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Interviewee: Johan Burger

Interviewer: Daniel Scher

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SCHER: My name is Daniel Scher, I'm the Associate Director of the Institutions for Fragile States project and I'm here with Dr. Johan Burger at the ISS (Institute for Security Studies) offices in Pretoria. The date is the 15th of February 2008. Dr. Burger, before we begin talking about some of the functional areas of policing, I'd like to get a little bit of an idea about your personal background. Would you mind talking about your job here at the ISS and perhaps how you came to be in this role?

BURGER: *I joined the ISS in August 2006 and currently I am employed in the Crime and Justice Program. The main focus of the Crime and Justice Program is obviously crime and policing although we also look at justice issues which include our courts, prosecuting authority and agencies such as the Scorpions and so on and all forms of law enforcement that happen in this country. That also includes correctional services. So all kinds of research that has anything to do with crime and justice, and our court system.*

Before that I was attached to the Tshwane University of Technology in their department of safety and security management. I lectured there in policing for fourth-year students as well as Master degree students. I was attached to the university for two years. Before that I was in the police service. I had a career span of 36 years in the police, joined the police as a recruit at the end of 1968 after I completed my schooling. I retired, took early retirement in May 2004 as an Assistant Commissioner. At the time I served in the police service of course in many capacities, especially after I became an officer. I was a station commissioner; I was involved in intelligence work. I was an investigating officer. Later on in my senior years in the police as an assistant commissioner I was involved in policy and strategy development. I was also involved in putting together operational plans both for crime combating and also security operations such as making certain that big sporting events, national elections, international conferences, all of those are properly protected.

Of course I was involved at the time also in the development of new policing approaches such as, for example, community policing, sector policing, all kinds of new things. I was also involved in what we called change management in the police. I was a member of the change management team which was created in 1993 just before the elections of 1994 and moving towards a new democracy in South Africa, so-called new South Africa. After the 1994 elections when the ANC took over I continued as a member of the change management team for a number of months until we completed our work more or less. Change management became a formal structure within the new South African Police Service which was the result of the amalgamation of the existing eleven police agencies in South Africa.

I then went on to become head of what we called Strategy and Policy Development in the South African Police Service. So that really was, in short, my own history as far as police and policing in South Africa is concerned. I am quite pleased that the work that I do at the Institute still revolves around crime and policing. So I'm more or less on familiar ground. It's just that my involvement is slightly different, moving from an operational involvement to a research involvement.

SCHER: Within policing, your research on crime and policing, what would you say your specialty was, or something you're particularly interested in?

BURGER: *I was always mostly involved in operational policing. The one thing that I am quite proud of is my involvement with the development of the concept known in South Africa as sector policing. It is a much more practical implementation of the philosophy of community policing. I went to England in 1993. It was part of a policy development course, but during that course I was introduced to the concept of sector policing. When I came back to South Africa initially nothing happened but we talked about it a lot. During 1997 I was tasked by the National Commissioner of the South African Police Service to do some more work on this concept and to make it practical for South African purposes. So I would say sector policing and its implementation I would regard as my specialty as far as policing is concerned. But I regard myself in general as a fairly, let's say a fairly good expert at analyzing crime and then deciding on appropriate measures to deal with it which might include policing but will also include a number of other approaches that currently in this country are receiving very little attention.*

            At this moment, in this country, there is the belief that if you fix policing, you'll fix crime. I see this at the moment as one of my biggest challenges, to change this, this understanding of how to deal with crime.

SCHER: Would you talk a little bit more about that, about the other approaches that are not being used?

BURGER: *Yes, it is very complex. It is as complex as crime itself. There is, amongst police officials and most of the public and certainly most of the politicians, very poor understanding of what crime really is. There is very little appreciation for example of the socioeconomic conditions that underlie crime. Because of that, there is also a lot of impatience with most people about the way in which the police deal with crime. Now to me it means the following.*

            Crime, because it is rooted mostly in socioeconomic conditions, the fight against crime needs to look also at those socioeconomic conditions. If we talk about socioeconomic conditions, we talk about a large number of things of course and there is a lot of research available in criminology and in policing all over the world about this. For example, I would agree with the general understanding that poor people are not necessarily inclined to crime, of course that is true. But it is not as easy as that. Very often poor people have to resort to crime as a means of surviving. But it is also more complex than that. In most instances it is not just one single factor that causes crime. It is usually a combination of factors that create crime.

            For example, if you start at the beginning, we all know that for crime to happen you need two basic elements to be present at the same time. The first one is an inclination to commit crime. An inclination to commit crime can be fueled by many things. It can be fueled by greed; it can be fueled by need. It can be fueled by a number of things. But that is one element that needs to be present. The other one that needs to be simultaneously present is opportunity. An opportunity is also made up of a number of subelements. For example, if you live in a country where there is a visible and obvious divide between the very poor and the very rich, you find a number of possibilities. If you go to some areas in this country you would find for example Alexandra, close to Johannesburg, and Sandton.

            Alexandra is mostly a normal township where the average black person normally resides, but then it is surrounded by an informal settlement area, also mostly made up of black people. The situation there is that a large proportion of that area, I don't have exact figures but some have calculated this at something like

between 70 and 80% of the people there are unemployed and are extremely poor. You would have large families sharing one and two-room shacks for example. Very often the people there are completely unskilled, low education levels. They would find it extremely difficult to find employment. You would even find a large percentage of illegal foreigners in these areas. You would find it impossible to be legally employed. If you're in the country illegally, you cannot be employed legally. So they are often abused by people who know they are illegal and provide them with employment and who can pay them anything they like. They know these people are desperate and they know they cannot go anywhere and complain. So all of these things create conditions that are very conducive to crime to happen. They just have to look at the skyline of Sandton to see the huge gap that exists between them and the more affluent people.

