

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

## ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 4 SEPTEMBER 2015

### COMMITTEE REPORTS

1. **Report of the Standing Committee on Community Safety on the Inception Seminar held on Tuesday, 10 March 2015 at the Law Faculty of the University of the Western Cape.**

#### **IPID INCEPTION SEMINAR**

##### **Delegation**

Mr BD Kivedo (DA)  
Ms MM Wenger (Chairperson) (DA)  
Ms PZ Lekker (ANC)  
Mr FC Christians (ACDP)

Mr W Matthews (Committee Coordinator)  
Ms P Maqogoza (Social Cluster Researcher)

Apologies were rendered by Members Dijana, Marais and Mackenzie.

The delegation was joined by the Prof L Muntingh, Project Head of the Civil Society Prison Reform Initiative (CSPRI), and Ms G Dereymaeker, a researcher at CSPRI. The CSPRI is based at the University of the Western Cape (UWC) Community Law Centre. Also in attendance were members of the Independent Police Investigative Directorate's (IPID) Knowledge Management Division, Ms S Chaba (Deputy Director) and Mr T Mokiri (Assistant Director).

##### **Background**

On 7 November 2014 the IPID presented its Annual Report 2014/2015 pertaining to the Western Cape to the Standing Committee on Community Safety. In its report on the IPID Annual Report discussion, the Committee recommended that the IPID conduct a study

on reasons for which there are so many cases emanating from the Western Cape and present the findings to the. The Committee's recommendations were communicated to the IPID Executive Director in correspondence dated 8 December 2014.

The IPID Knowledge Management Division informed the Committee of its intention to consult the UWC concerning the study. The IPID informed the Committee of developments in respect of its engagement with UWC. The date for the seminar was confirmed as 10 March 2015.

### **Relevance to the Committee**

This seminar was relevant as it emanated from a recommendation made by the Committee. In this regard, the Committee's proactive involvement in the seminar ensures that the study is conducted on the basis of the Committee's input. The seminar proved beneficial as not only did the Committee provide valuable input, it was also informed of the possible challenges, the feasibility of the study and its scope, by research industry experts. The interaction during the seminar thus proved mutually beneficial.

### **1. Introductory Narrative**

The Chairperson gave a brief context and the reasons for the Committee's request for the study to be conducted. The Inception Seminar therefore formed part of the initial phase of this study. This seminar allowed interaction between the Committee, IPID Knowledge Management Division staff as well as the lead research consultants, thus ensuring that the Committee's reasons and expectations of the study are clear from the outset. This seminar also provided the lead research consultants to develop a clear plan of action and to explain the feasibility of the intended study to the Committee.

### **2. Discussions**

The discussions focused on the following key areas:

#### **2.1 The motivation for the research**

The motivation for the research stems from a recommendation by the Standing Committee on Community Safety following a briefing by the IPID on its Annual Report 2014/2015 as pertaining to the Western Cape. The Annual Report indicated high levels of complaints against SAPS members, emanating from the Western Cape. In order to better understand the reasons for these complaints, the Committee recommended that a study be conducted.

Possible reasons for the high number of complaints were hypothesised during the discussion for further investigation. Some of the key variables to be investigated include: That there are more complaints in the Western Cape compared to other provinces because there are more incidences of transgression; IPID's marketing strategies in the Western Cape are better hence more members of the public are aware that there is an avenue to report transgressions by South African Police Service (SAPS) members, SAPS Western Cape's management reports more complaints than other provinces and the Western Cape public feel more comfortable reporting to IPID as opposed to exploring other avenues of complaint.

## 2.2 Delineating the research question

The research question developed reads as follows:

***What are the incentives/facilitators and obstacles to report cases to the Independent Police Investigative Directorate?***

Key observations made in relation to the research question include:

A key observation in relation to the research question was that the training curriculum might not be uniform across provinces. Another observation was that the training curriculum might not offer sufficient course content relating to the manner in which officers are supposed to interact with the public. In this regard, including training on better investigative skills and conflict resolution could ameliorate the interaction between police and the public, thus leading to a decrease in the number of complaints. Complaints often emanate from the interactions between police and suspects during arrests and training on these skills might reduce the number of complaints during this period. Therefore, the number of arrests might be an important variable, especially if the number of complaints is linked to the number of arrests.

