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BOUTELLIS: My name is Arthur Boutellis. I'm an interviewer with the Institutions for Fragile States at Princeton University. Today is the 31st of January 2008, and I am sitting with Martin Schönteich at the Open Society Justice Initiative in New York City. First, thank you for your time. Before starting the interview, can you please confirm that you've read, understood and signed both the release form as well as the informed consent?

SCHÖNTEICH: *Yes, I* have. I confirm that. Good afternoon.

BOUTELLIS: Without further ado, I'd like to start the interview by asking you to give us a brief overview of what is your personal background and how did you get involved in policing work overseas?

SCHÖNTEICH: *It has been focused on South Africa primarily. I suppose it started when I began my professional career in 1994 when I started working as a public prosecutor in Durban on the east coast in South Africa. While doing that work, I obviously interacted with police officers, especially police investigators, on a fairly regular and daily basis. While doing that I also volunteered to become a police reservist for about two years. We volunteer a certain number of hours every week, every month and did very day-to-day policing functions at our own local neighborhood police station.*

In addition to that I worked for a nongovernmental organization called the Institute for Security Studies, which is an applied policy research institute which looks at issues of human security in Africa. I started working for this NGO in 1999 and worked in the Criminal Justice Policy Unit which looked at criminal justice issues in South Africa. Amongst the broad range of issues it looked at was issues to do with policing and police policy and police reform in South Africa. I worked for this institute for four years, from 1999 until 2003. Obviously, these were fairly important years, as it was over this period of time that a lot of reform, especially the implementation of the reform within the South African Police Service took place in South Africa.

BOUTELLIS: Can you give us also a brief overview of your current position and what it entails?

SCHÖNTEICH: *I am presently what is called a Senior Legal Officer at Open Society Justice Initiative. The Justice Initiative is an operational program of the Open Society Institute. What the Justice Initiative does, it operates like an NGO although it receives most of its funding from the Open Society Institute in that it identifies partners with whom it can work and collaborate with in other countries. These countries are not limited, other than in the sense that we do not work in the United States of America. Most of our geographical focus would be in the developing world, in Latin America, in Sub-Saharan Africa and to a certain extent also in the former Soviet Union and eastern Europe.*

The Justice Initiative is divided into various thematic areas. Only one of them deals with national criminal justice reform and it is the National Criminal Justice Reform Program which I head and work in with a number of colleagues, both here in New York but also colleagues which are based in Budapest in Hungary in central Europe. We focus on three thematic areas. One is the promotion of the reform of legal aid systems to ensure that quality legal aid is provided to indigent or poor defendants in the countries in which we work. Secondly we work on promoting the accountability of law enforcement agencies, and most of

our work in that field has been in the policing area, although we've also worked with prosecution services to try to promote policies and procedures which make police forces, but also prosecution services more accountable to the public that they serve.

Finally, thirdly, we work in the area of reforming pre-trial detention systems and policies. In many countries of the world, pre-trial detention policies are very draconian in the sense that people spend long periods of time awaiting trial. We try and promote policies and ideas and concepts which bring about a more progressive and liberal pre-trial detention regime in the countries in which we work.

BOUTELLIS: Thank you. I'd like to move into the technical areas of police reform and policing work in general and start by asking you about your experience in recruitment. One thing we're interested in getting your advice on possible effective strategies for recruiting police. First of all to start with how do you sort out good applicants from potential bad or dangerous applicants?

SCHÖNTEICH: I think a good model, possibly, for the recruitment procedure is in South Africa and also more recently Nigeria. Nigeria is one of the countries in which we've done some work with the Police Service Commission, which is a civilian oversight institution for the police there, in trying to develop recruitment and promotion procedures which are fair and transparent. I think in both those cases, what has been quite successful is that both the recruitment, but also the promotion of police personnel is done in a very open manner. So any new positions are openly advertised in the national media. In South Africa's case it is a bit more challenging than that because South Africa has got a number of different linguistic and ethnic groups. Given South Africa's history, there is a lot of suspicion and disagreement, at least potentially, between these groups. So very often it is not sufficient merely to advertise in the national media but also to ensure that advertisements for new positions in the police are also made, or published, in the local and regional media which represent, or reflect the linguistic preferences of the various major communities in South Africa.

South Africa has gone even beyond that and has tried to, as much as possible, tried to reflect the national demographics of the country both in terms of racial groups, but also in terms of gender and also even disability in the makeup of the police service as a whole. So they've got certain quotas which they try to meet, or certain recruitment targets which they try to meet, so that the number of police officers at all ranks, from the lowest constable rank right up to the rank of noncommissioned officers more or less, or broadly reflect the racial and gender demographics of the country as a whole. That's always not as easy to achieve in practice, obviously men are more easily drawn to police service than women in many cases, and especially in respect of persons with disabilities, physical disabilities. That is often very difficult to achieve. But at least in principle, those are the policies of the police service in South Africa.

What then happens is that there would be a human-resources department in the South African Police Service which is independent from the day-to-day political decision making in the service as a whole. So that the criteria that they're applying in terms of recruitment and promotion are fair and scientific ones, so that favoritism or political interference is minimized or does not play a role in the recruitment of personnel. I think that is also very important, especially in countries which have a history of conflict and where there are very strong regional and ethnic and linguistic cleavages or differences, that the

recruitment and promotion process is seen to be fair in addition to being fair in an objective way as well.

BOUTELLIS: You mentioned the importance of the fairness of the process. I was wondering also if there was a process to also identify potential dangerous recruits? Was there any attempt to seek community input in that regard on the different candidates that were being recruited or interviewed?

SCHÖNTEICH: Not as far as I'm aware. There is in South Africa a fairly vibrant community policing program which has been underway for a number of years. I think it started in the mid 1990s. But its mandate does not extend to the extent of having some influence over who is recruited into the police or who is promoted other than maybe on one issue. This is maybe important to mention. Obviously inputs, community policing fora inputs as to which candidates might be preferable at the local level. I think that would be given some consideration. But it would depend to a certain extent, in South Africa's case, on the provincial human resources department of the police. So I think in effect and for all practical purposes, the influence that a local community policing forum might have on the recruitment of individuals is probably fairly minimal unless it would be an unusual crime problem in that area or unless there is an unusual problem the police has with the community. I think generally the decision is really made by bureaucrats or technocrats within the police service as well. And it is fairly centralized.

South Africa has one centralized police service. It isn't a federal country. So most of the decisions are made really at a central level in the country's capital, in Pretoria.

BOUTELLIS: You mentioned objectives of sort of demographic, representative police, both in terms of ethnic groups, languages and also gender balance. Can you give us a little more background on the history of the actual implementation of these objectives from '94 on and how successful, were the targets actually met?

SCHÖNTEICH: In South Africa's case, obviously the concern about having a representative service has lot to do with the country's history. So up until 1994, when apartheid formally ended and when South Africa had its first non-racial election, the police was predominantly made up of white South Africans, especially the higher-ranking positions within the police service, less so in the lower-ranking positions. So there was obviously a desire by the new leadership of the country to make the services as representative as possible and for obvious reasons. Many South Africans, especially black South Africans, had a high level of mistrust of the police, given the way it was misused and abused by the pre 1994 government in South Africa and also the fact that most of its officers, the officer ranks were largely white.

Then I think also for ideological reasons, the new government, the new ANC (African National Congress) government in South Africa was very concerned to make the service as representative as possible, not only in terms of race but also in terms of ethnicity and gender and disability, persons with disabilities, as well. It took a while for this policy to be implemented. It didn't happen immediately. The transition in South Africa was a moderate one; it was an evolutionary process. It wasn't a revolution which overthrew the previous government in a very radical way. With the result was that the people who had existing positions within the civil service, including in the police, they had their positions guaranteed. They couldn't be dismissed because they were white or because they were men, so as to make more room for new recruits.

So it took some time before the older guard as it were within the police, which was mainly made up of white men began to retire, began to leave the police service. So it was quite difficult at first to meet the kinds of targets which the police service set itself, or which the civil service, broadly speaking, set itself in South Africa because simply not that many people were leaving the service, especially at the more senior ranks which are fairly well remunerated. Even now if you look at the demographics of the police service in South Africa, some 13 years after the transition, the lower ranks would now be fairly representative, certainly in terms of race, maybe less so in terms of gender. But if one looks at noncommissioned officers and at the higher level ranks in the police service, black South Africans would still be under represented and white South Africans somewhat over represented. So one can see that this kind of process, even with a lot of political pressure and political good will, unless one is prepared to be fairly draconian and force out existing persons within the police service, it takes a long period of time, it takes a generation or so before one has a police service which is reasonably representative of the population as a whole.

BOUTELLIS: You mentioned objectives. I was wondering if you could comment on the criteria, like the minimum standard required for new recruits at the rank and file level but also at the more senior level at the time and were these any different than prior to the '94 period?

