



Western Cape  
Government



## Western Cape Policing Needs and Priorities 2021/22

Department of Community Safety



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# CONTENTS

Foreword by the Western Cape Minister of Police Oversight and Community Safety	2
Acronyms	3
1. Introduction and Contextual Background	7
2. Objectives	9
3. Methodology	9
4. Limitations	10
5. Demographic Information of the Western Cape	10
6. Crime in the Western Cape	13
6.1 Western Cape Crime Overview	13
6.2 Western Cape Murder Trends	16
6.3 RSA and Western Cape Province Murder Rate, 2011/12 - 2020/21	17
6.4 Top 10 Western Cape Police Stations with the Highest Count of Murder in 2020/21	18
6.5 Key Contact Crime Trends	20
7. The Context of Policing in the Western Cape	21
7.1 Human Resources	21
7.2 Police Stations	26
7.3 Impact of Coronavirus on SAPS	27
7.4 Law Enforcement Advancement Project (LEAP)	28
8. Key Findings	30
8.1 Professional Policing	31
8.2 Crimes to be Prioritised	66
8.3 Safe Spaces to be Created	80
9. Recommendations	89
Acknowledgements	94

# FOREWORD BY THE MINISTER OF POLICE OVERSIGHT AND COMMUNITY SAFETY

The Provincial Policing Needs and Priorities (PNP) report is a critical component of the work that is being done by the Western Cape Department of Community Safety (DoCS). Not only is this annual report a legislative responsibility of DoCS but it also assists with ensuring that we are able to alert the South African Police Service (SAPS) as to what the actual needs are in their domain.

Further to this, and as part of its oversight mandate, DoCS shares this report with the SAPS to strengthen their hand so that they are more effective in protecting society at large. As the compilation of the PNP report includes the involvement of communities, particularly in the process of formulating policy recommendations on policing needs, it helps to foster relations between communities and police. This has the potential to establish, increase or improve the community's level of trust in SAPS.

There continues to be some concerning persistent trends. One of these is the continued skewed resource allocation in particularly to poorer communities. The Khayelitsha Commission of Inquiry reported in 2014 that the Theoretical Human Resource Requirement (THRR) showed a 32% deficiency in the number of posts appointed at police stations in Khayelitsha. This does not take vacancies into account, which are currently standing at approximately 10%. There are various places across the Province where the population ratio is also low. It is therefore not unreasonable to extrapolate a similar THRR analysis to the Province on the whole. The fiscal constraints have meant that the number of posts have further diminished. As much as this is an ongoing problem, it requires urgent attention.

One manner in which this issue can be addressed is by immediately reviewing and amending the formula that is used by national SAPS to allocate SAPS deployments at station levels. It cannot be acceptable that SAPS in Khayelitsha - and so many other areas across the Western Cape - continue to be under-resourced. Khayelitsha's police-to population-ratio is one officer for every 628 residents. In Harare it is 1:879 and Lingeletu West, 1:664. The provincial average is 1:378.

It would be amiss of us not to highlight some of our successes. Since the launch of the Western Cape Government's Safety Plan in September 2019, and the first deployment of the Law Enforcement Advancement Plan (LEAP) officers to murder hotspot areas, inroads are being made. Amongst these are the cooperation between LEAP, SAPS and other Law Enforcement agencies at the level of the Area-Based Teams. This has led to Nyanga, which was the murder capital of South Africa, for the first time (during the 2021/22 financial year) experiencing a reduction in the murder rate for all four quarters. It is also no longer at the top of the list of murder stations in the country. Further to this, the Gugulethu police station, which was a regular feature on the top 30 murder list, is no longer there.

Our aim is to continue strengthening the working relationship with all crime-fighting agencies, as we want to ensure that our residents live in safe and dignified environments.



**Mr Reagen Allen**

Minister of Police Oversight and Community Safety

26 July 2022

## ACRONYMS

Acronym	Description
ABTs	Area-Based Teams
AHR	Alcohol-Harm Reduction
AFU	Asset Forfeiture Unit
AGU	Anti-Gang Unit
BPDLP	Basic Police Development Learning Programme
CAS	Crime Administration System
CI	Crime Intelligence
CCTV	Closed-Circuit Television
CFR	Central Firearm Registry
CoA	Commissioners of Oath
CoCT	City of Cape Town
COV	Commissioner of Oath Volunteers
CIS	Crime Investigation Service
CPF	Community Police Forum
CSC	Community Service Centre
CSF	Community Safety Forum
CSPS	Civilian Secretariat for Police Services
CSIP	Community Safety Improvement Partnership
DAFF	Department of Agriculture, Forestry and Fisheries
DAS	Docket Archive Store
DFFE	Department of Forestry, Fisheries and the Environment
DLO	Designated Liquor Officer
DoCS	Department of Community Safety
DoH	Department of Health
DoJ&CD	Department of Justice and Constitutional Development
DoTP	Department of The Premier
DPCI	Directorate for Priority Crime Investigation
DSD	Department of Social Development
DTPW	Department of Transport and Public Works

Acronym	Description
DVA	Domestic Violence Act
ECD	Early Childhood Development
EMS	Emergency Medical Services
EPIC	Emergency Police Incident Control
EPP	Expanded Partnership Programme
ESTA	Extension of Security of Tenure Act
FBO	Faith-Based Organisation
FCS	Family Violence, Child Protection and Sexual Offences
FDA	Forensic Data Analysts
FSL	Forensic Science Laboratory
GBH	Grievous Bodily Harm
GBV	Gender-Based Violence
ICC	Intelligence Coordinating Committee
ICDMS	Integrated Case Docket Management System
IO	Investigating Officers
IPID	Independent Police Investigative Directorate
ISS	Institute for Security Studies
JDA	Joint District Approach
KCol	Khayelitsha Commission of Inquiry
KPI	Key Performance Indicator
LEAP	Law Enforcement Advancement Programme
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LLT	Liquor Licensing Tribunal
MEC	Member of the Executive Council
MERO	Municipal Economic Review Outlook
MoU	Memorandum of Understanding
MPS	Metro Police Services
NDMP	National Drug Master Plan
NDP	National Development Plan
NFDD	National Forensic DNA Database of South Africa
NGO	Non-Governmental Organisation