Now you have a number of psychological things happening, processes that come into play. Let's exclude people who commit crime for purposes of greed. Those you will find everywhere, amongst all population groups, among the well-to-do and the less well-to-do. I'm looking at people who are, because of their conditions put into a situation where on the one hand they become involved in crime as a means to survive. You have a family to support and if you go out on a daily basis in search of employment and you don't find that employment, then the proceeds of crime become more attractive by the day. Very often these people are recruited also by more organized criminal groups who use them as cannon fodder so to speak. They are regarded as expendable. They do the dirty work. But they make, while they last, lots of money. To them this is a huge way out.

Then you find a more complex group. Those who become frustrated by the conditions, the conditions that they live under and they start blaming others for their circumstances. There are theories I know in the field of revolutionary warfare studies, they talk about the so-called frustration-aggression theory. I think Ted Gurr is one of the biggest proponents of that. People experience frustration because of the conditions and their inability to do anything about it. Then they see the more fortunate people and they start blaming them for their circumstances. I think to some extent this explains the violence that they often use when they attack people, especially during robberies. This is a way of letting go of their frustration by attacking people and using violence against their victims. So that aggression I think is the result of the frustration that they experience because of that. So you see it is very, very complex. All of these conditions that create crime.

Now, if you look at these things, then one realizes that there is very little that the police can do about this. The police can do nothing about unemployment, poverty, lack of housing, the huge problem we have at the moment with the development of squatter communities, influx of people from the rural areas into the urban areas and from across the borders. There's very little that the police can really do about changing those conditions but they have to deal with the result of all of this. The police get swamped I think by the result of what we are talking about now.

There is this expectation by the broad public and even by political leadership and also amongst many senior police officers that the police should be able to deal with crime, but not understanding crime in terms of where it comes from. I think that is the area of my interest. This is what I tried to do in the book that I published last year, indicating that there is a difference between policing and crime prevention. In other words, I've come to conclude that the police cannot prevent crime in a direct sense. There is a limit to which the police can be

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proactive, but there is also a huge difference between what we call proactive policing and crime prevention.

Proactive policing I think are the short-term things that the police can do, for example good law enforcement. If you do good law enforcement, consistent law enforcement, visible policing; then it can act as a deterrent to crime. Even good investigations, good criminal investigations. If the police do that well then it creates a deterrent to some crime and some criminals. But there is a limit to that. There is no way that the police, by creating a good deterrent, will be able to prevent all sorts of other crimes or deter all criminals because of those conditions. What often happens is that the police manage to deter crimes in a certain area due to their presence and the things they do there and the crime is displaced to other areas. Criminals just find other targets to go to, use other opportunities.

So my philosophy in terms of crime and policing—and this is really what I'm focusing on—is that although the police need to do all of these things, and they need to improve on these things all the time, and I'm referring specifically to law enforcement, visible policing, investigation of crime and even good crime intelligence to enable them to become more proactive, that unless and until this country adopts an overall, integrated strategy in the fight against crime, that would involve other government departments and non-government departments, in terms of addressing those socioeconomic conditions that I referred to—. Unless and until that happens, there is no way that we will be able to overcome our crime problem. Certainly the police do not have the capacity to deal with those issues. It is unfair, I think, to expect them to do that.

The big problem at this stage in this country is that unfortunately there still is this belief that this is how you deal with crime, make it a police problem. Then if the police do not succeed as they will not, we blame them. In other words we have set them up to fail and once they fail we blame them for the crime situation. I'm not ignoring the deficiencies that do exist within the police and the criminal justice system; certainly there are a number of deficiencies at management level and in a number of other areas. But even putting that right is not going to solve the problem.

So that to me I think is the crux of the problem as far as crime is concerned that we are facing in this country at the moment.

SCHER: It is my understanding that the national crime prevention strategy after 1994 did include a lot of the types of things you're talking about in terms of looking at root causes of crime. But since then South Africa has sort of drifted away from that initial vision of combating crime, is that a fair analysis do you think?

BURGER: *It is. You see I was very encouraged when the national crime prevention strategy (NCPS) was adopted in 1996. In fact, in the early days of the development of the strategy I was involved in the development of that strategy. I would like to say that some of my thoughts are reflected in that strategy although there were a number of other very bright people from all over within the police and from outside the police who contributed to that strategy. I think there was a sense amongst everyone involved that crime is about more than policing or the criminal justice system. I think that was the only positive aspect to all of this.*

I think that again, amongst political leaders there was not a shared understanding of the mechanics of crime and justice and policing that is reflected in the NCPS

was one of the direct reasons why the NCPS eventually became a dormant strategy. It was shelved in many ways. Some aspects of it some people tried to implement. For example, Business Against Crime was approached I think in '97 or '98 to assist with the implementation of the NCPS because some people argued that the reason why the NCPS wasn't implemented at the time was that there was no budget allocated to it which of course is an important reason also why it failed in many ways. You cannot have a strategy like that and not allocate a budget to it, give it money and other resources for it to be implemented.

So Business Against Crime was approached, but unfortunately, again, the same problem then emerged. When Business Against Crime came on board, they also thought that the way to deal with crime is to fix the criminal justice system and particularly the police. So they came on board and focused on fixing the criminal justice system, ignoring all the other things that were identified such as the socioeconomic conditions that I've referred to. So although I think many people welcomed them coming on board, inherently also a problem in the sense that they focused on the one area that we regarded as the cause of the problem all the time in the sense that everyone focuses on the criminal justice system as the solution to our crime problem. That wasn't going to happen.