SCHÖNTEICH: They did change. Prior to 1994, there was a time when there was a lot of political unrest in South Africa. It began really in the mid 1980s right up to the election in 1994. The white government at the time was very eager to recruit new persons into the police, especially black people who could then go and police the black areas of South Africa, the black townships and so forth. The entry requirements were very low. Many people who were recruited had no driver's license for example. They were functionally illiterate. They had difficulty in writing up a witness statement or interpreting a form for example. So the level of recruitment was fairly low I would say beginning from the mid 1980s onwards.

Before then, going back further into South Africa's past, I believe the recruitment standards were fairly high in a formal sense. People needed a senior certificate or they have to have graduated from a high school. They had to have certain other minimum qualifications to enter the police service. But, as I said, the police service, certainly the higher ranks were only open to white South Africans. After 1994 the recruitment requirements became much more formal and much more open. It was part of this policy of greater openness and transparency in recruiting new recruits. Certainly, at a minimum, even for the lowest level recruits, recruits had to have a driver's license. That was a big problem in South Africa. South Africa in 1994 when the transition took place, was actually fairly well policed by African standards. The number of police officers per 100,000 of the population was relatively high, I think it was at around 450 per 100,000. The problem was that many of these police officers couldn't drive to a crime scene, at least not legally because they didn't have a driver's license. Or they took witness statements that were so bad they were of little use in a court of law.

It was less of a problem before 1994 because South Africa wasn't a constitutional state so evidence wasn't interrogated as rigidly as it was after 1994, but this really became an issue once the rule of law applied and the

kinds of protections that defendants and accused persons enjoyed by the Constitution were properly enforced by the courts.

So driver's license and writing and reading abilities were taken very seriously. Obviously, the higher one moved up the rank structure, the more strictly, or the more onerous, the kind of educational requirements were in terms of recruitment. Now, I don't know the details, but certainly once we moved into the officer's ranks, they would have needed a tertiary qualification either in criminal justice or criminology or some kind of similar qualification. Very often depending on what kind of specialty that they wanted to enter into the police service, they might need some additional qualifications as well.

For example, if they wanted to work in the forensics department of the police they would need some kind of science background as well. If they wanted to work as a police detective for example, they might also require certain qualifications or skills which a person leaving school, leaving high school, might not have. So the qualifications, the minimum qualifications become increasingly strenuous the higher up the ranks one moves in the police service in South Africa.

BOUTELLIS: How about language requirements in a country where many languages are spoken?

SCHÖNTEICH: It's interesting. In a country like South Africa which has eleven official languages, because it has so many, de facto what really happens is that one language becomes the lingua franca which is English in South Africa. So that hasn't been interpreted too strictly. I believe that what the policy is is that every recruit needs to speak English, needs to be able to communicate in English. In addition to that, needs to be able to communicate in the prevalent language of the region in which he or she wants to work. So in KwaZulu-Natal for example, in the eastern part of South Africa which is primarily Zulu-speaking, the recruit would also need to be proficient in Zulu. While in the Western Cape, on the other side of the country it might very well be Afrikaans. So generally two languages are sufficient. I think what is taken most seriously is that the recruit can speak and communicate well in English.

BOUTELLIS: You mentioned that due to the history of South Africa, police in the reform after 1994, transparency was high up in the reform agenda. I was wondering, aside from the efforts towards more transparency, was there any attempt to evaluate the change in perceptions of the transparency of the recruitment process?

SCHÖNTEICH: Very little. There was a new institution created within the Department for Safety and Security, or the Ministry for Safety and Security which is responsible for the police. But this new institution which is called the Secretariat for Safety and Security had, as one of its responsibilities, trying to gauge and measure public opinion or public perceptions more broadly about what the police service does. That would include, at least theoretically, public perceptions about recruitment processes and recruitment procedures. But I think because South Africa has right from the beginning, right from 1994 onwards, very high levels of violent crime in particular, most of the focus of the Secretariat for Safety and Security was really to try and evaluate police plans and police processes to try and reduce levels of violent crime with the result that these kinds of more technical issues having to do with recruitment and promotion were to a very large extent ignored by the Secretariat.

Now there were some NGOs I think which took an interest in police recruitment procedures, but most of these were really more interested in vetting procedures to try and ensure that people who were guilty or were involved in political atrocities in the past were not recruited or promoted in the new police service in South Africa. They were less interested in the more technocratic approaches to good human resources policies in the police service as a whole.

BOUTELLIS: Concluding on the recruitment side, in your opinion, what were the biggest successes in South Africa post '94 and what, if any, still are the major problems remaining?

SCHÖNTEICH: I think the biggest successes are two-fold, and they are related. The new South African police service has certainly improved the quality of the education of the average recruit into the police service. The number of police officers who don't have a driver's license, who are functionally illiterate, who otherwise lack formal qualifications has really dropped quite significantly. This is partly, and this is the second reason, and I think the second success which the police service has achieved, it has significantly improved the level of remuneration of the average police officer. So it has been able to draw a higher caliber of individual into the police service, persons who have got higher qualifications. But I think there are broader benefits than simply that, is also, as a result of that managed to retain skilled personnel. There was a stage in South Africa fairly shortly after the transition in 1994 when a really large number of skilled and experienced police officers left the service, partly because of poor pay, and partly I think also because of the transition. Many white members of the police service simply didn't see for themselves a bright future in the service because of affirmative action policies, because of the quota system where only a limited number of white and existing police officers would be promoted in the future and most of the promotions would go to black South Africans.

I think another benefit of the higher pay I that it has also managed to restrict, I think fairly successfully, not in all areas and not completely, but at least limit the level of corruption within the police service as well. So the level of infiltration by organized crime syndicates, for example, into the police service I think is fairly low by the standards of the region if we were to compare South Africa to many other countries in the region. It is still at fairly acceptable levels. So high pay, making sure that one gets recruits with good qualifications, I think have been the two success stories of the police service.

BOUTELLIS: Can I just stop you here and ask you, what were the ways, you said that, first of all, how do we evaluate the level of corruption within the service? What are the bases for seeing the evolution? Also I was going to ask you if you could develop a little more on the link between remuneration and corruption in the specific context of South Africa.

SCHÖNTEICH: Well, the question of corruption is a difficult one to answer in an objective sense. There is relatively little reliable data on it. On the face of it,there seems to be an increase in the level of corruption in the police, even more so than there was before 1994; but that is, I believe, at least partly because things are much more open now in South Africa, so people are more willing to speak about it. Certainly the media is. There is also an organization or institution called the Independent Complaints Directorate which is a statutory body, it is financed by the state, it is created by the Constitution, but its responsibility is to oversee misconduct by police officers. So any member of the public can go to them and report an allegation of corruption or a bribe that has been solicited by a police officer. That institution simply didn't exist before 1994. So one has

structures now where members of the public can go and report misconduct by the police—.

BOUTELLIS: Fully independent of the police services?

SCHÖNTEICH: Completely independent. They get their budget directly from Parliament. They have their own investigative staff. They can then go and investigate cases of misconduct by the police, including corruption. They would then report directly to the prosecution service, to the prosecuting authority who would then make a decision where there is sufficient evidence to prosecute or not. So in that sense, there seems to be more corruption than the past, but it is very difficult to say whether there is in fact more or simply more reporting and more awareness.

I can only speak from my own experience as a prosecutor between 1994 and 1996 where I came across it very, very rarely and when we did come across it it was treated very seriously, certainly by the prosecution service, to make sure that such police officers were prosecuted quite vigorously. Maybe one other thing to mention, which one can put into this mix of trying to evaluate whether corruption is really a problem in the police is that in the late 1990s, in 1998, the South African government created a structure within the National Prosecuting Authority called the Directorate of Special Investigations, or the DSO. Its mandate is to investigate primarily organized crime. At the time there was a lot of debate whether this directorate should be set up within the police service or should be set up independently within the prosecution service. Many of the arguments for creating it independently of the police was that there was a fear that the police was already sufficiently infiltrated at least where it was investigating organized crime, that it would be quite a risk to create this kind of specialized elite unit within the police service. It would be safer to give it a different home within the prosecuting authority where one could begin with a blank slate as it were. You could recruit new people, could offer better remuneration than the police to try to limit the level of corruption that there might be if using the police.

So obviously there is, I think, some awareness on the side of policy makers in South Africa that corruption exists within the police and that it is a danger. I don't think it is a danger in day-to-day policing so much, but it is probably, arguably a danger where it involves the investigation and the policing of high level offenders, especially in the field of organized crime.

BOUTELLIS: And a major obstacle or challenge that remains on the recruitment side of things?

