

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 28 NOVEMBER 2017

COMMITTEE REPORTS

1. REPORT ON THE WESTERN CAPE SOUTH AFRICAN POLICE SERVICE'S ANNUAL REPORT FOR THE 2016/17 FINANCIAL YEAR

The Standing Committee on Community Safety, having considered the Annual Report of the Western Cape South African Police Service (SAPS) for the 2016/17 financial year, reports as follows.

1. Introduction

Lt Gen KE Jula, the Provincial Police Commissioner in the Western Cape, gave a brief introduction. Brig P Voskuil, the Provincial Head for Organisational Development and Strategic Management, led the presentation by addressing the SAPS' 2016/17 Annual Report, per programme.

2. Salient points from the SAPS Annual Report 2016/17

The Committee proceeded to a deliberation, per programme, of the SAPS Annual Report. The programmes include, Administration, Visible Policing and Crime Detection. In terms of overall performance targets, 76% was achieved and 24% not met.

With regard to Programme 1: Administration, the target setting for male/female appointments was initially set at a 50/50 allocation to ensure employment equity. There were 769 promotion posts advertised, of which 623 were filled and 140 withdrawn due to insufficient candidates. There were also six instances where members declined promotions. these declined promotion posts refer to the members who declined the posts after a short period of having been assigned to the post. The SAPS reported that pistol clinics were implemented as a means to improve members' shooting competency after these persons failed maintenance shooting assessments. This lack of skills is a key reason for the lack of promotions and filling of posts.

The SAPS National Head Office placed a cap on the ranks to be considered for re-enlistment. Only applications of those ranked from constable to warrant officer level were considered. There were 391 applications received, and only 111 were recommended for re-enlistment. A total of 52 applicants were required to get medical clearance. Applicants who left the service due to criminal activity and/or disciplinary matters, are not considered for re-enlistment. There has been a decrease of 850 personnel in the 2017/18 year to date due to various reasons such as resignations, death and transfers to other provinces.

A total of 21 members were dismissed following disciplinary processes for loss of firearms, escapes, fraud and corruption. There are corrective measures in place, such as providing counselling to promote positive behaviour modification. However, more serious misconduct, such as fraud and corruption, is addressed with immediate disciplinary hearings.

The SAPS implemented all 180 negative recommendations made by the Independent Police Investigative Directorate. The SAPS reported that not all police stations in the province have access to internet; however all stations have access to system mainframes. Bandwidth limitations was cited as one of the main reasons for the lack of connectivity at stations that do not have internet access.

Of the 73 bursary applications, 72 were approved. The only application that was refused did not reflect a relevant qualification for policing.

SAPS employees with disabilities are usually placed in administrative posts and not operational posts. These persons are provided with the skills and training needed for these posts.

Absenteeism is prevalent during the winter season as members affected by colds and influenza, take sick leave. Members suffering from post-traumatic stress disorder is another contributing factor to the absenteeism rate. All station commanders are trained to identify warning signs of Post-Traumatic Stress Disorder (PTSD), especially after initial debriefing following traumatic incidences. The Employment Health Wellness programme also provides a platform and support to those members suffering from PTSD.

In terms of Programme 2: Visible Policing, the SAPS reported that of the 39 indicators for this programme, 25 were achieved and 14 not achieved. There were 107 295 crimes for unlawful possession of and dealing in drugs, which reflects a 14.14% increase. The Committee commended the SAPS for the efforts that resulted in the increase of dealing cases detected. Statistics on recovered lost/stolen and illegal firearms increased by 3% from the previous financial year.

There were 191 escapees in 127 instances, whether it be from detention or during transit. Employee negligence was cited as the main reason for these escapes. A reported 125 assailants were recaptured and rearrested.

The SAPS reports all deaths in detention to the IPID, the Provincial Commissioner, the National Commissioner as well as the Minister of Community Safety. However, reporting to the Minister of Community Safety is not, as yet, part of the SAPS' formal reporting lines.

Regarding Programme 3: Crime Detection, 27 of 34 performance indicators were achieved. The conviction rate of contact crimes against children is reportedly not a true reflection as there is an increase in Alternative Dispute Resolution, and therefore, upon resolution, these crimes are not registered as convictions.

The main reasons for over expenditure in Programme 3 is fuel and communication expenses which are essential items for detectives. Lesser expenses include informer claims and vehicle repairs. There are ongoing efforts to reduce the over expenditure, at station level.

The SAPS briefly presented its crime statistics for 2016/2017. This briefing was to be considered as providing more detail to the explanations provided for the achievement and/or on achievement of the performance indicators, especially in Programmes 2 and 3.

3. Recommendations

- 3.1 The Committee RECOMMENDED that future Western Cape SAPS' Annual Reports should reflect the system for human resource allocation (THRR) within the SAPS, and any significant departure from an allocation based on population figures.

