

Lessons from the NPA: When the past comes back to haunt you

 By [Jenny Reid](#)

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More skeletons have fallen out of the National Prosecuting Authority's closet, throwing security flaws within government into the spotlight once again. Could the same types of breaches be happening within your organisation?

The National Prosecuting Authority (NPA) is one of the highest State organs to institute criminal proceedings, but the latest controversy surrounding the suspension of National Director Mxolisi Nxasana has once again brought a familiar sense of confusion and politicking to the fore.

Just one day before the NPA was set to lay new charges against former Crime Intelligence boss Richard Mdluli for assault, kidnapping, fraud and other related crimes, the Presidency announced the news over the weekend that the NPA National Director Mxolisi Nxasana would be suspended. In a case of political meddling, the criminal spotlight was suddenly shifted to Nxasana.

Another skeleton falls out the closet

The embattled director, Nxasana had been asked to step down by former Justice Minister, Jeff Radebe, after he failed to declare his involvement in a 1985 murder, of which he was acquitted due to self-defence. However he has also been included in additional cases of assault and negligent driving.

Nxasana claims it is a blatant smear campaign. Two of his predecessors-Vusi Pokoli and Bulelani Ngcuka-also exited the NPA under a dark cloud.

Factional fighting within government aside, the case raises serious security issues. Should an employee declare a past offence, even if he was cleared of it? Should someone with a criminal background not be allowed to hold positions within government, particularly the state organ responsible for bringing criminal proceedings against others?

That is up for debate and I certainly have my views. Rehabilitation is always possible and can prove to be successful in many cases. However, the once again embarrassing failure of government to screen high-level directors ahead of appointment, has eroded the NPA's credibility and hamstrung judicial process.

Lessons from this debacle

What is not up for debate is keeping your company safe and sound. A criminal past or allegations of criminality remains a

stigma that is hard to shake. There are a few important lessons to take away from the NPA debacle.

When someone is appointed to a senior position of trust and power, the bigger the magnifying glass should be on their previous records-from CV to certification checks, from a credit history check to criminal clearance.

Arousing criminality

This is another lesson the private sector can take to heart. As a company owner, your priority is to keep your company safe. A security clearance, which can greatly minimise risk, is especially critical if this candidate is going to be an authority figure, or in a financial or security role.

If you don't start with the right investigations-or ignore them altogether-then problems will arise with disturbing repetition.

The other take-out from this latest government debacle is to have a committee in charge of security checks rather than a sole security consultant; it also makes strategic sense to outsource this function to an impartial security provider.

Inside threat?

iFacts has been assisting South African companies remove the risk associated with people for the last thirteen years. We understand that your board of directors, non-executive board, as well as your employees, can be your greatest partners in success, but not selected wisely, they can also pose a serious threat.

If you have such a senior employee hiding a shady past in your organisation and they don't declare this, this person is often more susceptible to blackmail and coercion-selling your company out to protect their secrets. There is always the fear that their criminality will be easily aroused, to the detriment of your brand.

Clean as a whistle

The ongoing political controversy surrounding the NPA could have been avoided if an inquiry into the past of each incumbent director took place before this person was appointed.

A transparent process is the only way to ensure you choose someone who is as clean as a whistle. A consistent security clearance procedure should be part of every candidate's entry into your company, from supplier to senior directorship.

ABOUT JENNY REID

Jenny Reid is Managing Director of iFacts.

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