SCHÖNTEICH: I think on the one hand, the fact that there are these quotas, that there is this affirmative action policy does inhibit, I think, a lot of white South Africans and probably also Asian and colored South Africans from applying to the police who otherwise would have. One can see now already, at the very lowest levels, at the level of constable and sergeant the South African Police Service is probably disproportionately represented by black South Africans. It is beginning to now have a reverse of what it had before 1994. Which is unfortunate because one would want the service to be representative and also to draw on the skills and abilities of all South Africans. As a result of that, more and more white South Africans are, for example, beginning to place more trust in private security rather than the formal police service which could have some negative implications down the line and we'll talk about that later.

I think another big challenge that the police service faces is that because levels of violent crime are so high in South Africa, and because a number of police officers are murdered every year in South Africa, I forget the most current figures, but certainly a few years ago it was around 100 a year, two per week. That is quite high for a country with a police service of about 140,000 people of which many don't even work on the streets but have an office job. I think this high level of violence is not only very demanding on the day-to-day activities of police officers in the sense that they get burned out and then often need extended periods of leave or go and leave the police service as a whole because they find the job simply too intensive and to dangerous, but I think it also inhibits certain people from applying to work in the police service in the first place because they see it as too dangerous a job.

BOUTELLIS: Moving on to the next functional area which is training and professionalization of the police force. I was wondering if you can describe some of the training programs if you have been exposed to these in the South African context or others.

SCHÖNTEICH: I've been less exposed to it. There is a national police academy in South Africa. All new recruits go through the doors of the national police academy. They have regional or provisional offices as well, so only the most senior officers would go to the capital and go the academy there. The lower recruits and new recruits would go to the academies at the provincial level. So there is a formal induction course for all new recruits, but I believe it is fairly limited. It is maybe one or two months of fairly basic training. Much of the additional training then happens on the job as were where people are then placed together with more senior personnel and officers and detectives to learn on the job. Then also, once officers start to specialize in certain directions they would then get retraining or new training at the police academy. Much of the training I think, certainly after 1994 was formed by ideas and trainings which were given by outside consultants. People came in, if I remember correctly from Scotland Yard, from the United Kingdom more generally, but also from other European Union countries, from the Netherlands I remember, from Northern Ireland which had similar comparable political history to South Africa. I think from the FBI also to a certain extent, to train certain specialist investigators to do with narcotics and organized crime.

So initially after the transformation they relied a lot on foreign expertise to develop curricula for the training of police officers. This has now diminished significantly. I think that would be the rare exception now that foreigners would come to South Africa to actually present training. But the curricula still exists and many of the curricula would still be formed a lot by international good practice and good standards. But I can say less about what the actual contents of training courses for certain ranks within the police service or certain specialized units within police, I simply had too little engagement in that field.

BOUTELLIS: Maybe more broadly then, without going into the details of the curriculum, looking at the performance of the police, how well do you think maybe the training being given actually responds to, meets the objectives and is adequate considering the environment of, as you said the high level of violent crime?

SCHÖNTEICH: I would say for day-to-day policing functions it is probably fairly adequate. I think if there is a crime which doesn't require too much technical expertise, say somebody breaks into a house or into a business premises and fingerprints are left behind; that kind of investigative work, I think the police have been fairly well trained to do. But if the crime is a little bit more intricate, where there is

very little forensic evidence or unusual forensic evidence, or there are no eye witnesses to rely upon, I think one can see by the number of cases which are not resolved in South Africa, which is fairly low, and then certainly by the number of cases which result in successful prosecution, which is very low with respect to certain crimes. With respect to rape, for example, which admittedly is very difficult very often to prosecute successfully, I think less than 2% of cases which are reported, and one must bear in mind that many cases with respect to rape are never reported in the first place, end in a successful prosecution.

Now part of the problem might lie with the prosecution service too, but I think a large part of the problem also lies with the fact that the police very often lacks the forensic expertise. Then also, simply the human experience of dealing with victims of sexual offences, to deal with these kinds of more complicated offenses more successfully. So for rape, for certain kinds of homicides which don't involve people who know each other, contract killings for example, or homicides of the farming community where again the offenders are known to the victims, the detection rate tends to be fairly low in South Africa.

So I think the problem lies more not so much with basic training, which seems to be acceptable, but the problem, or challenge lies more with specialist training. Once people decide that they want to specialize as rape investigators or homicide investigators, I think that level of training is not as good as it could be. I think partly the problem is also that once people do become very good at that kind of specialist field, they tend to leave the police service and join a private security company or join some kind of company in the private sector where the level of remuneration and the working conditions are much better.

BOUTELLIS: You mentioned that in the period immediately after '94, there were a lot of inputs from outside consultants or polices from the United Kingdom among others. How much of the curriculum, and the specialized curriculum, has actually been inherited or transposed from other models to your knowledge?

SCHÖNTEICH: Again, my knowledge is a bit weak in this field. I think to a certain extent quite a bit most probably because there was a strong desire on the side of the new ruling elite, both in government more generally, but also within the police service, to try and move away from what the police had done before 1994. For ideological reasons but also for practical reasons. As I mentioned, once we had a Constitution with a traditional Bill of Rights, it was very important that investigations were done in the legal and proper manner for it to carry weight in a court of law. I think the problem was, and is very often that people would come from the United Kingdom or even from the United States, or just generally from the developed world and they would have certain ideas and advice they would give, but it often would not be that practical in an environment such as South Africa which is a developing country where the level of resources available to investigators is simply very limited. There simply aren't that many forensic laboratories in the country which can—for every homicide to do a DNA analysis for example, there's simply not enough money available.

So I think at times, and I'm not talking so much from practical experience but rather from listening to other people speaking about this, I think at times the kinds of training courses and advice that was given to South Africans by persons coming from the developed world, while useful, was not that practical in the day-to-day sense given the resource constraints in a South African environment.

BOUTELLIS: Moving on to the next technical area, we would be interested in learning about your experience with integration and what we'll call amalgamation of different types of security forces or police services preexisting the national police service.

SCHÖNTEICH: South Africa makes a good case study in that regard in the sense that before 1994 South Africa, at least from the eyes of the then-white South African government, wasn't even really one country. You had white South Africa, which was the Republic of South Africa. But, in addition to that, there were four nominally independent black homelands which had their own completely independent police services of the South African police at the time. Now, in addition to that, there were an additional six autonomous areas or quasi-autonomous areas with the intention of one day giving them greater independence. This was the intention of the white government at the time. Some of them, although not all of them, had also their own police services, although they were less independent from the police service of the Republic of South Africa as a whole. But, nevertheless, the fact was that in 1994 I think there were ten or eleven different police services or agencies in what made up the country of South Africa.

Once the new government came into power in 1994, they obviously had a great desire to merge all of these into one South African police service. They did that quite rapidly. They did it within 18 months. They merged these different disparate forces into one. What made it a bit easier I suppose is that the South African Police, the police of the Republic of South Africa, the white part of South Africa as it were, was the largest by far. That was probably in terms of personnel, 80% of the total personnel and in terms of the resources, in terms of its budget probably 90% of the total budget that was available to these ten or eleven different police services. So there was certainly a big, large, dominant core which then accommodated and brought in the police services on the periphery. But it was challenging, I think also from a standards point of view, the level of training, the kinds of standards that existed in many of these nominally independent homelands, was not as high as it was in the South Africa police which has much greater resources available to it, starting from the 1940s, right up until 1994.

So it was a very challenging process and I think it took quite some time before the kind of reporting structures and deciding as to which of the police services that were drawn into the South African police and how that could be accommodated in terms of personnel and in terms of the leadership. It took probably, I would say, a good ten years for that to take place.

BOUTELLIS: Can you tell us the main elements of this strategy of amalgamation, meaning how it was actually implemented? Was it actually, what kind of integration, amalgamation are we talking about? Is it just the broader services or actually the personnel itself?

SCHÖNTEICH: No, it was of everybody, it was of the personnel as well. What happened is that on a purely technical level a law was passed by the new South African parliament which disbanded the old police services, created one new one in its place and all the personnel and the structure which existed in all services were incorporated into this new huge, monolithic South African police service. But doing that was easy; passing the law was the easy part. What then preceded that and also then what came after that was the development of a lot of policy documents, about how to deal with new standards of recruitment, minimum

standards for detectives, for constables, for sergeants and so forth. But there was no mass firing or mass expulsion of existing personnel. They were all drawn into the new service and many of them were given new retraining programs to try and keep as many as possible within the new service. The new government had very little choice because there were many parts of South Africa which were these nominally independent black home lands, all they had, all the infrastructure they had were these police services of the black homeland.

So those were the physical police buildings, the physical police vehicles, the firearms and radios, were those of the old services. So they simply had to be adapted. They had to get a new logo, a new fresh coat of paint; but the buildings remained the same, at least for quite some time until there were new budgets made available for building better and new buildings.

