up paying, yet expressed no discomfort with the fact that they had themselves engaged in a criminal act. Whilst expressing outrage about the phenomenon they did not seem to see it as something for which they too should accept culpability.

The routine that many JMPD members engage in, of emphasising the severity of the consequences for the infringement for which they have stopped a motorist, is no doubt partly motivated by the knowledge that many road users, given the chance, will offer them a bribe. It has become a routine partly because it works so well. One interviewee said that 'South Africans like it a little bit loose. Some people will talk about the fact that you are able to get away with paying a bribe as an advantage'.<sup>85</sup> Talking about the fact that he had never paid a bribe another said:

*So why not me? Simply because I accept I've committed an offence and therefore, state that the officer should give me a ticket. That normally results in a warning. We do have a culture of corruption. In my own interaction with people who have paid bribes there is an assumption it is the norm and therefore, acceptable behaviour to offer money.*<sup>86</sup>

## causes of corruption

A recent Institute for Security Studies (ISS) monograph 'Protector or Predator', identifies three broad sets of factors contributing to police corruption:

- **Individual level factors** - 'Apart from the most obvious and common motivation, namely greed; there have been attempts to understand the personal characteristics that may predispose a police official towards corruption. Suggestions include an inability to manage personal finances, a history of violent or criminal behaviour, involvement with narcotics, and a criminal record'. Nevertheless 'it is now well recognised that corrupt police officials are neither natural criminals nor morally wicked people, but rather that their attitudes and actions are a product of the environment in which they work'.
- **Organisational level factors** - 'One of the most challenging aspects of police management is to establish effective systems of internal control and accountability. ... Most managers would rather exercise their authority through acquiescence and agreement than through questioning and confrontation. They may be willing to 'overlook' a range of malpractices as long as certain targets are met (e.g. numbers of arrests per month).'
- **The 'environment' or context** - It has often been argued that 'societies differ in their mores, customs, and standards of behaviour. These differences in turn may account for the differing degrees and kinds of corruption found across countries'.<sup>87</sup>

These issues are discussed in more detail in the monograph.

According to the 2003 National Victims of Crime Survey all of the people who said bribes had been solicited from them for traffic violations said that they had paid the bribe<sup>88</sup>, this may be misleading however. It is apparent that not all people from whom bribes are solicited do pay them. In the 2011 Lead South Africa Survey, 997 members of the public responded saying that they had not paid a bribe. This was substantially more than the total number (572) who admitted paying bribes.<sup>89</sup> Some referred to incidents where bribes had been solicited from them but said that they had not done so or would never do so.

It is doubtful that it would be possible to quantify to what degree corruption is initiated by JMPD members and to what degree it is initiated by members of the public. The research for this report however leaves no questions that aggressive soliciting and extortion by JMPD members is a major part of the problem.

For many interactions between JMPD members and drivers in Johannesburg it is also perhaps at this point meaningless to talk about 'who initiates' the payment of the bribe. Bribe paying is simply part of a mutual understanding about how things are done.

Officials of the City of Johannesburg and senior JMPD members frequently assert that the problem of JMPD corruption is initiated and driven by the public rather than by corrupt members of the JMPD. In a May 2010 appearance before the Parliamentary Portfolio Committee on Police, JMPD Chief Ngcobo said that it was "very disappointing" that no-one criticised members of the public who offer bribes to officers'. "I have been in roadblocks, members of the public offer money," he said. "In South Africa, no-one ever criticises the public for offering bribes."<sup>90</sup> At a media briefing in November 2010 Ngcobo said that "Around 90 per cent of the corruption comes from the community. We want to challenge the public to refuse to do the wrong thing."<sup>91</sup> A senior member of the metropolitan government went so far as to say that 'Corruption wouldn't be initiated by officers of the law'. Describing her experience when she had used minibus taxis for transport she said 'When they were stopped they immediately take the money and get out. Why do they get out?', indicating that she regarded this as evidence that bribery is not initiated by the metro police.<sup>92</sup> Arguments along these lines have apparently also been made by representatives of the union SAMWU.<sup>93</sup>

Despite emphasising that corruption generally involves two parties, another senior JMPD member said 'at the end of the day my officers are the victim'. Officers 'taste the honey' and then become corrupt he said, but, he then asked 'who started it?', implying that this was about the culpability of the public. 'The community in South Africa is not a law abiding community. Everyone does what he likes' he said. 'One of the big problems is people who are well-off, such as directors of companies, who don't take adherence to the law seriously but also 'don't want to be disgraced by their own mistakes'. They therefore 'dangle a carrot in front of JMPD members'.

## public education as a response to reducing corruption

Linked to the tendency of JMPD officials to lay the blame for JMPD corruption on the public, one of the focuses of their anti-corruption efforts is public education. In the words of a JMPD official the idea here is that 'We are trying to educate the public because the public is the one polluting my people. If you start by the community they can discipline our cops by refusing to be party to corruption'. The idea apparently is to motivate members of the public not to 'dangle the carrot' and simply say 'I am wrong. Give me a ticket.'

A focus on the role of the community has been supported by an American expert on policing

*"Many philosophers and criminologists have observed that societies get the quality of policing that they deserve. Suppose you're in a city where you have rampant corruption and the average way of dealing with a traffic stop, for example, for speeding is to pay off the cop, and the public likes that version of street justice. It's very hard in that context to get a police department which is holier than the community. So... whatever is done has to be done nationwide or at least community-wide. Which is not to say at all that the community has to clean up its act before the police can, but simply that you gotta move forward in an integrated way with reforms."*<sup>94</sup>

Though there is merit in focusing on the community it is not clear that the type of 'public education' provided by the JMPD is an effective intervention at this level. But the more serious issue is that, in consistently focusing on the culpability of members of the public, senior JMPD and municipal leaders tend to emerge as apologists for JMPD corruption. This does not mean that it is not valid to raise the issue. But the impression that municipal and JMPD officials consistently create is one of 'passing the buck' with the JMPD portrayed as helpless victims of a corrupt public. The effect is to downplay the soliciting of bribes, and aggressive acts of extortion, practised by corrupt JMPD members.

The point that corruption is frequently initiated by JMPD members should not be seen to exonerate members of the public. Even if it is initiated by JMPD members, one must still hope and expect that members of the public will resist the temptation to become collaborators in acts of corruption. However what remains critical is that as law enforcers, members of the JMPD at all levels have the duty to uphold the law. This is evidently not happening. The tendency to emphasise the culpability of members of the public rather than, at least, the joint culpability of JMPD members and the public, speaks to an unfortunate culture where, in cases of corruption and wrongdoing, responsibilities for negative actions will always be externally located. The result of this is to perpetually remove the need for taking responsibility away from the JMPD members and their leaders. It therefore must be emphasised that it the responsibility for addressing JMPD corruption is above all a responsibility of the management of the JMPD, and the officials of the city government to whom they are responsible.