I think that was the second problem apart from the absence of—actually it is the third problem. The first was lack of political understanding. The second one was lack of funding or budgeting for the NCPS and the third one was when Business Against Crime came on board, they only focused on the criminal justice system, ignoring the rest. That to me was the three big reasons why the National Crime Prevention Strategy failed.

Of course, if you look at the police themselves, looking at the National Crime Prevention Strategy, they didn't see much for them in it. Because the NCPS was viewed as a long-term strategy. Looking at policing I think everyone who knows anything about policing knows that policing is about short-term activities. Law enforcement is something that you do immediately, not something that you do over time. You do it on a daily basis. The same with investigation of crime. The same with visible policing. Of course you can have medium and long-term planning about these things, but these are things that happen on a daily basis and show immediate results on a daily basis. The police should be able to tell you on a daily basis how many people they've arrested, how many cases they've opened a prosecuted and so on. Whereas socioeconomic conditions are long term things that show results only in the medium and long term, mostly in the long-term.

If you start creating jobs now the results are something you will see in the long-term in terms of alleviating the levels of poverty. Building houses for houseless people is something that takes time. You don't start building a house this morning and deliver it this afternoon, especially not when it is a large-scale project. So I think this is in many ways perhaps a fourth reason why the NCPS failed. It is because it wasn't capable of delivering that immediate and visible results in terms of crime. But it was never meant to be. So there was impatience, among especially political leaders. They wanted to see immediate, visible, tangible results and the NCPS wasn't designed to deliver that. So there was immediate impatience and then political leaders and police management started looking at something else, because the NCPS wasn't going to deliver these things. So let's forget about the NCPS, let's look at something else.

So the police came up in 1996 already with something that sounded nice and that sounded acceptable to the political leadership. They called this the Community Safety Plan. The Community Safety Plan, as one of its better known marketing aspects, was the Sword and Shield part of it. Sword and Shield was sold to the public through the media as a two-legged approach to crime. The sword part obviously to deal with crime and criminals and the shield part protecting the community, the public. So that was sword and shield. I remember at the time the national commissioner saying at the press conference that in terms of the sword part of this he said that we will take the war to the criminals, we will fight them in the streets, and so on. Almost (Winston) Churchill-like statements. We'll fight them in the streets; we'll take our streets back one by one. Strong statements in the media.

This was something the media loved. The politicians loved it. Of course, in terms of short-term results it did provide results because the police would show two types of results. Firstly, operational results by the number of road blocks they conducted, something visible. They were visible on the streets and in terms of figures they could tell on a fairly regular basis, even on a monthly basis, how many roadblocks were conducted, how many search and seizure operations were conducted, how many vehicles were searched. How many people, even, were stopped and searched, and so on. So they could give a number of operational results. Then they could include in that kind of report, figures on arrests that were made. How many people were arrested for serious crimes; how many were arrested for less serious crimes? How many firearms were seized? How many stolen cars were confiscated? So everyone liked this. This was more visible, more tangible.

So a completely shortsighted appreciation of what was happening, because again, back to a complete reliance on the police. This was in 1996, 1997. That was ten years ago. If we look at our crime situation we are still no better off than we were then. The only thing that perhaps we can show a better figure for is murder which came down with more than 40%. But most other crimes such as aggravated robbery for example, are at much higher levels now than it was in 1996, 1997. So the question then is if we're winning the war against crime you have to conclude by looking at these figures, no, we are worse off now than we were then. And serious crimes I'm talking about, especially aggravated robberies, robberies committed with firearms, are much worse now than the situation was ten years ago in spite of all of these things.

Operation Sword and Shield, as part of the Community Safety Plan, was followed by a number of other similar-sounding operations. In 1999 for example, you had Operation Monozite. Operation Monozite was more of the same thing, perhaps a little better organized and managed, a larger scale, involved the military in the execution of some operations. There was a two-pronged approach where you looked at serious and violent crimes in a geographical way, where certain geographical areas within the country were identified on the basis of the level of serious and violent crimes. It was called hot-spot areas, so called hot-spot areas, or priority crime areas. There were a number of names for it. But those areas were responsible for more than 50% of the serious and violent crimes. So, on that basis they were identified. So, more attention was given to them in terms of resources. More police were placed there; more resources were allocated to those areas in terms of Operation Monozite.

Then in 2000 it was followed by Operation Crackdown as part of the police's National Crime Combating Strategy. The National Crime Combating Strategy

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identified four major areas as a focus. Serious and violent crime is one. Then it added organized crime, crimes against women and children, and the fourth one was improved service delivery. So the last one, improved service delivery had more to do with service delivery at police stations in terms of how the police attended to, responded to complaints from communities and how they investigated other crimes, other than serious and violent and organized crime. So, the first three were really the big target, the big focus: serious and violent crimes, organized crime, and crimes against women and children.

Now, added to the areas that Operation Monozite identified in terms of geographic locations then came the focus on organized crime. So with the serious and violent crimes there was intelligence support to policing activities which they referred to as the Crime Threat Analysis. So the crime intelligence people would use a number of instruments to identify not just the geographical location but also criminals involved in those areas in a more organized way and looking at crime pattern analysis, all sorts of things that could assist the police in improving what they were doing in those geographic locations.