BOUTELLIS: Personnel that were retrained, were they just reassigned to the same areas? Were the resources also sort of redistributed or not and last question, how does that relate to our earlier conversation regarding the quota. Is this when we look at the overall service, was there any attempt to also sort of reflect quotas on a more regional basis?

SCHÖNTEICH: There was certainly an attempt to try and balance out the resource allocations throughout the country. Certainly up until 1994 the bulk of the resources were devoted to policing the so-called white parts of South Africa in the traditional policing sense. Then policing in a political sense or oppressing one could say, black parts of South Africa. So there was really—the black parts of South Africa, these nominally peripheral black homelands were under-policed. If I looked at the number of police officers per capita or the number of police stations per capita, they were much less in the countries rural areas, in these peripheral areas than in the bigger cities which were mainly white until 1994. So there was an attempt made to try and funnel more money and more resources to the outlying areas.

In addition to that, people were not encouraged from these peripheral areas to try and move. So people who came from the black homeland X for example who might very well have preferred to work in South Africa's capital, Pretoria, would have had some difficulty in doing so. They were really encouraged to try and remain in the areas. Having said that, even now, some 13 years after the transition, there's still a fairly strong imbalance in the level of policing resources available to South Africans depending as to where they live and what ethnic group they belong to, broadly speaking, notwithstanding the fact that a lot of new police stations have been built. Notwithstanding the fact that certainly more recently a lot of new police officers have been recruited.

So the cities and also the traditionally white parts of South Africa are still much more policed and have much greater access to police resources than the country's rural areas and traditionally black parts of South Africa. What impact has this had on the quotas in terms of the regional kind of representativeness, I think it has been less so. I think the focus has really been on racial representation primarily, and then secondarily on gender representativeness. There was much less a concern for making the police services also representative on a regional basis in terms of language or ethnicity within the black community. That's also partly because de facto that simply happens. Most of the police officers in a Zulu-speaking part of the country will be Zulu-speaking themselves, so there is less of a need, I think, for policy makers to make sure that regional quotas are met as well.

BOUTELLIS: Due to the history of apartheid, the reallocation of maybe some of the white South Africans within other regions, how did this play out and how accepted or not was that at the time and maybe now 13 years down the road? Was it a progressive process? How did that work?

SCHÖNTEICH: It was progressive. Not so much at the beginning. I think initially the new government in 1994 underestimated the crime problem that South Africa was facing. So in the first few years after the transition, the number of personnel in the police service actually climbed. It was only in the late 1990s that the government realized that there was this major crime wave hitting the country and that recruitment numbers went up again and that there were significant increases in investment in the criminal justice system in South Africa. It was only then that there were not only a shift in the resource allocation, but an actual absolute increase. So two things in other words happened. One, there was a shift away from the resources allocated to traditionally white areas in terms of policing, but I think also, looking over the 13 years, in an absolute sense, if one looks at the whole universe of resources allocated to policing, there has been an increase as well.

So the shift away from policing white areas has been more gradual because of this absolute increase in investment and also because it simply takes time to build new police stations, to make sure that there is a shift in resources. It didn't happen overnight. Two things happened. I think on the one hand it created a lot of frustrations among black South Africans that the new government was not taking their security seriously enough. This resulted in a certain level of vigilantism, people taking the law into their own hands in a lot of black communities in South Africa. But, at the same time, I think a lot of white South Africans at least were under the perception that this new black government was not taking their concerns about their security seriously enough.

There was a feeling, certainly among certain segments of the white population, and probably still is that the government is not dealing with crime seriously enough and is not investing enough money in policing in South Africa generally, but what, in effect they mean, is in policing in their own areas, in the traditionally white areas in South Africa. That has resulted in a lack of trust I think in the police service by white South Africans and also white South Africans shifting much more of their attention towards private security, for-profit police.

BOUTELLIS: You mentioned earlier in our conversation, the importance of an HR department that was set up post '94, independent from the political authorities. In effect, was the HR system actually insulated from pressures, potential pressures to appoint certain people, especially at the higher ranks within the new police service?

SCHÖNTEICH: I think at the very high ranks, the level of the Deputy National Commissioners, and Provincial Commissioners, I would say no. I think there the politicians had the final say, at least in practice, if not in theory. I think those are fairly hand-picked people on the whole and generally people with whom the ruling party could see eye to eye in terms of the political philosophy in respect of policing South Africa. It was more at the lower ranks and also at the middle ranks, at the level of officers that I think the Human Resources Department has a strong role to play. But at the high ranks I would concede that political interference and political pressure was such that it was the politicians at the end of the day

that probably, and I speak to be corrected, had the final say as to who would be appointed.

BOUTELLIS: Related to this you mentioned that the actual transition took a long time for the high positions due to the fact that some offices had to wait until retirement. Does that mean that there was no forced retirement or vetting out done, or simply a sort of severance package that could encourage some of the police officers from the former police force to retire?

SCHÖNTEICH: There was no forced retirement; that was part of the agreement of the transition in 1994 that the civil service, that nobody would be forced to leave. Incentive packages were given, especially to senior people to encourage them to leave, but not all that many took it necessarily. Many of them enjoyed what they were doing or didn't see for themselves a future outside of the police service. Some did, but I don't know what the numbers were but not such that one had a mass exodus within a period of say one or two years because of the incentive packages. Sufficient that one could see a decline in experience levels, because many of these people, while they were of the old guard did, obviously over the years also collect a lot of simple experience in the field which I think the police then service lacked as many of the senior personnel were leaving, gradually, but still in sufficient numbers to make an impact.

The vetting process, there was never really a rigid vetting process. Obviously where people were guilty of criminal offenses, or there was an allegation, there would be an investigation of that. If there was sufficient evidence for prosecution, the prosecution service would investigate. But there was never a vetting process in the sense that police officers who, for example, were members of the previous ruling party, of the National Party in South Africa, that they were expected to leave or that there was pressure placed on them to leave. That was partly because of the political agreement in 1994.

The previous government, the National Party, was part of the Government of National Unity and for the first three years after South Africa's political transition. So it was a very gradual, negotiated process.

BOUTELLIS: What would you say were some of the major obstacles when trying to integrate and amalgamate the services as we talked about, the homeland polices and the white police? If things had to be done again over, what could have been done differently?

SCHÖNTEICH: The biggest challenges from hearing—I never myself served in the police other than the reservists—but hearing it from other persons is just the very different levels of formal education and qualification. The core of the South African police in white South Africa was fairly well educated in the formal sense at least. It diminished in the mid 1980s onward as I mentioned, but the core, certainly at the more senior levels, everybody would have had a high school diploma and so forth. This was much less so and varied a lot in the police services of the black homelands. Some of them might have been OK, but others would have had very minor, minimum qualifications necessary for recruitment. So I think that was one problem.

Secondly, there was simply the—one could almost say—the racial or political dynamics. Many white police officers I think, had some difficulty in working with black police officers, especially when they were at the same rank as them, even more so if they were at a more senior rank level than them. There was never a major outburst or major breakdown in service as a result of that, but I

think it certainly must have had, there must have been some difficulty in managing it properly from a human-resources point of view, but also from a point of view of just having force coherence, to have an organization where all members work towards the same goal. I think there was some difficulty there as well.

Then, thirdly, just in terms of resources, police officers in previous black areas simply often didn't have radios and vehicles and the sort of day-to-day things that one needs to have a proper police service which police officers in the traditional white areas, didn't have as much as in the first world, but certainly, disproportionately were much, much better resourced. So there was a certain level I think of jealousy by some police officers that their peers in the cities especially had a much better deal in terms of the kinds of equipment available to them.

How to have done it differently? I don't know. It was a challenge, of course. I think it would have been a greater risk in retrospect even to have simply dismissed a whole number of young men who would have then been disillusioned and would have been trained in the use of firearms, who would have then possibly or arguably have joined militias or organized crime syndicates and created a lot of problems for the country in that way, especially given the high levels of unemployment in South Africa at the time and even now. Also in terms of making sure that there was policing in the rural areas, in the traditionally black areas. Very few white police officers would have willingly and voluntarily moved to those areas to continue their work as police officers. So in a way, one relied on the people who were there, who were on the ground, and one just had to ensure that slowly but surely, levels of training were improved.

Maybe the mistake that the government did do is, as I said, they underestimated the level of crime that was facing South Africa in 1994 and in the five years or so thereafter and too little money was spent on the police service arguably in the mid and late 1990s. So the absolute number of police officers actually declined for a number of years. Also the general level of equipment available to the police didn't really improve until the very end of the 1990s and 2001, 2002.

BOUTELLIS: Following the disbanding law in 1994, you mentioned, and you probably see documents where it was drafted, and I was wondering if you had any insight on how and who drafted these documents and if there were any lessons or principles taken from other examples at the time.

