



**Western Cape  
Government**

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Department of Community Safety

**WESTERN CAPE  
POLICE OVERSIGHT REPORT**

**Improving police accountability and professionalism through police  
oversight**

Review Period: April 2020 to March 2021

## **A NOTE FROM THE DEPARTMENT OF COMMUNITY SAFETY**

The mandate of the Western Cape Department of Community Safety includes civilian oversight in terms of Chapter 11, Section, 206[3] of the Constitution of the Republic of South Africa of 1996. The Department is guided by the Civilian Secretariat for Police Service Act, 2 of 2011, and the Western Cape Community Safety Act, 3 of 2013. The Sub-programme: Monitoring and Evaluation within the programme Provincial Secretariat for Safety and Security conducts compliance monitoring and evaluation of policing in the province in terms of its legislative mandate.

### **ACKNOWLEDGEMENTS**

The sub-programme would like to thank the South African Police Service (SAPS) station commissioners for helping the DoCS officials responsible for compliance monitoring. A special thanks to all the representative of the different components per police station that participated in the assessments done.

Special thanks to the SAPS Western Cape Provincial Commissioner office, particularly Lieutenant Colonel Greeff from Strategic Planning, Organisational Development and Strategic Management, for assisting with the coordination of some of the assessment studies in the 2020/21 financial year.

Finally, all the Department of Community Safety team members that made this project a success are hereby acknowledged. These include the Court Watching Brief programme, Domestic Violence Act compliance assessment and the Provincial Police Inspection team.

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## ABBREVIATIONS

ACRONYM	DESCRIPTION
<b>ABT</b>	Area Based Teams
<b>AVLS</b>	Automated Vehicle Location System
<b>BDLP</b>	Basic Detective Learning Programme
<b>CJS</b>	Criminal Justice System
<b>CSPRO</b>	The Census and Survey Processing System
<b>CSPS</b>	Civilian Secretariat for Police Service
<b>CTMPD</b>	Cape Town Metro Police Department
<b>CWB</b>	Court Watching Brief
<b>DMA</b>	Disaster Management Act
<b>DME</b>	Directorate: Monitoring and Evaluation
<b>DoCS</b>	Department of Community Safety
<b>DoJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>DSAP</b>	Detective Service Assessment Project
<b>DVA</b>	Domestic Violence Act
<b>EHW</b>	Employee Health and Wellness
<b>EIS.</b>	Efficiency Index System
<b>FE</b>	Fixed Establishment
<b>FSL:</b>	Forensic Science Laboratory
<b>IPID</b>	Independent Police Investigative Directorate
<b>NI</b>	National Instruction
<b>NMT</b>	National Monitoring Tool
<b>PPE.</b>	Personal Protective Equipment
<b>SAPS</b>	South African Police Service
<b>SDIP</b>	Service Delivery Improvement Plan
<b>VISPOL</b>	Visible Police

## 1. INTRODUCTION

The Western Cape Provincial Government, Department of Community Safety, successfully exercised its constitutional oversight mandate over the South African Police Service (SAPS) during the 2019/20 financial year as per section 206(3) of the Constitution.<sup>1</sup> Oversight visits were conducted at police stations in the Western Cape Province to administer oversight tools i.e. the National Monitoring Tool (NMT), Domestic Violence Act (DVA) Tool and the Provincial Monitoring Tool (PMT) per identified police station. The focus areas for the oversight were police professionalism, detective services, visible policing and the Community Service Centres (CSCs). In addition, resource management, legislative and policy compliances, community-police relations, the implementation of recommendations, and finally the implementation of station improvement plans in respect of previous oversight conducted. The 2021/22 financial year annual monitoring and evaluation report is a summation of all the inspections and findings for the 2020/21 financial year as it highlights the key results of all the inspections done over the year.

### 1.1. CONTEXT AND BACKGROUND

The Western Cape Provincial Government, through the Department of Community Safety recognizes oversight as an effective tool to indirectly contribute towards increasing safety and community cohesion in the province. It is in this context that DoCS has and continues to conduct oversight over the police to promote police accountability and professionalisms, but more importantly, to contribute towards endeavors to increase public trust towards the police.

In 2019, the Western Cape Provincial Government announced, a Safety Plan aimed at halving murder rate in 10 years.<sup>2</sup> The Safety Plan identified 10 police precincts that continuously account for almost half of murder cases in the province. Informed by this realisation, the WCG embarked on a long-term vision of reducing murders in the province by focusing on the areas where murders are reported the most.<sup>3</sup>

In this context an Area-Based Team (ABT) methodological approach was adopted to address systemic policing issues while the non-policing approaches were meant to be dealt with by social partners. The approach was premised on the Whole of Government Approach (WoGA) and Whole

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<sup>1</sup> South Africa, (1996). *The Constitution of the Republic of South Africa*, Act 108 of 1996.

<sup>2</sup> Western Cape Government, (2019). *Western Cape Safety Plan: A working document*. Available online at <https://mygov.westerncape.gov.za/news/most-comprehensive-safety-strategy-history-western-cape-launched>. Access on 20 February 2022.

<sup>3</sup> Ibid.

of Society Approach (WoSA) where collaboration is seen as a strategic vehicle to address different social ills.

Oversight over the police, focused on these identified priority police stations amongst others. The current report highlights the key findings and recommendations regarding police performance and compliance levels on various policy and strategic aspects including adherence to SAPS National Instructions and Standing Orders, regulations, performance, and resources management requirements.

The assessment report highlights the work done the Department of Community Safety, Court Watching Brief (CWB) programme informed by their mandate as per the Cabinet Resolution 138/2014.<sup>4</sup> This mandate, empowered the CWB to monitor police conduct and efficiency in criminal matters at district courts in the Western Cape since 2015. Any systemic failures due to the ineffectiveness and inefficiency of the police that resulted in court cases being struck off the court roll have been reported for remedial action. Trend analysis reports were compiled and forwarded to SAPS for a formal response. These assessment on systemic failures resulted in several cases being placed back onto the court roll, after initially being struck off due to police inefficiencies that went unreported. The CWB initiative is an attempt to strengthen the Criminal Justice System (CJS) processes.

The Department further conducted oversight inspections at the police stations in the Province. These oversight inspections included monitoring compliance to legislative requirements such as the Domestic Violence Act (DVA) and monitoring the implementation of Independent Police Investigative Directorate (IPID) recommendations by the police. Consequently, based on the oversight findings, the Department made recommendations and proposed initiatives that should be implemented by the police to address the identified inefficiencies. It further followed up on those police stations where previous recommendations for improvements were made.

Furthermore, the Department monitored the SAPS' compliance and responsibilities with regards to enforcement of the Disaster Management Act (DMA) regulations to manage the COVID-19 pandemic.<sup>5</sup> The Disaster Management Act (DMA) regulations placed additional responsibilities on SAPS to curb the spread of the virus. It is in this context that the Department assessed how the SAPS was managing this responsibility. The results of the assessment were used to assist the Provincial Commissioner to identify inefficiencies and promote the sharing of best practices.

The current report presents results of six different assessments done to promote police accountability namely (1) Murder priority stations assessment, (2) Court Watching Briefs (CWB), (3) Independent

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<sup>4</sup> Western Cape Government, (2014). *Cabinet Resolution 138/2014*.

<sup>5</sup> South Africa, (2002). *Disaster Management Act, No 57*. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a57-020.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a57-020.pdf). Accessed on 22 March 2022.

Police Investigative Directorate (IPID) recommendations, (4) Station Improvement Plans, (5) COVID - 19 assessment and (6) status of Domestic Violence Act implementation in the Western Cape. Each assessment is presented as a chapter with its own content, context, findings, and conclusion.

## **2 ASSESSMENT OF THE TOP MURDER POLICE STATIONS IN THE WESTERN CAPE**

### **2.1 Introduction**

The Department of Community Safety (DoCS) has a statutory responsibility to exercise civilian oversight over the SAPS<sup>6</sup>. It executes this mandate by visiting police stations on a regular basis to conduct oversight inspections and compile assessment reports in compliance to Section 6 of the Civilian Secretariat for Police Service Act, 2011 (Act No. 2 of 2011)<sup>7</sup>. The Civilian Secretariat for Police Service (CSPS) and Provincial Secretariats (PS) are expected to monitor the performance of the police service and assess the extent to which the police service has adequate policies and effective systems to execute their mandate.<sup>8</sup>

The SAPS derives its mandate from Section 205 of the Constitution of the Republic of South Africa, 1996 which states that the objects of policing are to: (1) Prevent combat and investigate crime (2) maintain public order (3) protect and secure the inhabitants of the Republic and their property.<sup>9</sup>

In this context, it is expected that DoCS provides regular reports to the Western Cape Member of the Executive (MEC) responsible for community safety, regarding SAPS compliance to directives and instructions issued by the Minister of Police (Minister)<sup>10</sup>.

The DoCS in conjunction with the CSPS conducted the Detective Service Assessment Project (DSAP) during February 2021. The assessment was meant to collect accurate and reliable baseline information on SAPS' performance in relation to service delivery, implementation of and compliance to regulations. The DSAP emanated mainly from the need for DoCS to have baseline data for the following priority police stations: Philippi East, Philippi, Bishop Lavis, Samora Machel, Elsie's River, Mfuleni, Khayelitsha, Gugulethu, Kraaifontein, Ravensmead, Mitchells Plain, Harare and Nyanga in the

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<sup>6</sup> Civilian Secretariat for Police, (2011). *Civilian Secretariat for Police Service Act, No. 2 of 2011, Section 6*. Government Gazette, 16 May 2011. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a22011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a22011.pdf). Accessed on 20 March 2022.

<sup>7</sup> Ibid.

<sup>8</sup> Civilian Secretariat for Police, (2011). *Civilian Secretariat for Police Service Act, No. 2 of 2011, Section 5 and 6*. Government Gazette, 16 May 2011. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a22011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a22011.pdf). Accessed on 20 March 2022.

<sup>9</sup> South Africa, (1996). *The Constitution of the Republic of South Africa, Act 108 of 1996*

<sup>10</sup> Civilian Secretariat for Police, (2011). *Civilian Secretariat for Police Service Act, No. 2 of 2011, Section 6(a)*. Government Gazette, 16 May 2011. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a22011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a22011.pdf). Accessed on 20 March 2022.

Western Cape. This was an attempt to contribute towards the implementation of Western Cape Safety Plan.

## **2.2 Methodology**

The nature of the study necessitated that a quantitative approach be adopted to gather and analyse the data. Consequently, a close ended questionnaire was developed to collect the baseline data at the above-mentioned 13 police stations. A significant portion of murder cases in 2020/21 were reported at these police stations in the Western Cape. The assessment focussed on critical variables pertaining to the Detective Service, namely service delivery complaints

Due to the COVID-19 pandemic and its restrictions, the Department had to ensure that minimal contact with SAPS members and members of public at the targeted police stations. The Department therefore requested the Provincial Commissioners'office to coordinate the distribution of the questionnaires to the targeted police stations for completion. The Station Commander per police station was requested to verify that the information was correct and accurate. A Microsoft Excel database was used to capture, store and analyse the data.

## **2.3 Study Objectives**

The objective of the assessment was to determine:

- Systemic issues affecting service delivery at 13 priority police stations in the Western Cape.
- Detection and conviction rates at the police stations,
- Vehicles and vehicle ratio per detective at the police stations,
- Distribution of experience detectives at the police stations level.

## **2.4 Findings of the Detective Service Assessment Project**

The following section deals with the type and distribution of the main reported service delivery complaints, namely contact and property related crime. Moreover, it deals with detection and conviction rates. Finally, it deals with vehicle allocation per detective, as well as the distribution and experience of detectives within the respective police stations.

## **2.5 Service delivery complaints**

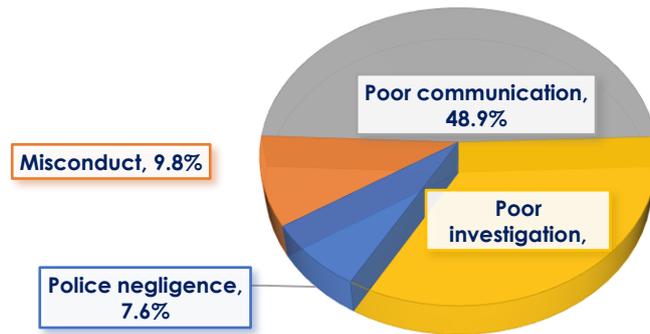
According to the service standards set out in the Public Service Charter, 2013<sup>11</sup> the SAPS is expected to provide an effective and professional policing service to the citizenry. In cases where the expected service standard has not achieved, the SAPS is expected to provide the citizens with an apology, full explanation, and a speedy and effective remedy.

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<sup>11</sup> South Africa, (2013). *Republic of South Africa Service Charter*. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/publicservicechartersept2013.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/publicservicechartersept2013.pdf) .Accessed on 23 March 2022.

The SAPS is expected to respond complaints promptly in line with its service delivery standard. Furthermore, the SAPS should be sympathetic and responsive to the citizens' queries and safety concerns. In this context, the SAPS National Instruction 6 of 2017 regulates the management and administration of service delivery complaints against the SAPS to ensure effective and efficient receipt and processing thereof.<sup>12</sup> Figure 1 below shows the number of service delivery complaints lodged against the SAPS detectives per category for the 2019/2020 financial year.

**Figure 1: Distribution of complaints amongst sampled stations 2019/2020 financial year**

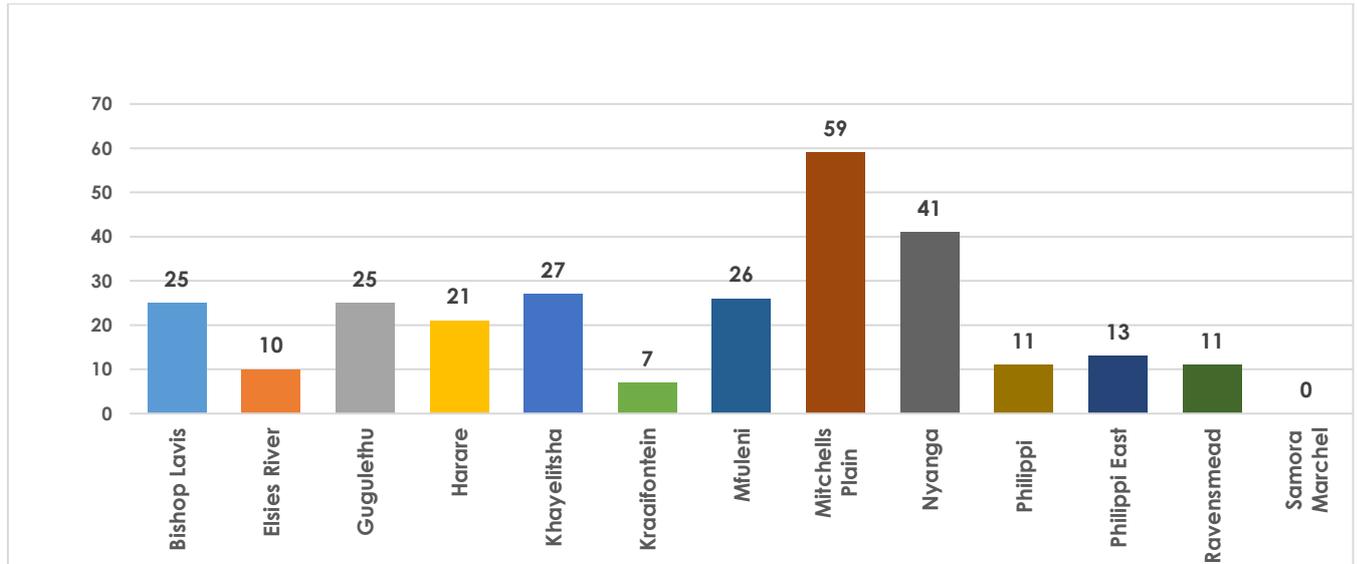


The findings show almost half (48.9%) of the complaints against the detectives relate to poor communication (48.9%). Poor investigation accounted for more than a third 34.1%. The SAPS should prioritise these areas of concern to restore public trust, and more importantly, provide quality service to reverse the perception that the SAPS, in particular and the Criminal Justice System in general is failing victims of crime.