Another observation made was that training facilitators/instructors might not be knowledgeable and/or experienced in law enforcement. In this way, facilitators lack the industry specific experience from which recruits might benefit. Sharing experience in dealing with different scenarios, especially where arrests are concerned, could have an impact on the number of complaints.

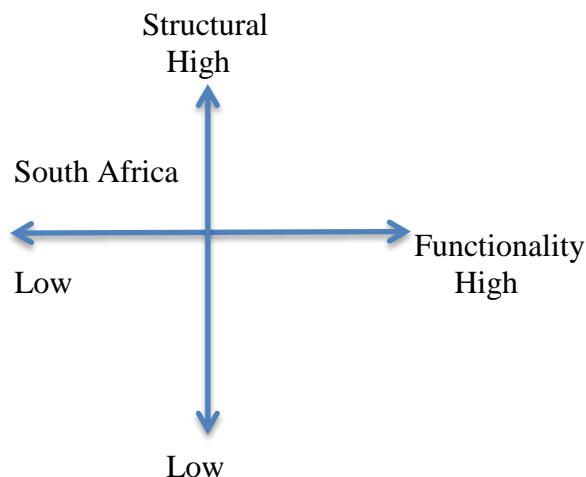
## 2.3 The possible sources of information to conduct the study

The following were identified as possible sources of information to conduct the study: IPID statistics; SAPS arrests figures, which IPID indicated it will request from SAPS; the SAPS Western Cape Annual Reports; the SAPS website; and interviews conducted by the research team (possibly with Community Police Forum chairpersons aligned to the relevant police stations and/or clusters).

## 2.4 Developing a research framework and the methodology

The delegation discussed the feasibility of using statistics of the number of complaints per police station, per cluster or per census district. It was agreed that using the census district statistics would reflect a more accurate analysis. The expected ratio to be used is reflected as X/100 000 (per population).

Prof Muntingh explained the research framework and stated that there are two measurements commonly used in studies of this nature. These measurements include a structural rating, i.e. the organisational structure and the capacity a system has to carry out its duties, and a functionality measurement, which refers to how effectively the duties are carried out within and by a system. In terms of this study, South Africa is most likely considered to fall within a high structural and low functionality quadrant. In other words, there are systems in place such as legislation regulating the police, the legislated establishment of police as a national enforcement agency, legislated oversight mechanisms over the police and legislated platforms allowing public participation. However, the functionality of these structures is hindered by various factors. The diagram below illustrates the abovementioned structural and functionality measurements.



## 2.5 The estimated costs and timeline for the study.

The expected timeframe for the study's findings has been provisionally set for 1 to 15 September 2015 should the IPID accept the CSPRI's research proposal and costs. The Committee requested whether a due date for the conclusion of the study could precede the tabling of the Annual Reports, which must be tabled by 30 September.

The CSPRI will forward a draft proposal to the Committee outlining thematic areas, sources of information, the methodology and framework.

Details of the cost estimates will be discussed by the CSPRI and the IPID Knowledge Management Division as the IPID Executive Director needs to confirm the available budget for the study.

## 3. IPID constraints

IPID representatives indicated that there are only two researchers in the Knowledge Management Division.

The seminar concluded at 11:40.

## 2. REPORT OF THE STANDING COMMITTEE ON COMMUNITY SAFETY ON AN OVERSIGHT VISIT TO THE WORCESTER POLICE STATION CONDUCTED ON 13 MAY 2015.

The Standing Committee on Community Safety having conducted an oversight visit to the Worcester Police Station on 13 May 2015 reports as follows:

### Introduction

The Committee as part of its oversight mandate and complying with the Committee programme, resolved to undertake an oversight visit to the Worcester Police Station. The Committee undertook this visit in order to gain a better understanding of the functions, successes and challenges of the police station. The decision to visit this particular station was largely motivated by the Western Cape Crime Statistics for 2013/2014 in which Worcester recorded high numbers of crimes, specifically gang related crimes.

## **The Delegation**

The delegation of the Standing Committee on Community Safety included the following Members:

Ms MM Wenger, (DA) (Chairperson and leader of the delegation)  
 Ms PZ Lekker (ANC)  
 Ms TM Dijana (ANC)

### **The following parliamentary officials accompanied the delegation:**

Mr B Daza, Senior Committee Co-ordinator  
 Mr W Matthews, Committee Co-ordinator

#### **1. Welcome and introduction**

The Cluster Commander, Major General Mkhize, the acting Station Commander Colonel Smith, and senior members of the Worcester South African Police Service (SAPS), welcomed the Committee. The presentation took place at the Cluster Commander's office which is located a few kilometres from the Worcester SAPS police station.