SCHÖNTEICH: It was an interesting process. I would say there were three groups that were involved in developing new policies for law and order or policing more broadly in South Africa. There was a new political elite, the new ruling party, the ANC policy makers. Secondly there was nongovernmental sector in South Africa. South Africa before 1994 already had a fairly vibrant sector of nongovernmental organizations and many of them were interested in policing issues because they were critical of the police and policing tactics of the apartheid era police. As a result many of them had developed a lot of expertise about what a good police service should look like. So they were drawn in quite willingly at least initially by the new policy elite within government. They made use of the people within the nongovernmental sector, partly because they knew each other from the sort of battle, or war, against the apartheid regime before 1994. They were, in a way, comrades in arms. So that was a fairly easy alliance to put together.

Then the third component were foreign advisers. There were a lot of foreign advisers who came to South Africa—many from the English-speaking world because it just made it easier linguistically, from North America, Canada, the U.S., the United Kingdom, Australia, but also a little bit from continental Europe, if I remember correctly, Germany and the Netherlands—who were brought in and remunerated for this. They came in as paid consultants, and gave advice and expertise on certain issues. Importantly, I think, certainly in retrospect, an important component that was not really involved and was neglected, were the police officers with experience, the people who were already within the police service. Mainly white police officers of course, given the history of the country, and as a result of that not that much liked by the new ruling elite and by the NGO sector in South Africa. But, at least initially, for the policy to be a success and to succeed, it really relied on the good will of these officers who made up the core of the police service in South Africa. I think in retrospect that was a mistake not to involve them more vigorously right from the beginning in developing and drafting new policies. It was politically expedient and efficient to ignore them at the beginning because they would have probably been quite difficult to get to engage in developing more progressive policy but in the long run it was probably a mistake not to involve them more vigorously.

BOUTELLIS: The next area is internal management. Usually one of the important tasks in reforming or strengthening a police service is to strengthen internal management, meaning core elements such as promotion system, disciplinary system, record keeping, asset management and so on. What were the significant management problems that were confronted at the time?

SCHÖNTEICH: Probably the most significant one was the sudden expansion, overnight really, of the police agency, or the amalgamation and then expansion from these ten or eleven different services into one. That created major, major management problems, from the most basic and rudimentary, just to make sure police stations have enough toilet paper, writing paper and pens, because it is such a central institution in South Africa, where everything is managed from the center, to also making sure that proper policies and procedures are set up in terms of recruitment and promotion. I think that took a long time and I would hesitate to say that even now I think, in terms of management, the South African Police Service is still relatively weak. I think one anecdote is telling in this regard. It became so bad that eventually the South African government agreed to bring in an executive from the South African Breweries which is one of the big companies in South Africa, bring him in and seconded him to the National Police Commissioner to work as his right hand man as it were to give purely management advise. This person had no policing experience at all, but he was a good manager at least in the private sector context, to just advise and give assistance as to how to manage a big organization such as the police service. At the same time a lot of use was also made, again they were paid for their work, bring in consulting firms like KPGM and Andersen Consulting, who gave advice as to how to build up and develop proper management structures.

BOUTELLIS: Did this take place from the onset? When was this executive brought in for instance?

SCHÖNTEICH: Probably in '97, '98. At first, the police thought they could do it on their own. That just simply didn't work. Things really began to go terribly wrong. The police often didn't have enough fuel or enough paper, really basic things with the result that the government—I think not happily, but partly from pressure by

the business community and partly because they realized they almost had no choice. They then brought in private sector assistance.

BOUTELLIS: How did that work out first of all, working with nonpolice advisers and were there any measurable or visible changes after that?

SCHÖNTEICH: I think it was a mixed success. I think one area where it has improved a lot is in terms of budgeting. I think the budgeting system is much improved. Much less money goes missing, The kind of auditing reports that the police service and the Ministry for Safety and Security gets at the end of the year by the auditor general have much improved over the years. So the financial system, the accounting systems have improved.

I think where people would disagree about whether it has really improved is in providing leadership. The police didn't look kindly I think on outsiders coming in from the private sector and professing to know better as to how to manage the police service then somebody of their own. I think this is probably not unique to South Africa. But I think one should tread carefully to bring in outside consultants to take a leadership role in developing new management systems. Even the private consulting firms, what they developed, the new systems on paper looked very good, but a police service is not the same as a private, for profit sector company. It is a very different kind of animal or kettle of fish. I think the successes have been mixed.

BOUTELLIS: Do you recall where this decision came from? Where did the idea mature?

SCHÖNTEICH: I think it came from the very highest levels. There is an organization in South Africa called Business Against Crime. So all the big business organizations, South African multinational corporations are part of this umbrella body, Business Against Crime, BAC. They, I think, had access to the presidency and I think they exerted a lot of pressure on the presidency at the time to say that if crime is not brought under control, the economy would really suffer, it would lose foreign direct investment, business people would withdraw from South Africa and eventually I think the presidency agreed to do what the business sector suggested which was partly seconding a senior manager from the private sector to the police.

BOUTELLIS: The high level of violent crime in the late '90s when the realization came seems to have been, a motor, an engine for a lot of the changes. There is still very high level of violent crime nowadays in South Africa. Bearing in mind what you said earlier about the issue of increased reporting due to more confidence maybe in the new police service, was and is the level of violent crime still the main indicator by which the police is evaluated or at least judged from the outside, the business community, just everyday?

SCHÖNTEICH: Yes, I would say so. Partly unfairly I would say, but it is. That's really what people care about. I think there have been a number of surveys which would back this up where people are asked as they leave a police station after reporting a crime, what is really the most important thing to them. Generally the response is the most important thing is for the crime never to have happened in the first place, for the police to have prevented it. But once it has occurred for it to be investigated properly so that the perpetrators are identified. They're much less interested in friendly service or things like that. They're really concerned about the high level of crime and specifically violent crime.

BOUTELLIS: Do you have any other areas that you would call success in terms of internal management aside from the budgeting that you've already mentioned?

SCHÖNTEICH: One other thing. The police and the prosecution service, both of them have done quite well, they've realized that not only to retain good people but to become good at investigating certain crimes, you have to develop expertise and specialize. I think before 1994 there was much less specialization within the police service. Everybody did almost a little bit of everything, with exceptions of course. But there are now specialized units dealing with crimes against children, specialized sexual offenses units in South Africa, specialized units dealing with organized crime, narcotics and drug-related crime. I think that, looking back, I think that was a sound decision to make. It certainly has encouraged people to stay, because these specialists can really do what they want to do, they don't have to do a bit of everything. But it has also allowed the police to become quite good at investigating certain kinds of crime.

Of course, often these specialist crimes are small in terms of the bigger picture of all the homicides that occur in the country, but I think that was a very good and sound managerial decision made fairly early on.

BOUTELLIS: The next area is external accountability and effectiveness, meaning accountability both to community and to policy makers. In particular in South Africa we have a new leadership after '94. How did this improve the capacity to collect, analyze information about performance and also responsiveness to both the government and to the community needs as well as the broader oversight.

SCHÖNTEICH: I think it has changed on three levels. Firstly South Africa's parliamentary system is now such that Parliament is fairly powerful in holding the executive to account. So Parliament decides on the budgets which are voted upon every year, how much money the police gets. It can also, if it wants to, decide how the budget is allocated within the police service; how much should go to crime prevention, how much should go for law enforcement and so forth, at least in theory. They can also call in front of, there are specialized parliamentary committees. One of them would deal with safety and security issues. So that committee could call before it anybody from the police service to testify. Typically they would call the national commissioner to give account in terms of a certain policing strategy or to ask if certain monies have been spent on a certain policing activity or not.

So in the formal sense, South Africa's parliamentary system allows for quite a lot of oversight be elected representatives. The problem is two-fold. One is that Parliament is not very independent of the executive. The ruling party is very powerful in the sense that they generally get two-thirds of the vote. So the opposition parties are fairly small and they're not very powerful, and there is also very little prospect that any party other than the ANC will win an election in the foreseeable future there. The ANC is simply incredibly powerful in electoral terms. The ANC itself is very hierarchical so that the executive has a lot of influence over the individual members of Parliament who are also members of the ANC.

So the kind of oversight that Parliament could give in terms of what the police does and how it spends its money is generally not given in the South African sense. It is more—people would say if they want to be critical, that Parliament is more of a rubber stamp for what the political executive wants to do. On another level however, there is this statutory body called the Independent

Complaints Directorate, which is funded directly by Parliament and is created through the Constitution, so it is really an independent body and has got a fair budget to both have its own investigative staff, but also a small kind of policy review unit as well which can review police policies. Which, in principle, can be fairly effective in terms of oversight. It has been less effective on the policy level. It simply doesn't have enough staff there, but it has been fairly effective in think on investigating individual cases of police conduct. On a number of cases it has investigated allegations against the police and then recommended a prosecution which has resulted in a successful prosecution. That was completely new for South Africa. South Africa didn't have such an independent civilian oversight mechanism before 1995 when the Independent Complaints Directorate was created.