Figure 2 below indicates that during the period under review, Mitchells Plain and Nyanga police precincts attended to most of the service delivery complaints compared to Kraaifontein and Elsies River police stations. The study could not ascertain why there are no complaints from Samora Machel. It is not clear whether victims of crime might have lost faith in the SAPS in the area, hence they could not register complaints or they are not confident that their complaints will be attended to satisfactorily.

<sup>12</sup>South African Police Service, (2017). *National Instruction 6 of 2017: The management and administration of service delivery complaints against the the South African Police Service*. SAPS Head office, Pretoria.

**Figure 2: Complaints per police station, 2019/2020 financial year**



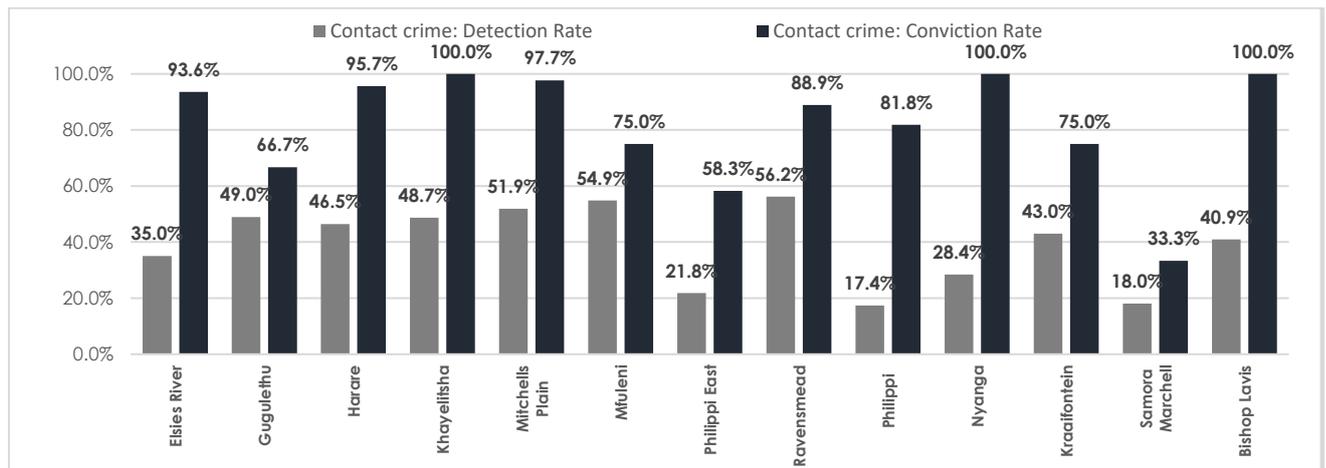
The management of service delivery complaints by the police is crucial in terms of strengthening accountability, transparency, organisational culture, and building trust with the public. While the SAPS appears to have a good complaints management system and a high finalisation rate, it is rather the underlying factors that give rise to the lodging of service delivery complaints that should be clearly identified and dealt with in a proactive manner. The lodging of service delivery complaints suggests failure in the application of SAPS prescripts and management systems. Such failure might potentially expose the SAPS to litigation (civil claims). The SAPS must timeously attend to service delivery complaints in their endeavour to increase public trust. Greater efforts should be made to rigorously promote professionalism. Full adherence to the SAPS code of conduct and ethics, strengthening consequence management and accountability on police members who fail to apply the set service standards in the performance of their duties.

## **2.6 Detection and conviction rates**

The barometer to measure the effectiveness of the detective service functions lies in its ability to deliver on the performance commitments set out in planning documents. Detection and conviction rates are among the main indicators that are used to measure the performance of the detective services.<sup>13</sup> Figure 3, indicates the contact crime detection and conviction rates amongst the prioritized police stations for the period under review.

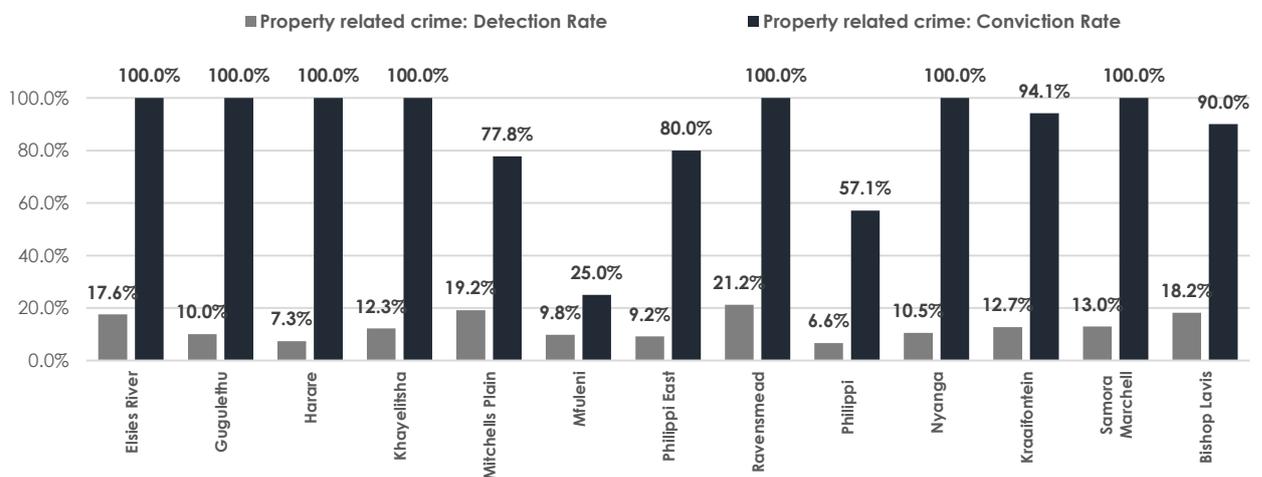
<sup>13</sup> South African Police Service, (2020). *South African Police Service, Western Cape Annual Report 2019/20*.

**Figure 3: Contact crime detection and conviction rates, 2019/2020 financial year**



The conviction rate is dependent on the detection of perpetrators of crime. Where the detection rates are low, conviction rates are likely to be low. There is a relationship between these two variables. A major challenge is that Philippi (17.4%), Samora Machel (18%) and Philippi East (21.8%) are stations where an intervention is needed, as these stations' detection rate was below 30% compared to the rest of the other 10 stations. Figure 4 below indicates the detection and conviction rates in terms of property-related crime for 2019/2020 financial year.

**Figure 4: Property related crime detection and conviction rates, 2019/2020 financial year**

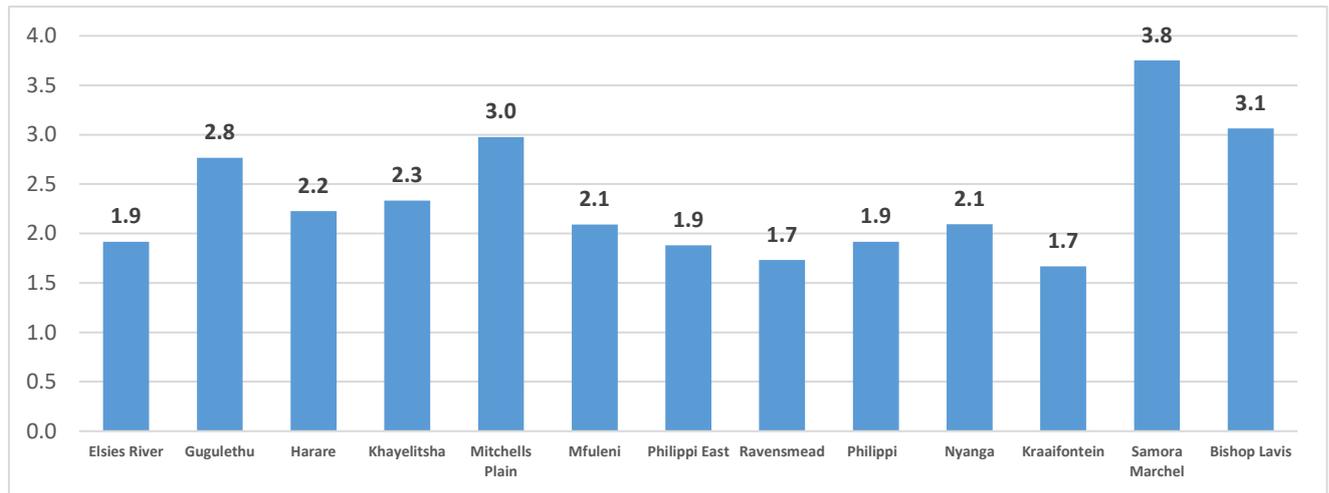


An analysis of the property related crimes at these selected stations shows that perpetrators were positively identified for less than a quarter (25%) of the cases. These findings suggest that the capability and capacity of the detective units warrant attention to restore public confidence in the SAPS and ultimately in the State.

## 2.7 Vehicles and vehicle ratio per detective

Vehicles are crucial to support the work performed by members of the police service. Adequate allocation of vehicles at the police station level can positively contribute to improving police service delivery in terms of responding to crime incidents, detection, and investigation of crime. Figure 5 below shows the number of vehicles allocated per detective for the period under review.

**Figure 5: Vehicle per detective ratio, 2019/2020 financial year**



The findings show that Samora Machel's, Bishop Lavis' and Mitchells Plain's ratio of vehicle to detective is 1:3.8, 1:3.1, 1:3 respectively. This means there is on average one vehicle available shared amongst three detectives. Gugulethu, Harare and Khayelitsha has a ratio of 1:2.8, 1:2.4 and 1:2.3 respectively. Both Mfuleni and Nyanga police station had one vehicle allocated to two detectives. The ratio between available vehicles and detectives is concerning based on detectives' responsibilities which include amongst other things managing huge caseloads, tracing of suspects and attending crime scenes. Based on the responsibilities of the detectives, the current ratio is counterproductive as they need to prioritise and share the vehicles. Based on figure 5 it is then not surprising that 84.5% of the stations would indicate that they do not have sufficient vehicles for detectives to perform their duties.

## 2.8 Distribution of experience detectives

Faced with the public demand for increased police professionalism, experienced and knowledgeable detectives is what most communities would expect at each police station. Figure 6 below provides an indication of experience of the detectives at the 13 police stations.

**Figure 6: Distribution of experience of the detectives at the selected stations**

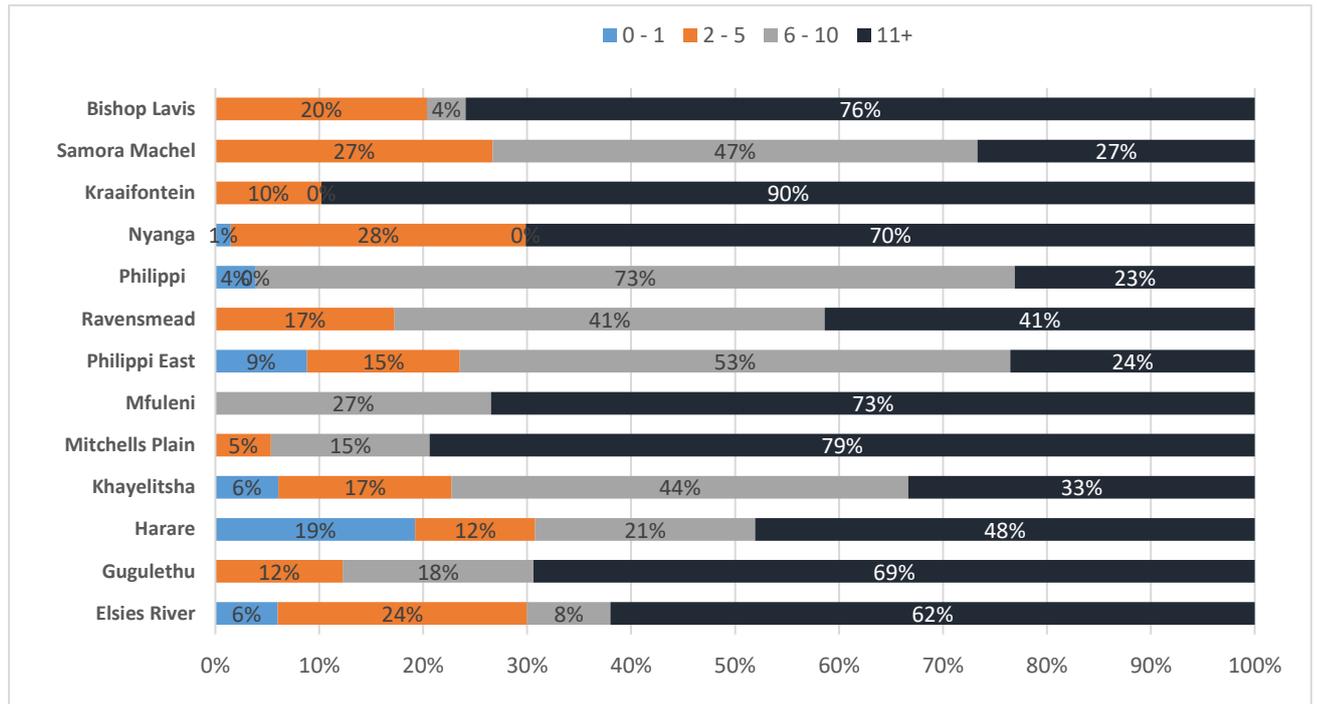


Figure 6 indicates that 90% of Kraaifontein detectives had more than 11 years of service within their unit compared to Philippi with 23% of their detectives that had more than 11 years of service.

Most of the stations had detectives with six years or more experience in the police service. Logically one would expect that there should be a greater detection rate for contact and property related crime in the stations with experienced detectives. However, the analysis presented in figure 4 above, shows low detection rates for both contact crime and property related crime despite the presence of experienced detectives. An increase in detection rate is likely to generate trust in the police. It is of paramount importance that concerted efforts are made to increase detection rates in the province, particularly in the priority areas outlined above.

## 2.9 Conclusion

The report presented results of the assessment of the top 13 murder police stations in the province. Evidently, it identified challenges facing these selected police stations. These challenges should be addressed internally, i.e. within a policing context given that SAPS is the only institution with a mandate to conduct criminal investigation.

Regardless of the challenges outlined in this report, the short to medium-term plan should be for the SAPS to strive to deliver on what is expected from them based on the available resources. The long-term plan should be to revisit the process and approach to allocate resources, (human and vehicle) and the ratio of dockets per detective alongside the ratio of vehicle to detectives. Generally, the

shortfall in vehicles allocated to detective units needs to be addressed to enable these units to render a professional service.

In terms of dealing with service delivery complaints, SAPS should investigate cases to the best of their ability with the necessary resources and experience that reside at each of the selected police stations. In addition to the need to do proper criminal investigation, there is also a need for detectives to provide regular feedback to complainants on the cases they are investigating. Improved quality of investigation combined with the feedback to complainants will translate into an increase in the trust that the community have in the SAPS.