Acronym	Description
NHW	Neighbourhood Watch
NPA	National Prosecuting Authority
NSP	National Strategic Plan
OHS	Occupational Health and Safety
PA	Performance Agreement
PCEM	Property Control and Exhibit Management
PEP	Performance Enhancement Plans
PERO	Provincial Economic Review Outlook
PICC	Presidential Infrastructure Coordinating Committee
PNP	Policing Needs and Priorities
POCC	Provincial Operational Command Centre
PRASA	Passenger Rail Agency of South Africa
PSP	Provincial Strategic Plan
PTI	Public Transport Interchanges
RRPU	Rapid Rail Police Unit
RSA	Republic of South Africa
SACENDU	South African Community Epidemiology Network on Drug Use
SANDF	South African National Defence Force
SAPS	South African Police Service
SARS	South African Revenue Service
SJC	Social Justice Coalition
SOP	Standard Operating Procedure
TFR	Transnet Freight Rail
THRR	Theoretical Human Resource Requirement
TMC	Transport Management Centre
ToR	Terms of Reference
VEP	Victim Empowerment Programme
VFR	Victim-Friendly Room
VIP	Vision Inspired Priority
VisPol	Visible Policing
VoCS	Victims of Crime Survey

Acronym	Description
WCCSA	Western Cape Community Safety Act
WCED	Western Cape Education Department
WCG	Western Cape Government
WCLA	Western Cape Liquor Authority
WCPO	Western Cape Police Ombudsman
YSRP	Youth, Safety and Religious Partnership
WCSP	Western Cape Safety Plan

# 1. INTRODUCTION AND CONTEXTUAL BACKGROUND

The Covid-19 pandemic had an enormous impact on the country in 2020 and 2021, affecting all aspects of society. Apart from impacting health, freedom of movement was curtailed, especially in the early hard lockdown periods. This impacted the economy and safety. While we saw a decrease in crime during the initial phases of the Covid-19 lockdown, crime began to increase once the restrictions on freedom of movement were relaxed. Safety remains one of the most pressing concerns in the Western Cape, even more so in the face of increased poverty, unemployment and socio-economic challenges facing the Province. In this context, it is crucial that Government plays its part in ensuring safety and security through responding to the needs of society.

The national Minister of Police is obliged - in terms of Section 206(1) of the Constitution - to determine national policing policy after consulting provincial governments. The identified policing needs and priorities are of utmost importance as these must be considered when resource allocation to provinces is determined. The Constitution also provides that national policing policy may make provision for different policies based on the policing needs and priorities of each province.

In addition to the mandate of the Constitution, the provincial Minister responsible for police oversight - the MEC for Community Safety - is obliged in terms of the Western Cape Community Safety Act, No. 3 of 2013, to determine the provincial policing needs and priorities on an annual basis, to advise the Provincial Cabinet on these and to make recommendations to the National Minister.

Section 23 of the Western Cape Community Safety Act further requires the MEC to report annually to the Provincial Parliament on the findings and submit the report to the Standing Committee on Community Safety for consideration and debate. After affording the Provincial Commissioner of Police and the Metropolitan Police an opportunity to comment on the report, the Provincial Minister must formulate recommendations on the policing needs and priorities for the Province. These recommendations need to be approved by the Provincial Cabinet and the approved report must then be submitted to the national Minister of Police for consideration when the policing policies and plans for the Province are formulated, as contemplated in section 206(1) and (2) of the Constitution.

The Policing Needs and Priorities Report is compiled based on these constitutional and legislative obligations placed on the National Minister for Police and the Provincial Minister of the Executive Council (MEC) for Community Safety.

The Western Cape Department of Community Safety facilitates the identification of Policing Needs and Priorities (PNP) annually in consultation with local communities through a series of consultative workshops and as part of its oversight function of the police service in the Province. However, because of Covid-19 restrictions on public gatherings, no consultative workshops were conducted during the 2020/21 financial year. The Department of Community Safety (DoCS) instead engaged in desktop research to review previous PNP reports and other oversight reports published within DoCS to establish whether those PNPs identified on a recurrent basis still remained as concerns. How these issues had or had not been addressed by the South African Police Service and other relevant authorities were reported on.

This report identifies those policing needs and priorities repeatedly raised over the past six years. It does so in order to highlight the long-standing issues and concerns which have previously been raised and continue to be a concern. The current report makes recommendations on how to address these.

## 1.1. Constitutional and Legislative Mandate of the Department of Community Safety

Sections 206(1), (2) and (3) of the Constitution give the Provincial Minister powers and functions to monitor conduct and oversee the effectiveness of policies and directives implemented by the police as well as to promote good relations between the police and communities.

The Western Cape Community Safety Act of 2013 sets out the mandate of the Department. Broadly speaking, the Department's mandate is to monitor police conduct, oversee the effectiveness of the police and promote good relations between the community and the police. Section 3 of the Act obliges the MEC for Community Safety, amongst other things, to monitor the effectiveness and efficiency of the police service, to analyse the competency and capacity of the police service, to receive and analyse information about the funding, expenditure, activities, outputs and outcomes of policing; to review the practices and patterns of policing, to identify problems and shortcomings, and to identify the policing needs and priorities of the Province. To this end, the Department monitors and reports on the performance of the police. In addition, the Western Cape Police Ombudsman may investigate complaints regarding the inefficiency of the police or a breakdown in relations between the police and community (s 15 of the Community Safety Act).

The Civilian Secretariat for Police Service, Act No. 2 of 2011, ensures oversight over the police through the establishment of the Civilian Secretariat and the Provincial Secretariat which is located within the Department of Community Safety.

The National Development Plan (Chapter 12) suggests that achieving long-term and sustainable community safety requires an integrated approach with the active involvement of citizens, state and non-state capacities and resources to increase safety. The 2019 – 2024 Provincial Strategic Plan (PSP) for the Western Cape outlines the Vision Inspired Priority (VIP) of enabling Safe and Cohesive Communities in the Western Cape. The plan highlights the need to improve safety by encouraging investment, building a sustainable economy, enabling learners to attend school safely and enabling people to lead a life free from violence<sup>1</sup>. The PSP outlines three focus areas for safety:

- Enhanced capacity and effectiveness of policing and law enforcement;
- Strengthened youth-at-risk referral pathways and child and family centred initiatives to reduce violence; and
- Increased social cohesion and safety in public spaces.

Two cross-cutting themes of reducing gang and gender-based violence were also identified.<sup>2</sup>

In March 2021, the Western Cape Recovery Plan was adopted to prioritise interventions from the PSP in light of Covid-19 and its impact on the economy, well-being and safety.<sup>3</sup> The Recovery Plan then aims to focus on four themes: Covid recovery, jobs, safety and

1 Western Cape Government. (2019). *Strategic Framework for the Provincial Strategic Plan 2019-2024*. Cape Town.

2 Western Cape Government. (2019). *Strategic Framework for the Provincial Strategic Plan 2019-2024*. Cape Town, p. 28.

3 Western Cape Government. (2021). *Western Cape Recovery Plan*. Cape Town.

well-being.