“ At present there are 29 personnel including 20 investigators and 8 prosecutors and the Deputy Director in charge, in the IA unit ”



**There are inconsistencies in information provided by the JMPD on complaints received against its members**

## **anti-corruption measures introduced by the JMPD**

The evidence of widespread corruption presented in this report also indicates that current JMPD systems for addressing corruption are inadequate.

The evidence of widespread corruption presented in this report also indicates that current JMPD systems for addressing corruption are inadequate. It may be useful to focus on these systems in order to understand possible reasons for their inadequacies.

In response to questions about the problem of corruption senior members of the JMPD will as a matter of course refer to their Internal Affairs (IA) division. This, they will say, demonstrates the JMPD's seriousness about addressing corruption. According to the Internal Affairs division it is 'concerned with assisting the JMPD management with a uniform approach to the identification, investigation and discipline of employees who willfully violate the department and council policies, laws of the country, legislative acts and accepted standards of behavior.'<sup>95</sup>

At present there are 29 personnel including 20 investigators and eight prosecutors and the Deputy Director in charge, in the IA unit.<sup>96</sup> Related to the fact that the JMPD is the largest of the MPDs, the JMPD's IA division is probably the largest of the internal investigative units in any of the MPDS. According to a 2008 research report other features of the JMPD's IA were that:

- It was the only MPD with a dedicated anti-corruption hotline.<sup>97</sup>
- With the Durban Metropolitan Police Department it was the only MPD to introduce driver identification and vehicle tracking technologies.
- It had a proactive sub-section within IA (the Tshwane MPD had a similar unit).
- It was involved in conducting 'proactive' public education campaigns (as has been discussed briefly).

These all continue to be features of the JMPD.



### complaints against members received by the JMPD

There are inconsistencies in information provided by the JMPD on complaints received against its members. This indicates that there is a need for caution in interpreting this information. Table 2 provides data from the JMPD annual report for the July 2009 – June 2010 year and data from a report provided by the IA division covering the 2010 and 2011 calendar years.

**Table 2: Corruption related cases (bribery, corruption, fraud and extortion) recorded in documents provided by the JMPD, July 2009 – December 2011**

	July 2009 to December 2009 (6 months)	January 2010 to June 2010 (6 months)	July 2010 to December 2010 (6 months)	January to December 2011 (12 months)
<b>JMPD 2009-2010 annual report</b>	12 months: 11 cases of 'bribery and corruption'			
<b>Internal Affairs report</b>		12 months: 53 cases bn(52 cases of fraud and corruption, n1 case of extortion)		12 months: 52 cases (35 cases of fraud and corruption, 17 cases of extortion)

In comparing the IA report and the JMPD annual report inconsistencies in information provided on corruption related cases against its members are apparent. The annual report notes a total of 11 cases while the IA division's report presents much high figures, over time periods which overlap with each other.

In addition it seems highly unusual that, according to the IA report, extortion cases should suddenly increase from less than 2% of the fraud and corruption cases to almost 49%. This may reflect a shift in the approach to classifying cases that were received as the total numbers remain similar. In other words if the IA division has become more aware of the elements of the crime of extortion they might have started classifying cases of extortion separately from cases of bribery.

Corruption related cases are of course only a portion of the total number of complaints against JMPD members that are received by the JMPD. For instance over the six-year period 2001-2006, the JMPD received a total of 3450 complaints against its officials, an average of 575 per year.

Complaints of corruption received by the Internal Affairs division are not a meaningful measure of the extent of corruption within the JMPD. This may be because corruption is frequently a consensual crime and is unlikely to be reported. As illustrated by several of the quotes used earlier in this report the factors of fear and intimidation also play a powerful role in determining how members of the public respond to corruption. Where an agency is known to be chronically corrupt it is unlikely that members of the public will place their trust in an anti-corruption hotline or IA division that forms part of the agency.

Another factor impacting on the number of cases that are recorded may be that complainants are turned away. One interviewee indicated that when he tried to report his case he was told that 'they couldn't file a report because I didn't have the registration details of the car or name of the police officers'.<sup>98</sup> Whether the hotline is used in an optimum manner as a corruption recording tool is questionable. If the JMPD was interested in optimising its information about corruption it would record all reports received. Information about the nature and location of the incidents could be analysed against data provided from vehicle tracking and driver identification systems in order to understand and take proactive measures to address the corruption problem. This is not done.

### Internal disciplinary processes

There is no information on the record of the JMPD in dealing with corruption cases. Information in the public domain therefore does not tell us how many JMPD members have had disciplinary action taken against them in relation to allegations of corruption or how many, if any, have ever been dismissed for it. The information that is available deals with the general

functioning of the disciplinary system. Unfortunately even this is unsatisfactory in nature.<sup>99</sup> Table 3 provides information from the Internal Affairs Division on the outcome of cases investigated. Table 4 deals with the outcome of cases that were regarded as worthy of prosecution through the disciplinary system. The anomalies in this information relate to the fact that Table 4 does not clearly enough distinguish the finding of the disciplinary officer (guilty or not guilty) from the sentence handed out. In addition, on the latter issue it provides data on 'dismissals' but not on other sentences. The total number of 'prosecutions' in Table 3 therefore emerges in Table 4 as a combination of figures for, inter alia, disciplinary findings and sentences. This raises questions about the reliability of the information as well as creating the need for guess work about the most appropriate way to interpret it.<sup>100</sup>

Though questions have already been raised about the reliability of information on corruption presented in it, the 2009 -2010 annual report at least presents information which appears more internally coherent on the outcome of 53 disciplinary cases. This indicates that 14 were withdrawn. In 9 cases the members were found not guilty and in 28 were subject to disciplinary sanctions (17 dismissals, 7 suspended without pay, 3 written warnings, 1 demotion). In another 2 cases the individuals resigned whilst their cases were still pending. With respect to dismissals the data is similar to that for 2010 as reflected in Table 9B wherein it is indicated that 15 individuals were dismissed. Though this may be taken to indicate that there are at least some teeth to the disciplinary system the JMPD has consistently been unable to clarify if any of these dismissals relate to cases of corruption.