### **3 MONITORING CASES AT COURTS : THE COURT WATCHING BRIEF PROGRAMME**

#### **3.1 Introduction**

The Court Watching Brief (CWB) programme is an initiative of the Department of Community Safety (DoCS). It enhances DoCS ability to perform oversight over the police as mandated by section 206(3) of the Constitution of the Republic of South Africa (RSA).<sup>14</sup>

The aim of the CWB programme is to monitor and report on cases removed from the court roll due to inefficiencies from the SAPS. It strives to ensure that those failures are reported, investigated, and addressed by the relevant SAPS management. The purpose of reporting matters that are removed from the court roll due to police inefficiency or ineffectiveness is to ensure that matters are re-enrolled. In the medium to long term, it is envisaged that when these inefficiencies are addressed, and appropriate disciplinary steps are taken against SAPS members, police professionalism would be enhanced.

#### **3.2 Methodology**

The method used by the CWB include physically visiting courts in the Western Cape, perusal of charge sheets, recording of detected police inefficiencies and ineffectiveness that resulted in cases being withdrawn or struck off the court roll. After the matter has been dealt with in court, the CWB staff members approaches a member of the administrative staff in court and request to peruse the court documents and to establish the circumstances that led to decision to withdraw the case.

The police inefficiencies that resulted in each case being withdrawn are captured. In addition, the name of the police station, the CAS number, the type of crime and the reason for withdrawal or removal of the case from the court roll is outlined. The main categories for the removal of cases from the court for the 2020/21 included: The failure of Investigating Officers (IO) to finalise the investigation within a reasonable timeframe, failure to have the police docket at court, failure to have the forensic

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<sup>14</sup> South Africa, (1996). *The Constitution of the Republic of South Africa*, Act 108 of 1996 , Section 206 (3).

reports timeously available at court, failure by the IO to subpoena witnesses to attend court, failure to comply with the instructions of the prosecutor; and failure to bring the arrested person to court within 48 hours.

The CWB officials use standard quality control (QC) measures during the data collection process to ensure overall accuracy, completeness, and consistency of the data collected. The quality control measures are meant to ensure that the data is correctly recorded in line with the data validation rules which are in the data collection process. The data is then captured in the system. Thereafter, the officials embark on a quality assurance process in which programs and proformas are inspected, analysed, and verified to ensure appropriate quality standards, consistency, and validity of the findings.

A narrative report is compiled and sent to the Western Cape Provincial Police Commissioner (PC) for remedial action. The remedial action may involve re-instating those cases back on court roll and ensuring that appropriate disciplinary steps are taken against those SAPS members who were responsible for these inefficiencies. The report is also submitted to the Standing Committee on Community Safety, Culture Affairs and Sport. The latter may request the Provincial Commissioner to appear before the committee and account.

### **3.3 Objective**

The aim of the CWB is to provide SAPS with an opportunity to address the identified inefficiencies and to facilitate the process of placing those cases back on the court roll.

### **3.4 Limitations of the study**

Although there are 42 magisterial courts in the Western Cape some of those courts are periodically courts, thus only operating on certain days of the week. These courts are not visited. Some of these courts are reportedly not ready or prepared for the CWB programme.

### **3.5 Findings**

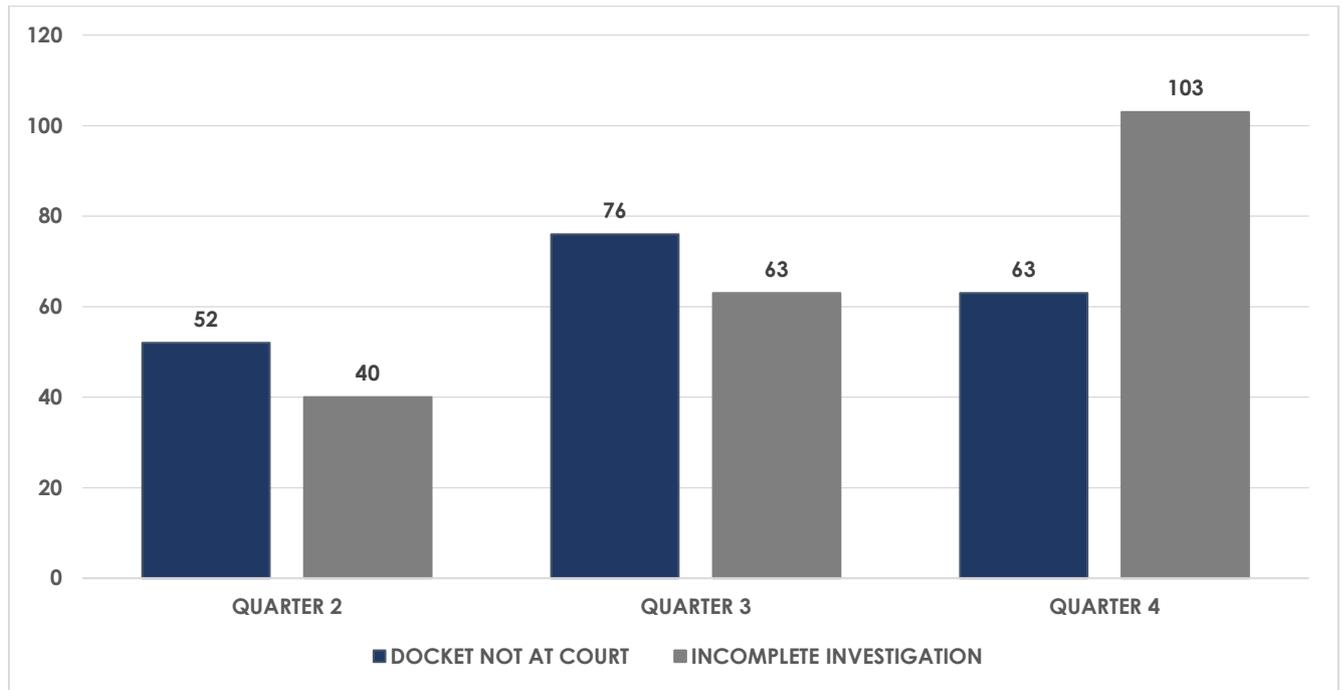
In the first quarter of the financial year 2020/2021, no courts were visited, and no report was generated because of the hard lockdown regulations and COVID-19 pandemic. The officials managed to resume with court watching brief duties at the beginning of the second quarter of 2020/21 i.e., July 2020.

In the **second quarter**, 92 cases were monitored and recorded. A total of 52 (56.5%) of these cases were withdrawn because the dockets were not brought to court, while 40 (43.5%) cases were withdrawn because the investigations were incomplete.

During the **third quarter** the total number of cases that were recorded was 139, and 76 (54.7%) of these cases were withdrawn because the dockets were not at court, while 63 (45.3%) of the 139 cases were withdrawn as a result of incomplete investigation.

In **quarter four** , a total of 166 cases were recorded and 63 (38%) of the recorded cases were withdrawn because the dockets were not at court. During the same period 103 (62%) of cases were withdrawn because the investigation was incomplete.

**Figure 7: Court Watching Brief findings during Q2 – Q4 (2020/2021)**



During the second quarter few cases were recorded because the lockdown restrictions were still intact, and the courts were still not operating in full capacity. Cases were postponed due to COVID-19 infections and court closures and that affected the number of cases that were brought before court; hence few cases were recorded. During the third quarter the number of recorded cases had increased and that can be attributed to the fact that court visits were expanded to other courts as well in addition to priority courts that were mostly targeted during the second quarter. During the fourth quarter the lockdown restrictions were relaxed and the CWB team was able to expand its duties to cover more courts outside the metro; hence more cases were recorded during this period.

It is the responsibility of the SAPS, particularly investigating officers (IO), to ensure that case dockets are at court on time as it is not possible to proceed with any trial without the case dockets. Failure to bring the case docket to court timeously or not at all results in cases being withdrawn.

One of the key findings identified is that of investigation being incomplete. On close examination, it became evident that outstanding forensic reports play a major role under this category. It is important to note that this problem (outstanding forensic reports) is not a direct responsibility of SAPS at police station level. There is a large backlog at the Forensic Science Laboratory (FSL). The delay from FSL

results in cases often being withdrawn from the court roll. The forensic reports referred to above include post-mortem for murder cases, laboratory report for drug cases, DNA for sexual offences, ballistic report for firearm cases etc. The second category is that cases are also withdrawn due to poor police investigation such as failure to obtain witness statements and failure to complete the investigation within a reasonable timeframe.

In other circumstances cases have also been withdrawn because the state witnesses were not at court on the day of the trial, mostly because the subpoenas were either not properly served, or the police officials failed to serve them. These cases were withdrawn because in some instances, the prospect of success was dependent on the oral rather than written evidence of state witnesses, to testify about the commission of an offence against an accused person.

The failure of witnesses to appear before court when required to cannot not be attributed to the SAPS. Case withdrawal does not always specifically indicate failure on the side of the SAPS to ensure that witnesses attend court proceedings. In most instances, witnesses may refuse to avail themselves and it might not always be possible to compel them to attend court proceedings. Therefore, witnesses may voluntarily choose not to attend court proceedings or even avoid receiving subpoenas.

### **3.6 Conclusion**

The reinstatement of cases on the court roll does not only afford victims of crime and their family's closure, but it goes a long way towards rebuilding trust between communities and the SAPS. In this regard, it is imperative that the relevant stakeholders in the CJS work together to ensure that investigation and criminal proceedings are conducted effectively to ensure just outcomes. It is envisaged that when the identified problems have been sufficiently addressed, trust in the entire CJS will be restored and relations between the community and the police will improve.

It is of utmost importance that a stable relationship and co-operation amongst the relevant stakeholders, namely the South African Police Service (SAPS), the DoCS through the CWBs, the National Prosecuting Authority (NPA) and the Western Cape Provincial Parliament (through the Standing Committee on Community Safety, Cultural Affairs and Sport) be strengthened to address police inefficiencies that are obstructing court procedures to ensure successful convictions. The aim would be to have a police service that is professional, efficient, and effective.

## 4 MONITORING OF CASES REFERRED TO IPID

### 4.1 Introduction

In giving effect to its legislative mandate, the Department of Community Safety must monitor and report on the implementation of Independent Police Investigative Directorate (IPID) recommendations by the SAPS and the City of Cape Town Metro Police Department (CTMPD).

According to the Independent Police Investigative Directorate Act No.1 of 2011<sup>15</sup>, IPID is mandated to conduct independent and impartial investigations of criminal offences allegedly committed by members of the SAPS and CTMPD. Section 28 (a) to (h) of the IPID Act 1 of 2011<sup>16</sup> outlines investigations that can be conducted:

- (a) any deaths in police custody;
- (b) deaths as a result of police actions;
- (c) any complaint relating to the discharge of an official firearm by any police officer;
- (d) rape by a police officer, whether the police officer is on or off duty;
- (e) rape of any person while that person is in police custody;
- (f) any complaint of torture or assault against a police officer in the execution of his or her duties;
- (g) corruption matters within the police initiated by the Executive Director on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC or the Secretary; and finally
- (h) any other matter referred to it as a result of a decision by the Executive Director, or if so, requested by the Minister, an MEC or the Secretary as the case may be, in the prescribed manner.

Furthermore, IPID is also required to make recommendations to the SAPS and Metro Police Service (MPS) for disciplinary action to be instituted against its members where alleged misconduct has been identified.<sup>17</sup> Similarly, Section 40 of the SAPS Act No.68 of 1995 requires disciplinary proceedings to be instituted in a prescribed manner and in line with the SAPS Disciplinary Regulations.<sup>18</sup> Section 31(2) of the Civilian Secretariat for Police Service Act No.2 of 2011 requires the CSPA to monitor the SAPS

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<sup>15</sup> South Africa, (2011). *Independent Police Investigative Directorate Act 1 of 2011*. Government Gazette, 16 May 2011. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a12011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a12011.pdf). Accessed on 20 March 2022.

<sup>16</sup> South Africa, (2011). *Independent Police Investigative Directorate Act 1 of 2011*. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a12011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a12011.pdf). Government Gazette, 16 May 2011. Accessed on 20 March 2022.

<sup>17</sup> South African Police Service, (1995). *South African Police Service Act No.68 of 1995*. Government Gazette, 4 October 1995. Section 40.

<sup>18</sup> Civilian Secretariat for Police, (2011). *Civilian Secretariat for Police Service Act, No. 2 of 2011, Section 31(2)*. Government Gazette, 16 May 2011. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a22011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a22011.pdf). Accessed on 20 March 2022.

implementation of the recommendations made by the IPID and to provide the Minister of Police with regular reports on steps taken to ensure compliance.

The aim is to address any potential challenges in the coordination of disciplinary recommendations. It is envisaged that the lack of effective collaboration may result in the inconsistent reporting of statistical information in the annual reports compiled by both SAPS and IPID. One of the key indicators of the collaboration is to monitor recommendations that disciplinary steps need to be instituted against a member or members of the SAPS against whom a criminal investigation has been conducted by IPID.

Furthermore, SAPS must initiate disciplinary proceedings within 30 days of receipt of IPID recommendations and inform the Minister of Police in writing and provide a copy thereof to the IPID Executive Director and the Secretary for the Police Service.<sup>19</sup> A delay and failure by SAPS to comply timeously and execute disciplinary proceedings, may result in a member being cleared from any wrongdoing. It is in the spirit of monitoring police conduct, that an IPID Consultative Forum (ICF) was established per province.

#### **4.2 Functioning of the IPID Consultative Forum (ICF),**

In terms of Section 31(2) of the CSPS Act No.2 of 2011 the CSPS requires the Provincial Secretariats to establish a consultative forum.<sup>20</sup> This provincial forum is replicated across all provinces and is linked to the IPID National Consultative Forum.

The purpose of the IPID Consultative Forum (ICF), in terms of Section 17 (a) and (b) of the IPID Act (Act 1 of 2011) is to facilitate closer cooperation between the role-players; and discuss issues relating to trends, recommendations and implementation of such recommendations.<sup>21</sup> In this regard, the established ICF, convenes monthly. A DoCS official chairs the Western Cape ICF and a secretariat function is also rendered.

The IPID furnishes recommendations on its investigations to the SAPS and CTMPD member or members on alleged misconduct monthly and these are divided into positive and negative recommendations.

- A positive recommendation refers to where it has been found that a member or members have acted within the framework of the law, have not contravened any section of the legislation and

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<sup>19</sup> South Africa, (2011). *Independent Police Investigative Directorate Act 1 of 2011*. Section 30 (a) . Government Gazette, 16 May 2011. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a12011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a12011.pdf). Accessed on 24 March 2022.

<sup>20</sup> South Africa, (2011). *Independent Police Investigative Directorate Act 1 of 2011*. Section 15, 16 and 17. Government Gazette, 16 May 2011. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a12011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a12011.pdf). Accessed on 24 March 2022.

<sup>21</sup> South Africa, (2011). *Independent Police Investigative Directorate Act 1 of 2011*. Section 18. Government Gazette, 16 May 2011. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a12011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a12011.pdf). Accessed on 24 March 2022.

have been exonerated from any misconduct or criminal offence, i.e. no disciplinary steps are required to be instituted

- A negative recommendation refers to when disciplinary steps need to be instituted against a member or members after the criminal investigation has been concluded by IPID.