The Department has previously taken a consultative approach to determine the policing needs and priorities in the Western Cape, in keeping with the principles set out in the White Paper on Transforming Public Service Delivery (Batho Pele principles) that, “Consultation can also help to foster a more participative and cooperative relationship between the providers and users of public services”. However, as mentioned above, the restrictions on public gatherings made such consultations impossible, therefore a desktop review was undertaken instead.

## 2. OBJECTIVES

The objectives of the PNP programme are to gain a comprehensive understanding of what communities identify and perceive as their policing needs and priorities as well as to improve police accountability, transparency and - more importantly - influence resource allocation. The main objectives of the PNPs are to:

1. Identify policing needs and priorities (PNPs) in the Western Cape;
2. Influence the allocation of policing and other resources based on the policing needs and priorities;
3. Guide and influence the formulation of policing priorities at local, provincial and national level in respect of identified provincial PNPs; and
4. Make policy or other recommendations to the Provincial Cabinet, SAPS, municipalities and the National Minister of Police.

## 3. METHODOLOGY

In drafting the Policing Needs and Priorities report, the Department reviewed previous PNP reports produced by the Department of Community Safety for the period 2014/15 to 2019/20 with the aim of identifying the policing needs and priorities that were raised consistently over this period. A summary of key issues was tabulated and each issue, which was repeatedly reported on for three or more times, was included. Over the years, the Department has followed a variety of different methodologies in compiling the PNP report:

- In 2014/15 a desktop review was undertaken as well as a survey of 1 809 key stakeholders in the safety and security environment, including SAPS, CPF, Community Safety Forums (CSF), ward councillors and religious leaders. They attended 25 PNP consultative workshops throughout the Province.
- In 2015/16, the Department held stakeholder engagements in each of the 16 policing clusters and compiled community safety plans. Participants at the workshops completed a Safety Confidence Scorecard.
- In 2016/17, the Department held two-day stakeholder engagements in each of the 16 policing clusters attended by representatives of key stakeholders, including SAPS, government officials, CPF representatives, local municipal officials, NHW members, non-governmental organisations, etc. The cluster safety plans were updated. A total of 1 395 participants completed the Safety Confidence Scorecard. A desktop analysis was also completed.

- In 2017/18, the Department conducted community safety planning workshops in six priority precincts: Paarl East, Saldanha, Manenberg, Riebeeck West and Gugulethu/Nyanga. Detailed community safety plans were compiled and 279 participants completed the Safety Confidence Scorecard. These findings were integrated into one report which also contained an extensive desktop analysis of SAPS performance against a framework of professional policing.
- In 2018/19, the Department held three thematic engagements on Commuter Safety, Gender-Based Violence and Policing of drugs. It compiled specific policing needs and priorities for each.
- In 2019/20, the Department conducted stakeholder engagements in each of the five Municipal Districts and compiled District Safety Plans. The Safety Confidence Scorecard was completed by 487 participants. A desktop analysis was also conducted.

Other relevant sources were referred to, such as SAPS annual reports, Victims of Crime Surveys (VoCS), Provincial and Municipal Economic Reviews and Outlooks (PERO and MERO) and oversight as well as other reports generated by the Department's different components. In addition, developments during the 2020/21 and 2021/22 financial years were captured to highlight the context of the Policing Needs and Priorities determination further.

The report presents a brief overview of the crime statistics for the 2020/21 financial year. The PNPs were analysed and updated according to three themes: professional policing, safe spaces and key safety concerns. The context of the identified concern is presented, outlining which previous concerns and when these were raised. Whatever progress on the concern is reported on and a conclusion is indicated on if this remains a safety concern. Finally, the report ends with some key recommendations.

## 4. LIMITATIONS

Some of the oversight reports compiled by the Department are confined to specific policing precincts and their overall findings might not be generalisable to the whole Province as the sample sizes were small. The report has indicated where those findings might be more specific.

The Department was unable to hold any consultative workshops with stakeholders during 2020/21 because of the COVID-19 lockdown and restrictions on public gatherings and workshops. As a result, no community or stakeholder perspective has been obtained for this period.

## 5. DEMOGRAPHIC INFORMATION OF THE WESTERN CAPE

The Western Cape Province covers an area of 129 386 km<sup>2</sup> and has the third-largest population in South Africa, with an estimated 7.1 million people.<sup>4</sup> The Province encompasses 151 police precincts grouped into 16 police clusters/regions, namely: Beaufort West, Blue Downs, Cape Town, Da Gamaskop, Eden, Khayelitsha, Milnerton, Mitchells Plain, Nyanga, Overberg, Tygerberg, Vredenburg, Vredendal, Winelands, Worcester and Wynberg. These span across five district municipalities, namely: the

4 Western Cape Government. (2021). *Provincial Economic Review and Outlook 2021*.

West Coast, Cape Winelands, Overberg, Garden Route, Central Karoo and the City of Cape Town Metropolitan Municipality.