**Table 3: Internal Affairs data on outcome of cases investigated**

Categories	January 2010 to December 2010	January 2011 to December 2011
Referred to Directorates	196	164
Unsubstantiated	150	105
Undetected	37	28
Withdrawn	18	3
Settled Amicably	11	10
Prosecution	92	164
Closed / Duplicates	19	3
Total	523	478

**Table 4: Internal affairs data on outcome of disciplinary process for cases prosecuted**

Categories	January 2010 to December 2010	January 2011 to December 2011
Found Guilty	40	44
Found not Guilty	4	9
Withdrawn	13	19
Pending Disciplinary Hearing	20	82
Dismissed	15	7
Resigned	0	3
Total	92	164

### integrity of the Internal Affairs division

A cause for concern relates to the integrity and independence of members of the IA division. In October 2010 the Saturday Star published allegations that members of IA had been involved in offering a bribe to persuade a motorist to drop charges against a JMPD member.<sup>101</sup> Members are recruited into the division from ordinary members of the JMPD. Though applicants

## There's a need for additional integrity measures to be introduced to ensure members of IA are beyond reproach

that have previous disciplinary convictions for misconduct are excluded, this can hardly be seen as a convincing test of their integrity. Corruption is widespread within the JMPD and the organisation is largely incapable of identifying and sanctioning members involved in corruption. The fact that a person does not have disciplinary convictions is therefore hardly a credible demonstration that they are suited to the tasks of the IA division.

There is a clear need for additional integrity measures to be introduced to ensure that members of internal affairs are beyond reproach. In police departments with effective IA divisions, IA members are often treated with some disdain by ordinary members and there is a strong emphasis on ensuring that they operate independently of the rest of the organisation. In the JMPD however IA members are 'on friendly terms with operational officers'<sup>102</sup> suggesting that they are regarded as not posing a threat to them and are part of the general culture of the organisation.

### disciplinary proceedings

Another issue impacting the effectiveness of the internal disciplinary machinery concerns the capabilities of prosecutors and presiding officers appointed by the JMPD in disciplinary processes. After IA investigators compile a case report it is sent to the JMPD chief who decides whether to institute disciplinary proceedings. The chief then appoints a prosecutor or presiding officer at his discretion.

These are selected from the ranks of Directors, Deputy Directors, Chief Superintendents or Superintendents subject to the condition that a prosecutor or presiding officer must be at least one level above the 'accused' officer. In a television interview this issue was alluded to by JMPD Chief Ngcobo. He stated that "In South Africa the unions have a lot of power. They postpone the hearings, and they disrupt the hearings as far as they can". Ngcobo argued that there is a need "to get strong presiding officers who will not tolerate situations where unions delay the hearings".<sup>103</sup>

According to a union representative however the role of the unions is to ensure that members receive a fair hearing. The union official indicated that union representatives, familiar with the council's disciplinary procedures, consistently have a better understanding of procedures than both the presiding officers and prosecutors who are appointed from amongst the ranks of JMPD members. The union official emphasised the need to ensure that more highly skilled personnel are used by the JMPD at these hearings.

### the proactive unit and need for field integrity tests

The JMPD's IA has a 'proactive unit', established in 2007. The unit largely carries out 'checks' on whether members are adhering to regulations and bureaucratic processes. "The sub-units task is to check that operational policies are adhered to, that members are at work or on patrol, that cashiers are banking their money, that officers are in possession of their firearms, and that ticket books are in order."<sup>104</sup>

It appears there are limitations to the effectiveness of the unit. Asked for instance if any measures were taken by the unit to enforce adherence to wearing of name tags, a JMPD official said that 'if they see us coming they wear them. When we come everyone has name tags'. The official said that the JMPD have now decided that name tags will be embedded in uniforms as happens with military uniforms.

It is widely acknowledged in other countries that one of the most useful mechanisms for controlling police corruption is the capacity to carry out proactive 'field integrity tests'. The pervasiveness of corruption in the JMPD and in many of the other traffic policing agencies in South Africa motivates for the use of these tests. The main focus of these tests could be on apprehending officers who are guilty of corruption or otherwise involved in misconduct for use in disciplinary proceedings. As a result it would be easier to dismiss corrupt police officers from the JMPD. Field integrity tests could also be used to charge allegedly corrupt police. However the National Prosecuting Authority requires people, who intend using procedures of this kind to obtain evidence for use in a criminal trial, to obtain an entrapment order from the Director of Public Prosecutions prior to carrying out these tests. It is sometimes difficult to get these orders.<sup>105</sup> To date entrapment orders have only been issued for specific cases rather than for more general use as would be necessary for random 'field integrity tests'.<sup>106</sup>

As discussed in the following section however, a further issue is that if field integrity tests were to be carried out with a view to criminal prosecution of corrupt JMPD members they would need to be conducted by an agency other than the JMPD.

### what are field integrity tests?

Field integrity tests involve 'real life scenarios that police officers might expect to encounter in the course of their normal duties. The difference is that, unbeknown to the responding officer, the scenarios are purposefully constructed and closely monitored' by internal affairs personnel.<sup>107</sup> For instance undercover officers in an unmarked car may drive through an area known to be frequented by corrupt police officers late on a Friday night. If stopped they may pretend that they do not have their licences on them. They may also modify their appearances to reinforce the impression that they may have been out drinking. Ideally they would also be equipped with concealed cameras or other recording equipment in order to record any actions on the part of a police officer that would amount to criminal or disciplinary infringements thereby ensuring that information that they gather can be used effectively as evidence.

The need for field integrity tests arises from the fact that corruption is unlikely to be reported, related both to its often consensual nature and the intimidation of civilian victims or participants. Irrespective of whether there are overt attempts to intimidate them, many participants or victims are frightened anyway, due to the fact that powers are exercised by police.

Integrity tests are a type of 'entrapment procedure'. Entrapment is regulated by Section 252A of the Criminal Procedure Act.<sup>108</sup> Reasons identified in Section 252A which may motivate for the use of entrapment procedures include:

*'whether, in the absence of the use of a trap or an undercover operation, it would be difficult to detect, investigate, uncover or prevent its commission; and*

*'whether it is so frequently committed that special measures are required to detect, investigate or uncover it or to prevent its omission'.<sup>109</sup>*

Both of these motivations are relevant to JMPD corruption and corruption in traffic policing more generally.

Potentially field integrity tests could lead to a disciplinary hearing and dismissal if an officer is found guilty of corruption. Unlike field integrity tests carried out with a view to criminal prosecution, tests that are carried out towards disciplinary proceedings would not require that the NPA provide entrapment orders and so could be carried out on a sustained and systematic basis. Alternatively the NPA could potentially provide general authorisation to units involved in fighting corruption to carry out entrapment procedures for the purpose of prosecuting corrupt members of the JMPD and other corrupt metro and traffic police officers.