The ICF stakeholders include representatives of IPID, SAPS and the CTMPD. The representatives present their respective reports based on bilateral engagements (IPID with SAPS, and IPID with CTMPD, respectively). These engagements happen prior to the ICF meeting. These reports are discussed, and the information presented therein is confirmed as accurate in the minutes of the meeting. The data and information issued at the ICF for the 2020/21 financial year was utilised to prepare the current report. The report focuses on the SAPS, and the CTMPD implementation of the recommendations made by the IPID.

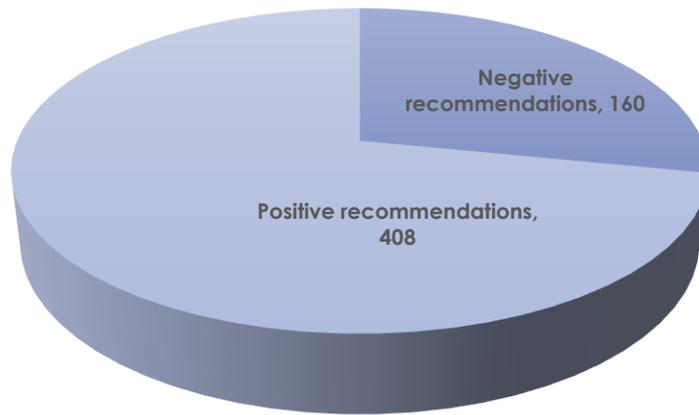
### **4.3 Findings**

This section constitutes a summary of the implementation of recommendations made by the IPID during the period i.e. April 2020 to March 2021. A breakdown of the recommendations by the IPID is represented in Figure 8 below to indicate the type of investigations that were conducted, and recommendations made in respect of cases against SAPS members. These case recommendations by the IPID had to be initiated within a period of 30 days.

### **4.4 IPID recommendations**

Figure 8 below reflects a total of 568 negative and positive recommendations sent to the SAPS for implementation during the period under review. A total of 160 (28.2%) of the 568 case recommendations referred to the SAPS were negative recommendations where steps were recommended and 408 (71.8%) were positive recommendations where no steps were recommended.

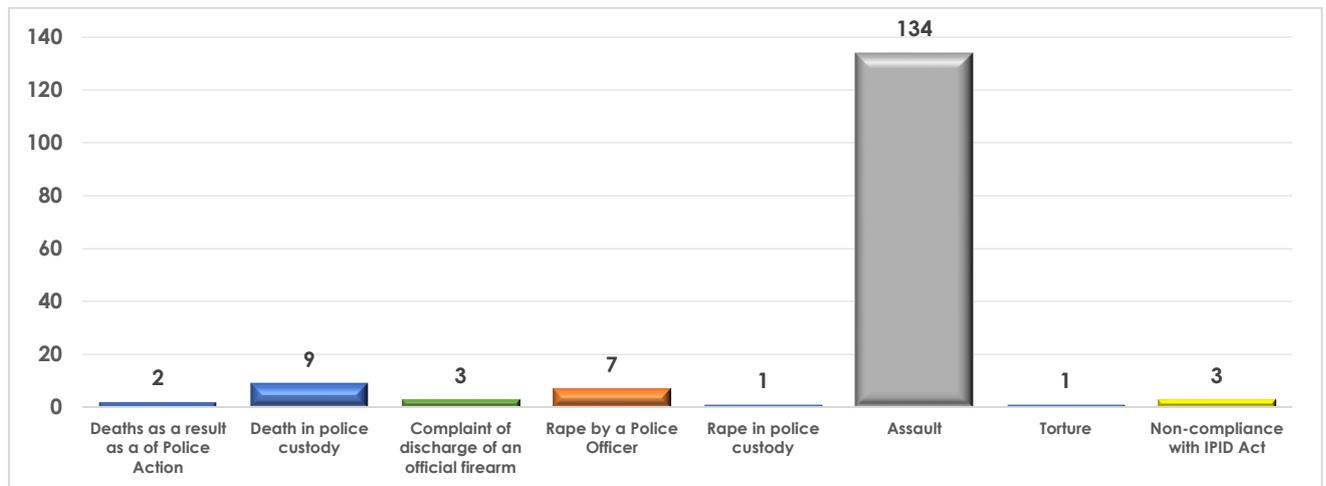
**Figure 8: Positive and negative recommendations for 2020/21 financial year**



**4.5 Negative recommendations**

Figure 9 below reflects the 160 negative recommendations sent to the SAPS for implementation during the period under review.

**Figure 9: Classification of negative recommendations for 2020/21 financial year**



As illustrated in Figure 9 above, of concern is the 134 (83.8%) negative recommendations for assault by police officer. This suggests that some police members have low tolerance level and resorted to assault instead of resolving challenges amicably. A total of 9 (5.6%) cases for death in police custody, 7 (4.4%) cases of rape by a police officer followed as part of the concerning negative recommendations.

**4.6 Assault by police officer**

The following police stations had negative recommendations in terms of assault by police officers: Kleinvlei (8); Kraaifontein (7), and both Ravensmead and Mitchell's Plain had six (6) cases each. Three

police stations namely Langa, Mfuleni and Delft had five (5) cases respectively. Lentegour, Barrydale, Nyanga, Villiersdorp and Wolseley had four (4) cases respectively. Worcester, PA Hamlet, Grabouw and Touwsriver has three (3) cases respectively. The following stations had two (2) cases each namely Elsiesriver, Porterville, Leeu-Gamka, Oceanview, Ladismith, Steenberg, Parow, Athlone, Atlantis and Vredenburg. The remainder of the police stations had one (1) case per station: Lingeletu-West, Philippi, Simonstown, Kuilsriver, Knysna, Samora Machel, Belhar, Goodwood, Moorreesburg, Calitzdorp, Ceres, Klawer, Oudsthoorn, Murraysburg, Muizenberg, Conville, Kleinmond, Van Rhynsdorp, Napier, Table View, Genadendal, Lamberts Bay, Vredendal, Riversdale, Clanwilliam, Caledon, Philippi-East, Darling, De Rust, Strand, Mbekweni, Khayelitsha, Paarl, Riebeeck-West, Paarl-East, Bredasdorp, KwaNokuthula and Groot Drakenstein.

#### **4.8 Death as result of police action**

The following police stations had negative recommendations in terms of death as a result of police action, namely Khayelitsha, Ravensmead, Samora Machel, Claremont, Mfuleni, Vredenburg, Nyanga, Philippi and Lwandle.

#### **4.9 Death in police custody**

Maitland and Delft police stations had negative recommendations in terms of death in police custody.

#### **4.10 Rape by police officer**

In terms of rape by police officer IPID made negative recommendations pertaining to three cases at Delft and one case at each at KwaNokuthula, Grabouw, Kuilsriver and Clanwilliam police stations.

#### **4.11 Rape in police custody**

One negative recommendation was made against Robertson station for rape in police custody.

#### **4.12 Discharge of official firearm**

During the review period three negative recommendations were made on SAPS members stationed at Oudsthoorn, Steenberg and Grabouw police stations for discharging an official firearm.

#### **4.13 Non-compliance in terms of the IPID Act**

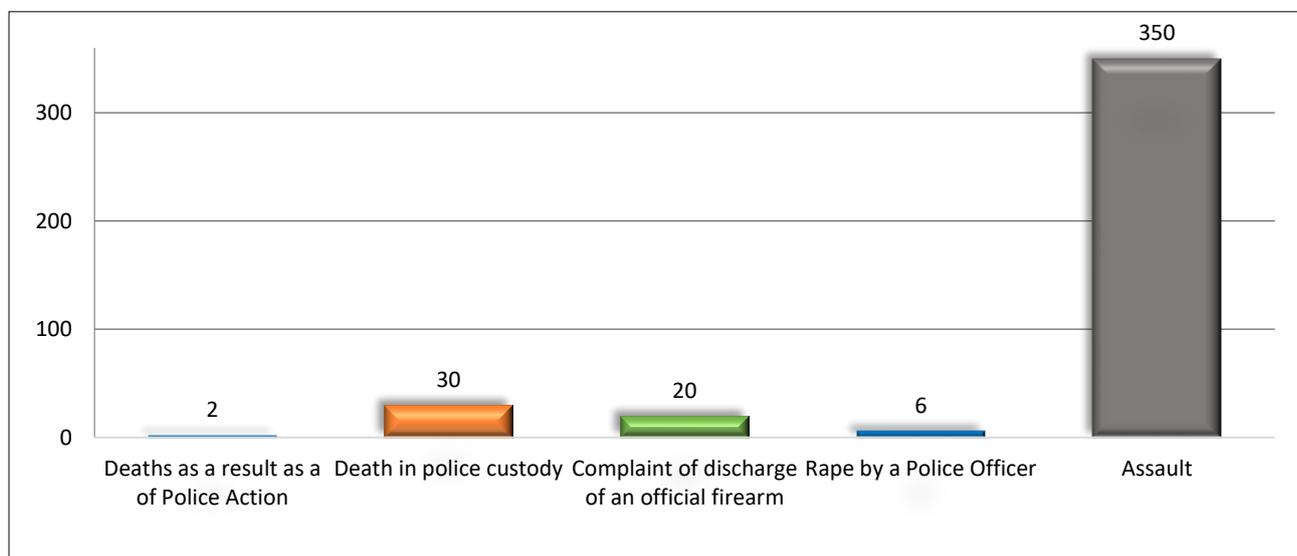
Three negative recommendations were made against SAPS members at George, KwaNokuthula and Da Gamaskop police stations for non-compliance in terms of the IPID Act. These three matters related to the following sections of the IPID Act 1 of 2011 being; Section 29 (1)(a) states; "The Station

Commander, or any member of the SAPS or Municipal Police Service must immediately after becoming aware, notify the Directorate of any matters referred to in terms of Section 28 (a) to (f); and (b), within 24 hours thereafter, submit a report to the Directorate in the prescribed form and manner of any matter as contemplated in paragraph.”<sup>22</sup> This statement relates to Section 33 (3) of the IPID Act 1 of 2011 which states; “Any police officer who fails to make disclosure in accordance with Section 29 is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.”<sup>23</sup>

#### 4.14 Positive recommendations

Figure 10 below reflects the 408 positive recommendations sent to the SAPS for implementation during the period under review.

**Figure 10: Classification of positive recommendations of 2020/21 financial year**



As illustrated in Figure 10 above, IPID made 408 positive recommendations to SAPS during the period under review. Although it was positive recommendations and the IPID investigations found that no further action was required, the number of allegations against SAPS members are very high. These allegations stem from 350 (85.7%) cases of an assault by police officer, 20 (4.9%) cases for the discharge of official firearm; two cases of death in police custody and six cases of rape by a police officer.

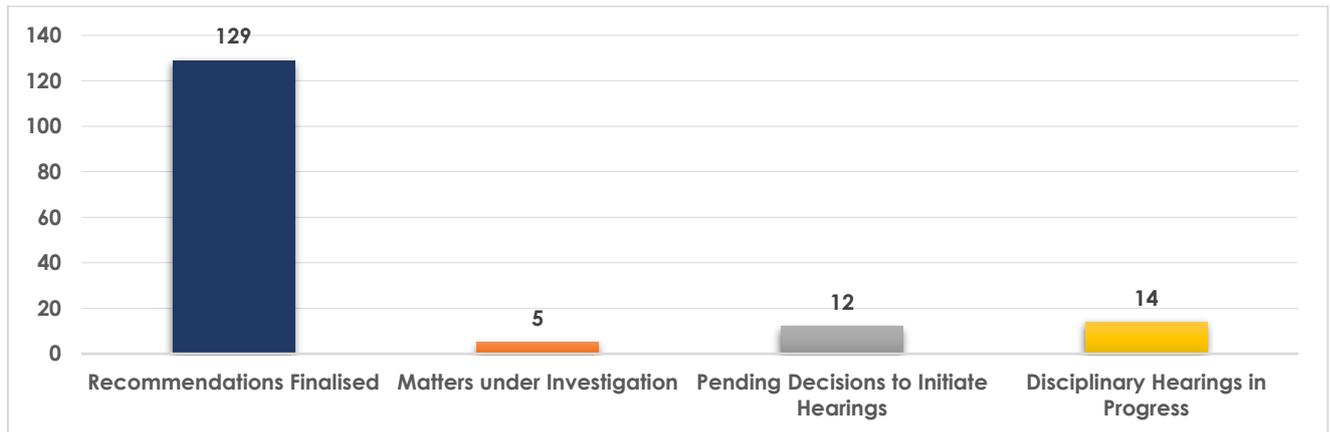
<sup>22</sup> South Africa, (2011). *Independent Police Investigative Directorate Act 1 of 2011*. Section 29 (a) . Government Gazette, 16 May 2011. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a12011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a12011.pdf). Accessed on 24 March 2022.

<sup>23</sup> South Africa, (2011). *Independent Police Investigative Directorate Act 1 of 2011*. Section 33 (3) . Government Gazette, 16 May 2011. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a12011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a12011.pdf). Accessed on 24 March 2022.

#### 4.15 Initiation of disciplinary action

Figure 11 below reflects the progress in respect of disciplinary action initiated by the Discipline Management Section at the Office of the SAPS Provincial Commissioner to implement the 160 positive recommendations made by the IPID as at the end the period under review.

**Figure 11: Initiation of disciplinary action**



As illustrated in Figure 11 above, the SAPS has finalised disciplinary action in respect of 129 (80.6%) of the 160 negative case recommendations made by the IPID as at the end of the period under review. A total 5 (3.1%) matters were still under investigation, in 12 (7.5%) decisions to initiate hearings were still pending, and 14 (8.8%) disciplinary hearings were still in progress.

#### 4.16 Conclusion

The IPID reported a combined total of 568 negative and positive recommendations for the SAPS to implement during the period under review. Seventy one percent or 408 positive recommendations were referred to the SAPS where no further action was needed but of concern is that 28.2% or 160 negative recommendations were referred to the SAPS to implement disciplinary action.

In terms of the negative recommendations, 134 (83.7%) were cases for assault by police officer; nine cases for death in police custody and seven cases or 4.3% for rape by a police officer. The remaining cases were for death as result of police action, rape in police custody, discharge of official firearm or for non-compliance with the IPID Act. At the time of writing this report, the Discipline Management Section at the Office of the SAPS Provincial Commissioner commenced with disciplinary procedure in respect of these 160 negative case recommendations.

There were no negative case recommendations made in respect of the CTMPD, meaning they were compliant without any cases against their members for 2020/21 financial year.

The SAPS finalised disciplinary actions in respect of 129 (81%) of the 160 negative case recommendations made by the IPID by the end of 2021/22 financial year. Fourteen (14) disciplinary hearings were still in progress, 12 decisions to initiate hearings were still pending, and 5 matters were still under investigation. Notwithstanding this, the ICF will continue to monitor the implementation of disciplinary action by the SAPS in respect of these negative case recommendations during the current financial year 2021/22.

Of concern is the high number of positive recommendation cases or allegations against SAPS members especially cases of assault, death as result of police action or death in police custody as well as rape by a police officer.

## **5 INEFFICIENCIES IDENTIFIED AT POLICE STATIONS LEVEL : STATION IMPROVEMENT PLAN**

### **5.1 Introduction**

The Department of Community Safety (DoCS) has a statutory responsibility to exercise civilian oversight over the South African Police Service (SAPS)<sup>24</sup>. In this regard the DoCS in conjunction with the CSPA conducted the Police Census Project in 2018 (Census 2018) in response to a directive from Parliament's Portfolio Committee on Police. The aim of the Census 2018 was to collect accurate, reliable, and comprehensive baseline information on SAPS performance in relation to service delivery, implementation, and compliance to regulations.