#### **2 Presentation by Worcester Police Station's Acting Station Commander**

Col Smith, supported by Maj Gen Mkhize proceeded to present to the Committee on the Geographical policing area, the Domestic Violence related crimes, the Drug and Gang related crimes, Victim support and the Staffing structure pertaining to the Worcester Police Station.

##### **2.1 Key findings pertaining to the geographical policing area**

The Worcester Police Station serves a population of 121 366, which includes policing 43 schools in the 1418km<sup>2</sup> area. There are seven taxi ranks, of which four are actual taxi ranks and three are considered drop off points.

##### **2.2 Key findings pertaining to Domestic Violence related crimes and Victim Support**

The police station is assisted by volunteers and coordinators in providing support to victims of domestic violence. In addition, there are working relationships with Non-Governmental Organisations (NGOs). Station Commanders and Social Crime Prevention bodies also assist with matters pertaining to domestic violence by visiting homes of victims.

Col Smith reported that there are currently 28 Victim Empowerment projects including a *walk about* initiative to affected areas, a Business Against Crime initiative, a youth offenders programme at the Brandvlei Prison, youth talent shows, as well as a drive known as *Winter Warmth*.

He added that there are three Victim Friendly Facilities and four trained volunteers who have seen to 365 victims during the 2014/2015 financial year.

### **2.3 Key findings pertaining to Drug and Gang related crimes**

Col Smith stated that there are operations, known as *252 Operations*, conducted on a weekly basis, mostly over weekends, to clamp down on drug and alcohol related crimes. In terms of the level of gang related crime, the Worcester Police Station has experienced success since the implementation of its 5 point plan.

Col Smith indicated that gang related crimes were rife during 2013 especially. There are five key areas where gang activities are well known. These areas include Roodewal, Avian Park, Russelscheme, OVD and Riverview, with the latter being the only area currently experiencing some gang activity.

According to Col Smith, the Worcester SAPS implemented several strategies prior to the implementation of Operation Combat and has thus contributed valuably to the overall provincial police strategies currently being used to address gang related crimes. The Committee commended Maj Gen Mkhize for the good work done in combatting gang activity as well as exemplifying best practice in many aspects of addressing such crimes

The Worcester SAPS has a Detective Unit dedicated to address gang related crime.

### **2.4 Key findings pertaining to Staffing Structure**

Col Smith reported a -7 difference in personnel of the Visible Policing Division, a +2 difference in the Detectives Unit and a +8 difference in the support staff contingent.

However, the total number of granted posts at the station has decreased from 363 in 2010, to 357 in 2014.

Please refer to the attached presentation for a more detailed breakdown from 2010 to 2014.

## **3. Community Police Forum (CPF) input**

Mr Russel Cupido, Deputy Chairperson of the Worcester CPF, reported that there is a good, stable relationship between the CPF and the Worcester SAPS. The new CPF board has been working well since it became functional in October 2014. He added that communities in general are organising a lot better since relations between the Worcester SAPS and the CPF has improved.

The communities are actively involved with addressing vagrancy, youth empowerment and creating a better sense of awareness to potential criminal activities. The mobile application, *Whatsapp*, is used to create mobile chat groups in order to keep community members informed of any threats or criminal activities. The CPF is aligned to the Department of Community Safety's Expanded Partnership Programme (EPP).

Mr Cupido stated that there are concerns regarding the efficiency of the technical workshops used to maintain and repair the Worcester SAPS vehicle fleet. Often there are delays in servicing the vehicles. These delays adversely affect the police operations. Maj Gen Mkhize indicated that there are currently two technicians at the workshop servicing the Worcester SAPS fleet and that this concern has been communicated to higher SAPS structures. It was also noted that the controversial "green card" practice had been stopped.

#### **4. The Department of Community Safety input**

The Department of Community Safety was given a platform to provide input on the presentation and the Department's monitoring of the Worcester SAPS. Mr Thabo Shaku, Director of Community Police Relations, commended the Worcester SAPS on its gang strategy. He added though that there should be more focus on the alcohol industry and the dangers posed by the consumption and sale thereof.