Then at the third level, at the community level, two things have happened. One is that the nongovernmental sector, organized civil society, initially after 1994 was not very critical of the new police service, of the new ruling party. Ideologically they were fairly close to the new ANC government. That has begun to change. They have become increasingly critical, especially of policing policy and activities because the police has not been very effective in getting to grips with most forms of crime in South Africa. The government has reacted quite critically of that. The government has really tried to limit the level of cooperation and collaboration between the police and civil society organizations. It makes it very difficult for NGOs to get access to data for example, to crime statistics on a regular basis and things like that. For civil society to be given an informed voice as to whether policing policy is sound or not.

On the community level, South Africa, at least in policy terms, made a very radical decision in that they introduced community policing in, I think, in 1995 or 1996, law which governs the police service. Every police station has to have a dedicated officer who is a community police relations or liaison officer whose responsibility it is to organize monthly meetings with the community, to make sure that the community's voice is heard. So formally there is quite a commitment to make sure that the community has input. But in practical terms, from the studies that I've read, community policing has not been all that effective in bringing in the voice of the community in terms of setting priorities and agendas within the police, especially surprisingly, but it may be in retrospect not so, amongst poor communities for whom community policing was really created, to give black South Africans, especially poorer black South Africans a greater voice in policing. It has to do often simply with poverty. Often poor people are simply too poor to drive to a monthly meeting, or they cannot get time off work to engage in community-policing related activities. They're simply exhausted at the end of a long working day to now engage in discussions with a local police representative.

Another problem has been in areas where there are high levels of crime, is that certain sectors of the community have hijacked the community policing structure. Often some would say, possibly people involved in gangs themselves and organization crime, that they really dominate these structures and make sure that honest citizens are not part of it. Or, because of high levels of crime, honest citizens don't want to go out at night and attend meetings, they're simply too fearful because they might actually be attacked by gang members who know that they're on their way to a community policing meeting.

So community policing as a whole I think has not been as much a success as many people had hoped say in the mid 1990s.

BOUTELLIS: Was there any effort to create an information system that would help monitor impact on crime and other issues all across the country and maybe providing sort of disaggregated data that would help addressing and better responding for local pockets of crime?

SCHÖNTEICH: There has. I think that's one of the success stories for the South African Police Service. They had a very rudimentary information system in 1994 and then they made a conscious choice to create a unit within the police although the leadership is civilian. So it is partly independent of the police, maybe not as completely as some people would want it, but it has got some operational independence which was responsible for designing and implementing and now managing an information system which collects data on all crime which is recorded by the South African Police Service. It does it in quite some detail. It includes data on the background of the alleged offender, gender and ethnicity, suspected age, etc. It contains a lot of information as to where the offense occurred, whether it was in the open street, in a private home, in a business, etc. There are probably something like a hundred variables. In fact, the criticism has been it is too complicated a system for a country like South Africa, about the kind of detail one can get on an individual crime.

As a result of its intricacy, it took probably five to eight years before the system was really up and running countrywide, but now it is working well. At the head office level in the police, they could if they wanted to, and they might even do this, on a weekly basis, get up-to-date information on what happened in the proceeding week throughout the country. What crimes were recorded and then this detail on the background to these crimes. What they have done—this is a more recent development, probably only in the last four to five years—they're now using information to develop crime priorities, or crime-fighting priorities at the very local level. So they can pinpoint crime problems right down to the street level in urban centers in bigger cites, as to where there is an upsurge in crime or certain crime problems. At the station level police will then allocate greater resources of police officers to deal with that increase in crime. So the information system is good. The criticism by civil society and by the media in Africa is that crime data is only released annually by the South African police. So it's not really user friendly and not frequently made accessible to the public, on this annual basis, and then very often with very little analysis or explanation. The police is criticized because one knows that the system would allow it to release crime data much more frequently which they haven't done.

BOUTELLIS: Why so do you think?

SCHÖNTEICH: I think it is mainly to limit, to restrict criticism of them. As I said, the public really does expect the police in South Africa to reduce violent crimes especially and crime generally. If crime goes up or isn't reduced, it is the police which is blamed, primarily by the public and by the media and opposition party politicians. The more frequently they release data, at least over the last 13 years, the way crime has broadly speaking gone up, it will have been just more opportunity for the police to be criticized.

BOUTELLIS: Onto the next issue, reducing brutality on the part of the police is something many reform programs have to address. On this kind of thing what has been sort of the history of the South African police service versus the former police force and efforts to try and make the police more respectful of human rights?

SCHÖNTEICH: *Training, obviously I think right from the beginning in 1994 with the transition, that was always an important component of the training, maybe more so at the beginning than now. As South Africa transitioned from this very authoritarian regime where the police was largely used for oppressive purposes, You had to train new recruits and retrain existing officers that they have to act within the law. The police obviously had the incentive in the sense that if they didn't, they also wouldn't be able to solve a case to its successful conclusion because the courts, almost overnight became much more strict in terms of the evidence that they would accept or not. So evidence collected illegally involving undue force or undue pressure exerted on suspects or even witnesses would simply not be accepted by the courts.*

In addition to that I would say that where there have been cases of—especially cases of shocking police abuse of their power, the police leadership has acted fairly vigorously in making sure that those persons were investigated, prosecuted and then expelled from the force, more so than before 1994. Then finally I would say this Independent Complaints Directorate has been a very good mechanism to investigate and the police leadership at least has been very collaborative to make sure that investigators of the ICD, of this Directorate, have access to police files and police records and can interview witnesses within the police so as to build up a proper case against police officers who do abuse their power.

BOUTELLIS: Somewhat related to this, I'd like to move into the area of the depoliticizing of the police force. Politically neutral police services that safeguard human rights are important in establishing the rule of law. I was wondering about the focus on depoliticizing of the police force when you created the new police services in 1994.

SCHÖNTEICH: *I think the government did it quite wisely in the sense that the first new National Commissioner of police after the transition in 1994 was actually an existing officer, so it was a white officer, but somebody who had worked in the commercial-crimes field, so nobody who was involved in controlling political riots or suppressing political activities. So really a career police officer who was in all ways really completely nonpolitical. I think it was wise in the sense because if they had appointed a black officer to that senior position, it would have been somebody from outside the police service and there would have been a suspicion that that person would have been a political appointee. In fact, in parallel that happened with initial prosecuting authority where a senior member of the ANC, of the ruling party, was appointed as National Director of Public Prosecutions. Even though it turned out that he dealt with his office in a very fair and professional manner, the suspicion was that it was a political appointment.*

I think with the police service the government handled that very wisely, even though I think there were a lot of criticisms from within the ANC that they should not have appointed an existing white member from within the police service. How successful it has been in the long run, I think again it has been a bit of a mixed success. More recently, and really talking of the last two weeks, the National Police Commissioner in South Africa has been charged for being involved with organized crime and corruption. There are a lot of suspicions that he has been protected by the President and possibly by others within senior levels of the political executive in South Africa. So it seems—and I'm not based in South Africa now, so I can only talk from what I read in the press—that there seems to be a lot of concern again that there might be, at the very senior level, a politicization of the police service taking place in South Africa.

On the whole, I would say on the whole, in terms of day-to-day policing, there have been very few allegations, even during some very contested election campaigns now, twice now since the transition in 1994. Very few and isolated incidents or allegations that the police, in a methodical way, is politicized, was biased in favor of a certain faction or political party in South Africa. I don't recall such an incident.

BOUTELLIS: What were the main elements of either depoliticizing the previous force, or trying to avoid the politicization of the new force in the period after '94 basically if any? You mentioned the possibility of recent politicization of the police force, but during the onset of the reform, were there any—what was happening then?

SCHÖNTEICH: I think South Africa was lucky, although, as I'll explain just now, the luck might also run out. I think the existing police officers, they simply wanted to make sure that they could retain their positions. So to do that they would have to act as professionally as possible. It was made easier in the sense, that the transition was irrevocable. I don't think there were any reasonable people amongst white South Africans generally or even among white police officers, that there could be a return to the previous regime. So it wasn't a kind of transition of power which could swing back, so that there would be an interest among say a group of police officers to try and form a kind of conspiratorial group to try and hope to overthrow the new regime. That was so outlandish a thought that I think anybody reasonable would simply go along with the new system and keep their own private political views to themselves. That I think assisted the transformation of the old existing staff in 1994.