The Census 2018 data collection process was conducted and afterwards an analysis of the data was done and that formed the basis for the development of the police station improvement plans to remedy the inefficiencies identified during the Census 2018.

In 2020/21 the Department assessed progress and challenges experienced by police stations in their endeavour to address inefficiencies identified in 2018. The period under review assessed the following dimensions, namely Custody Management, Leave Management and Human Resource Management. The chapter on inefficiencies identified at station level provides an overview of the findings and recommendations to date on the inefficiencies identified during Census in 2018.

### **5.2 Methodology**

The Post Census Monitoring approach was conducted by utilising a uniform Station Improvement Plan (SIP) template that was developed by the CSPA in conjunction with the Provincial Secretariates. The

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<sup>24</sup> Civilian Secretariat for Police, (2011). *Civilian Secretariat for Police Service Act, No. 2 of 2011, Section 17. Government Gazette, 16 May 2011*. Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/a22011.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a22011.pdf). Accessed on 20 March 2022.

SIP ensured standardization and effective monitoring of police station performance across the 9 provinces.

This chapter compares the 2018/19 financial year census findings and 2020/21 financial year follow up assessment conducted at sampled police stations. The SIP tool was utilized to assess whether there was improved performance and compliance by the police stations after the 2018 census project.

A sample of 21 police stations were identified during the period under review. The designated officials from the Department of Community Safety conducted oversight visits in quarter 3 at the selected police stations using the uniform (SIP) template.

Due to the COVID 19 pandemic, the monitoring team could not conduct physical visits to the station in quarters 2 and 4. However, assessment tool was self-administered by the police station. The police stations populated the SIP template, thereafter, the station commander verified the information as correct by signing the completed questionnaires.

The police station management, with the assistance of support personnel provide administrative records and verbal responses to the designated official conducting the oversight in quarter 3. Where applicable, the officials also made observations and perused documents to validate the responses. Ms Excel was used to capture data and to perform the data analysis. A standardized input sheet was developed with a baseline rating to capture the 2018 census data and the areas of concern transferred to Excel report template for the identified police stations to action remedial steps. The focus of the assessment was on the custody management, sector policing, human resources and leave management respectively.

### **5.3 Findings**

The findings reflect the status of the remedial actions, challenges faced by the police stations in the process of implementing identified remedial actions and recommendations implemented by the sampled police stations.

#### **5.3.1 Custody management**

The prevalence of escapes from police custody during the processing of suspects, before being sent to the detention cells to be remanded, has given rise to stricter measures that have been put in place to ensure the prevention of escapes. The SAPS put measures in place to curb escapes from police custody. These measures include the National and Provincial Instructions, station orders, station lectures and the sensitization of VISPOL members during the parades.

The Census 2018 found that five (19%) police stations namely Kleinvlei, Claremont, Darling, Ocean, View and Stellenbosch did not have holding cells. Both Kirstenhof and Cloetesville police stations neither had holding cells, nor detention cells. Belhar police station did not have detention cells either.

The 2021/2022 station improvement follow up assessment, found that the status quo remained at all the sampled stations. The management of police station falls within the ambit of the Department of Public Works (DPW) and the latter has not made attempts to change the status quo. The practical challenges which contributed to the lack of holding or detention cells is the lack of space in the current rented buildings from private owners. These buildings have inadequate space for holding or detention cells.

The census 2018 found that 13 (62%) of the 21 sampled stations i.e. Belhar, Kleinvlei, Darling, Ravensmead, Bellville South, Diep River, Kirstenhof, Ocean View, Simonstown, Atlantis, Paarl East, Cloetesville and Stellenbosch did not have a Memorandum of Agreement (MOA) between the Station Commander and Department of Correctional Services' Probation Officer in terms of the SAPS National Instruction 2 of 2010.<sup>25</sup> Furthermore, these stations did not have the SAPS National Instruction 2 of 2010 which stipulates how the station should handle children in conflict with the law. The instruction requires the station commander to adhere to adhere to the SAPS national instruction and process agreed upon with the designated probation officer.

Worryingly, the 2020/2021 assessment found that only one station, Cloetesville, had an agreement in place with Probation Officer. The other 12 police stations did not have Memorandum of Agreement with the probation officers. The police stations without MoA indicated that, despite the unavailability of the MoA, service delivery and compliance with the national instruction is not compromised. They reported that they contact the probation officers when their services are needed.

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<sup>25</sup> South African Police Service, (2010). SAPS National Instruction 2 of 2010 : Memorandum of Agreement (MOA) between the Station Commander and Department of Correctional Services' Probation Officer, Section 5 and 6. SAPS Head office, Pretoria.

### 5.3.2 Sector policing

The SAPS National Instruction 3 of 2013, provides minimum standards that regulate the implementation of sector policing within the SAPS.<sup>26</sup> Sector policing is a policing approach that supports the implementation of the philosophy of community and partnership policing, by dividing a police station precinct into smaller manageable sectors, thereby facilitating improvement of community relations.<sup>27</sup>

The 2018 assessment found that 9 (42%) of the 21 police stations assessed did not meet their reaction time targets on attending to Alpha, Bravo and Charlie complaints as per the SAPS Efficiency Index System (EIS). During the follow up assessment in 2020/2021, it was revealed that, since the 2018 assessment the stations have put measures in place to remedy the situation. These measures include data integrity monitoring by the Management Information Official (MIO). Furthermore, relief commanders and members are held accountable for late reporting and disciplinary actions were instituted for dereliction of duty.

### 5.3.3 Human Resource Management

The fixed established (FE) of any police station reflects the allocation of human resources required by that police station to perform key functions in terms of the three main components of the police station, namely, Visible Policing (VISPOL), detective services and support services. The FE includes both members who have been employed under the SAPS Act no. 68 of 1995<sup>28</sup> and those employed under the Public Service Act (PSA) no. 103 of 1994.<sup>29</sup>

During the 2018 census audit, it was found that in 15 (71%) of the 21 police stations audited, not all detectives attended the Basic Detective Learning Programme (BDLP) and Resolving of Crime Learning Programme (ROCLP), as per the SAP 96 (member training record).<sup>30</sup> These stations were Belhar, Kleinvlei, Ravensmead, Bellville South, Fish Hoek, Muizenberg, Kirstenhof, Hout Bay, Simonstown, Cloeteville, Franschhoek, Mbekweni, Paarl, Paarl East and Stellenbosch.

With the 2020/2021 follow up assessment, it was established that the status quo remained the same at the identified police stations. The stations raised the lack of call up instructions for training, and recently, the COVID-19 pandemic as factors that prevented the training of detectives. The lack of formal training particularly for the detectives has a negative impact in the investigation of cases and service delivery. The detection and conviction rates are likely to be affected, as detectives could struggle to complete investigations and refer cases to court for prosecution.

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<sup>26</sup> South African Police Service, (2004). National Instruction 2 of 2004, Section 1. SAPS Head office, Pretoria.

<sup>27</sup> South African Police Service, (2004). National Instruction 2 of 2004, Section 3 (a) (i)). SAPS. SAPS Head office, Pretoria.

<sup>28</sup> South African Police Service, (1995). *South African Police Service Act, No.68 of 1995*, Section 28. Government Gazette, 4 October 1995.

<sup>29</sup> South Africa, (1994). Public Service Act 103 of 1994 Section 9 and 11) Available online at [https://www.gov.za/sites/default/files/gcis\\_document/201409/15791103.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/15791103.pdf)

<sup>30</sup> South African Police Service, (-----). SAPS 96 (Member training record)

### **5.3.4 Leave management**

The SAPS National Instruction 2 of 2004 regulates the management and administration of leave.<sup>31</sup> It stipulates that an employee is entitled to 36 working days sick leave with full pay in a sick leave cycle over a three-year period. An employee appointed after the commencement of a sick leave cycle, is entitled to the full 36 working days sick leave for that cycle. Unused sick leave lapses at the expiry of the three-year cycle.<sup>32</sup>

The Census 2018 found that 14 (67%) of the 21 police stations assessed, displayed a higher utilization of sick leave. The 36 working days leave per cycle translate to 12 days per person per annum. More than 6 days sick leave in 6 months per person is regarded as high. Worryingly, the utilization of the sick leave at the sampled police stations ranged from 6 to 10 days on average per person, for the period of July to December 2017. The evaluation focused on the utilization of the sick leave. No trend analysis was conducted to ascertain days of week where sick leave was taken. Furthermore, it was found that members working in the detective and support components used most of their sick leave. Some of the contributing factors that were cited for the high sick leave utilization were beyond the control of the station, such as hospitalization and ill-health.

Compared to 2018/19 assessment, the 2020/2021 one found that police stations assessed for sick leave utilization were still experiencing this challenge. What was encouraging though was that stricter measures were implemented by these stations to remedy the challenge. For instance, the stations indicated that, each member's leave is monitored daily and weekly by the human resource management section of the station. In addition, absenteeism interviews are conducted by commanders and home visits are conducted by commanders during sick leave period. Furthermore, station orders are in place and members are also sensitized regarding the high utilization of sick leave.

### **5.4 Conclusion**

Even though the stations which were found not to have MoA with probation officers argued that service delivery was not hampered, and they were still non-compliant with the prescripts. The lack of MoA remains a challenge though as these stations still did not have an agreement as required by the SAPS National Instruction 2 of 2010. It is important to note that the lack of detective training on BDLP and ROCLP hampers the ability of detectives to solve cases optimally.

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<sup>31</sup> South African Police Service, (2013). *National Instruction 3 of 2013 ,Section 1.*)

<sup>32</sup> Ibid.

## 6 THE SAPS RESPONSE TO MANAGING COVID-19, 2020/21 FINANCIAL YEAR

### 6.1 Introduction

The Department of Community Safety (DoCS) in the Western Cape is giving effect to its Constitutional mandate by visiting police stations in the Western Cape province to conduct oversight inspections and hereafter compile an assessment report.<sup>33</sup> These inspections cover key components at the police stations. The inspections are aligned to the oversight methodology premised visiting of stations, conducting oversight audits and solicit data as prescribed by the office of the CSPS. The current assessment was done due to the emergence of the COVID-19 pandemic.

On the 23<sup>rd</sup> of March 2020 President Cyril Ramaphosa announced a nationwide lockdown in South Africa as part of the COVID-19 crisis response.<sup>34</sup> Initially it was proposed to run from 27 March to 17 April 2020, however, the lockdown was later extended to 30 April 2020. On 23 April 2020 the President announced a phased re-opening of the economy and on 1 May 2020 the country moved from Alert Level 5 lockdown to Alert Level 4 which allowed for some activity to resume with extreme precautions still being followed.<sup>35</sup> The level of lockdown was adjusted according over the reporting period taking into consideration the combination of infection, death, and hospitalisation rates in the country. The lockdown impacted on the work of many frontline institutions, such as the SAPS.

The SAPS as an essentially service, was affected the most. The COVID-19 global pandemic placed additional responsibilities to the SAPS. The SAPS had to amend its operational procedures and adapt new protocols and enforce compliance to the Disaster Management Act 57 of 2002 regulations. These responsibilities included arresting, charging or issuing fines to citizens for non-compliance to Disaster Management Act 57 of 2002 regulations.<sup>36</sup> Moreover, the SAPS were expected to sanitise suspects, vehicles and detention facilities in order to prevent the spread of the coronavirus and protect its members, members of the public and detainees. In this context, the SAPS had to introduce a register to document everyone visiting the police station including SAPS members.

Noting that SAPS was the leading role players entrusted with the responsibility to enforce the Disaster Management Act (DMA) regulations, it was therefore important for DoCS to assess the SAPS internal

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<sup>33</sup> South Africa, (1996). *The Constitution of the Republic of South Africa*, Act 108 of 1996.)

<sup>34</sup> Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002: R398 dated 25 March 2020.

<sup>35</sup> The Presidency, (2020). *Statement by President Cyril Ramaphosa on South Africa's Response to the Coronavirus Pandemic*, Union Buildings, Tshwane, 23 April 2020. Available at <http://www.thepresidency.gov.za/speeches/statement-president-cyril-ramaphosa-south-africa%27s-response-coronavirus-pandemic%2C-union-buildings%2C-tshwane>

<sup>36</sup> South Africa, (2003). *Disaster Management Act*, Act No. 57 of 2002. Available online at [https://www.cogta.gov.za/cgta\\_2016/wp-content/uploads/2016/06/DISASTER-MANAGEMENT-ACT.pdf](https://www.cogta.gov.za/cgta_2016/wp-content/uploads/2016/06/DISASTER-MANAGEMENT-ACT.pdf). Accessed on 27 March 2022.

compliance with the regulations. Subsequently, DoCS conducted an assessment in terms of its legislative mandate, Section 206 of the Constitution and Section 6, subsection 1 (a) of the Civilian Secretariat for Police Service Act. 2011 (Act No. 2 of 2011). The CSPA and Provincial Secretariats (PS) are expected to monitor the performance of the SAPS by conducting regular assessments on compliance to their policies and other relevant legislation. It was in this context, that SAPS response to the management of COVID-19 was undertaken.

## **6.2. Assessment objectives**

The objectives of the assessment were to determine:

- 6.2.1 The state of readiness by the police stations to deal with the prevailing COVID-19 pandemic in their respective policing precincts and beyond;
- 6.2.2 How SAPS as an institution is protecting their members from the COVID-19 and the spreading thereof;
- 6.2.3 How the SAPS ensure that their members and/ or infrastructure do not contribute to the spread of COVID-19;
- 6.2.4 How the SAPS are enforcing the public compliance to the DMA regulations;
- 6.2.5 How does the deployment of SAPS to enforce DMA regulations affect normal deployment of other criminal activities within the policing precinct; and

## **6.3 Methodology**

The DoCS developed a provincial monitoring tool to assess SAPS compliance with the COVID -19 regulations. Specific indicators were identified to determine the level of compliance for the following divisions within the police station namely Community Service Center, Visible Policing; Support Services and Supply Chain Management. These indicators were based on the SAPS Regulations on Containment and Management : DCS 19/2/1, dated 11/02/2020.<sup>37</sup>

The Western Cape COVID -19 provincial tool was sent to the SAPS Provincial office to circulate it to the 132 (87.4%) of the 151 SAPS stations in the province. The questionnaire administration took into consideration the levels of COVID-19 infections, lockdown regulations and access to the stations. Concerted efforts were made to minimize physical contact with SAPS members and members of the public hence the data collection process was amended due to the COVID-19 pandemic. What did not change though was the verification of the data and the information captured via the tool.

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<sup>37</sup> Protocols on the prevention, control and Management of COVI-19 within SAPS

To minimize contact and spending less time at stations due to prevalence of the virus than at some stations, an agreement was reached with the Station Commanders, that they would manage and coordinate the completion of the questionnaire. Thereafter sign the questionnaire as a confirmation that the data provided is accurate and correct. The DoCS officials would then visit the 132 police stations during the period of July 2020 to February 2021 to verify and ensure that all data was correctly completed on the tools.

Thirty-six tools for quarter 1 (April-June 2020) were self-administered by the SAPS stations due to high level of infections at the time as it was lock down. It was lockdown alert level five during the period. Fifteen (15) of the SAPS Clusters were identified, those included: Beaufort West; Blue Downs; Cape Town; Cape Winelands; Da Gamaskop; Eden; Khayelitsha; Milnerton; Mitchells Plain; Nyanga; Tygerberg; Vredenburg; Vredendal; Worcester and Wynberg.