#### **5. Inspection of the Worcester Police Station**

The Committee proceeded to undertake an inspection of the facilities at the Worcester Police Station. The Committee used the South African Police Service (SAPS) Monitoring Questionnaire. Representatives of the Department of Community Safety, Mr T Shaku and Mr W Bezuidenhout, were present for the duration of the inspections and presentations.

The Committee inspected the front desk/reception area; the holding cells, the victim support room as well as viewed the Domestic Violence Register. The Committee posed questions at each point of the inspection and were satisfied with the responses from SAPS officials. The Committee expressed its satisfaction that these abovementioned facilities were in good condition.

#### **6. Acknowledgements**

The Chairperson thanked Maj Gen Mkhize, Col Smith, Senior SAPS members in attendance, the Department of Community Safety officials and the CPF chairperson for attending the briefing for the tour of the facilities.

### **3. Annual Report of the Standing Committee on Community Safety: 2014/15 Financial Year**

Annual Report of the Standing Committee on Community Safety for the 2014/15 financial year, dated 24 June 2015, as follows:

#### **Members**

The Committee comprises of the following members:

FC Christians (ACDP)  
BD Kivedo (DA)  
PZ Lekker (ANC)  
AJD Marais (DA)  
MM Wenger (DA) (Chairperson)

#### **Alternates**

LJ Botha (DA)  
TM Dijana (ANC)  
RD Mackenzie (DA)  
MGE Wiley (DA)

## **1. Introduction**

The mandate of the Committee is to:

- 1.1 Maintain oversight over the Executive Member and the Department, of the way in which they perform their responsibilities including the implementation of legislation and to hold them accountable to the Western Cape Provincial Parliament.
- 1.2 To consider and report on legislation, other matters and the Annual Reports referred to it by the Speaker.
- 1.3 Monitoring and oversight function over the legislative processes relating to the departments falling under this committee;
- 1.4 Exercise compliance and performance oversight over the relevant departments falling under this committee;
- 1.5 Scrutinize and interrogate annual reports, quarterly reports and budget votes of departments falling under this committee;
- 1.6 Monitor whether the Department of Community Safety is fulfilling its mandate;
- 1.7 Responsible for the consideration of provincial bills and NCOP (76 Bills);

In fulfillment of its mandate the Committee must:

- 1.8 Facilitate public participation and involvement in the legislative and other processes of the Committee.
- 1.9 Conduct its business in a fair, open and transparent manner.
- 1.10 Promote co-operative governance.
- 1.11 Report regularly to the House.

## **2. Reporting Department(s) and Entities**

- 2.1 Department of Community Safety
- 2.2 South African Police Service: Western Cape

## **3. Overview of Committees Activities**

The Committee held 20 meetings, three public hearings, conducted seven oversight visits and participated in one seminar/workshop.

(The number of Committee Meetings held includes the number of public hearings, as a public hearing, although serving a different function, is still considered to be a meeting of the Committee).

## **4. Oversight activities**

The Standing Committee on Community Safety held introductory briefings of the Department of Community Safety, the South African Police Service (SAPS) Western Cape as well as the Independent Police Investigating Directorate (IPID).

In August 2014, The Department of Community Safety presented its Fourth Quarterly Performance Report for 2013/2014 as well as its Annual Performance Plan for 2014/15.



The Committee invited the SAPS Western Cape to brief on the Widows and Orphans Fund as well as the SAPS Education Trust (SAPSET). The pretext for the briefing was the increase in deaths of SAPS officers in the line of duty. Consequently, many families were left without breadwinners.

The Committee thus requested a briefing to understand the support structures in place for dependents of officers killed in the line of duty.

In September 2014, the Committee requested an emergency briefing on the status of taxi violence in the Province. The purpose of the briefing was as a result of taxi related violence flare ups, in the days preceding the briefing. The SAPS Western Cape and the Cape Town Metropolitan Police Department (CTMPD) provided the status update. Members of the Standing Committee on Transport and Public Works were also in attendance. This briefing was followed by a presentation by the Department of Community Safety on its Expanded Partnership Programme.

The Committee participated in the National Council of Provinces (NCOP) visit week to the West Coast District during September 2014. As part of the visit week delegation, the Committee conducted oversight visits to Vredendal, Elands Bay, Clanwilliam and Hopefield Police Stations. All stations were requested in advance to present on specific areas. In this way, the delegation could compare the different stations using the same criteria.