In terms of organized crime, there was a similar approach. They referred to it as the Organized Crime Threat Analysis or OCTA as they referred to it, the acronym OCTA. With OCTA they identified the most active crime syndicates and started working on the gathering of information about them, investigating them and trying to prosecute them. In some cases they infiltrate agents, recruit people from inside those syndicates or they infiltrate agents into those organizations or syndicates until they have enough information to, what they call, neutralize them. Now neutralization could mean many things. It could mean that they are made incapable of continuing their business. That could happen by arresting some of the kingpins or destroying their infrastructure. There are a number of ways in which they could be incapacitated or neutralized.

I think the police have been fairly successful, but I think the challenge is just the beginning, there are just too many. Only identified crime syndicates in this country is far in excess of 200. And there are many that they just don't know about. As fast as you neutralize these syndicates, they are replaced by new ones. Some of these that are neutralized are neutralized in terms of the current way in which they work which means some of their ringleaders are never arrested. They may escape. But then afterwards they come back and start a new syndicate. So I think the burden is just too big. I return to what I said right at the beginning.

Within the police there are commendable attempts, initiatives to fight crime. They come up with creative things all the time. But still they are faced with the problem that they cannot resolve on their own. This is a fight they cannot win. They can continue, they can continue coming up with new and innovative ways of fighting this dilemma, but as someone once wrote about revolutionary wars, it is like trying to sweep back the ocean with a broom. You cannot fight a revolutionary threat by only dealing with the military part of it and by only using your military to fight it. You have to deal with the threat in all its dimensions. The same thing is true for crime. If you want to fight a war against crime you cannot just fight it in terms of using your criminal justice system and in particular your police. Of course you have to make them as effective and as efficient as they could be. But you will only, in the end, be effective if you can also deal with the other dimensions of crime. Those are in the socioeconomic and even political dimensions.

So I think in South Africa that is our big challenge at the moment. I know many other countries experience more or less the same dilemma as this. That is the over-reliance on the criminal justice system and the police in particular to come up with a solution and to win the war against crime. But until, especially the political leadership, begin to understand that you will never be able to win the war against crime as long as this is your understanding of crime and how to deal with crime. So as long as this is the situation we are going to live with what we have at the moment.

SCHER: This question might be a bit too broad but do you have any ideas or strategies of convincing the political leadership of that?

BURGER: _It is one of those difficult things. When you are in a research position you continue to do research and publish, and conduct seminars and conferences, and speak about this. Hopefully over time the message gets across. Now there are encouraging signs. From time to time you do hear politicians nowadays speak about these things. But I believe that the way that we can contribute to change this mentality is by talking about this. We do this all the time in terms of media statements that we make, printed media interviews, radio, television, publishing articles and also by talking at seminars and conferences such as we do. But we do get invited—for example last year I was invited to address a cross-party parliamentary working group in Cape Town. I found this very, very useful. I had the sense that there was a lot of appreciation amongst the political representatives that were made aware of this. They asked very, very good questions also which indicated their understanding that there is a need for us to move away from the criminal justice system as the only solution to crime mentality. But as always is the case in any bureaucracy, it takes time. But I think most of us appreciate the fact that we must just continue with what we're doing and slowly but certainly the message is getting across. But it is like a battleship on the ocean. [interruption]_

SCHER: This is part two of the interview with Dr. Johan Burger.

BURGER: _So I think that although we realize that you can compare this with a battleship situation where once on the ocean it is not so easy to turn that kind of ship around. It normally takes a while—[interruption]_

SCHER: This is part three of the interview with Dr. Johan Burger.

BURGER: _As I said, I was trying to compare this with a battleship, a tanker on the ocean. Once you decide to start turning the ship around it normally takes a while. It's not like a motor car that you can just turn around in the street and it's on a new course. So we have to appreciate the fact that politicians are no experts in crime or policing. You have to inform them on a consistent basis. You have to argue convincingly and in the end make certain that they appreciate what you're trying to say in terms of analyzing the complexities of crime in a way that would make sense to them. I'm not trying in any way to indicate that they are less intelligent than any other person. Politicians have a different view to life than most people. They have to focus on so many issues. You can't expect them to be experts on all the dimensions of life. Most politicians have an average understanding of most of these dimensions._

So I think from an analyst's point of view working in the field of crime and policing it is important to acknowledge this fact and therefore to bring to politicians this understanding so when they make policy about crime and policing, that they do

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this on the basis of an informed understanding of what crime and policing is. This isn't unique to South Africa. We see this all over, even in the so-called developed countries of the world. You see this situation all the time. It is very seldom that you would find a politician that is an expert in crime or in policing or in both. So you can't expect a person with a popular understanding of crime and policing to make informed decisions.

The situation is worse if you have a police leadership that also lacks in-depth understanding of crime and policing. I think one of the shortcomings in this country, especially in the last number of years is that too many people in the top management of police are people who may be very highly qualified in other areas of life, but who have no background in policing. They have only an average understanding of crime. They're put in management positions in the police. If you combine this with a lack of in-depth understanding of crime and policing in political positions, then that I think is a recipe for failure in all of this.

I think the challenge here is not necessarily to change people but to change the understanding of the problems that we are experiencing. I think this is what we're trying to do as researchers and analysts.

SCHER: I'd like to, if we may, bring the conversation a little bit back to your experience on the change management team. I was wondering if you could talk a little bit about your role on that team and what were some of your responsibilities and the types of issues that you looked at at that time.