Oversight visits by the officials were only conducted for the period of July 2020 to March 2021. It was ensured that minimal time was spent at each station during this process, which was possible due to the pre-completed tools by the police stations. During the physical visits to the respective police stations, the officials observed and verified the data presented on the tools.

#### **6.4 Limitations of the study**

6.4.1 The assessment study had limitations. These included COVID-19 lockdown regulations which restricted the movement of every citizen due to high infection rates and deaths during the time. Subsequently, few people visited the police stations, and the inspection team had to adopt a different methodology solicit data from the police stations.

6.4.2 Oversight inspections were mainly dependent on observations, and verification of data received. The prevalence of the COVID 19 pandemic affected the verification of the data on the questionnaires, particularly for quarter one.

6.4.3 Access to in-depth audits and verification was limited and this denied the officials opportunity to hear the fears and concerns of the respondents.

6.4.4 Finally, the study relied on the information submitted by Station Commanders. Although attempts were made to verify the data, not all participating stations' data could be verified due to precautionary reasons.

#### **6.5 Findings**

The COVID-19 data collection was administered at 132 of the 151 police stations in the province covering 15 police clusters over the period : April 2020- March 2021. The data was collected per quarter over the reporting period. In quarter one ,36 police stations and in quarter two, 21 police stations were covered via the tool. Quarter three and four accounted for 38 and 37 police stations respectively. Key findings of the assessment are presented in table 1 below.

**Table 1: The SAPS response to managing COVID-19 pandemic at police station level**

<b>THEME</b>	<b>FINDINGS PER IDENTIFIED THEME</b>
<b>1. Sanitization when visiting or entering the SAPS building</b>	All 132 (100%) of the police stations reported that everyone including their members was sanitised whenever visiting or entering the building;
<b>2. Wearing of PPE</b>	All 132 (100%) of the police station maintained that all their members were wearing PPEs issued to them at all times at the station when on duty;
<b>3. Floor markings</b>	A total of 122 (91.7%) of the police station reported that they had floor markings to ensure social distances in the queues for people visiting the stations;
<b>4. Visitation registers</b>	A total of 130 (97.7%) of the stations reported that they had registers at the CSC to record all people visiting the stations daily;
<b>5. Availability of Station Orders</b>	A total of 93 (69.9%) of the police stations reported that they had Station Orders in relation to COVID-19 activities;
<b>6. Availability of Operational Plans</b>	A total of 114 (85.7%) of the police stations reported that they had Operational Plans to monitor compliance to the DMA Regulations;
<b>7. Designated officer for enforcement of DMA Regulations</b>	A total of 124 (93.2%) of the police stations reported that they had an officer specifically designated to coordinate the enforcement of DMA regulations and other COVID-19 activities at the station;
<b>8. Frequency of detention facilities sanitisation</b>	A total of 128 (97%) of the stations reported that their detention facilities were regularly sanitised at different intervals depending on the use thereof. The figure excludes the three stations where there were no detention facilities (Elands Bay; KwaNonqaba and Lingelethu West).
<b>9. SAPS stations with member tested positive to COVID-19</b>	A total of 42 (44%) SAPS stations of the 96 assessed for the period of July 2020-March 2021 with a reference period of March-November 2020 had members who tested positive to COVID-19;
<b>10. Members tested positive to COVID-19 and deaths</b>	A total of 721 members tested positive from the 42 of the 96 SAPS stations assessed for the period of July 2020-March 2021. The period for which these members tested positive was March - November 2020. A total of 7 deaths were recorded for the same period.

In an endeavour to ensure that the members at the stations, including the infrastructure do not contribute directly and indirectly to the spread of COVID-19, certain measures were put in place to sanitise the counters, door-knobs, stamps, pens etc. The 132 stations sanitised counters, door-knobs, stamps, pens at various intervals, ranging from hourly to daily depending on how often these were used. Sanitisation was the main mechanism implemented to minimize the spread of the coronavirus to members and people visiting the stations.

Encouragingly, all 132 SAPS stations reported that all members were sensitised on the COVID-19 pandemic. The parades, information books and notice boards were used for this purpose. Regular sessions were held with members, alternating these various mechanisms to curb the spread of the corona virus. It is worth noting that this happened at peak time of the pandemic.

Of particular importance is that 129 (98%) of the police stations confirmed that their detention cells were sanitised daily and weekly. This was depended on whether there were suspects arrested and detained. These results exclude those police stations that did not have detention facilities namely, Elands Bay; KwaNonqaba and Lingelethu West.

The police stations reported that only suspects who had committed serious crimes including murder, rape aggravated robberies etc were detained to appear in court. Attempts were made to keep detention cells at 50% capacity to minimise chances of spreading the virus.

For the period , July 2020 to March 2021 at total of 96 police stations were assessed. Of these 96 stations 42 (44%) at least one member tested positive to COVID-19 pandemic. As stated, before 721 members tested positive to COVID-19 and unfortunately seven deaths were also recorded. Noting that the members who tested positive had to isolate for at least 10 days, the ability of the SAPS to deliver an acceptable level of service was affected.

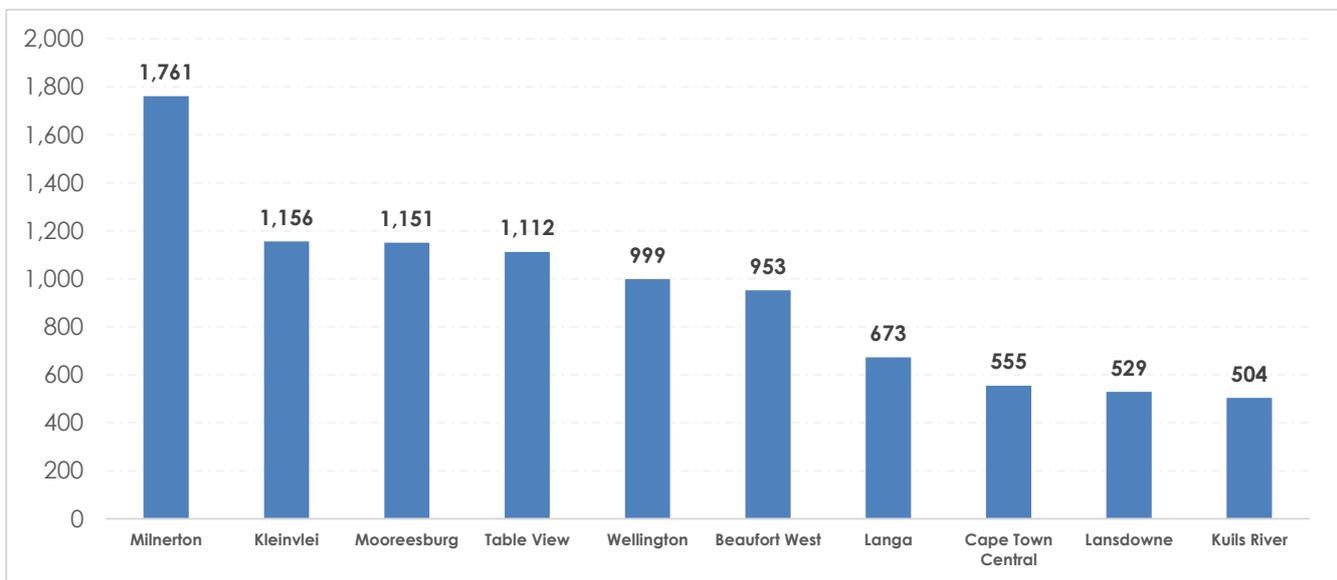
The assessment found that 20 of the 132 (15%) stations did not develop a new deployment strategy, during the reporting period compared to the 107 (82.3%) of the stations that developed a new deployment strategy. The new deployment strategy meant that the stations had to ensure that there is a minimum number of members deployed at the station and offices to avoid overcrowding and to always maintain social distancing. It also meant that members had to rotate in terms of coming to work and maintain small numbers depending on the office space available for them to do their work.

Some of the 20 police stations that did not adopt a new deployment strategy, stated they had members who tested positive for COVID -19 or members who encountered a COVID-19 positive person and had to isolate. Some stated they had their operational members deployed to cluster offices, thus making it difficult for the station to implement a new deployment strategy due to limited personnel. The police stations reported that non-essential activities were deferred. Some offices closed temporarily with some administrative staff to relocated to supplement gaps as the identified need at the relevant station.

The shifting of employees was in line with the directive from the Protocols for the Containment and Management of the COVID-19 which provided guidance and processes to be followed to deal with vulnerable employees and rotation of certain employees as a measure to mitigate risks within the workplace.<sup>38</sup> This directive was aligned to the guidelines from both the Department of Health and Department of Labour.

Figure 12 below illustrates the top ten police stations in terms of cases registered for transgressing the DMA and COVID-19 lockdown regulations. Milnerton with 1 761 recorded the highest number of cases. Kleinvlei followed with 1 156 cases, with Kuilsriver as the tenth on the list with 504 cases. The top ten police stations contributed to 9 393 cases (48.6%) to provincial total of 19 321 for the period of April 2020-March 2021. These top ten stations were at the fore front to ensure that all those who transgressed the DMA and COVID-19 lockdown regulations were brought to book and their cases registered, fines issued or sent to court for further prosecution.

**Figure 12: Registered COVID-19 cases on the contravention of DMA regulations**



Another important consideration was the visitation register. The SAPS Regulations on Containment and Management of Covid-19 (4.1.5 – 4.1.7)<sup>39</sup>, requires each station register details of all people visiting the station. These include employees visiting the premises other than their place of work. This register was important to keep a record of people visiting the station, but also gathering information that can be used to advise the SAPS provincial office of what is happening at the police station level. Accordingly, suspected cases of COVID-19 had to be escalated to Provincial COVID -19 Steering Committee daily before 12:00.<sup>40</sup> Visitors with temperatures exceeding 38 degrees were referred to a

<sup>38</sup> South African Police Service Act, (2020). Protocols for the Containment and Management of the COVID-19 second wave within SAPS: 50/50 rotation of employees

<sup>39</sup> South African Police Service Act, (2020). Regulations on Containment and Management of COVID-19 (4.1.5 – 4.1.7).

<sup>40</sup> Suspected case refers to a situation where a person is showing known symptoms like coughing, high temperature, weakness etc.

medical facility. In compliance with the Protocols for the Containment and Management of the COVID-19, it was required that each police station must keep a visitors' register for record purposes.

## **6.6 Conclusion**

The main purpose of this study was to assess the state of readiness of the sampled stations in the province to implement both the DMA and COVID -19 regulations.

The CSC was the window through which all police stations had to implement measures to ensure that all protocols required were observed in line with the DMA regulations and SAPS instructions. These requirements include sanitising, social distancing, and the wearing of protective materials by both the members and clients visiting the stations. The results of the study affirm that these measures were by and large implemented at the sampled police stations.

The SAPS members are as well not immune to COVID -19. They also had to be protected from the pandemic by being provided with the relevant PPEs. It was also observed that majority of members were utilising the reusable SAPS face masks. None of the stations visited during the period had members not wearing their correct PPEs, in particular the face masks.

Social distancing is one of the vital precautionary measures which had to be observed in an endeavour to minimize the spread of COVID-19, hence the need for demarcated or marked areas indicating the distance that people should observe when visiting the CSC. The study found that most of the stations had floor markings to ensure social distancing in the queues for people visiting the stations.

The visitation register is a source document that is utilised by the stations to capture information of people who accessed the station on a daily basis. This register is put in place for various reasons but importantly for security, wellbeing of members and to have statistical records in terms of the number of people who access the station. Only 2% of the 132 stations did not have a register to record details of people visiting the stations.

Lastly, the availability of the protection equipment on COVID-19 for the SAPS employees as a measure prevent and protect members from contracting and spreading of the virus, did not seem to be a challenge at the stations. Necessary steps were taken by the SAPS Provincial SCM to ensure that they meet the demand on PPEs for all SAPS employees. Despite limited information on how best to curb the spread of the coronavirus during the period under review, the results of the assessment suggest that the police stations observed, were ready to deal with the spread and prevention of the pandemic at least within the police station level.

Furthermore, it seems the SAPS was making the necessary effort to protect its members and members of the public that were visiting the police station by complying with the non-pharmaceutical requirement for dealing with COVID-19 pandemic namely, sanitisation, social distance and wearing of mask particularly.

## **7. SAPS' COMPLIANCE WITH DOMESTIC VIOLENCE ACT: CENSUS 2018/19 AND POST CENSUS**

### **7.1 Introduction**

The Western Cape Strategic Plan framework serves as a specific guideline for the Western Cape Government (WCG) for the period of 2019 – 2024.<sup>41</sup> It emphasizes the reduction of murder and the high level of gender-based violence (GBV) in the Western Cape Province. The Department of Community Safety (DoCS) as one of the WCG departments has a civilian oversight mandate over the SAPS. The SAPS has specific obligations in terms of the Domestic Violence Act, 1998 as outlined in the following section of the Act, i.e. Section 2,3,4,8,9 and 19. The SAPS National Instruction 7 of 1999 (SAPS NI 7/1999) prescribes standard operational tool that guide all police officers on how to execute this responsibility.<sup>42</sup> In this context, DoCS monitors SAPS compliance with the implementation of the Domestic Violence Act, 1998.

The assessment of SAPS compliance with Domestic Violence Act implementation in the Western Cape was done over two specific time periods. Firstly, it was done the 2018/19 Census survey covering 150 police stations then. Samora Machel police station was only commissioned after the census hence it is not accounted for the 2018/19 census. Secondly, 17 police stations were monitored during 2019/20 financial year.

For 2020/21 financial year, monitoring of police stations on compliance on domestic violence was not conducted due COVID-19 lockdown and restrictions on SAPS as a key frontline institution of the state. This report therefore only covers the results of the domestic violence compliance using the Census 2018/19 data for 150 police stations and the data collected in 2019/20 financial year for 17 police stations monitored. These two sections will be marked accordingly in the report.

### **7.2 Methodological approach to monitor SAPS compliance with the Domestic Violence Act, 1988.**

In compliance with Section 6 (1)(a) of the Civilian Secretariat for Police Act, 2011 which requires the Civilian Secretariat to monitor and evaluate compliance with the Domestic Violence Act, 1988, the officials from the Department of Community Safety physically visits police stations to monitor SAPS

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<sup>41</sup> Western Cape Government, (2019). *Western Cape Strategic Plan 2019 – 2024*. Available at: [https://www.westerncape.gov.za/text/2020/February/western\\_cape\\_strategic\\_plan\\_2019-2024.pdf](https://www.westerncape.gov.za/text/2020/February/western_cape_strategic_plan_2019-2024.pdf) . Accessed on 3 June 2020.

<sup>42</sup> South African Police Service, (2006). SAPS National Instruction 7/1999 on the Domestic Violence Act, consolidation notice 5/2006. SAPS Head office, Pretoria.

compliance with the Act. The approach adopted was that after the 2018/19 Census a sample of stations will be visited per year for subsequent years to assess their compliances and determine improvement made in terms of their processes and systems. Moreover, the Department of Community Safety participate and chairs a Domestic Violence Compliance Forum (DVACF).

### 7.3 Domestic violence incidents reported in analysis of Census 2018/19 data

The occurrence of domestic violence in the Western Cape Province is high and the distribution these incidents is not limited to only the bigger police precincts but cuts across the province. Figure 13 shows the distribution of domestic violence incidents for the 16 police clusters in the Western Cape. Eden police cluster had the highest domestic violence incidents at 9 669 and Cape Town cluster the lowest at 1 646.