**Figure 1: Map of the Western Cape Province with policing clusters and number of stations per cluster**

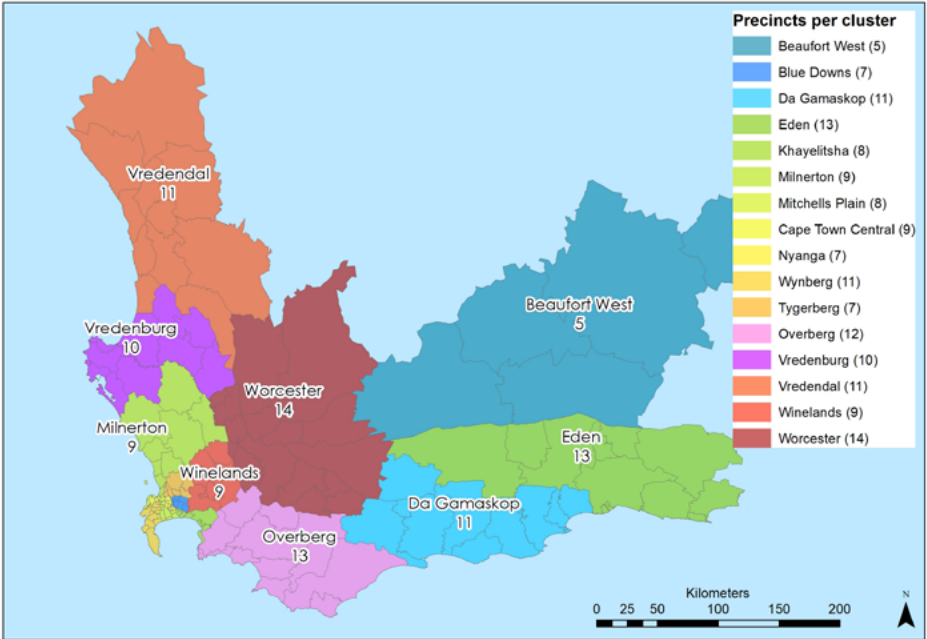
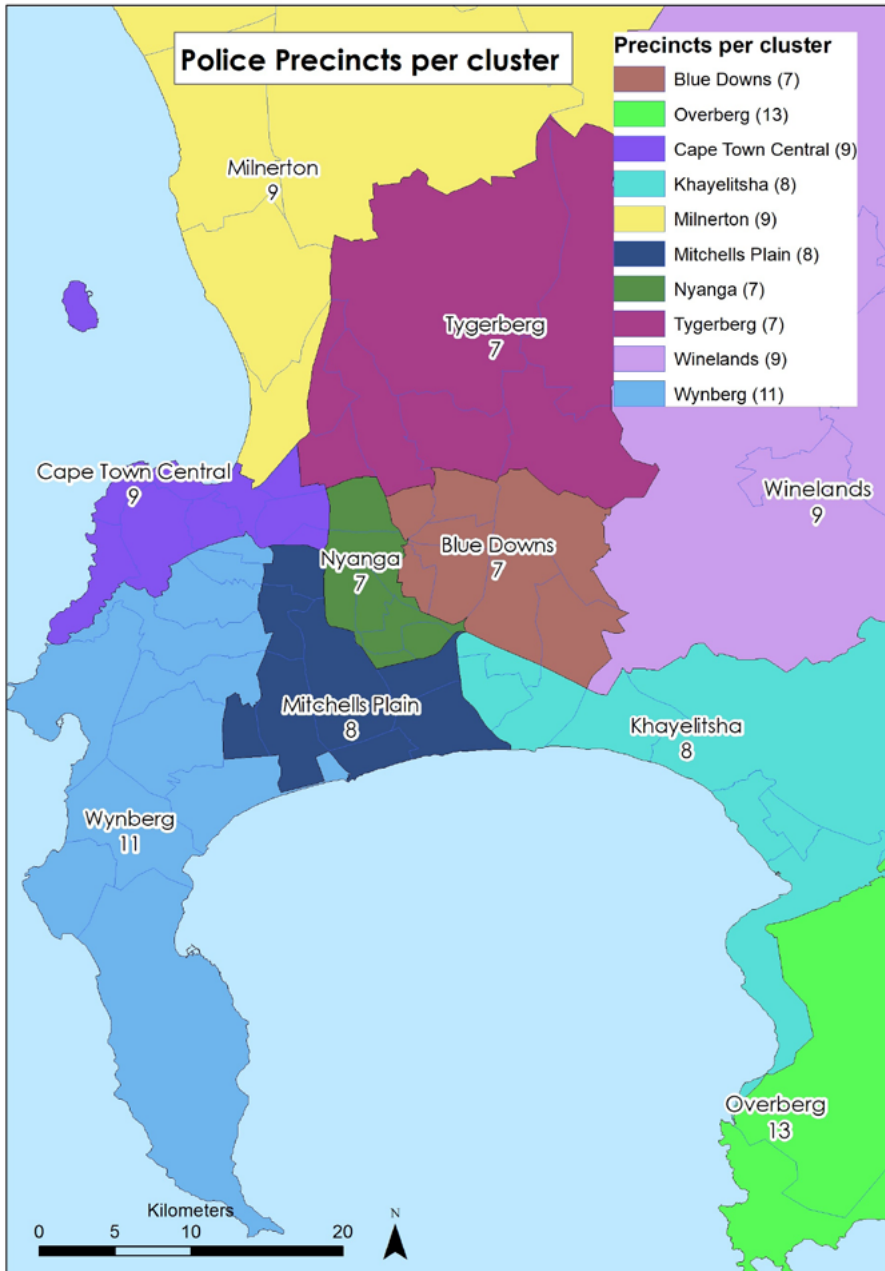


Figure 2: Policing Clusters in the City of Cape Town





## 6. CRIME IN THE WESTERN CAPE

### 6.1. Western Cape Crime Overview

Overall, 308 370 crimes were recorded by SAPS in the 2020/21 financial year (April 2020 to March 2021). The 17 community-reported serious crimes accounted for 83.5% (257 372 counts) and crime detected as a result of police action accounted for 16.5% (50 998 counts) of the total crime in the Province. Overall, crime decreased by 22.9% (92 077) in the Western Cape from 400 447 recorded in 2019/20. The decrease should be understood in the context of Covid-19 with its restrictions and adjustments over the reporting period.

SAPS indicated that the incidence of contact crime decreased notably during lockdown levels 5 to 3 and increased steadily as lockdown levels were eased. Similarly, the detection of all categories of crime was negatively affected by the Covid-19 pandemic, chiefly owing to the restricted movement of goods and persons that was imposed during lockdown.<sup>5</sup> Covid-19 had a direct and indirect impact on SAPS members. Some were infected and affected by the virus which impacted on their availability to render their mandated functions. In addition, the functions of SAPS were at times extended by the Disaster Management Regulations.<sup>6</sup>

A three-year analysis suggests a decrease in overall reported and recorded crime in the Province and nationally (Table 1). The 2020/21 annual crime statistics show significant decreases in the major crime categories, namely: contact crime (-17.06%), property-related crimes (-25%), contact-related crime (-10.5%) and other serious crimes (-22.19%).

**Table 1: Crime in the Western Cape, 2018/19 - 2020/21**

Crime category	2018/19	2019/20	DIFF	%	2020/21	DIFF	%
Murder	3 974	3 975	1	0.00%	3 848	-127	-3.19%
Sexual offences	7 043	7 303	260	3.70%	6 437	-866	-11.86%
Attempted murder	3 860	3 555	-305	-7.90%	4 143	588	16.54%
Assault gbh	24 488	23 753	-735	-3.00%	19 452	-4 301	-18.11%
Common assault	39 202	38 992	-210	-0.50%	33 857	-5 135	-13.17%
Common robbery	11 355	11 381	26	0.20%	7 354	-4 027	-35.38%
Aggravated robbery	24 065	24 549	484	2.00%	19 050	-5 499	-22.40%
<b>Total contact crime</b>	<b>113 987</b>	<b>113 508</b>	<b>-479</b>	<b>-0.40%</b>	<b>94 141</b>	<b>-19 367</b>	<b>-17.06%</b>

5 South African Police Service. (2021). *South African Police Service, Annual Report 2020/21*. Available online at <https://www.saps.gov.za/about/stratframework/annualreports.php>. Accessed on 13 December 2021.