BURGER: *I think one of my biggest challenges working on the change management team was to try and prevent people going overboard. There was a sense of course at the time to change everything. Of course there was a need to change a lot of things. We all, I think, realized that we cannot go on the way we did before because too much changed. There was a new democratic order, there was a new government. There was a need to change from the racial way of doing things in the past to more equal opportunities and activities type of approach. So a lot of things needed to change.*

Police practices in the past were completely unsuited for the policing practices required in a democracy. So there were a lot of changes necessary. But, at the same time, I think there was—especially with the involvement of some non-police people who served on the change management team, who had no understanding or very little understanding of the realities of crime and policing who wanted simply to change things. Now, although I think I would acknowledge the fact that change was necessary, I still knew that many of the police practices that developed over time, that also developed within democracies, established democracies that we took over at the time, were tested and proven methods of policing that you shouldn't just get rid of for the sake of change unless you replaced it with something better.

My role was as a change agent on the one hand, but also to act as someone with responsibility to make certain that you don't throw away good practices just for the sake of change. To cite an example: The security branch at the time of the police had a very, very bad reputation. It was regarded as the sharp edge of the police in the old order, in the fight against the liberation movements. It was seen as the worst part of the police that had to be thrown out. The police had to get rid of it. I supported the move on the one hand; but I also cautioned on the other that the police of the future needs a good intelligence arm. You cannot fight crime without good intelligence and especially organized crime. There is expertise within the old security branch that needs to be retained in the fight against crime.

I then said that what I thought we needed to do then was identify practices within the security branch and individuals within the security branch that were unsuitable for the new kind of policing envisaged and get rid of those practices and those individuals but not throw out the whole capacity that was developed over a long period of time within the police. There was little sympathy for that notion. The feeling against the security branch and its past was too great.

So I think to a large extent we still suffer from the consequences of that decision. The intelligence, the crime intelligence unit that replaced the whole security branch took a long time to establish itself, to build an informer network, to build systems to replace the old security branch. Although they've had some successes, I think it is going to take a long time for them to establish themselves in a way that the security branch existed.

Many political leaders, such as Mr. Nelson Mandela for example, openly stated that he cannot understand how the police in the past were so effective against the liberation movements and seem to be so ineffective in the fight against crime. This was one of the simple reasons. You destroyed the one instrument that provided you with information that made you successful. You now expect an almost information-less or information-poor organization to be effective. So it was clear that the loss was felt by many.

Another example was this whole thing about demilitarizing the police. Very few people, even within the change management team, understood what militarization and demilitarization meant. There was this very superficial understanding that if you get rid of the uniform, the ranks, and the discipline and that kind of thing then you will demilitarize. Unfortunately we in many ways compromised. There was a strong move but very soon, people very soon realized that this wasn't going to deliver the results that some people thought it would.

For example, we had the Belgians here who were also involved at that stage with the demilitarization process within the Belgian gendarmerie. We asked them in one of our change management meetings, what did you do with demilitarization in the gendarmerie because you still have military ranks? At the time one of the advisors here was a Captain Commandant. The head of the police was a Lieutenant General. We asked him that question. You say you have been demilitarizing for ten years now but you still have uniforms and military ranks and that sort of thing.

They told us that initially they also thought that the way to go was to take away the ranks and change the uniforms, but they encountered so much resistance within the gendarmerie that they decided to stop for a while and revisit this whole thing. Then they looked at public opinion and they realized that the public wasn't so much concerned with the ranks and the uniforms but with the conduct of the police, the way in which the police conducted themselves towards the public. That was the thing that the public was not happy with. So some of us who were perhaps more conservative thinking if you like within the change management team said, there are still lessons to be learned from this. We have never conducted a public opinion poll or a survey to determine from the public in this country what were the things that they would see us do to the police in terms of demilitarization. That was never done. In spite of the good advice we were given by the Belgians, we continued to demilitarize in terms of—initially they started by taking away ranks all together in the police. One half of the police were deranked. The others retained their ranks for a while but it created so much

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confusion that in the end they had to revisit this again and then they decided to go back to the rank situation but to change the names of the ranks and alter the insignia to something new and different.

So that is where this whole new rank system of commissioners in place of generals, and superintendents in place of colonels came from. In my view I think this further confused the public. It confused the police officers and it confuses the public. They should have been much more focus on changing the attitudes of policeman, the way they conduct themselves. This could be done by way of intensive training, command and control. One of the results, the negative results of changing the rank system, something that both the public, most members of the public and policemen were accustomed to; it was something they knew.

When this was changed, on the one hand you had confusion and then it had a negative impact on the morale of many police officers. Many continued, in spite of the changes, to call officers by their old ranks. To them that was the acknowledged way of addressing an officer, to call him a captain or a colonel or a general. Those were the things that they knew. So this added to confusion and as I said it had a negative impact on morale and certainly on discipline.

Meyer Khan, who was a businessman who was attached to the police for two or three years to decide whether he could assist the police in terms of improving the resource management, especially working with the budgets and to make the police more effective in terms of resource management, financial management and so on. Meyer once said to a few of us gathered together, that he is still completely baffled by why we changed our ranks system. If he puts himself in the place of an ordinary policeman, then he would rather take an instruction from a general than from a commissioner. So he couldn't see the sense in what he called unnecessary changes. And it cost a lot of money as well. That sort of money could have been used in the training of policemen in terms of changing their attitudes, changing their perceptions of what police work is about and how to deal with members of the public.

As I said, this whole new system had a negative impact on discipline as well. You certainly saw a decline in the discipline amongst police members; certainly a decline there. If you work with an organization such as the police, they have many things in common with a military organization. Although they have a completely different focus, they are differently armed, differently organized, and they have different legal obligations, responsibilities, they still share many common areas with the military. One, they have the right, the lawful right to use coercive force, even deadly force at times, provided for by our law and our Constitution. Of course this must be used with the necessary safeguards, but still it is an authority that they have to use coercive force. In order to do this, you have to have good command and control systems in place. You have to have good discipline in place to make certain that the use of force is used with the utmost precautions in place, with the utmost level of responsibility. You need to have good discipline, command and control in place to make sure that this happens.