**Figure 13: Distribution of domestic violence incidents in the Western Cape per SAPS cluster: 2019/20**

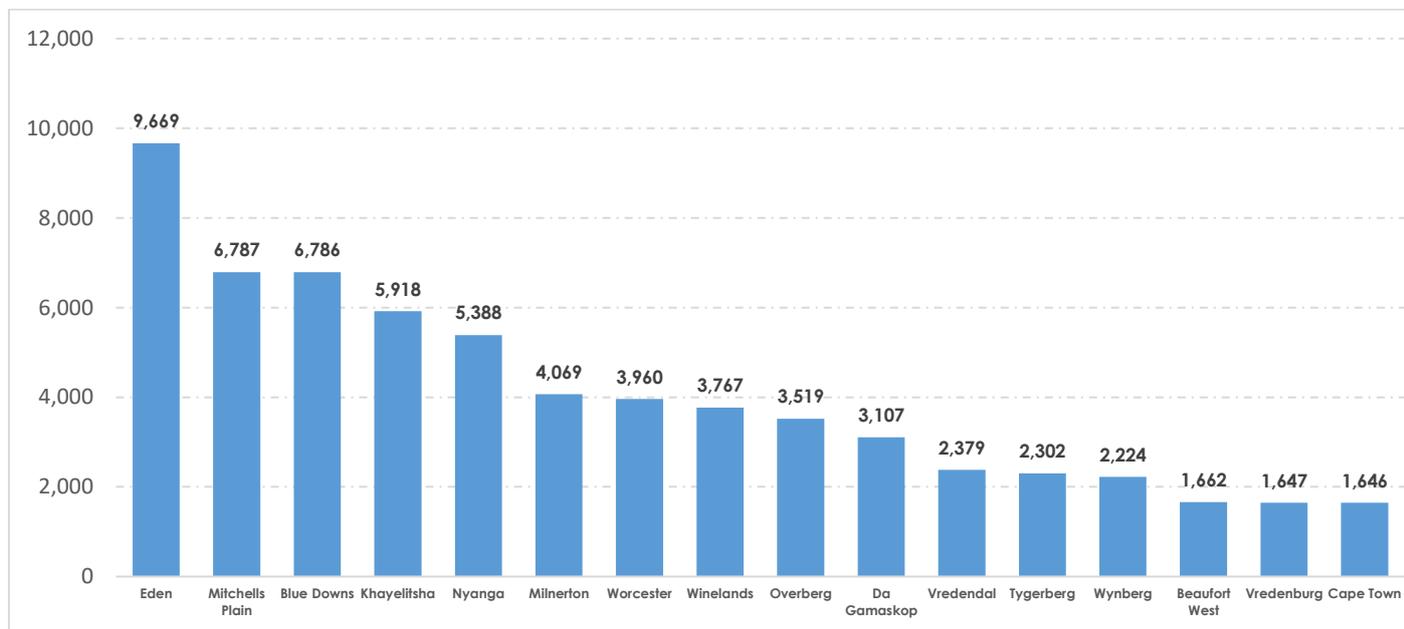
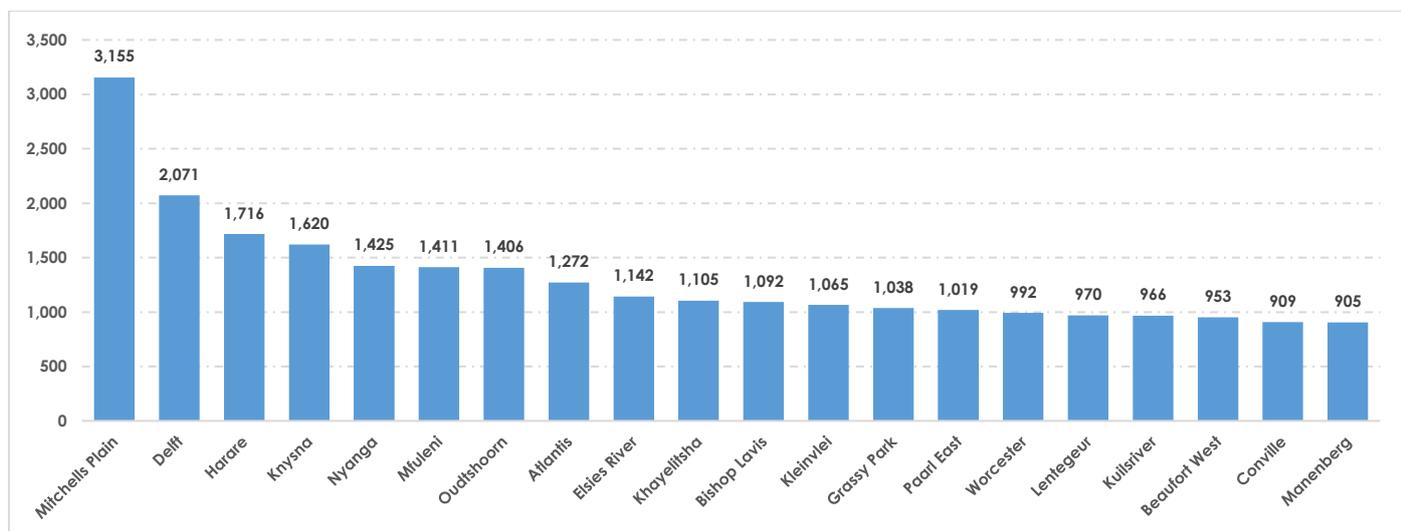


Figure 14 below highlights the top 20 police stations with the highest levels of domestic violence incidents. Evidently, in terms of geographical distribution of these stations, 14 (70%), are situated in the City of Cape Town (CoCT), and the others are outside the CoCT.

**Figure 14: The top 20 domestic violence incidents police stations in the Western Cape for 2019/20**



### 7.3.1 Observations from the Domestic Violence Compliance Forum (DVACF)

The DVACF has monthly schedule and comprise of representative from the CoCT Metro Police, the Office of the Provincial Commissioner, Western Cape. The (DVACF) provides a platform for relevant stakeholders to discuss SAPS implementation and compliance with the Domestic Violence Act (DVA) monthly.<sup>43</sup> The forum deals with reported domestic violence incidents.

Each Provincial Commissioner in the 9 provinces of the country is obliged to ensure reasonable support of the forum as it is included in their respective performance agreements. Furthermore, if SAPS Station Commanders decide not to take disciplinary action in any case of alleged non-compliance with the DVA, those commanders are obliged to forward a formal application for exemption from disciplinary action to the DVACF for discussion and decision on whether exemption can be granted.

What became evident in the deliberations of this committee is that the withdrawal of domestic violence cases by victims has been and continues to be a serious challenge.

Furthermore, there is a clear distinction between, domestic violence incidents and domestic violence criminal cases. Evidently, not all domestic violence incidents reported to SAPS result into criminal cases. The SAPS must record domestic violence incidents, but they can only register it as a criminal case if the complainant wants to lay a charge.

Information presented to the DVACF by the SAPS Crime Registrar (SCR) from 2011 onwards indicates that the majority of DV crimes fall under the contact crime broad category. Most common domestic violence incidents are categorised as assault, which can be subdivided into assault common and assault with the intention to cause Grievous Bodily Harm (GBH).

<sup>43</sup> Civilian Secretariat for Police, (2015). *Terms of reference for SAPS/ Secretariat Compliance Forum: Version 2*. Unpublished.

## 7.4 Management of Protection Orders

The management of protection orders is a key service delivery indicator. Two critically important elements to consider are firstly the number of protection orders (POs) served in terms of Section 11(3) of SAPS National Instruction (NI) 7/1999, specifically section 11(3) which states that protection orders must be served without delay.<sup>44</sup> The second requirement in terms of SAPS NI 7/1999, section 12(6), is that copies of the protection orders and Warrants of Arrest need to be received from the Clerk of the Court and be available on a 24/7 basis in the Community Service Centres (CSCs) of all police stations and that the filing of these copies must be in an alphabetical order.<sup>45</sup>

Five categories were developed to reflect on the level of protection orders served at police station level. The first category is 50 - 64% and the fifth category is that of 100% of protection orders served. Figure 15 indicate that only 65 of the 150 police stations assessed could achieve the 100% mark on the serving of protection orders allocated to them by the court. This is followed by 29 stations in the 70-89% serving bracket, 20 stations in the 90-99% bracket, 7 stations in the 50-69% bracket and lastly 1 station in the 50-64% bracket. It is not possible to generalize and indicate that all police stations need to achieve a 100% mark on protection orders served, as there are certain conditions at police station level that result in hampering the SAPS ability to achieve a 100% on serving of protection orders.

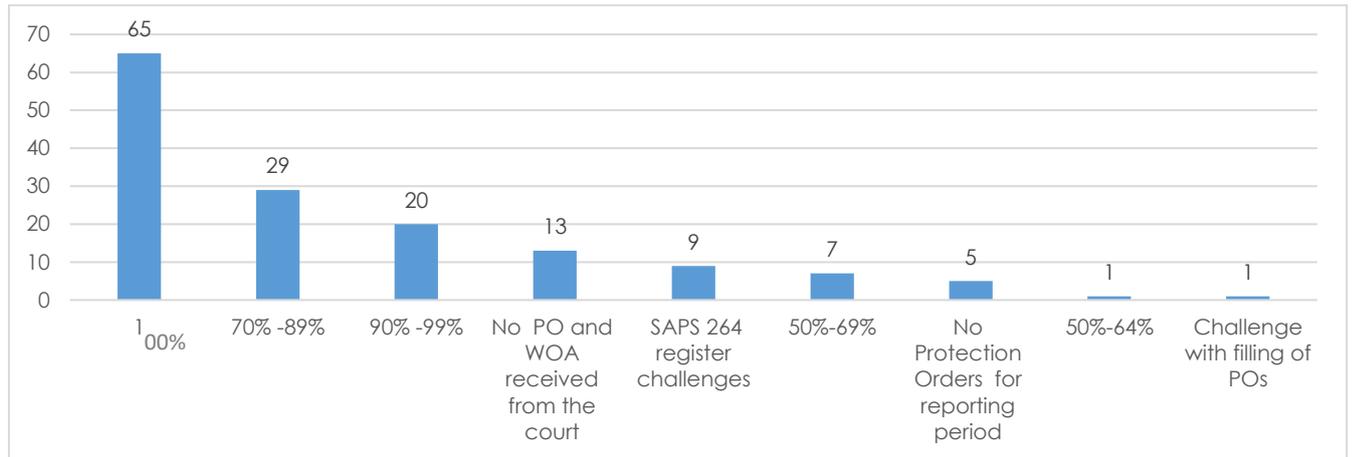
One of the key reasons for not achieving the target of 100% is that in certain places to locate the respondent is a challenge mainly in the informal settlements. It is reportedly difficult to specifically locate a structure (house) when there are no house numbers and street names. Generally, informal settlements are characterized by no or poor street lightning and very little road access at least by a vehicle. Thus, serving protection orders within reasonable time is hampered by these structural factors.

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<sup>44</sup> South African Police Service, (2006). SAPS National Instruction 7/1999 on the Domestic Violence Act, consolidation notice 5/2006. SAPS Head office, Pretoria.

<sup>45</sup> South African Police Service, (2006). SAPS National Instruction 7/1999 on the Domestic Violence Act, consolidation notice 5/2006. SAPS Head office, Pretoria.

**Figure 15: Management of protection order function in terms of Census 2018/19 results**



Twenty eight of the 150 police stations had challenges with receiving and filing copies of interim and final protection orders and where applicable, warrants of arrest from the courts. Similarly, ensuring 24/7 accessibility these documentation in the CSCs was a challenge. Reasons for these challenges include not receiving documentation from court, the register for control of the serving process (SAPS 264) not being available and few stations did not have any protection orders at the time of the monitoring.

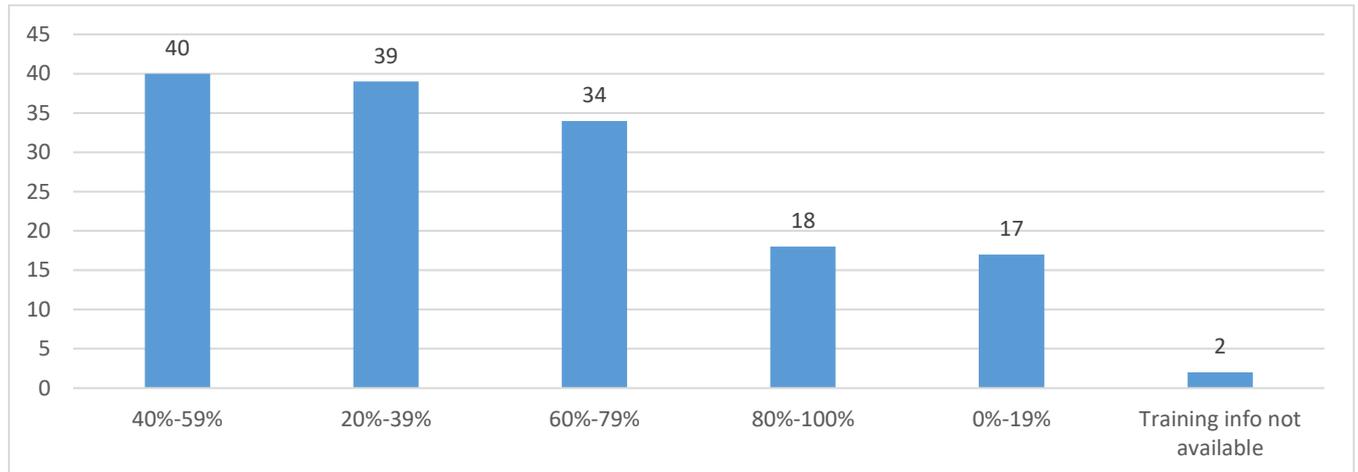
### 7.5 Training of SAPS members in the 5-day DVA course

Since July 2004, the SAPS members' training in the DVA,1998 and SAPS NI 7/1999 has been part of the SAPS basic training curriculum, i.e. Basic Police Development and Learning Programme (BPDLP). Noting that dealing with GBV is a national priority, SAPS should take specific actions to constantly empower the 143 471 police officials<sup>46</sup> (SAPS, 2021:40) to address the challenges presented by GBV.

The 5-day DVA course is part of the SAPS training suit. The group for this training includes the VISPOL members and the detectives per police station. The content of figure 16 and 17, reflect what was the level of training for both groups.

<sup>46</sup> South African Police Service, 2021. SAPS Annual Report for 2020/21. Available at: [https://www.saps.gov.za/about/stratframework/annual\\_report/2020\\_2021/annual\\_report\\_2020\\_2021.pdf](https://www.saps.gov.za/about/stratframework/annual_report/2020_2021/annual_report_2020_2021.pdf). Accessed on 11 November 2021.

**Figure 16: Attendance of 5-day DVA course by VISPOL members: Census 2018/19**



A total of 40 stations, had 40-59% of their VISPOL members trained in the 5-day DVA course (Figure 16). This is followed by the second biggest group of 39 stations where only 20-39% of the members were trained in the said course.