In terms of the new recruits, I think what helped is that the ANC, the new ruling party was electorally, and is electorally so powerful, as I said they get generally two-thirds of the vote. They're not going to lose the next election or foreseeably the next few elections. So there was never really a strong incentive on the side of the ANC to recruit or hire people according to their political allegiance. The political allegiance was already so strong and there that they had more often incentive to really hire professional people who were competent, who could make sure that the country could reduce the high level of crime in South Africa, with exceptions. I think at the very highest levels there was political interference in the recruitment process. But generally, in terms of the rank and file, there was no strong incentive for the ANC to recruit people according to their political views. Now, that might of course change. Should the ANC lose electoral support, should there be a risk that it could lose an election as one has seen in some neighboring countries such as Zimbabwe, there might be a different incentive for the ruling party to try and place greater pressure on recruiters in the police to recruit people who have greater sympathies for the ruling party, but this hasn't been the case so far.

BOUTELLIS: Moving on to something you've alluded to earlier, the non-state security groups. This may take very different forms. You mentioned the private security but there might also be more traditional forms of policing preexisting. I was wondering if you could first describe for us some of these groups very briefly and then explain if there has been any attempt from the side of the police to work with these groups and what the relationship is, whether it is complementary or some would say competition?

SCHÖNTEICH: There are probably three different groups. The most formal grouping is the for-profit private-security sector in South Africa. These are security companies who do policing-related tasks on the provision of a fee. It is a huge industry. There

are different studies out there, but they're probably between three to four times as many private security officers in South Africa than there are uniformed police members. Also the money which is spent on an annual basis on private security by South Africans is probably far in excess to what the money the police service gets from the government or the state budget. So it is a very big sector and it is also very diverse. Generally what one sees as a normal citizen, are what one would call in South Africa, armed response services. So people would contract with a private security company who would then set up an alarm system in a private home or business. Once that is activated, either because a window is broken, or a door forced open, or because the owner pushes an emergency, an alert button, the private security company is alerted and will then dispatch a vehicle with armed personnel in that vehicle to try and react to the emergency situation as quickly as possible. That is very popular, given the high level of violent crime and given the fact that the police is not as dense on the ground in South Africa as it would be in a developed country for example.

Other services that they would provide would be typically cash-in-transit services where they would collect money from banks and deliver that to a depot or the reserve bank in South Africa. They do private security arrangements for high profile business persons to prevent kidnapping for example. Then just the securing and protecting of premises, large premises or large events, sporting events, etc. So that is probably the most visible and biggest non-state form of policing in South Africa.

Then in addition to that there are a lot of civil society initiatives to do with preventing crime and protecting the environments. Neighborhood watch schemes are fairly popular in many neighborhoods throughout South Africa. These are simply neighbors who get together, some are more organized, some are less, who patrol the streets. But they don't do a policing function in a formal sense. If they see a crime occurring they would call the police. They don't themselves get engaged in trying to punish criminals or even to try to apprehend at least dangerous criminals. They serve more as a crime prevention function as a whole I would say.

Then at the third level, this is something which has generated a lot of publicity in South Africa, are also civil society originating policing services but really they cross a fine line between what one would call neighborhood-watch-type of policing which is legal and vigilante type of activities which are illegal. Many of these kinds of organizations—and they're not always organizations, sometimes simply individuals, but very often they are organized—take the law into their own hands. They identify alleged offenders and then, in extreme cases murder them as a punishment, or, in most cases, simply assault them very badly as a form of punishment and to try and extract a confession out of them, very often related to property related offenses to get the property back.

At times the dividing lines between these three groups are a little bit blurred. There is one well-known, private security company in South Africa which is called Amapogo, which both has a for-profit security wing which works in the well-to-do suburbs in South Africa, and people pay money for them to sort out crimes, but in the rural areas… and to get goods back and really build up a good reputation in rural areas which they then exploit amongst crime-ridden suburbanites to show to them that they really mean business and are serious about fighting crime.

The same with vigilante groups as well. Some of them on some days merely patrol streets on an ongoing basis to prevent crime, but if then say a crime is

committed against a child or a particularly shocking crime happens in an area, they would then also take the law into their own hands to punish an offender.

The police have had an ambivalent relationship with all of these groups I would say. They have at times actually collaborated with all of them at one time or another, even with the vigilante groups, although that has been fairly limited. There was a well-known vigilante group in the Western Cape in South Africa called PAGAD (People Against Gangsterism and Drugs) and for a brief period of time this group worked together with the police in identifying suspected drug dealers in certain communities in the Western Cape. But PAGAD then started killing people, started burning down homes and the police then stopped collaborating with them. But it shows that the police are under a lot of pressure to try and leverage additional support which is made available to it, but of course must be very careful to guard against being expedient and using people and organizations which very often either have simply a profit motive or at other times will as much break the law as other criminals out there.

BOUTELLIS: Do you have any, from your experience, any thoughts or suggestions on how to engage these groups and has the state, at a higher level than the police itself, the police might be on the ground working or not with these different groups as you mentioned. But has there ever been any initiative at a higher level to bring these groups within the framework of the law? Would that be popular? What are your thoughts on this?

SCHÖNTEICH: There have been a lot of attempts and a lot of discussion to certainly formalize as best as possible the relationship between the police and the for-profit sector of the private security industry in South Africa. There are cases where this has worked quite well. For example, many police stations even in South Africa are guarded by private security companies. So the police pay private firms to provide armed guards for police stations so the police are available to do other kinds of policing work. That is an extreme example.

But even other case, there are, not throughout the country, it's not uniform, it's more of a local arrangement, where the police and the private security companies would share a radio frequency. So if a bank robbery takes place for example or a hijacking, they can communicate with each other so they can all respond to the same incident.

The problem is often that many South Africans would argue that it only reinforces even more the benefits that middle-class and wealthy South Africans have in terms of policing. By the state police collaborating with the private security industry, which already only benefits middle-class and upper-class South Africans. Then if the police collaborate with them, that kind of benefit is even more towards that segment of South African society to the detriment of poorer South Africans. I think that is probably one of the main reasons why the relationship between the private security industry and the police isn't more formalized. Politicians within the ruling party of quite leery of being seen to collaborate too much with the for-profit private security industry.

But having said that, probably every year, or every other year, there is again a major initiative or major conference which brings up the topic of more collaboration. It is I think in the practicality where it often doesn't quite work out. Also, partly because they have different interests. The private security industry is there to protect those who pay them, while the police obviously have the mandate to protect everybody. But I think there are examples, also in other

countries which could be used where police could collaborate better with the private security industry. That would be my own personal view.

BOUTELLIS: Do you have any specific countries in mind as examples?

SCHÖNTEICH: Even in the United States, there are cases where non-core activities of the police. For example, in South Africa, the police is responsible for transporting prisoners between the police station and the court room. This is very labor intensive especially in the mornings and afternoons when the court day begins and the court day ends. It involves a large number of prisoners who are kept in the police holding cells every day. I would argue it would make sense to give that top a private security company. I think people don't become police officers to be chaperoning, to put it crudely, awaiting trial offenders or suspects rather. They are there to investigate crimes and to solve crimes. The same also goes for guarding courtrooms. Every courtroom in South Africa has one or two uniform police officers who make sure that order is kept within the court room. It's a very boring job. Most police officers don't want to do that kind of job. It would make sense arguably to hire that out to a private security firm to them make available those uniformed officers to actually combat crime out in the streets.

Then also certain events where the police often are involved in providing security, public events, political rallies for example. One could argue that whoever organizes that event should also pay for private security thereby to release the police from that duty. It's an ideologically tricky terrain especially in a poor country such as South Africa, but I think examples can be made where the police can relinquish some of the non-core functions and hand it over to the private sector.

BOUTELLIS: This is sort of on the positive side of things. On the other side I want to ask you, do the private security companies challenge the credibility of the police even more and do they also maybe draw from the resources, trained police personnel in the context of South Africa?

SCHÖNTEICH: I don't think they draw so much in a negative way on the credibility of the police. As I said, credibility of the police is mainly determined in the eyes of the average South African by the level of serious crime. The private security industry in its own way does play a role in preventing or reducing some forms of violent crimes. So that's to the benefit of the police as well. But I think where the private security industry has played, from the police's point of view at least, a negative role is that it does indeed draw more experienced investigators especially from the police because they can offer better pay and better work environment more generally. So it is not unusual to hear of somebody who has been a police officer for ten years, who has been fairly well trained by the police, who has become good at his or her job, to then leave and join a private security company.

BOUTELLIS: Thank you. We've talked a lot about a number of the functional areas. Now I would like to take a step back and think of the broader challenges in the context of South Africa, but we'd also welcome any other input you may have. In your opinion, do you think that some of the tasks should have the priority over others? Some of the technical areas we've covered, should they be prioritized over others when looking at reforming or rebuilding a police service?