Also policemen, like soldiers are constantly faced with dangerous situations. They work in dangerous situations. So you have again to have good discipline in place, you have to have good levels of training in place. All of this may show resentments to military practices, military doctrines, but there are more than enough differences to distinguish the police from the military. But to expect the police not to show anything in common with the military also shows a clear lack of understanding of these areas that I've just indicated. So, the police in any

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country that you go to will always show some common, some similarities with the military. You will never be able to completely demilitarize the police. I've once said before, if you want to completely demilitarize the police, that's fine, you can do that, but then you have to take away the danger factor. You should never expose them to dangerous situations. You should also then take away their right to use coercive force.

Once you take all of that away from the police, certainly you will be able to demilitarize the police. But if you want them to be exposed to dangerous situations, to deal with that effectively, if you want them to be able to use coercive force, they will show those commonalities with the military.

So there was this idealistic thinking within the change management team to take away anything resembling the military from the police. But it was clearly people who had never been in the police, never been confronted with those positions, never been required to use coercive force. Arresting people who resist arrest, or face criminals you have to arrest while they shoot at you. So they had this idealistic thing. I saw my responsibility within the change management team is to always balance these idealistic expectations of what the police of the future should be with the realities of what the police will have to live with on a daily basis.

SCHER: Sort of along these lines, I want to pick up on one of the things you mentioned which has to do with the special branch and identifying those bad practices and individuals and removing those rather than throwing the baby out with the bath water so to speak. I was wondering how you had perhaps envisaged actually going about that, identifying that. How would you have picked out those practices that were no longer acceptable and how would you have found those individuals were you to have followed through with that suggestion?

BURGER: *It was never going to be easy but one of the instruments that we had at our disposal was the Truth and Reconciliation Commission. During the trials, or the hearings, of the Truth and Reconciliation Commission, the names of Security Branch members who were known to be criminal in themselves were mentioned, in the way that they conducted their business. So they were clearly identified. I would use the evidence provided during the hearings of the Truth and Reconciliation Commission to identify the sort of police persons within the security branch which would not fit the profile of a new crime intelligence system within the police. And there were a number of them.*

Then there were reported cases. The best known example is the Eugene de Kock case. Not only did he testify before the Truth and Reconciliation Commission, but there was also a trial in a criminal court where he was found guilty and sentenced to prison. So clearly some of these high profile criminals and let's say unsuitable characters within the Security Branch were identified during all of these processes. So I would use—and my thinking at the time was to use this as a method of identifying the people that would be regarded as not suitable to serve in the new crime intelligence unit of the police but not even in the police at all. Nobody would have wanted to be policed by a person with a reputation of Eugene de Kock for example, and there were others like him. But you know, that sort of police represented a rather small percentage of the police in general. I think most policemen, by far most policemen, I think by far the largest percentage of policemen and women were simply doing their jobs. Some of them were required, like myself, to execute the laws and the policies of the government of the day. I mean, in my younger days I was required to arrest black people who were not in possession of the necessary passes or permits. There

was no way I could decline from performing my duties unless I decided to leave the police. In any case, as a young policeman, my understanding of the political situation and what was politically right and wrong was very limited. To me it was the way things were. Black people were not supposed to be without passes. I didn't question the policies of the government of the day or the laws of this country. Laws were passed by parliament, I executed them.

I once asked this of a group of policemen in later years when I was on a course with members of the ANC and I remember we were, two of us, myself and a very senior member of the ANC, attended a course with British police officers who were doing a course in crime investigation, detective course. My colleague from the ANC, when we were asked to introduce ourselves said to these police officials, men and women sitting there, that he is a member of the ANC, the liberation movement that has liberated South Africa from apartheid and Johan sitting next to him, that's me, was a member of that criminal bunch called the SAP and so on.

Of course I didn't like to be called a criminal in front of police colleagues. I said, you know, it depends on how you look at this. I would acknowledge the fact that there are many criminals in the police and most police organizations in the world would acknowledge the fact that there are criminals in their ranks. Perhaps we had more than most. That may be true, but I wouldn't like to be labeled a criminal because of the fact that there are criminals in the police. I said depending on what you mean by criminal. I called on their understanding of how these things happen. I said, "Look at your own situation. Terrorism in Great Britain is your number one crime priority, in Britain. It is not our number one crime priority in South Africa but it is one of our crime priorities. At least until very recently.

Now, what would your situation be in the United Kingdom if you were confronted with a person who just put a limpet mine in a fully packed restaurant where innocent, unarmed civilians are eating? Are you going to stop that individual who has just put the mine there and ask him, "Sir, could you please tell me are you fighting a justified cause or justifiable cause?" He says to you, "Yes, I'm fighting for the liberation of Northern Ireland." Are you going to say to him "Sir, I accept your explanation. I will agree with you that we leave the limpet mine there. Be on your way." I said, "To me, that's not how it happened in South Africa. If I caught my colleague here planting a limpet mine, I would certainly arrest him and not question the fact that he justifies the reason why he has put the limpet mine there because he wants to liberate the country. I was not into that kind of politics. To me it was the realities of policing.