### criminal investigations against JMPD members

As indicated JMPD members do not have the authority to investigate crimes. This means that the JMPD IA unit is only able to investigate for the purpose of employment related discipline. The remedial powers of the disciplinary hearings are limited to measures such as dismissal, demotion or suspension but fall short of criminal sanctions.

Criminal investigations against JMPD members would need to be carried out either by members of the SAPS or Independent Police Investigative Directorate (IPID) (as indicated, on the 1st of April 2012 the Independent Complaints Directorate (ICD) became the IPID). Cases of corruption involving JMPD members can be lodged with either the SAPS or IPID by either the JMPD itself or by members of the public.<sup>112</sup>

It is apparent that members of the public who experience corruption have made little use of the ICD. ICD data indicates that an average of 5 cases a year relating to the JMPD was received over the four year period from April 2007 to March 2011 (Table 5). Of the 21 cases received in this period only one is classified as 'extortion or soliciting a bribe' and five others as other forms of corruption (corruption, 'serious corruption').

**Table 5: Complaints against the JMPD received by the Independent Complaints Directorate (Independent Police Investigations Directorate)**

Complaints	2007/2008	2008/2009	2009/2010	2010/2011	Total
Abuse of power	3				3
Assault GBH	3		3		6
Attempted Murder		1			1
Conspiracy	1				1
Corruption – sale, theft and/or destruction of police dockets			1	1	2
Corruption -sale, theft and/or disposal of exhibits			1		1
Extortion or soliciting a bribe			1		1
False accusation of a crime			1		1
Harassment of a serious and prolonged nature				1	1
Intimidation			1		1
Rape	1				1
Serious corruption	2				2
Grand Total	10	1	8	2	21

It is not clear to what degree complaints of corruption against the JMPD are ever lodged with the SAPS by members of the public. Available information suggests that in so far as JMPD corruption is reported by members of the public it tends to be reported directly to the JMPD. It appears that the tendency has been for the JMPD to report cases to the SAPS, rather than the ICD/IPID if it believes that it is appropriate for them to be criminally investigated. However there are broad obstacles to the potential for criminal investigation and prosecution of JMPD members involved in corruption. According to a research report on the issue criminal corruption investigations against JMPD members are not necessarily regarded as priority cases. They are handed over to SAPS detectives who are 'already over-burdened'. As a result even '[s]olid cases are then at risk of being neglected and eventually withdrawn by senior prosecutors. Even when an MPD unit has gathered the necessary statements and evidence to convict officers, progress often slows once dockets are handed to the SAPS'.<sup>113</sup>

## A JMPD official acknowledges that arrests of members of the public for bribery are rare.

It is not clear whether it would have been better for the JMPD to refer these cases to the ICD as this directorate had limited capacity to investigate corruption. Its transformation into the IPID would appear to require that it strengthen its capacity to investigate corruption which is now formally included as part of its investigative mandate.<sup>114</sup> However in terms of its budget it remains relatively under-resourced and this may affect its capacity to take on this responsibility. The issue of taking action against corrupt police is not purely about the effectiveness or not of investigative mechanisms. Corruption cases, whether implicating civilians or police officers, are inherently difficult to prosecute as it is often one person's word against another. Though there are cases where there are witnesses present (such as a passenger in a car) this is not a general rule. Thus the need for 'field integrity testing' and other strategies. A JMPD official indicated that another problem was that even where officers were arrested for corruption the members of the public who are the complainants and victims in the cases, are unlikely to continue with the case. According to the official, rather than intimidation, this was because JMPD members often bribe their accusers thereby undermining the potential for their cooperation in a disciplinary or criminal prosecution.

It is likely that over the years some JMPD members have been dismissed for corruption though the JMPD has not been able to provide information on this.<sup>115</sup> Whether or not a single official of the JMPD has ever been convicted for corruption in a criminal court is not clear at all. Not only are there inadequacies in both the disciplinary and criminal investigation systems for dealing with JMPD corruption, there is also no consistent reporting on the issue. It is therefore not possible for anyone to reliably monitor or evaluate whether the effectiveness of these mechanisms is improving or deteriorating. Members of the public may also have charges laid against them for acts of corruption. In such a case investigations would need to be carried out by the SAPS though the arrest itself may be carried out by the JMPD. A JMPD official acknowledged that arrests of members of the public for bribery are rare, and relate to the complicity of JMPD members. Though there have been a few press reports indicating that people who have offered or paid bribes have been arrested<sup>116</sup> there is no information that indicates whether any of these cases are pursued through the criminal justice system.

### civil society initiatives against JMPD and other corruption

Not many years ago the biggest concern of Johannesburg's middle class residents was violent crime. Now corruption competes for space on the agenda. It is a telling reflection on how things have changed that they now have another, almost as pressing, preoccupation.<sup>117</sup> Not that crime has ceased to be a preoccupation of people living in Johannesburg. But the relatively free hand that had been given to police to address crime, and lack of effective control over these institutions, has clearly contributed to the consolidation of another problem – widespread abuses of power by the police. This is reflected in the fact that there is now a range of initiatives by civil society groups in Johannesburg that are focused on addressing corruption and other abuses of power by the police. These include:

- **eBlockwatch** ([www.eblockwatch.co.za](http://www.eblockwatch.co.za))
- **Justice Project South Africa** ([www.jp-sa.org](http://www.jp-sa.org))
- **The Parkview Community Police Forum** ([www.parkviewcpf.co.za](http://www.parkviewcpf.co.za))

The social media personality @pigspotter also uses widespread abuse by officials involved in traffic enforcement as motivation for the service that he provides – passing on information about the whereabouts of police speed-traps and road-blocks by means of Twitter messages.

“ Our recommendation is that the JMPD and the metropolitan should ‘get real’. The public is not involved in a gigantic and thoroughly implausible conspiracy to discredit the JMPD ”



**The public is not involved  
in a gigantic and thoroughly  
implausible conspiracy  
to discredit the JMPD**

## what do we recommend?

Officials of the City and the JMPD leadership should stop downplaying the issue and treat it with the seriousness that it requires.