4. Requests for information

The Committee REQUESTED that the Western Cape SAPS provides the following information by 10 January 2018:-

- 4.1 A copy of the Crime Awareness Report.
- 4.2 A list of the number of SAPS members that were absent without leave in the 2016/17 financial year; and whether or not these members were found to be involved in criminal activities.
- 4.3 A list of police stations that do not have access to the internet.

Report to be considered.

2. REPORT OF THE STANDING COMMITTEE ON COMMUNITY SAFETY ON THE ANNUAL REPORT OF THE WESTERN CAPE POLICE OMBUDSMAN FOR THE 2016/2017 FINANCIAL YEAR AND THE CAPE TOWN METROPOLITAN POLICE DEPARTMENT'S ANNUAL POLICE PLAN FOR THE 2017/18 FINANCIAL YEAR.

The Standing Committee on Community Safety, having considered the Annual Report of the Western Cape Police Ombudsman for the 2016/17 financial year and the Annual Police Plan of the Cape Town Metropolitan Police Department for the 2017/18 financial year, reports as follows.

1. Introduction

Adv V Pikoli, the Western Cape Police Ombudsman (WCPO), provided a brief overview of the WCPO's Annual Report for the 2016/17 financial year. He stated that due to his Office only being instated during the later stages of 2014, this was the first time that he was able to report in a manner consistent to the full financial year as a review period.

2. Discussion on the Western Cape Police Ombudsman's Annual Report 2016/2017

Adv Pikoli reported that a full Organisational Development (OD) study has not yet been completed, however there were additions to the staffing structure. In order to avoid overspending on the Cost of Employment (COE) budget, the appointment of legal interns was postponed until the 2017/18 financial year. The reason for this postponement was because these posts were not approved in time for the finalisation of the 2016/17 COE budget. The delay in the OD study will negatively impact service delivery.

In terms of career pathing, the current organogram does not provide scope for growth. This limitation might result in challenges to retain staff as there are minimal prospects for promotion. The WCPO has already lost personnel who have sought better employment opportunities elsewhere. An example of under resourcing in the Office of the WCPO is the lack of designated analysts. At present, the University of the Western Cape provides a free analysis of the WCPO's statistics.

As part of its efforts to improve its reach to the public, the WCPO has been involved in several outreach and marketing initiatives. Added to the roadshows conducted, the WCPO participated in the Department of Community Safety's (the Department) Policing Needs and Priorities sessions and plans to facilitate more of its own initiatives aimed at educating and servicing the communities in respect of the WCPO's mandate. The WCPO has a continuous public education process as it is not just the community that needs to be aware of the WCPO's services, but senior public servants and stakeholders as well. The feedback from the public during engagements is recorded to help the WCPO better evaluate the degree of the success of its education process. There are challenges in reaching the North Eastern and North Western areas of the Western Cape. The WCPO is revising strategies to address these challenges. All WCPO staff are attending language learning classes, in efforts to empower staff to mother tongue speakers of all three provincial languages.

There is a reported 939 complaints since the fourth quarter of 2014/15 to the fourth quarter of 2016/17. Some pressing challenges include the WCPO staff experiencing verbal abuse by complainants; the failure by complainants in completing forms, which might affect the outcomes of audits, anonymous callers, and resistance by complainants to present their official Identity Documents/Smartcards for fear of victimisation by members of the South African Police Service (SAPS). The WCPO addresses these issues of the fear of police victimisation at both the Cluster Commander and Station Commander levels.

The WCPO has received cooperation from the Western Cape Health Board to address aspects and awareness of mental health matters for WCPO staff to deal specifically with effects of the verbal abuse from complainants experienced by staff.

In terms of its interaction with the SAPS, the Department and the Community Police Forums (CPFs), the WCPO invited these stakeholders to an engagement. At this engagement it came to the fore that the root cause for the tension amongst these stakeholders is that there are unclear expectations of the roles and responsibilities of each stakeholder in respect of the common aim, which is to enact efficient civilian oversight. The operational methods by all three stakeholders were not aligned to the most recent legislation. The WCPO stated that the tension is not localised to provincial stakeholders

but also at a national level. Therefore, there needs to be revised legislation and regulations to ameliorate the nature of the relations of stakeholders in civilian oversight.

Adv Pikoli also commented on the challenges experienced with the Forensic Pathology Services where there is reportedly a lack of cooperation between the laboratories, mortuaries and the SAPS. Several officers are reportedly not attending post-mortem processes and the SAPS have failed, in certain cases, to inform the next of kin following bodies being positively identified. There is also reported non-collection of evidence exhibits by the SAPS for judicial processes which is also problematic.