6 South African Police Service. (2021). *South African Police Service, Annual Report 2020/21*. Available online at <https://www.saps.gov.za/about/stratframework/annualreports.php>. Accessed on 13 December 2021.

Crime category	2018/19	2019/20	DIFF	%	2020/21	DIFF	%
Rape	4 649	4 877	228	4.90%	4 442	-435	-8.92%
Sexual assault	1 757	1 910	153	8.70%	1 440	-470	-24.61%
Attempted sexual offences	341	274	-67	-19.60%	321	47	17.15%
Contact sexual offences	296	242	-54	-18.20%	234	-8	-3.31%
<b>Total sexual offences</b>	<b>7 043</b>	<b>7 303</b>	<b>260</b>	<b>3.70%</b>	<b>6 437</b>	<b>-866</b>	<b>-11.86%</b>
Crime category	2018/19	2019/20	DIFF	%	2020/21	DIFF	%
Arson	842	749	-93	-11.00%	674	-75	-10.01%
Malicious damage to property	28 514	27 088	-1 426	-5.00%	24 218	-2 870	-10.60%
<b>Total contact-related crime</b>	<b>29 356</b>	<b>27 837</b>	<b>-1 519</b>	<b>-5.20%</b>	<b>24 892</b>	<b>-2 945</b>	<b>-10.58%</b>
Crime category	2018/19	2019/20	DIFF	%	2020/21	DIFF	%
Burglary at non-residential premises	10 711	10 440	-271	-2.50%	9 612	-828	-7.93%
Burglary at residential premises	39 418	36 056	-3 362	-8.50%	27 265	-8 791	-24.38%
Stock theft	975	1 011	36	3.70%	925	-86	-8.51%
Theft of motor vehicle and motor cycle	6 791	6 359	-432	-6.40%	4 511	-1 848	-29.06%
Theft out of or from motor vehicle	34 120	32 471	-1 649	-4.80%	22 426	-10 045	-30.94%
<b>Total property-related crime</b>	<b>92 015</b>	<b>86 337</b>	<b>-5 678</b>	<b>-6.20%</b>	<b>64 739</b>	<b>-21 598</b>	<b>-25.02%</b>

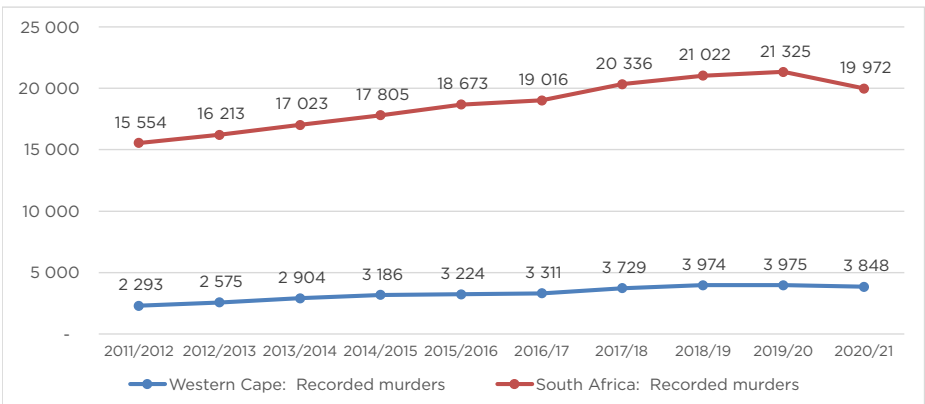
Crime category	2018/19	2019/20	DIFF	%	2020/21	DIFF	%
Driving under the influence of alcohol or drugs	12 561	12 340	-221	-1.80%	3 760	-8 580	-69.53%
Drug-related crime	81 344	62 708	-18 636	-22.90%	44 621	-18 087	-28.84%
Illegal possession of firearms and ammunition	3 149	2 961	-188	-6.00%	2 518	-443	-14.96%
Sexual offences as result of police action	169	165	-4	-2.40%	99	-66	-40.00%
<b>Total crimes heavily dependent on police action for detection</b>	<b>97 223</b>	<b>78 174</b>	<b>-19 049</b>	<b>-19.60%</b>	<b>50 998</b>	<b>-27 176</b>	<b>-34.76%</b>
Crime category	2018/19	2019/20	DIFF	%	2020/21	DIFF	%
Bank robbery	0	0	0	0.00%	0	0	0.00%
Carjacking	2 294	2 760	466	20.30%	2 630	-130	-4.71%
Robbery at non-residential premises	1 689	1 879	190	11.20%	1 567	-312	-16.60%
Robbery at residential premises	2 749	2 414	-335	-12.20%	2 742	328	13.59%
Robbery of cash in transit	15	12	-3	-20.00%	17	5	41.67%
Truck hijacking	117	129	12	10.30%	173	44	34.11%
<b>Sub-categories of aggravated robbery</b>	<b>6 864</b>	<b>7 194</b>	<b>330</b>	<b>4.80%</b>	<b>7 129</b>	<b>-65</b>	<b>-0.90%</b>

Crime category	2018/19	2019/20	DIFF	%	2020/21	DIFF	%
Trio crimes	6 732	7 053	321	4.80%	6 939	-114	-1.62%
All theft not mentioned elsewhere	77 465	67 827	-9 638	-12.40%	49 928	-17 899	-26.39%
Commercial crime	13 451	13 599	148	1.10%	13 294	-305	-2.24%
Shoplifting	12 931	13 165	234	1.80%	10 378	-2 787	-21.17%
Other serious crimes	103 847	94 591	-9 256	-8.90%	73 600	-20 991	-22.19%
17 Community-reported serious crimes	339 205	322 273	-16 932	-5.00%	257 372	-64 901	-20.14%
Total crimes heavily dependent on police action for detection	97 223	78 174	-19 049	-19.60%	50 998	-27 176	-34.76%
<b>Overall total</b>	<b>436 428</b>	<b>400 447</b>	<b>-35 981</b>	<b>-8.24%</b>	<b>308 370</b>	<b>-92 077</b>	<b>-22.99%</b>

### 6.2. Western Cape Murder Trends

Reported murders in the Western Cape decreased by 3.2% (127 counts) from 3 975 reported in 2019/20 to 3 848 recorded in the 2020/21 financial year (Figure 3). Nationally, there were 19 972 murders in the last year, 1 353 (6.3%) fewer murders in 2020/21 compared to 21 325 reported in 2019/20. The Western Cape’s contribution towards the country’s murder cases ranges between 16 -19% per year. Over the 10-year period, murder showed an upward trend in the Province and the country (Figure 3). There is a decrease in murder for both the Province and the country in the 2020/21 financial year.