### **Recommendation 1**

#### **taking responsibility for addressing corruption**

**The leadership of the Johannesburg Metropolitan Government and the JMPD need to recognise the scale of the problem of corruption in the JMPD and its systemic nature. They need to acknowledge that they bear principal responsibility for addressing it.**

While representatives of the City of Johannesburg and JMPD acknowledge that there are corrupt individuals in the ranks of the JMPD, their refusal to recognise the scale of the problem allows them to ascribe responsibility for corruption to a few 'rotten apples'. These elements are only able to exist within the ranks of an essentially honest institution because of the public's alleged preference for paying bribes over assuming responsibility for conduct in contravention of the law. This explanation also enables the authorities to divert attention from the systemic character of JMPD corruption – why, after all, should we be concerned with the workings of a system when isolated aberrant individuals within that system are at the root of the problem? In particular it diverts attention from the strong likelihood that pervasive corruption in the lower ranks of the organisation could not persist in the absence of corruption at higher levels. This effective denial on the part of the metropolitan authorities and the leadership of the JMPD of the scale of corruption persists despite the massive gulf between, on the one hand, the public's experience of corruption, and, on the other hand, the data relied on by the authorities to measure the scale of JMPD corruption. Our first recommendation is that the JMPD and the metropolitan should 'get real'. The public is not involved in a gigantic and thoroughly implausible conspiracy to discredit the JMPD. It is reporting corruption as it experiences it. Officials of the City and the JMPD leadership should stop downplaying the issue and treat it with the seriousness that it requires. This implies acknowledging that they bear principle responsibility for addressing it. Our detailed recommendations are:

## Specific steps should be taken to improve the integrity of the Internal Affairs and disciplinary system

- The JMPD should cease using data derived from their internal disciplinary system as a measure of the extent of corruption. The public is clearly the most effective monitor of corruption and thus more reliance should be placed on surveys and other mechanisms that tap into the public's knowledge of the scale and character of corruption in the JMPD.
- The JMPD should improve its use of data on the effectiveness of the internal disciplinary system in dealing with cases of corruption. JMPD reporting on the operation of the disciplinary system should distinguish information on cases of corruption (including cases of bribery, extortion or fraud) from other cases. It should also distinguish clearly between data on the outcome of investigation and the outcome of disciplinary procedures. The data should be published in a manner that makes it accessible to the public. However, it should be emphasised that while these data would indicate the response of the JMPD and the metro authorities to the problem of corruption, it cannot be used as an empirical indicator of the scale of the problem.
- Specific steps should be taken to improve the performance and integrity of the Internal Affairs and disciplinary system. For instance additional measures, such as the regular use of lie detector tests, to ensure that members of the Internal Affairs division adhere to standards of integrity.
- The Johannesburg Metropolitan Government should remove obstacles to effective criminal investigation and prosecution of JMPD members implicated in acts of corruption.
- A far-reaching programme of organisational renewal within the JMPD is required. The Johannesburg Metropolitan Government should put in place a programme of measures to transform the JMPD into a police department that is guided by an ethos of professionalism and principles of integrity. City leadership must pursue a fundamental turn-around in organisational culture. The message must be conveyed to JMPD members that new standards, based on principles of integrity and professionalism, will be expected of them. There should be a consistent programme of support to managers and supervisors at all levels around 'management for integrity'.
- Measures to address the role of the public in fostering corruption should be accompanied by measures that demonstrate the seriousness of the City and the JMPD in addressing the problem internally.

### Good management practise for promoting police integrity (adapted from Newham and Maroga, 2004)

#### Performance management

- Set clear work objectives for individual members
- Regularly communicate your expectations
- Proactively recognise good performance
- Look out for symptoms amongst members that undermine performance
- Establish authority, lead by example and build trust amongst your members
- Listen with an open mind

#### Internal reporting mechanisms

- Managers should be accessible to their members
- Ensure that all members know about internal reporting systems and how to use them
- Follow up any internal complaints brought to your attention and give feedback to the complainant
- Handle all internal complaints fairly and confidentially

#### Recognition and motivation

- Acknowledge good performance verbally
- Give written commendations
- Promote team building
- Highlight positive media reports about the JMPD

#### Discipline

- Know and apply the disciplinary regulations and procedures
- Attend to all cases of misconduct immediately, no matter how small
- Keep a record of all disciplinary related matters
- Practise progressive discipline (i.e. start with verbal warnings)
- Handle disciplinary cases consistently

## JMPD members must be identifiable by name to members of the public

### Recommendation 2

#### Identifying JMPD members

**Steps must be taken to ensure that JMPD members who are on duty are identifiable.**

The flouting of the requirement to wear name tags is widespread in the JMPD. This is a way for corrupt JMPD members to avoid being identified and therefore being held accountable for their actions - even though they are officers of the law. The issue of ensuring that JMPD members are identifiable at all times when they are on duty should be seen as a non-negotiable issue. Members of the public should not be required to cooperate with members of the JMPD who are not themselves clearly identifiable by name. Steps should also be taken to better encourage the reporting of corruption.

- JMPD members must be identifiable by name to members of the public. They must wear visible identification at all times.
- There should be random inspections by plain clothes personnel to check that on-duty JMPD members are wearing visible identification.
- Members of the public should be encouraged to report incidents where they were stopped by JMPD members who could not be identified regardless of whether the officers in question attempted to engage in acts of corruption.
- Vehicle tracking technology should be used to monitor the location of JMPD members and to identify groups of JMPD members in the field whose members are not wearing identification or are involved in corruption.
- Disciplinary steps should be taken against members who do not wear identification without good reason. Failure to wear identification when on duty should constitute grounds for summary dismissal.

### Recommendation 3

#### encouraging the reporting of corruption - and making better use of the information received

**Members of the public, and JMPD members, must be able to report corruption with greater confidence and ease.**

Members of the public who encounter corrupt JMPD members are often afraid to report corruption, whether or not overt steps are taken to intimidate them. The same is likely to apply to JMPD members who are unhappy about corruption involving their colleagues. JMPD members and members of the public who wish to report corruption should be able to do so with absolute confidence that they may do so confidentially. This implies that a corruption reporting system should be created that is not managed and controlled by the JMPD. In addition:

- Systems for reporting corruption should be better publicised. For instance road-side posters should provide information on mechanisms for reporting corruption.
- User satisfaction data for people who try to report corruption (whether successfully or not) should be collected.
- Ensure that information received is properly recorded and analysed. The system for reporting corruption should ensure that all allegations of corruption are recorded whether or not those lodging the complaint are able to identify the JMPD member by name or provide a registration number for his or her car. Allegations of corruption that are received should be analysed against data from vehicle tracking and driver identification technology in order to provide a basis for enforcement or other pro-active measures.