The WCPO stated the reason for only submitting one recommendation to the Provincial Police Commissioner is that most cases are dealt with at the preliminary investigative stages.

3. Discussion on the Cape Town Metropolitan Police Department's Annual Police Plan 2017/18

Mr R Bosman, Executive Director, and Chief W Le Roux, Police Chief, represented the Cape Town Metropolitan Police Department (CTMPD). The salient points of the discussion on the CTMPD's Annual Police Plan for 2017/18 focused on, *inter alia*, the integrated and coordinated approach to policing, the joint operations and coordinated approach to policing, Neighborhood Safety Officers (NSOs), Emergency Policing and Incident Command, ShotSpotter, specialised services and Social Crime Prevention programmes.

The joint operations include collaborative efforts with the SAPS, the Provincial Traffic Services, the National Department of Home Affairs as well as neighbouring municipalities. These municipalities have safety plans in place and the CTMPD assists, where possible. The relationship with the Department of Community Safety has resulted in the allocation of 52 Chrysalis Academy graduates last year, to assist with lost children cases, over the festive season. The CTMPD has also provided training for its officers on arrest procedure, evidence security and integrity and the completion of affidavits to improve the rate for first time convictions. The CTMPD has also consulted the National Department of Justice for the reason that cases are dismissed from the court roll.

In terms of the specialised services, the Tactical Response Unit is trained to support the SAPS' Public Order Policing unit. The CTMPD also uses service animals on specialised operations. The Gang and Drug Task Team confiscated 13 firearms during October 2017 and a total of 43 from January 2017 to October 2017. There is also a Camera Response Unit, which reacts in anticipation of possible crime as well as crimes viewed via the footage. The CTMPD works with the SAPS and ward councillors to identify the positioning of the cameras. The CTMPD has received a SAPS Certificate of Approval from the Provincial SAPS.

The Neighborhood Safety Officers forms part of an overall interactive and community policing approach. This approach encourages what is termed Neighbourhood Safety Teams; a transversal collaboration to ensure a holistic approach and disorder. There are 38 School Resource Officers linked to 16 schools in the City of Cape Town.

The EPIC programme aims to form an integrated common operating platform to allow all emergency and policing response management in the City of Cape Town. One of the innovative policing mechanisms is the ShotSpotter which has recorded 334 incidents,

including 1 106 shots fired. This technology provides an immediate location of shots fired. Subsequently, law enforcement agencies are then deployed within close proximity of where the shots were recorded. The technology has also resulted in the retrieval of illegal firearms. Majority of the illegal firearms that are confiscated are found in gang areas. A trend has been identified where large consignments of illegal ammunition are stored, but separately from illegal firearms.

In order to address the prominence of smash and grab crimes, the CTMPD conducts awareness drives and uses radio station airtime to promote safety awareness campaigns. The CTMPD's reward for information system, which offers a maximum R5000 reward for valid information, is reportedly effective.

In terms of Social Crime Prevention programmes the CTMPD has 145 youth cadets. Many of these cadets are retained in the system, becoming law enforcement officers, metro police officers and even traffic cops. The CTMPD also has child safety campaigns, domestic violence awareness initiatives and other youth directed activities. Media alerts are used to inform the public of safety related matters on a regular basis.

4. Requests for information

The Committee requested that the Office of the Western Cape Police Ombudsman provides it with the following information:

- 4.1 Information on whether the WCPO is looking at implementing a Memorandum of Understanding between the Department of Community Safety and the Western Cape Provincial Community Police Board, and to provide the Committee with those details.
- 4.2 All substantiated complaints received, what remedial action/recommendation was taken in each case, and how many remedial cases have resulted in SAPS/Metro Police disciplinary action.
- 4.3 A list of outcomes of the outreach and marketing programmes for the year under review.
- 4.4 A list reflecting the breakdown of the number of walk in and electronic complaints received.
- 4.5 A list of the outlying areas targeted for its road shows.

The Committee requested that the Cape Town Metropolitan Police Department provides it with the following information:

- 4.6 A written distinction between *information gathering* and *intelligence gathering* as viewed by the Cape Town Metropolitan Police Department.
- 4.7 The process used to identify the locations for the installation of the ShotSpotter roll out.
- 4.8 The number of the reported smash and grab incidences in Cape Town during the 2016/2017 financial year and the breakdown of the areas where the incidences occurred.

The Committee requested that the Department of Community Safety provides it with the following information:

- 4.9 Copies of the Safety Plans for the City of Cape Town's neighbouring municipalities.
- 4.10 A breakdown of the disciplinary cases against officers of the South African Police Service and the Cape Town Metropolitan Police Department, the nature of these cases, and the outcomes of these disciplinary cases, for the review period of July to September 2017.