During October 2014, the SAPS Western Cape presented its Provincial Crime Statistics for 2013/2014. Immediately after the SAPS presentation, the Department of Community Safety provided its analysis of the overall perception, as per mainstream media, on safety in the Western Cape subsequent to the release of the 2013/2014 crime statistics.

The Committee was invited to the School Safety Project Launch in Worcester. Committee members along with dignitaries of the South African Police Service, Deputy National Ministers of Police; Water and Sanitation and Land Reform, Members of National Parliament as well as officials from other provincial government departments visited primary schools, interacted with the school principals and learners and participated in presenting donations to the respective schools.

Also during October, the Committee approved the Premier of the Western Cape's nomination for the first Provincial Police Ombudsman as per Section 11(2b) of the *Western Cape Community Safety Act* (3 of 2013). The Department of Community Safety was invited to brief the Committee on the legal framework and process of the Committee's role in the appointment of the Provincial Police Ombudsman. This review and recommendation of the candidate for the position of the Provincial Police Ombudsman was the first of its kind in South Africa. In this regard, the Committee monitored the implementation process of the *Western Cape Community Safety Act* (3 of 2013).

In November 2014 the Committee participated in the Annual Report discussions of the Department of Community Safety; the SAPS Western Cape, the IPID as pertaining to the Western Cape, as well as the Annual Police Plan of the CTMPD. The Committee also conducted an oversight visit to the Nyanga SAPS.

During February 2015 the Committee discussed the declining numbers of police officers in the Western Cape. This discussion included a presentation by the Chairperson, Ms Mireille Wenger, on the current and projected figures related to the staff contingent of SAPS Western Cape.

During March 2015 the Committee partook in the *Western Cape Appropriations Bill, 2015* (Budget Vote) discussions. The Committee also invited the Provincial SAPS Commissioner to provide clarity on the role of SAPS Western Cape members in events surrounding the State of the Nation Address that transpired on 12 February 2015.

The purpose of the briefing was to establish the processes, protocols, planning and action of the day in question. The Chairperson established from the onset that the purpose of the briefing was to gain clarity on the SAPS Western Cape's role in the reported events. The Provincial Police Commissioner was not prepared to disclose operational details with the public in attendance.

The IPID, in conjunction with the Civil Society Prison Reform Initiative based at the Community Law Centre at the University of the Western Cape, invited the Committee to an Inception Seminar. The seminar was to discuss the dynamics of a study the Committee had recommended to the IPID after the November Annual Report briefing. The following research question was developed during the seminar: *What are the incentives/facilitators and obstacles to report cases to the Independent Police Investigative Directorate?*

The Committee conducted oversight visits to the Nyanga Police Station on 19 November 2014 and to the Mitchell's Plain and Lentegeur Police Stations on 25 February 2015. The briefings by the relevant station commanders and senior SAPS officials were based on specific criteria requested by the Committee. Each presentation therefore included information on domestic violence related crimes; drug and gang related crimes; victim support; and the staffing structure of the specific police station. These criteria are currently standardised for the Committee's oversight visits to police stations earmarked for inspection based on the 2013/2014 Crime Statistics.

## **5. Legislation**

The *Western Cape Community Safety Act* (2013). Consideration of the Appointment of the Provincial Police Ombudsman.

### **5.1 Provincial Bills**

5.1.1 Vote 4: Community Safety in the Schedule to the *Western Cape Appropriations Bill* [B 2–2015]

### **5.2 NCOP Bills (Section 76)**

No section 76 Bill was referred to the Committee during the period under review.

## **6. Facilitation of Public Involvement and Participation**

There were several Committee meetings attended by members of the public as well as the media. During the Annual Report discussion as well as the Appropriations discussion, members of the public were asked if they had any contributions to submit. The Committee requests, as a standard, that the Department of Community Safety invite relevant Community Police Forum representatives to announced oversight visit to police stations.

**7. Co-operative Governance**

The relation between the Committee and the IPID is commendable given the discussions and engagements that have taken place.

**8. International Relations**

None

**9. Financial particulars**

As part of the appropriations made to Vote 2: Provincial Parliament, in the Schedule to the *Western Cape Appropriation Bill* [B 2–2014], each Standing Committee was allocated an amount of R129 650.

At the close of the 2014/15 Financial Year, expenditure attributed to the activities of the Standing Committee on Community Safety accumulated to an amount of R58 538, 25.