## There are likely to be ongoing problems in addressing JMPD corruption

### Recommendation 4

#### proactive field integrity tests

**Special measures are necessary to overcome the difficulties in successfully prosecuting JMPD members whether for purposes of disciplinary measures or criminal prosecution.**

Despite its widespread nature there are likely to be ongoing problems in addressing JMPD corruption. These relate partly to the fact that corruption is often consensual in nature. As a result of fear and other factors members of the public, and non-corrupt JMPD members, are likely to be reluctant to report corruption and willingly serve as witnesses in cases against corrupt JMPD members. Without special measures being introduced it will continue to be difficult to detect and investigate corruption. The Johannesburg Metropolitan Government should ensure that the use of proactive field integrity tests is institutionalised as a means for combating corruption in the JMPD. This will involve:

- Assessment of how to establish such a mechanism in order to ensure that it is managed effectively. The interest in establishing the capacity to carry out such tests extends beyond the JMPD but encompasses other role-players, including other role-players in traffic enforcement including the Ekurhuleni MPD and Tshwane MPD and there may be scope for cooperation with other agencies. It may be possible to establish such a mechanism under the provincial government or Independent Police Investigative Directorate (IPIID).
- Clarifying and resolving legal questions concerning the use of field integrity tests. These tests would qualify as entrapment procedures and are therefore regulated by Section 252A of the Criminal Procedure Act. 'Entrapment orders' may need to be issued by a Director of Public Prosecutions if the evidence obtained is to be used for a criminal prosecution. Unless a general order can be provided for the use of field integrity tests in addressing corruption in traffic policing it may be necessary to focus on using these tests for disciplinary measures with entrapment orders and criminal charges being pursued more selectively.

### Recommendation 5

#### discouraging members of the public from paying bribes

**Measures need to be introduced to address the willingness of members of the public to pay bribes. However this must be approached with caution if it is not going to be abused by corrupt JMPD members.**

An argument that has been made for many years is that corruption can be addressed most effectively by more aggressively tackling people who offer or pay bribes to JMPD members. An information campaign should be mounted to remind members of the public (and members of the JMPD) that corruption is a criminal offence, carrying the possibility of a criminal record and even a prison sentence. However the existing levels of abuse of power by JMPD members raise the likelihood that any policy in favour of arresting members of the public who offer bribes will be used as a cover by corrupt JMPD members for malicious arrests of those who challenge their corrupt behavior. Any campaign of arrests and prosecution of members of the public who offer bribes to JMPD members should therefore be closely monitored and controlled. In addition it may be noted that, without broader measures to support a culture of integrity within the JMPD, such a policy would be likely to have limited impact and police officers implementing the policy be likely to face ostracism from their corrupt colleagues for creating a disincentive against offering bribes.



## endnotes

Officials of the City and the JMPD leadership should stop downplaying the issue and treat it with the seriousness that it requires.

- 1 The Star, 2 October 1996a.
- 2 The Star, 11 September 1996.
- 3 The Star, 17 April 1997.
- 4 Alta Swanepoel and Associates, 2000, 76.
- 5 Ibid, 77.
- 6 Neither are middle class experiences of police corruption confined to the JMPD as they also involve South African Police Service (SAPS) members.
- 7 Act 68 of 1995.
- 8 South African Police Service Amendment Act, 83 of 1998. This is consistent with Sections 199(3) and 206(7) of the South African Constitution (Act 108 of 1996). See also Section 221(3) of the interim Constitution (Act 200 of 1993).
- 9 Section 64A.
- 10 The exception to this is the Swartland Municipal Police Department.
- 11 A November 2010 press report stated that there were 4 326 JMPD staffers (The Star, 3 November 2010).
- 12 The Star, 16 November 2011.
- 13 The Star, 26 January 2012.
- 14 See the section 'Anti corruption measures introduced by the JMPD'.
- 15 Presumably these represent a consolidation of the 11 regions that existed early on in the JMPD's existence.
- 16 Some of these departments are profiled in JMPD, 2011.
- 17 The Star, 16 November 2011.
- 18 Using 2007 population figures but current statistics on the number of SAPS members (excluding civilians) the SAPS website indicates that the police to population ratio in Gauteng is 279:1 suggesting that there are in the region of 37 000 SAPS members in the province. See [http://www.saps.gov.za/\\_dynamicModules/internetsite/buildingBlocks/basePage4/BP444.asp](http://www.saps.gov.za/_dynamicModules/internetsite/buildingBlocks/basePage4/BP444.asp) (Accessed 20 January 2012).
- 19 The Star, 26 January 2012.
- 20 In 1998 Stats SA also conducted the survey. In 2003 and 2007 it was conducted by the Institute for Security Studies (ISS).
- 21 Note that the first page of the report refers to 'Victims of crime survey: 2010' though the front (title) page of the report uses the date 2011. Sample of 13 117. The question appears to resemble that used in the 2003 and 2007 surveys (on page 34 the report indicates that 'Households were asked if any government or public official asked for money, favours or a present for a service that he/she was legally required to perform). It is assumed here that the results are comparable to those in previous surveys with corruption treated as an 'individual' rather than 'household' crime. The report states that 'Where comparisons were possible, it was indicated in the report' (p. 47) and makes explicit comparisons between this and earlier surveys in relation to corruption. (p. 34). As indicated however the report indicates that 'households were asked' the question on corruption but it is assumed here that this does not indicate that corruption was treated as a household rather than individual crime as there is no systematic differentiation between household and individual crimes in the way in which the data on victimisation is presented in the report and therefore no indication that the word 'household' was used deliberately here to differentiate this from individual crimes.
- 22 Sample of 4500 people. The definitions were said to be the same as those used in the 2003 survey. Of those who had experienced corruption 6% said they had reported it as opposed to 11% in 2007 (Pharoah, 2008, 5).
- 23 The sample consisted of 4860 persons. As compared to the 1998 survey, there were differences between the way in which the questions were asked with the description of the bribe in 1998 being restricted to money whilst in 2003 it was 'more comprehensive' including money, a favour or a present (see Burton, et al, 2004, 112-3) though as in 1998 the question referred to the soliciting of bribes whether or not actually paid. Figures for 2003 are from Pharoah, 2008, 4. Fractionally different figures (29% for a traffic fine, 19% for policing and 10% for driver's licences) are provided in Burton, et al, 2004, 115. In 2003, 4.6% of the 5.6% reported corruption involving money, 0.6% a favour, and 0.4% a present (such as purchasing a cold drink or a meal for an official) (Burton, et al, 112).