I saw most of the heads nodding within the police group because I think they understood what I meant with that. Now I didn't mean that to justify certain of my colleagues in the police who would use unacceptable methods of torture and even murder to fight the liberation movement. That certainly isn't the case. But I just tried to illustrate, not all of us in the police used those kinds of methods. I think the large majority of us just tried to maintain some sense of law and order in the country. By arresting those that we found planting mines and using other methods of terror, and by preventing that from happening, and by preventing innocent people from being injured and killed and so on. So that was my argument. But by and large we were focusing on all kinds of ordinary crime that was happening in this country. So to label all of us criminals, just because there were criminal elements within the police, I think was really very unfair.

It was a very difficult time I think for most people. To come back to the original question, I think it was possible to identify those kinds of elements within the

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police that perhaps shouldn't remain within the police or at least shouldn't remain within any part of the intelligence community.

SCHER: Another thing I'd like to bring the conversation a bit back to is this idea of sector policing. As somebody who has contributed a lot to the thinking around that, I was wondering if you could perhaps talk briefly about the advantages in your mind of sector policing versus community policing as it was being espoused around 1994.

BURGER: *Community policing I think is inherently flawed in the sense that it has very idealistic expectations of how the police, by working in partnership with communities can solve crime problems. Now, if you look at the philosophy that most of those who write about community policing is putting forward, they would suggest that police and communities should sit together and then determine what the crime problems are, then determine what the solutions are and then thirdly to then implement those solutions. Now, in any practical way, if you look at that scenario, imagine where you sit with community members around the table as a police official and they start raising all of these issues.*

                On the one hand they may raise certain shortcomings as far as the police are concerned. They may raise shortcomings in terms of visible policing. They will tell you they don't see police patrol in the area often enough. They will tell you they don't see people being arrested that violate the law. They will tell you perhaps in some cases that they report crimes to the police that receive very little attention. That's fine. Those are issues that the police certainly can be held accountable for and that they should be able to deal with. But now they raise other issues.

                They tell you that there is a certain area in their neighborhood where people sleep at night that have no apparent employment, they don't have any accommodations, they sleep out in the veld (field). When they call on the police to remove them the police will tell them that they don't have the authority to remove them. What do we do with them? If we arrest them we don't have any charges that we can bring against them and even if we do arrest them for something like urinating in public or drinking in public, that's a short-term solution. If they spend time in prison it would be a day or two, but then they'll be back because they'll tell you they have no where to go to. They will tell you that people stand on the street corners begging for money which creates all kinds of conditions at crossings, at intersections that are suitable for criminals to work in because sometimes these people steal from motorists who stop there or sometimes criminals use them to camouflage themselves in a way.

                The police can perhaps do law enforcement in the sense that they could find, within our existing legislation ways and means of acting against these people but they're not solving the problem. The problem is that these people are standing there or are living in the bushes in certain neighborhoods because they're unemployed, because they're poor people, they cannot afford living anywhere else. Very often they are there illegally. So, all of these things are clearly outside of the control of the police. Sometimes you have deeper rooted social problems. Within schools for example where there is a breakdown in discipline in schools, where learners are free to walk the streets during the day, they're not at school when they're supposed to be. Sometimes you hear examples of teachers sitting around in staff rooms completely ignoring their classes. It is not the case everywhere, but there are instances that are reported to the police. The police sit in these meetings with members of the public and this is what they hear all the time, all kinds of things that are happening, moral decay. You hear about whole

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communities that are falling apart because of the abuse of liquor, drugs, those sorts of things.

You hear about communities where the subsistence is drugs, where many of them are paid almost a welfare grant by some gangs to protect their identity and to protect the stolen goods or the drugs. This is what happens in some communities even. So you can continue listing these kinds of examples. Now imagine you sit in a community police forum where these are the things that are put on the table. In practice the police would identify from all of these things the things that they have a realistic chance of dealing with. They can provide more visible police presence. They can perhaps do a little bit more law enforcement and perhaps improve on the way that they investigate cases, give more regular feedback to complainants and so on. But these socioeconomic conditions that I just mentioned is something that they can only, perhaps, provide a short-term solution for by arresting those individuals. But they cannot solve it. Because nobody else can in that meeting, because it is very seldom that you have people in that meeting that have the capacity to deal with it. You may have a counselor there in that meeting that may say, "I'll take some of these issues back to our local government, to the municipality, and we will see if we can do something about the fact that people are sleeping under the bridge." Or perhaps in terms of the housing problem, perhaps in terms of one of the housing projects see if we can't address that problem. Or even in terms of feeding schemes perhaps. But these things happen in an isolated way on a small scale.

In the absence of an overarching government strategy to deal with this, in a very integrated way, there's very little that the police can do about this. So I often, when I talk to communities about this, I refer to a parking area. The police would have on their list of to-do things, the things that they can deal with and then they have a parking area, the things that they cannot deal with they'll park. Parking means ignoring. So what happens now in practice is that at this community policing forum meetings, over time communities start losing interest. They lose confidence because the expectations they had initially are not met. The police cannot deliver on what they expect in terms of dealing with all of these issues. So they start withdrawing from this. In many cases this thing continues on the basis of what would the term be, keeping, being kept alive on a superficial basis because the police during formal inspections by the seniors are required to show that the CPF, the community police forum is still active. So they are obliged to show agendas and to show the notes of what happened, what decisions were taken and what was done about this. So they are artificially in many ways keeping this thing alive.

They have a few what I would call stooges from the community that they would then invite to meetings, go through the formalities of conducting a meeting. They have an agenda, they have minutes and then they're happy. Whenever anybody comes and checks their books they can show it to them. But if you go to the original purpose of community policing, then this thing failed, failed completely.