3. REPORT OF THE STANDING COMMITTEE ON EDUCATION ON ITS OVERSIGHT VISIT TO SIPHAMANDLA SENIOR SECONDARY SCHOOL IN KHAYELITSHA.

The Standing Committee on Education, having conducted an oversight visit to Siphamandla Senior Secondary School in Khayelitsha on 29 August 2017, reports as follows:

The delegation

The delegation comprised of the following Members:

Kivedo, BD (DA) (Chairperson and the leader of the delegation)
 Christians, FC (ACDP)
 Max, LH (DA)
 Olivier, RT (ANC)
 Wiley, MM (DA)

Parliamentary official:
 Ms W Hassen-Moosa, Committee Co-ordinator

1. Introduction

As part of its oversight mandate, the Committee requested to be kept updated regarding progress with the maintenance of infrastructure, broadband access, upgrades and the daily management of all schools in the Province.

This oversight visit formed part the Standing Committee's program following a meeting on 31 January 2017 at which the academic performance of Siphamandla Senior Secondary and Langa High Schools was discussed. According to the briefing by the Western Cape Education Department (WECD) academically, Langa High School performed poorly (under 45% pass rate) and Siphamandlas academic results were very good over the past two years (90% pass rate). The Committee resolved to include oversight visits to both schools in order to assess how the two schools could assist each other in improving academic results. The Committee envisaged the oversight visit would provide in-depth insight into the situation of learners, teachers and other staff and how they conduct their daily duties.

This report discusses the Committee's findings gathered during the oversight visit.

2. Overview

The Committee conducted an oversight visit to Siphamandla Senior Secondary School (the School) on Tuesday, 29 August 2017. The visit commenced at 15:00 with a meeting with the Principal, Mr A Magadla, and the departmental officials. During the oversight visit, the principal briefed the Committee on the status of the school. After the meeting, the Committee conducted a walk-about on the school premises.

3. Findings

- 3.1 Siphamandla Senior Secondary School is registered as a Quintile 3 with 34 educators and 1170 learners. The school is situated in the heart of Khayelitsha.
- 3.2 The School achieved over 90% pass rate over the past three years (2014 – 92.4%; 2015 – 95.6% and 2016 – 96.4%).
- 3.3 The School has implemented its School Improvement Plan that consist of the following:-
 - 3.3.1. Set targets;
 - 3.3.2. Monitoring, class visits and Moderation Plan by the District office;
 - 3.3.3. Improvement Plan to improve the performance of the school;
 - 3.3.4. Regular meetings with the District on subject matters;
 - 3.3.5. There are extra classes for learners requiring additional support;
 - 3.3.6. Learners are provided with meals twice a day through the schools' nutrition program;
 - 3.3.7. The School Governing Body (SGB) is functional and assists with management and the governance of the school; and
 - 3.3.8. The District office regularly visited the school.
- 3.4. The key socio economic challenges the school faced are gangsterism, substance abuse and poverty in the community.
- 3.5. The challenges reported by the school were amongst others:-
 - 3.5.1. Cracked walls due to poor infrastructure.
 - 3.5.2. Rusting roof which results in water leakages during winter months.
 - 3.5.3. The School is built in the heart of Khayelitsha and is situated within the informal settlement, which has no sports field available or open spaces for learners
 - 3.5.4. Trespassing has become a problem due to inadequate fencing. The lack of proper fencing has resulted in vandalism and theft that have left the school with inadequate furniture.
 - 3.5.5. The learner: teacher ratio is 1:40, which results in overcrowded classrooms
 - 3.5.6. The School currently has no library facility available.
 - 3.5.7. It was reported that the ITC training for teachers is problematic due to inadequate training offered by the WCED. This has resulted in teachers not utilizing the broadband facilities at the school adequately.
- 3.6. The School Safety Programme:
 - 3.6.1. The School has a Safety Committee that deals with safety issues raised by learners, teachers and parents. Learners utilised this committee by reporting incidents and threats to the Safety Committee chairperson.
 - 3.6.2. There is a School Safety Action Plan in place.
 - 3.6.3. Teachers and learners are familiar with the rules of both the Safety Action Plan and the Safety Committee.

- 3.7. Mr DN Rampersad, Circuit Manager for the School reported that:-
- 3.7.1. The principal, Mr Magadla, focused on curriculum and the core business of the school.
 - 3.7.2. The principal has implemented a unique approach by tracking the performance of learners from Grades 9 to 12.

4. Recommendations

The Committee recommended that the Department: -

- 4.1. Investigates means to provide consistent and adequate training for teachers in order to utilise the broadband facilities at the school.
- 4.2. Investigates and provides a report on the infrastructure upgrades required at the school.
- 4.3. Investigates the possibility of having a library at the school.

5. Conclusion

The Committee successfully concluded its oversight visit and took cognisance of the situation at the school.