- 24 The sample consisted of 4 000 people aged 16 or more. Though the report says that corruption by public officials was defined as 'public officials such as police officers or customs officials accepting payment for services' (Statistics South Africa, 1998, 9) the question in this and subsequent surveys in fact involved asking for or otherwise soliciting a bribe and was not restricted to cases involving 'accepting payment' (Burton et al, 2004, 112-113). Corruption was defined as an 'individual crime' rather than a 'household crime'. Male respondents (2.9%) indicated that they had experienced corruption at a much higher rate than female respondents (1.1%). Amongst individuals who had experienced corruption, 25% had experienced it more than once.
- 25 This data is not reported and may not have been collected in the 1998 survey.
- 26 For money, a favour or present the total was 13.1%.
- 27 For money, a favour or present the total in the Free State was 7%.
- 28 For money, a favour or present the total in the Limpopo was 9.1% making it greater than the Free State.
- 29 Next highest was the Western Cape with 58% of those who had paid bribes saying that they had paid bribes in respect of traffic fines. Though this in some ways corresponds with the fact that the Western Cape, like Gauteng, is characterised by a high level of vehicle ownership, only 2.2% of Western Cape residents had paid money bribes (the figure for money, a favour or a present is 2.8%).
- 30  $62\% \text{ of } 10.6 = 6.572$ . If the calculation is done on the basis of bribery involving money as well as presents and favours the figure rises to 8.1% ( $13.1 \times 62\%$ ).
- 31 Stats SA, 2011, 34 (Figure 41). Note that if the calculation is done on the basis of money, favours and presents this figure rises to 13.1.
- 32 Stats SA, 2011, 35 (Figure 42). The figure is in fact 62.2.
- 33 The calculation is as follows:  $62.2\% \text{ of } 10.6 = 6.6$  (6.59).
- 34 Based on figures in Stats SA, 2009, 10.
- 35 Calculation of 6.6% of 6.5 million.
- 36 Calculation based on figures on pages 10 and 14 of South African National Road Agency, 2007.
- 37 Calculation of 36% of 429 000. This assumes corruption in Johannesburg is neither more nor less prolific than in the rest of Gauteng.
- 38 The figure may be higher: In 2007, Mokonyama and Venter estimated that there were 552 000 household owned cars in Johannesburg (7); A Department of Transport 2005 report indicates that the rate of car ownership per household in Gauteng is 0.56% (due to many households having more than one car) (p. 6). A 2007 Stats SA report indicates that there are 1 165 013 households in Johannesburg. At 0.56 cars per household (Department of Transport, 2005, 6) this would mean that there are 652 400 cars owned by households in Johannesburg.
- 38 These would include the provincial traffic enforcement agency, the Ekurhuleni Metropolitan Police Department (EMPD), the Tshwane Metropolitan Police Department (TMPD) and traffic policing agencies attached to the Sedibeng, Metsweding and West Rand municipalities.
- 40 Burton, et al, 2004, 111-2.
- 41 The survey was conducted by Transparency International in six Southern African countries during 2010 and 2011. Of the six countries South Africans were most likely to have had contact with the police with 74% of the 1000 urban South Africans surveyed indicating that they had had contact with the police in the last year. Of these 43% indicated that they had paid a bribe in some form. (Transparency International, 2011, 27-30). The survey asked questions concerning the following nine public services: police, judiciary, customs, registry and permit services, land services, medical services, tax revenues, utilities and education. More than any other country South Africans (67.3%) paid bribes to avoid a problem with authorities. The next highest rate of responses on this measure were the 38.4% in the DRC (where it was also the biggest category). In the other four countries the biggest category of bribes was paid to 'speed things up'. In South Africa 19.7 paid things to 'speed things up' whilst 11.5 paid to 'Receive a service entitled to' (31).
- 42 See figures provided in the overview of municipal policing and the JMPD above.
- 43 The radio stations were 94.7, Talk Radio 702, Cape Talk and KFM. The newspapers were The Star, Pretoria News, The Daily News and The Cape Argus.

- 44 See [www.leadsa.co.za](http://www.leadsa.co.za).
- 45 These 226 included 23 who indicated that their interactions had been with 'metro' police, 16 who referred to the JMPD and another 2 who referred to 'traffic' police. The balance of the 226 did not indicate the agency that was involved but referred to suburbs or streets in Johannesburg and it is assumed that they were involved in interactions with the JMPD. Other cases referring to other jurisdictions have been removed from the data. Five cases that referred to the SAPS as the only agency that was involved in the incident in Johannesburg have also been excluded from the data. See also the methodology section.
- 46 Annex D. AARTO charge code 5085 "Operated a vehicle while a cellular or mobile telephone was held in one or both hands or with any other part of the body" carries a fine of R500 (and 1 demerit-point) while charge code 5086 "Used a cellular or mobile telephone or any other communication device that was not affixed to the vehicle or was not part of the fixture in the vehicle" carried a R250 fine (no demerit-points). (Email, Howard Dembovsky, Justice Project South Africa, 1 February 2012).
- 47 Annex D. In terms of AARTO charge code 1002 "Failed to licence a vehicle with the appropriate registering authority" would apply if the old licence disc was displayed. This falls under Section 4(2) of the National Road Traffic Act, carries a fine of R500 and 1 demerit-point. If no licence disc is displayed, then charge code 1250 "Vehicle that was not registered and licenced or not licenced" should comprise the main charge with charge code 1002 being the alternative charge. This falls under Regulation 36(3)(a) of the National Road Traffic Regulations and carries a fine of R1000 and 3 demerit-points. The vehicle may not be impounded, unless there is a physical defect that causes them to issue a discontinuance notice. If charge code 1250 is used and the infringer proves that their vehicle was in fact registered but not properly licenced, then only charge code 1002 would apply. The fine must be issued on an AARTO 01 infringement notice, which has space for 3 main and 3 alternative charges. (Email, Howard Dembovsky, 1 February 2012).
- 48 Annex C13. AARTO charge code 2844 "Vehicle, fitted with pneumatic tyres, tread not at least 1mm in depth all round" carries a fine of R250 (no demerit-points). However, 2 or more such tyres and your vehicle could be deemed unroadworthy and therefore issued a discontinuance notice and impounded. (Email, Howard Dembovsky, 1 February 2012).
- 49 See for instance Appendix B21.
- 50 'Sandton police' is possibly a reference to the SAPS.
- 51 Chuwe, 2009, 10. As indicated in November 2011, there were 2986 police officers in the JMPD. During this period roughly 10718 non-speeding fines were issued providing a figure of 3.6 tickets issued per JMPD member in the entire 3 month period.
- 52 One possible charge is in terms of AARTO code 1000 that provides for a fine of R500 (and 1 demerit point) for "Failed to comply with instruction, direction given by a traffic officer, or obstructed, hindered or interfered with the exercise of a power or performance of a duty" (email message, Howard Dembovsky, Justice Project South Africa, 1 February 2012).
- 53 Robbery is generally defined by the use or threat of violence. It is arguable that in many of these cases the manner in which police authority is used should be regarded as a form of violence. Whether this is true or not, it is clear that in many of these cases people comply with the police out of fear.
- 54 Dembovsky, undated.
- 55 Appendix B15. See also the message received in response to the 2011 Lead SA Survey '.. there are 2 cops driving around in Craighall/Dunkeld late at night in a police van harassing drivers and trying to get bribes. It has happened to me twice already, both times in the dark road running past the 10 Bompas Hotel. Very scary." (Appendix D69)
- 56 An edition of the television programme Special Assignment in September 2004 depicted SAPS members soliciting bribes from the clients of prostitutes working in Rosebank, Johannesburg, after threatening to arrest them and inform their wives. Other prostitutes reported being raped by police (Star, 29 September 2004).
- 57 Pigspotter's world, 2 July 2011.
- 58 Justice Project South Africa, undated.
- 59 Independent online, 26 June 2008.
- 60 Interview, 17 November 2011.