There are in some areas in the country a few individual successes but I wouldn't rate it at more than about 10% if it is as high as that. So the whole idea with sector policing is let's take this thing to a more practical and realistic level. You take a police station area or precinct and divide it into smaller geographical areas that are then called sectors. You attach a police official and if you have the capacity more than one police official to each of these sectors. You call that police officer a sector commander. The sector commander then has the responsibility to mobilize the community within the sector and you mobilize the community around the crime threat. If there isn't a crime threat you will definitely

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not be able—I have seen many communities that have a very low crime level. It is almost impossible to get them to attend meetings. They just don't see the need. So we have to accept that it's not going to work in all communities.

Communities are unfortunately driven by the threat that they face. If the threat is high, the interest will be high. If the threat is low, the interest is low. But still the concept does work in communities that face a relatively high crime threat. There it certainly has a huge prospect of success. Then it means that the sector commander from the police has to properly organize them. There are a number of things that he or she can do. One is to create what is called the sector crime forum. Now, the sector crime forum can meet as regularly as people want to meet but normally it is on a monthly basis. More or less the same thing happens that happens in the community police forum where people list the problems that they see in terms of crime. These are then listed and the police then deal with those issues that are policeable, things that police can do and then refer the things that they cannot deal with to other structures of government, or other institutions for attention such as local government, provincial or even national government to deal with and that they then focus on the security issues. That's the first thing.

Secondly they put in place the one thing communities want to see immediate results with in terms of policing. Make certain that in areas that there is a lack of visible policing that that is put in place. A lot can be done in that regard, first by the police themselves in terms of increasing their visibility, but secondly by recruiting from the members of that sector community, reservists, police reservists. A special category of reservists was created specifically for this purpose. It is called Urban and Rural Sector Police Reservists. Now those urban and rural sector police reservists, unlike any other kind of reservists, work only in their sector. They can only be utilized in their sector. They are trained only in those police functions that they need to be trained in in terms of performing their responsibilities within their sectors. Now as soon as they are trained by the police, they are issued uniforms and ideally also with equipment. One area that the police here is still very weak in is providing necessary resources. Uniforms are relatively easy to come by but in terms of vehicles, communication and even remuneration; police are still facing a lot of challenges. They have a very limited budget for these sector police reservists. But certainly there are things they can improve on.

The idea is then that once they are trained and issued uniforms, then they can, if properly managed by the sector manager, the sector commander as some prefer to be called, they then can allocate these reservists and manage them in a well-coordinated way in terms of enhancing police visibility. Because remember, these reservists once they are on duty, in uniform, they cannot be distinguished from any other police official. So it then enhances police visibility tremendously in these sectors. By doing that it creates a huge assurance to that sector community because people want to see the police, especially if these are people that they know, coming from their own ranks. They see them, they trust them, and they know that they can approach them because it's their own people policing them. So it is a joint effort then between the police and the community — but you see more practical. Rather than just talking around the table. It is something visible, something tangible, something practical. They train from your own ranks and they patrol the areas now in uniform. Of course, once in uniform they have the same powers that any other policemen have. This is why I don't like calls by some in terms of the so-called volunteerism approach. Volunteers do not have the powers that police reservists have. Volunteers are also not as visible as a police reservist is. It doesn't have the same deterrent effect that a

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reservist has. So all in all a much better situation to be in if you have an organized sector.

SCHER: This is part four of the interviewer with Dr. Johan Burger. We're just finishing talking about sector policing how it is a more practical, more effective method of engaging the community. One of the criticisms I've heard leveled at sector policing is that it leaves all the initiative in the hands of the police and it removes the envisaged oversight function of the community police forum. How would you respond to that or what do you think of that as a criticism?

BURGER: *I don't think it's valid. In all fairness I don't think it's valid. A sector crime forum is basically a smaller version of a community police forum. The chairperson is also a member of the sector community. He or she is supported by the police, the sector commander. The sector commander doesn't chair those meetings. The meetings are chaired by the civilian coming from the community. So it performs precisely the same oversight function. During those meetings, the members of that sector community must still hold the police accountable; they still have the opportunity there and they have the responsibility in fact to hold the police accountable. If the police are not performing as they should, it should be discussed during those meetings.*

           If during those meetings there are complaints against the police or criticism against the police, if it isn't properly addressed then they should approach higher authorities within the police to address this. So they have precisely the same rights and powers that the community police forum has, it's just that it is on a relatively smaller scale because whereas the community police forum represents the whole precinct community, the sector crime forum represents only the community within that sector. It has precisely the same role and, in fact, as I mentioned earlier it has a broader role and more practical role. They in fact can and should manage if they are properly organized, the utilization of the reservists that come from their own ranks.

           So in some places where they are successfully utilized you would find a situation where there are more reservists coming from that sector policing who perform police duties in a sector than the functional police themselves. Those reservists should ideally attend all of these sector crime forum meetings where they can also account for what they are doing or not doing within the sector. And it goes wider than just utilizing reservists. It is also about setting up neighborhood watches under the control, not of the police, but of the sector crime forum management. There is so much potential in this whole thing.

           In some areas where I visited some of these sector crime forums have set up block representatives. These block representatives are members of the community who represent a whole block of people. They attend the sector crime forum. So at the sector crime forum they can convey messages, information, concerns, criticism, whatever, coming from the block or blocks that they represent and they can take with them the information that they get from the sector crime forum meeting where the police present the crime situation, where the police provide information. Through these block representatives or even the sector police reservists get sent back into the community. So no, I would not agree that it has a weakened role in terms of oversight compared to community police forum. In fact I think if well managed it has a much better oversight role to play.