SCHÖNTEICH: That's a very good question. I haven't thought about this deeply but it would probably depend a bit on the crime situation that is happening in the country at

the time. Ideally it would make sense, in the perfect environment for a new police service or a police service which is undergoing major changes, to make sure firstly that its internal structures are working well. That is, to make sure that its own systems, both in terms of budget, allocation and spending, but also in terms of training, and recruitment and promotion, making sure that police officers who abuse their positions are identified and weeded out of the service. Making sure that the internal institutional coherence is sound. I think that would be my first priority.

But I think in a case like South Africa where right from the beginning there was a kind of a crisis management, right as a new police service was created in 1994, you had a homicide rate of 60 per 100,000, which is incredibly high, one of the highest in the world. You had a lot of hijackings, a lot of rapes and sexual assaults. I think the police understandably didn't have the luxury to devote to much attention to getting the internal side of things right. It had to really, right from the beginning, focus on getting to grips with the high levels of crime, to putting police officers out in the street so that they had greater visibility, to reassure the public, but also to make sure that the repeat offenders, those who are committing many of the rapes and murders were actually identified, and apprehended and convicted.

Of course, it's never black and white. Even in South Africa's case where the level of violence was so high, they couldn't only do one thing. At the same time they also had to try and fix the internal procedures and mechanisms as well. But what happens then of course is that both things take longer to do. I think South Africa is probably a good example. It has taken a long time to begin to improve the internal managerial mechanisms and they're probably still not perfect. It will still take a long time to improve those, if they'll ever be perfect. Certainly the levels of violent crime are maybe slightly better, but not much better than in 1994. Personally, my opinion is that this is not only due to the fault of the police. Violent crime has so many other underlying factors to do with inequality, availability of work, urbanization, availability of firearms and drugs, for which the police cannot directly be blamed which are also at fault.

BOUTELLIS: Are there any innovations or experiments you know about either in South African context or elsewhere which you think merit more attention, that we could potentially learn from?

SCHÖNTEICH: One thing that South Africa did very well, and I think it has been very successful, is it introduced initially just one centralized computerized database for its fingerprint records. So anybody who has been convicted has to give their fingerprints and these are kept so that one can then check if somebody is convicted again or somebody is convicted, whether they have any previous convictions because that has an impact on the kind of sentence that they will get. Also, if somebody is arrested by the police, the police have an interest to check if they have been arrested before, have been convicted before. That in itself really sped up the criminal justice process quite rapidly. Before that it took two to three months just to check previous convictions and it just really delayed the whole criminal justice process.

Then what the police has done subsequently, and this is now the last two or three years since my departure from the country, they have got these handheld scanners in which they can store, I think, 50,000 sets of fingerprints of the most serious repeat offenders in South Africa. They can just have a roadblock somewhere and they can scan, in the field as it were, if somebody has their fingerprints stored. Apparently this has been a huge success in finding people

who have escaped from custody, against whom there are outstanding warrants or against really serious offenders which the police have prioritized in terms of finding. This initially has been expensive, but I think it has more than paid for itself in speeding up the criminal justice process.

Another innovation which I think is useful—although South Africa has maybe not been the greatest success in this regard but at least the idea was there—is to better coordinate the activities of the police, the prosecution service and also to a lesser extent the prison service and other Ministries which have some role to play in terms of fighting crime and preventing crime such as social services and education departments. So a so-called cluster of ministries was created. I think it is Crime Prevention and Security and Intelligence Cluster. The Ministers of these different ministries or departments come together on a monthly basis to try and lay out bigger plans and objectives for the coming year or three years. I think that cluster approach to criminal justice has been very good and very sound. Because the police on their own, even if they do a very good job, rely very much on the prosecution service, rely very much on the social services to prevent crime, to identify problem children or teenagers, for example, to do their job effectively. So this holistic approach has also been very successful. Well, the idea of it I think is great in South Africa, it's just the implementation has been more difficult.

BOUTELLIS: Now let me ask you what are the biggest challenges, even though we have already discussed many of them. But if you had, as a wrap up, what do you think are the major challenges the past few years and to come. Are any of the lessons learned from the South African case applicable or inapplicable to other contexts? It was one of the earlier processes of police reform. We've seen many different ones since then with some drawing from the South African experience. What is your take on this?

SCHÖNTEICH: I think one of the challenges, and this does hold a good lesson for other countries that are beginning to enter a period of political transition. That is not to underestimate the increase in crime which normally happens. We could have predicted this if we had had a bit more foresight. Normally it is very common for countries which enter a period of political transition to see an increase in crime. We've seen this in a number of Latin American countries, in Central American countries, throughout the former Soviet Union. As those countries began to transition away from the old, rigid, authoritarian past, levels of crime, not only in terms of perceptions, but in actual numbers, began to increase, for a range of reasons. Borders are more open, people are more mobile. People are less secure in the positions they might have had before and so forth. So I think the biggest, an important challenge for us was not to underestimate that, especially by the new ruling party which believed, because it was so popular, because it could introduce a lot of new social programs, it could really get to grip with crime without having to have very punitive law enforcement or law and order kind of approach. In retrospect, that didn't work. I don't know necessarily what the ideal solution would be, but simply relying on the good will of a new ruling party which might be very popular in electoral terms, doesn't mean that people automatically will be good citizens in terms of identifying criminals and collaborating with the police. In other countries I would say you go through similar transitions, you could take that lesson to heart.

A second lesson is I think it takes a long time to transform a big organization such as a police service. It takes, if not a generation, at least a decade I think. In South Africa's case, South Africa is not a poor country for a developing country. There was a lot of expertise available, a lot of money available for

reforming the police and making equipment and other provisions available. Notwithstanding that, the South African police, if they were to ask themselves, they're not where they thought they would have been every five years after the transition. It has just been a much longer, slower process to transform such a big organization. That would apply I think to any country which has a big, centralized police service. So Nigeria for example was even bigger. I think they had 350,000 officers or members compared to 150,000 for South Africa. They're going to face very similar problems as it is now also beginning to reform internally many of its own activities and practices. So that would be applicable too.

What is maybe less applicable, although not totally, are South Africa's unique racial dynamics. This quota system of trying to make the police representative of the general population and also the fact that crime in itself has kept South Africans apart to a certain extent. That has really been a major problem for South Africa, not only in terms of reforming the police and getting to grips with crime, but generally of institutionalizing democracy, and institution building more generally. That might be less of a case in a homogeneous country but certainly would be a problem in Nigeria as well I would imagine and many other ethnically diverse countries in many parts of Africa too.

Then maybe as a final thought, crime is just a very complex phenomenon. It is not enough to have a good police service. In South Africa's case for example, over the last three or four years the number of police officers has increased quite significantly, many more new prosecutors have been employed, new police stations built and court rooms built. A number of quite tough laws passed against organized crime, terrorism and gangs, laws which give the law enforcement agencies considerably more powers to deal with asset forfeiture which South Africa never had in the past. Notwithstanding all these things, it has really made very little impact on day-to-day violent crime in South Africa. The normal types of murders and rapes and armed robberies, the level has not really changed notwithstanding the increase in resourcing for criminal justice. So one needs much more. It is obviously a prerequisite to have a good, effective, and fair criminal justice system but it needs much more than just that. It has to do with a whole range of other disciplines from sociology to political science and psychology I suppose.

BOUTELLIS: Before we wrap up, is there anything else? Any other point you'd like to make? Any questions I haven't asked?

SCHÖNTEICH: Maybe one point which has been a learning experience for me. Until I joined the Open Society Justice Initiative, I focused my work on South Africa. I really worked on South African criminal justice issues only. Eventually, and that was one of the reasons why I wanted to make a move, it became very depressing because crime was so high, there were no real answers to how to solve the crime problem, how to try and fix some of the underlying problems within the criminal justice system. Eventually I got the belief that many of these problems were uniquely South African given South Africa's history and problems. But since joining my present employer in 2003 where I've had the benefit and the privilege of working in a range of countries, in other parts of Africa, also in Latin America and in the former Soviet Union, it has amazed me how similar the problems are in many of these countries which are going through periods of transition.

The problems having to do with developing sound and effective institutions, of making sure that state institutions talk to one another and collaborate. The

problem of civil society collaborating with government and vice versa, problems to do with corruption, problems of crisis management, trying to sort out institutional problems while at the same time dealing with very high levels of crime and what pressure that places on politicians who in turn then very often panic and pass laws as a knee-jerk reaction to a problem which is really a short-term one. These are problems that have all been very familiar to me. These are problems very similar to South Africa. I think there are many lessons to be learned among countries, and between countries of the developing world, especially transitional countries, which I think doesn't take place enough. I think Southern Africa, South Africa certainly could learn a lot from parts of Latin America, especially Brazil, but also other countries. And because of language and reasons to do with historical development, I think there is too little sharing of experiences and good practices and lessons between such regions.

BOUTELLIS: Martin Schönteich, thank you very much.

SCHÖNTEICH: My pleasure.