- 61 The Star, 14 November 2011.
- 62 The Star, 3 February 2012.
- 63 Except where otherwise indicated this section makes use of interviews conducted by and notes provided by Sandra Mapuza.
- 64 The name Yeoville is often used to refer to a group of suburbs that incorporates Yeoville, Bellevue and Bellevue-East. However the research that was carried out for this report was largely carried out in Yeoville proper.
- 65 The issue of corruption involving vendors is discussed further below.
- 66 Saturday Star, 12 November 2011.
- 67 The Star, 18 November 2011 (Appendix B22).
- 68 Narratives B1 and B2.
- 69 It may be that this message, apparently sent by SMS, inadvertently included an additional '0' and the amount paid was R300. One other Lead SA respondent referred to a bribe of R100 for 'crossing a red robot' whilst one taxi driver referred to a payment of R300 for 'crossing a red light' and another R100 for 'moving before the light was green'. However the latter drivers may all have stopped at the light and then crossed the intersection. Failing to stop may be a more serious offence.
- 70 B1.
- 71 B17.
- 72 ETV, 24 February 2011. See also the Star, 3 November 2010 which states that 'The Star reported this week that, according to JMPD chief Chris Ngcobo, at least 20 percent of the force was corrupt.'
- 73 News 24, 10 February 2009.
- 74 News 24, 13 August 2009.
- 75 South African Municipal Workers Union, 2011a, b and c.
- 76 Lusher, 1981, quoted in Palmer, 1992, 121.
- 77 Saturday Star, 13 August 2011.
- 78 Andre Snyman of eBlockwatch made this observation (Interview, 13 January 2012).
- 79 This discussion focuses on the impact of corruption in the domain of traffic enforcement and licensing, though as emphasised in this report JMPD corruption extends beyond this.
- 80 Interview 2nd February.
- 81 Vigneswaran, D., Yaso M., & Hornberger J., 2010, 13.
- 82 To take just a few examples from the NIMSS data: in 2001 (46.5%) of all drivers killed in motor vehicle collisions were above this legal limit representing 90% of the 51.8% of drivers with detectable blood alcohol concentrations. In 2005 the average blood alcohol concentration for those with some blood alcohol was 0.16 g/100ml nationally and 0.17 in Johannesburg. In 2009 the average was 0.17 in Gauteng. In 2007 the average blood alcohol concentration for those with some blood alcohol was 0.17 g/100ml nationally and 0.16 in Johannesburg. In 2009 the average was 0.17 in Gauteng. The legal limit is 0.05g/100 ml for 'ordinary' drivers and 0.02g/100ml for professional drivers.
- 83 Interview with JMPD member in Kgalema, 2002.
- 84 The Star, 2 October 1996b.
- 85 Interview 11 November.
- 86 Email, 18 November 2011 (B21).
- 87 Newham and Faull, 2011, 10-18.
- 88 Burton et al, 2004 116-117.
- 89 As indicated earlier the Lead SA statement on the 2011 survey says that 'listeners and readers were not asked specifically if they had refused to pay bribes'. Responses of this kind were apparently not received in 2010.
- 90 News 24, 11 May 2010.
- 91 The Star, 3 November 2010.
- 92 Interview 16 November.
- 93 Faull, A (date and publication details unspecified).
- 94 William Geller, in Altbeker, Klipin and Bruce, 1999, 1.
- 95 Internal Affairs, (JMPD), 2012, 1.
- 96 Internal Affairs, (JMPD), 2012, 4.
- 97 Faull, 2008a, 25 and 2008b 22, an 6.
- 98 B15.
- 99 There are implausible aspects to some of this. For instance information provided to Faull by the JMPD indicates that disciplinary hearings were held for every single one of the 3795 complaints received by the JMPD during the 2001 to September 2007 period (2008b,5, Table 1).
- 100 For instance, if the totals provided for prosecutions were correct then this might imply that the total number of guilty verdicts includes both the lines for 'guilty' and 'dismissals'.
- 101 The Saturday Star, 30 October 2010 (B11).
- 102 Faull, 2008b, 3 and 21.
- 103 ETV, 24 February 2011.
- 104 Faull, 2008b, 5.
- 105 Faull, 2009, 5.
- 106 Faull, 2009, 5.
- 107 Faull, 2009, 4.
- 108 Act 51 of 1977 as amended by Act 85 of 1996.
- 109 See Section 252A(3)(b).
- 110 In terms of Section 252A(4) Directors of Public Prosecutions have authority to 'require any official or his or her agent to obtain his or her written approval' if they wish to make use of entrapment procedures.
- 111 Faull, 2009, 5.
- 112 The IPID was previously the Independent Complaints Directorate (ICD). The ICD became the IPID on 1st April 2012 when the Independent Police Investigative Directorate Act came into effect.
- 113 (Faull, 2008a 26).
- 114 See in particular sections 28(1)(g) and 28(2) of the Independent Police Investigations Directorate Act, 1 of 2011
- 115 Note that on page 4 of Faull, 2008b, a JMPD official is quoted as saying that 90 JMPD members have been dismissed for corruption. However the figure that the official is referring to is apparently a figure for dismissals in all disciplinary cases (see Table 1 on the following page).
- 116 Faull refers to a July 2006 press report from a Johannesburg newspaper of a member of the public being arrested for bribing a police officer indicating that 'this is the only report of a bribe payer being arrested out of all the articles reviewed for this research' (2008b, 4). See also Independent online, 29 November 2010 (B34) and Sowetan Live, 13 April 2011, (B13).
- 117 <http://www.eblockwatch.co.za/index.php?view=missing&id=328> (accessed 28 November 2011).

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### Legislation

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