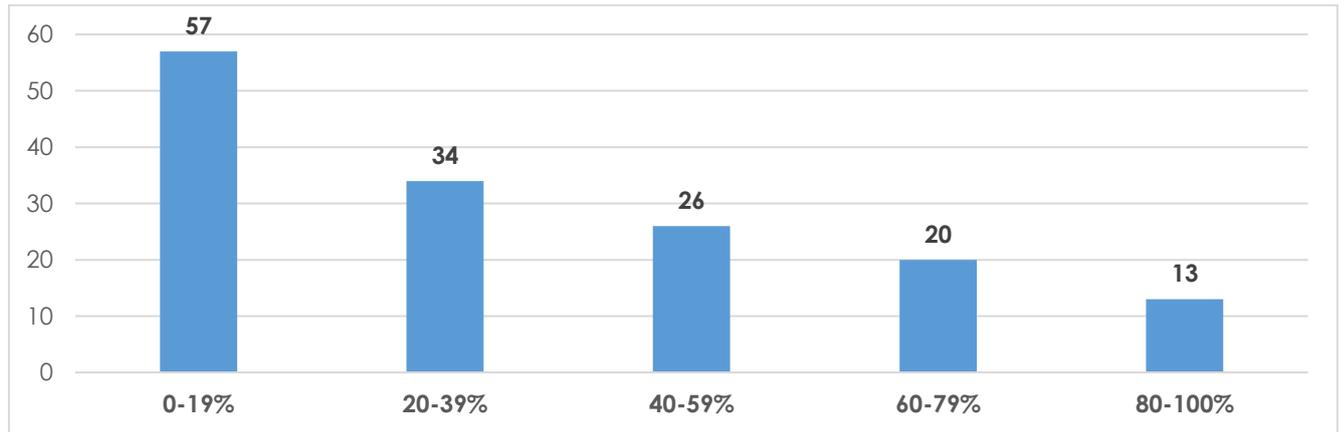
### **7.5 Training of SAPS members in the 5-day DVA course**

The level of training in the 5-day course by detectives is much lower than that of their VISPOL counterparts (Figure 17). A total of 57 police stations fell in the category of 0-19%. i.e. these 57 police stations had a score of 0-19% in terms of training undergone by the detectives in the 5-day course. The role played by detectives in investigating domestic violence criminal cases is an important element of SAPS service delivery output. Thus, both VISPOL and detectives must be adequately trained in order to comply with the Domestic Violence Act, of 1998.<sup>47</sup>

According to the DoCS Watching Brief reports for selected stations, the non-submission of case dockets to court and incomplete investigations are the leading cause for detective units not to perform at the required level. These systemic challenges, in relation to the investigation of domestic violence cases can result in a substandard service being rendered in the investigation of domestic violence cases. When considering especially the low level of training of the detectives there is a likelihood that the SAPS does not adequately prioritize domestic violence training, thus leaving the detectives ill-equipped to render effective service to the victims of domestic violence.

<sup>47</sup> South Africa, (1998). *Domestic Violence Act 116 of 1998*. Available online at <https://www.justice.gov.za/legislation/acts/1998-116.pdf>. Accessed 23 February 2022.

**Figure 17: attendance of 5-day DVA course by Detectives in terms of Census 2018/19 results**



### **7.6 Functionality of Victim Friendly Rooms**

According to the SAPS National Instruction 2/2012 on Victim Empowerment, each police stations in the country must have an operational Victim Friendly Room (VFR).<sup>48</sup> In addition to the requirement that there must be a specific structure in which the VFR is housed, there is also need for a specific furniture. Lastly, there must be sufficiently trained volunteers to render a support service when a victim of crime needs such support.<sup>49</sup>

In terms of the first requirement, it is worth stating that KwaNonqaba and KwaNokuthula were already by 2018/19 identified to be non-compliant, as their VFRs then were still the wooden (wendy) structures that the DoCS donated to SAPS in 1998. Secondly, in terms of the VFR furniture, no challenges were observed. Most of the police stations benefitted from a nationally driven process to provide furniture.

A serious challenge was however identified with the number of trained volunteers in the VFRs as measured against the domestic violence incidents. A total of 143 of the 150 stations monitored, had shortage of trained volunteers as measured against the number of domestic violence incidents and criminal cases registered at these 143 police stations.

<sup>48</sup> South African Police Service, (2012). *SAPS National Instruction 2/2012 on Victim Empowerment, amended by consolidation notice 13/2014*. SAPS Head office, Pretoria.

<sup>49</sup> Ibid

## **7.7 Challenges with domestic violence incident and domestic violence criminal case recording**

The SAPS has a responsibility to capture DV incidents and/or criminal cases in the relevant form and registers. Notably, this manual recording system is cumbersome. If the DV client requests that only a domestic violence incident be registered, the SAPS needs to ensure that such registration is done. If the client requests that both domestic violence incident and domestic violence criminal case be registered, the SAPS must comply and register both. The client has a right to request either or both to be registered.

In line with SAPS NI 7/1999, the cumbersome system of recording domestic violence consists of the Domestic Violence incidents form (SAPS 508a), the Domestic Violence register (SAPS 508b), the SAPS occurrence book (SAPS 10) and where SAPS members attend to DV incidents outside the station, the members need to make such recordings in their pocketbooks (SAPS 206).<sup>50</sup> A

A study conducted by the CSPA in 2019 on DVA compliance, SAPS members interviewed, pointed out that there is an administrative challenge associated with the processing domestic violence. The challenge includes the need to align the DVA registers and appropriate forms. These DVA registers and appropriate forms reportedly repetitive. The challenge is worsened by the high workload of VISPOL members over peak periods such as weekends, where most domestic violence incidents take place. It is in this context that an Information Technology Solution (ITS) was raised as a possible solution to the administrative challenge.

It is with the recording of domestic incidents and criminal cases that challenges were observed. A total 143 of the 150 stations had challenges in recording of domestic violence incidents and criminal cases, The challenges were determined in line with the compliance to the requirement to provide full entries in the domestic violence incident form and registers and secondly adhering to the requirements of alignment of all forms and registers. In terms of the requirement, as set out in SAPS NI 7/1999 via the above-mentioned forms and registers, it was observed that there were incomplete entries in the said registers and forms.

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<sup>50</sup> South African Police Service, (2006). *SAPS National Instruction 7/1999 on the Domestic Violence Act, consolidation notice 5/2006*. SAPS Head office, Pretoria.

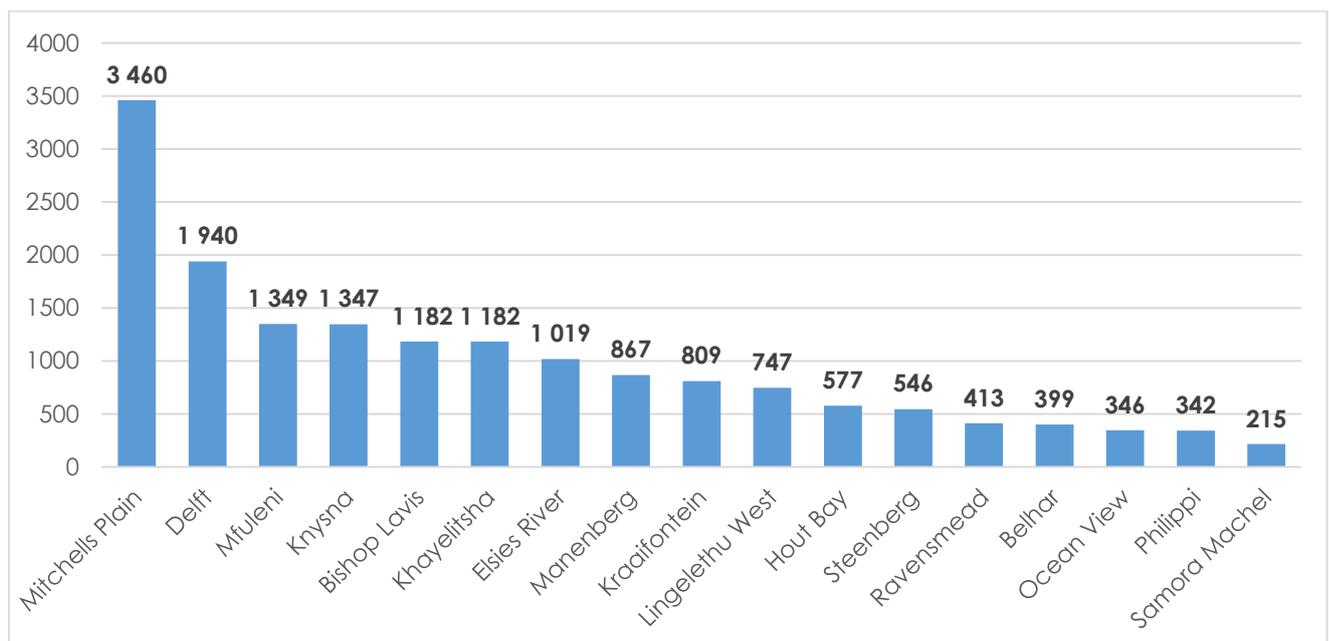
### 7.8 The domestic violence incidents reported: Post Census, 2019/20 financial year

As indicated earlier, after the Census 2018/19 project where all police stations were covered in the province, domestic violence monitoring at selected police stations took place in 2019/20 financial year. A total of 17 stations were monitored using the same monitoring approach followed in 2018/19 financial year. The section below highlights the results thereof.

### 7.9 The domestic violence incidents reported at selected police stations, 2019/20 financial year

In 2019/20 financial year, seven of the police stations monitored were part of the Area Based Team (ABT) prioritization. These stations were Mitchells Plain, Delft, Mfuleni, Kraaifontein Bishop Lavis, Khayelitsha and Philippi. Figure 18 presents the 17 police stations including the 7 ABTs areas.

**Figure 18: DV incidents reported of 17 stations for period of 2019/20**



When considering the range of domestic violence incidents reported, it is important to note that Mitchells Plain had the highest number of reported incidents. More research is needed to determine the actual reasons for the high number of domestic violence incidents in Mitchells Plain. After Mitchell's Plain the following the stations with the highest domestic violence incidents were: Delft, Mfuleni, Knysna, Bishop Lavis, Khayelitsha and Elsies river. These stations recorded between 1 019 to 1 940 domestic violence incidents.

## **7.10 Management of Protection Orders for the 17 police stations**

As stated above, the management of protection orders is a key service delivery indicator. Two critically important elements to consider are firstly the number of protection orders (POs) served in terms of Section 11(3) of SAPS National Instruction (NI) 7/1999, specifically section 11(3) which states that protection orders must be served without delay.<sup>51</sup> The second requirement in terms of SAPS NI 7/1999, section 12(6), is that copies of the protection orders and Warrants of Arrest need to be received from the Clerk of the Court and be available on a 24/7 basis in the Community Service Centres (CSCs) of all police stations and that the filing of these copies must be in an alphabetical order.<sup>52</sup>

Eight of the 17 police stations could not present records of their protection orders. Two stations had challenges in terms of the proper use of the SAPS 264 registers which is meant to record the serving of the protection orders. The remaining 7 stations achieved serving percentages of 65 -100%. The goal is for all stations to serve 100% of their protection orders in 48 hours.

## **7.11 Volunteers in the VFR for the 17 police stations**

For the 17 stations, a total of 15 stations had challenges with the availability of sufficient trained volunteers in their respective VFRs and only 2 stations had sufficient volunteers in their VFRs.

## **7.12 Training of SAPS members in the 5-day DVA Course For 17 Stations**

When considering especially the level of training of VISPOL and detective members in the 5-day DVA course, it is worth noting that all 17 police stations had part of their VISPOL members trained in the 5-day course. The number of trained members per police stations differed with 7 police stations having trained 20-39% of their members. Similarly, all 17 stations had their detective members trained. Eleven stations had 40-79% of their detective members trained.

## **7.13 Challenges with domestic violence incident and domestic violence criminal case recording**

The results of the Census 2018/19 monitoring process identified challenges with the recording of domestic violence incidents and criminal cases. This trend continued in the post census monitoring, for 2019/20 with all stations having challenges with either incomplete registers and forms in terms of domestic violence recording requirements and/or no proper alignment of the said registers and forms.

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<sup>51</sup> South African Police Service, (2006). *SAPS National Instruction 7/1999 on the Domestic Violence Act, consolidation notice 5/2006*. SAPS Head office, Pretoria.

<sup>52</sup> South African Police Service, (2006). *SAPS National Instruction 7/1999 on the Domestic Violence Act, consolidation notice 5/2006*. SAPS Head office, Pretoria.

## **7.14 Conclusion**

The Western Cape Strategic Plan 2019 – 2024 emphasized attempts to deal with GBV. In line with National Instruction 7/1999, the SAPS has responsibilities to ensure that their members are suitably trained to deal with the gender-based violence and prioritize the safety of women and children.

The capturing of domestic violence and criminal cases represent a huge administrative challenge for the SAPS as it is a manual system. Attempts should be made to use the Information Technology System (ITS) to capture the required data systematically and electronically and link the serving and filing of protection orders to domestic violence incidents and criminal cases.

The value of the DVACF needs to be emphasized as this forum provides a platform where relevant stakeholders, like the CoCT Metro Police, representative from the Office of the Provincial Commissioner meet monthly to discuss domestic violence related matters.

## **7.15 Recommendations**

It is recommended that:

- 7.15.1 The SAPS should start a process to ensure that an information technology solution (ITS) is developed to enable SAPS officials to record domestic violence incidents and criminal cases in an effective manner at police station level,
- 7.15.2 That SAPS enter into an agreement with the Department of Social Development (DSD) to jointly develop a system where sufficient trained volunteers are available at police station's Victim Friendly Rooms, particularly those with the highest level of gender-based violence in the Western Cape,
- 7.15.3 Through the DVACF, a channel be developed to share domestic incidents information that can help DSD in their establishment of shelters and other infrastructure in the support of victims of GBV,
- 7.15.4 The SAPS should prioritize the training of SAPS officials in the 5-days DVA course in the Western Cape Province and
- 7.15.5 In line with its mandate, the department should request SAPS' Inspectorate to share monitoring and inspection results on domestic violence compliance at the 151 police stations in the Western Cape Province.

## **8. CONCLUSION**

The current outlined the findings of SAPS' performance and compliances. The deficiencies identified present risks in terms of the delivery of police services and falls short of the expected level and quality of services as set out in the Public Service Charter and SDIP of the SAPS.

The performance of the detective service needs an urgent review to address the objectives of the Western Cape Safety Plan. Of concern, is the high number and type of service delivery complaints at these priority stations and what is worrying are the low detection rates for contact and property related crimes despite some of these stations having experienced detectives. Although not all detectives are entitled to a vehicle, the management thereof should be addressed at a station level to ensure service delivery is not hampered.

In terms of the findings by the Court Watching Brief programme, the dockets not at court or incomplete investigations remain a challenge. Admittedly, factors such as outstanding forensic reports or witnesses refusing to testify, should be acknowledged. It must be reiterated that a stable relationship and co-operation amongst the relevant stakeholders must be in place to address police inefficiencies that are obstructing court procedures to ensure successful convictions. Ultimately, the aim would be to have a police service that is professional, efficient, and effective.

The high number of negative recommendation cases or allegations issued by IPID against SAPS members has been and continues to be a concern. The cases of assault, death as result of police action or death in police custody as well as rape by a police officer remain a cause for concern. The role of IPID and SAPS' Disciplinary Management needs to be overhauled to ensure public confidence. In this regard the ICF should continuously monitor the implementation of disciplinary action by the SAPS in respect of these negative case recommendations and receive ongoing reports from the SAPS on the progress thereof.

Based on the assessment conducted on inefficiencies identified at police stations and the SAPS ability to deal with those inefficiencies, some of the key challenges is that the detective training on both the BDLP and ROCLP has the potential to hamper their ability to render service to the residents of the Western Cape Province.

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