**Figure 3: RSA and Western Cape: 10-year murder trends: 2011/10 – 2020/21 financial years**

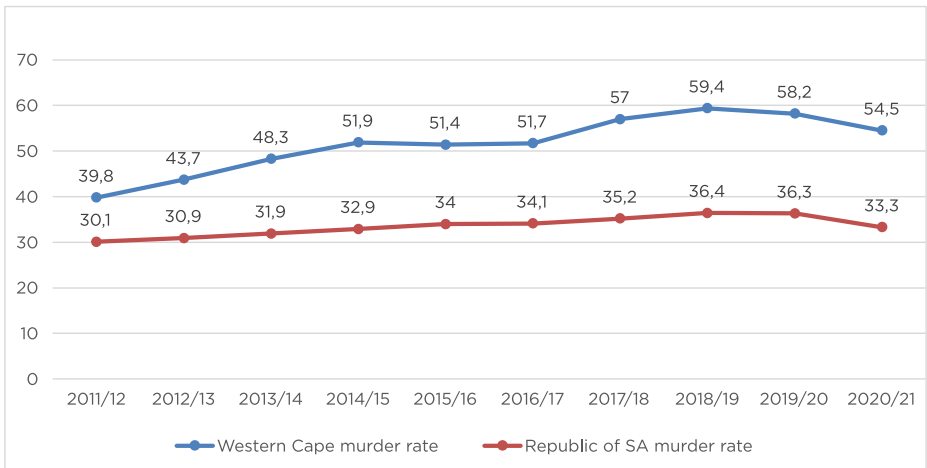


### 6.3. RSA and Western Cape Province murder rate, 2011/12 – 2020/21

In the 2020/21 financial year, the national murder rate was 33.3 per 100 000 of the population and this compares unfavourably with the estimated global murder rate of 5.3 per 100 000 of the population as of 2015.<sup>7</sup> With a national population of 59 622 350<sup>8</sup> and 19 846 murders in 2020/21, the country's murder rate is almost six times higher than the global rate.

According to Stats-SA 2020, the Western Cape mid-year population estimate was 7 005 741<sup>9</sup>. Furthermore, Stats-SA noted that the Western Cape is one of the two provinces that had the largest inflow of migrants (468 568) for the period 2016 and 2021.<sup>10</sup> The murder rate decreased from 58.2 per 100 000 in 2019/20 to 54.5 in 2020/21 in the Western Cape.

**Figure 4: RSA and Western Cape: 10-year murder trends: 2010/11 – 2020/21 financial years**



7 UN Office on Drugs and Crime's International Homicide Statistics database. (2018). *Intentional homicides (per 100,000 people)*. Available online at <https://data.worldbank.org/indicator/VC.IHR.PSRC.P5?end=2016&start=2004>. Accessed on 19 December 2018. Institute for Security Studies. (2015). 'Murder by numbers'. Available online at <https://www.ISS.Crimehub/murderbynumbers> accessed on 4 August 2016. See also UNODC. (2014). *Global Study on Homicide 2013: Trends, Contexts, Data*. UNODC, Vienna, p. 12.

8 Statistics South Africa, 2020. *Mid-year population estimates for 2020*. Available online at <http://www.statssa.gov.za/publications/P0302/P03022020.pdf> Access on 11 December 2021.

9 Statistics South Africa, 2020. *Mid-year population estimates for 2020*. Available online at <http://www.statssa.gov.za/publications/P0302/P03022020.pdf>. Access on 11 December 2021.

10 Stats SA. (2020). *The 2020 Mid-year population estimates*. Gauteng had the largest in-migration followed by the Western Cape. Available online at [http://www.statssa.gov.za/?p=13453&gclid=CjwKCAiAtdGNBhAmEiwAWxGcUioL0lUE5wpOr0oIODdMrAn9QdAeTaph7\\_bPTtdlKqCMnimX26nRYxoCOWOQAvD\\_BwE](http://www.statssa.gov.za/?p=13453&gclid=CjwKCAiAtdGNBhAmEiwAWxGcUioL0lUE5wpOr0oIODdMrAn9QdAeTaph7_bPTtdlKqCMnimX26nRYxoCOWOQAvD_BwE). Accessed on 31 March 2022.

### 6.4. Top 10 Western Cape police stations with the highest counts of murder in 2020/21

Table 2 shows the top 10 Western Cape police stations that are included in the country’s top 30 police stations with highest counts of murder. Khayelitsha police precinct is the police station with highest number of murders (265) nationally, accounting for 14.9% of the murders in the top 10 police stations in 2020/21. These 10 police stations combined accounted for the 42.7% and 46.6% of murder in the 2019/20 and 2020/21 financial years respectively. This demonstrates how violent crime, and murder in particular, is more concentrated in a small number of areas.

**Table 2: Top 10 Western Cape police stations with the highest counts of murder, 2018/19 - 2020/21**

POLICE STATION	2018/19	% CONTRIBUTION	2019/20	% CONTRIBUTION	DIFF 2018/19 - 2019/20	% DIFF 2018/19 - 2019/20	2020/21	% CONTRIBUTION	DIFF 2019/20 - 2020/21	% DIFF 2019/20 - 2020/21
Khayelitsha	221	12.70%	251	14.80%	30	13.60%	265	14.76%	14	5.58%
Delft	247	14.10%	265	15.60%	18	7.30%	224	12.48%	-41	-15.47%
Nyanga	289	16.60%	185	10.90%	-104	-36.00%	203	11.31%	18	9.73%
Kraaifontein	151	8.60%	137	8.10%	-14	-9.30%	196	10.92%	59	43.07%
Harare	166	9.50%	162	9.50%	-4	-2.40%	189	10.53%	27	16.67%
Philippi East	185	10.60%	156	9.20%	-29	-15.70%	183	10.19%	27	17.31%
Mfuleni	154	8.80%	165	9.70%	11	7.10%	172	9.58%	7	4.24%
Gugulethu	155	8.90%	157	9.20%	2	1.30%	145	8.08%	-12	-7.64%
Samora Machel	30	1.70%	106	6.20%	76	253.30%	115	6.41%	9	8.49%
Mitchells Plain	148	8.50%	115	6.80%	-33	-22.30%	103	5.74%	-12	-10.43%
<b>2020/21 Top 10 precincts total</b>	<b>1 746</b>	<b>43.94%</b>	<b>1 699</b>	<b>42.74%</b>	<b>-47</b>	<b>-2.70%</b>	<b>1 795</b>	<b>46.65%</b>	<b>96</b>	<b>5.65%</b>
<b>Provincial Murder Total</b>	<b>3 974</b>		<b>3 975</b>		<b>1</b>	<b>0.03%</b>	<b>3 848</b>		<b>-127</b>	<b>-3.19%</b>
The top 10 police station murder proportion in the Province	43.90%	In 2018/19, the top 10 precincts accounted for 43.9% murders.	42.70%	In 2019/20, the top 10 police precincts accounted for 42.7% of the total provincial murders			In 2020/21, the top 10 police precincts accounted for 46.6% of the provincial murders			

Khayelitsha has surpassed Nyanga and Delft in becoming the precinct with the highest number of murders. However, in 2018 Samora Machel was established and took over some of Nyanga's cases. Combined, Nyanga (203) and Samora Machel (115) accounted for 318 murders in 2020/21.

The high murder rate in the Province is associated with the proliferation of weapons, primarily firearms, gang violence, drugs, alcohol and interpersonal violence. Evidence also suggests a positive correlation between the murders reported and the use of alcohol. In 2016, for instance, a Provincial Injury Mortality Surveillance Study conducted in the Western Cape found that 50% of homicide victims who were tested were under the influence of alcohol at the time of death.<sup>11</sup>

A comparison of the Western Cape SAPS annual reports over the past five years illustrates the factors associated with the reported murders in the Province (Table 3). Gang-related murders make up the majority of murders in the Western Cape. Gang-related factors accounted for between 19% and 23% of murders in the Province over the five-year period and 736 counts in 2020/21.

According to SAPS, the drug trade, prostitution, organised crime (illegal harvesting and sale of abalone and the expansion of territory), competition in drug prices, personal vendettas, the elimination of witnesses and extortion drive gang violence. Gang murders were recorded at 43 police stations during the year.<sup>12</sup>

Firearms continue to be the weapon of choice for committing murders in the Province. According to SAPS, firearms - mostly pistols and revolvers - were used in 53.9% of murders (2 081). Knives were used in 19.2% of murders and other sharp instruments in 6.7%. Firearms were used in 93.1% of gang murders.<sup>13</sup> Children accounted for 4.7% of murder victims. Adult females accounted for 8% and males for 92% of murder victims.<sup>14</sup>

Domestic violence accounted for 5.2% (or 198) incidents of murder. Perpetrators were mainly boyfriends or girlfriends (36.6%), family members (23.4%), spouses or life partners (20%). Parents or guardians accounted for 3.9% of domestic violence-related murders. Knives (60%) and sharp instruments (14.6%) are the main instruments used in domestic violence, although firearms were used in 6.3% of cases.<sup>15</sup>

11 Department of Community Safety. (2018). *Safer Western Cape Conference: Parallel session: Injury Mortality Burden. Western Cape 2010-2016*. Available online at [https://www.westerncape.gov.za/assets/safer\\_western\\_cape\\_report\\_-\\_november\\_2018\\_-\\_pdf](https://www.westerncape.gov.za/assets/safer_western_cape_report_-_november_2018_-_pdf). Accessed on 6 June 2019.

12 South African Police Service. (2021). *South African Police Service, Western Cape Annual Report 2020/21* p. 24.

13 South African Police Service. (2021). *South African Police Service, Western Cape Annual Report 2020/21* p. 24-28.

14 South African Police Service. (2021). *South African Police Service, Western Cape Annual Report 2020/21* p. 29-30.

15 South African Police Service. (2021). *South African Police Service, Western Cape Annual Report 2020/21* p. 24-26.

**Table 2: Factors that drive murder in the Western Cape, 2016/17 – 2020/21<sup>16</sup>**

FINANCIAL YEAR	PERCENTAGES AND NUMBERS	GANG-RELATED	ARGUMENTS/MISUNDERSTANDING	ROBBERY	DOMESTIC VIOLENCE	COMMUNITY RETALIATION/VIGILANTISM	RETALIATION/REVENGE	TAXI RELATED
2020/21	%	<b>19.10%</b>	<b>11.80%</b>	<b>7.60%</b>	<b>5.30%</b>	<b>5.20%</b>	<b>10.10%</b>	<b>3.1%</b>
	Actual Numbers	736	453	294	205	198	387	121
2019/20	%	<b>20.70%</b>	<b>11.10%</b>	<b>5.70%</b>	<b>5.00%</b>	<b>4.40%</b>	<b>3.30%</b>	
	Actual Numbers	821	441	226	198	175	132	
2018/19	%	<b>23.70%</b>	<b>9.00%</b>	<b>5.60%</b>	<b>5.70%</b>	<b>3.80%</b>	<b>2.90%</b>	
	Actual Numbers	938	358	223	228	151	114	
2017/18	%	<b>22.00%</b>	<b>13.20%</b>	<b>8.10%</b>	<b>5.60%</b>	<b>4.70%</b>	<b>3.80%</b>	
	Actual Numbers	808	484	297	208	173	141	
2016/17	%	<b>19.10%</b>	<b>17.60%</b>	<b>7.60%</b>	<b>3.80%</b>	<b>3.50%</b>	<b>2.20%</b>	
	Actual Numbers	632	583	252	126	116	73	

### 6.5. Key contact crime trends

In the 2020/21 financial year contact crime decreased overall by 17.06%. The biggest decreases in this category were in common robbery (-35.4%) and aggravated robbery (-22.4%). Attempted murder increased by 16.5%. Among the aggravated robbery category, there were increases in robbery residential (13.6%), cash in transit robbery (41.6%) and truck hijacking (34.11%) (Table 1).

Sexual offences decreased by 11.8% compared with the 2019/20 year. Contact-related crimes decreased by 10.58%.

Crimes detected by police decreased by 34.7% as compared to the previous year. Crime detected as a result of police action constituted 22.3% of the total crime recorded. The decrease over the five-year period is largely driven by a decrease in drug-related offences. This suggests significant impact of the Constitutional Court ruling of 2018 which legitimised the growing and use of cannabis for personal use,<sup>17</sup> though the restrictions brought about by the pandemic are also a factor.

The biggest decrease in this sub-category was in driving under the influence of alcohol or drugs which decreased by 69.5% (8 580). Sexual offences as a result of police action, and drug related crime followed with a decrease of 40% (66 counts) and 28.8% (18 087 counts) respectively.

There were 443 (15%) fewer cases of possession of illegal firearms and ammunition recorded in the Western Cape in 2020/21 compared to the previous year. These crimes are usually detected by police during the course of investigation or searches. As has been referred to elsewhere in this report, firearms are the weapon of choice in most of the serious crimes. Firearms were used in 53.9% of murders – in 93.1% of gang-related

<sup>16</sup> South African Police Service. Western Cape Annual Reports from 2016/17 to 2020/21.

<sup>17</sup> *Minister of Justice and Constitutional Development and Others v Prince; National Director of Public Prosecutions and Others v Rubin; National Director of Public Prosecutions and Others v Acton and Others* (CCT 108/17). The Constitutional Court ruled on 18 September 2018 that section 4(b) of the Drugs and Drug Trafficking Act No. 140 of 1992 and section 22A(9)(a)(i) of the Medicines and Related Substances Control Act No. 101 of 1965 “are inconsistent with the right to privacy entrenched in section 14 of the Constitution and, therefore, invalid to the extent that they make the use or possession of cannabis in private by an adult person for his or her own consumption in private a criminal offence.”



murders and 100% of taxi-related murders. Firearms were used in 74.4% of attempted murders, 45.9% of aggravated robberies, 81.4% of carjackings, 80% of truck hijackings, 77.1% of robberies at non-residential premises and 56.3% of robberies at residential premises.<sup>18</sup>

Given the high incidence of firearm-related violence, the recovery of firearms and ammunition is of utmost importance. In the last financial year, SAPS Western Cape reported that of the 2 518 charges, firearms were only recovered in 1 040 counts.<sup>19</sup> The top contributing stations were Mitchells Plain, Delft, Kraaifontein, Bishop Lavis, Manenberg, Elsie's River and Steenberg.

## 7. THE CONTEXT OF POLICING IN THE WESTERN CAPE

### 7.1. Human resources

#### 7.1.1. Planning and Utilisation

Safety and security in the country and in the Province is largely dependent on the effective deployment of adequate policing resources at local level.<sup>20</sup> The equitable allocation of sufficient human resources demonstrates the will and ability of the State to safeguard the constitutional rights of its citizens, including the right to safety and security, human dignity and, most importantly, the right to life.

SAPS has been using the Theoretical Human Resource Requirement (THRR) model since 2011/12 as a mechanism to determine the number of human resources to be allocated to the country, province and per police precinct.<sup>21</sup> In 2014, the Khayelitsha Commission of Inquiry revealed that not all the posts identified through the THRR are filled owing to budgetary constraints. The Commission reported that each police station in Khayelitsha was allocated 32% less of its calculated THRR. This means that even if all the posts identified through this system are filled there is still inadequate allocation of human resources in the Province.<sup>22</sup> The Commission also found that the poorest areas were still under-policed and experienced the highest levels of crime. It recommended an overhaul of the system for the allocation of resources.

When the THRR still had not been revised three years following the Khayelitsha Commission's findings, the Social Justice Coalition brought an application to the Western Cape Equality Court in 2017. In its judgement, which was handed down on 14 December 2018, the Equality Court found that both the allocation of police human resources as well as the system used by SAPS (governed by the THRR policy) in order to determine this allocation unfairly discriminates against black and poor people on the basis of race and poverty.<sup>23</sup>

18 South African Police Service. (2021). *South African Police Service, Western Cape Annual Report 2020/21*.

19 South African Police Service. (2021). *South African Police Service, Western Cape Annual Report 2020/21*, p. 81.

20 Simelane, B., Brown, L. & Seyisi, S. (2017). *Analysis of Human Resource Allocation for South African Police Service with specific reference to the Western Cape*, p. 4.

21 Civilian Secretariat for Police Services. (2017). *Analysis of Human Resource Allocation in the South African Police Service, Resourcing the police for effective policing*, p. 6.

22 Khayelitsha Commission. (2014). *Towards a Safer Khayelitsha. Report of the Commission of Inquiry into Allegations of Police Inefficiency and a Breakdown in relations between SAPS and the Community of Khayelitsha*, p. 63.

23 *Social Justice Coalition and Others v Minister of Police and Others* (Case no. EC03/2016). Equality Court of South Africa, Western Cape Division, Cape Town, p. 50.

The Equality Court held that a separate date should be set down for a hearing on the remedy to the situation. SAPS, in late 2019, submitted an Integrated Resource Strategy (1 April 2019 to 31 March 2024) which purported to propose a remedy.<sup>24</sup> The remedy was not accepted by the applicants. After attempts to mediate the situation failed the applicants approached the Constitutional Court to appeal against what they argued was a constructive failure to grant them a remedy.<sup>25</sup> The matter was heard on 3 February 2022. The Constitutional Court refused the leave to appeal, and the matter was referred back to the Equality Court, where it is awaiting a hearing.<sup>26</sup>

In the meantime, SAPS submitted a review of the THRR to the applicants as an annexure to their response to the application.<sup>27</sup> The review outlines proposals to address the shortcomings in the THRR identified by the Khayelitsha Commission and the Equality Court. It sets out a number of short-, medium- and long-term objectives to meet these goals. It is important that the SAPS consults with relevant role players and the provinces to discuss the proposals.

As a result of fiscal constraints and the reduction in the allocation for cost of employment, the SAPS human resource establishment has continued to shrink. The funded establishment declined from 192 431 in 2018/19 to 191 431 in 2019/20, while the actual establishment was 187 358 at the end of March 2020.<sup>28</sup> In 2020/21 the initial establishment target was 191 763 but this was revised down to 181 344 owing to a further budget cut.<sup>29</sup> This is a reduction of 18 001 employees in the establishment from the high point of 199 345 in 2011/12, despite the growth in the population. On 31 March 2021, the SAPS establishment was 100.43% filled, with a total of 182 126 actual employees. This figure includes both active police officers and administrative staff.

**Table 4: SAPS employees, 31 March 2021<sup>30</sup>**

RANK/LEVEL	NUMBER OF EMPLOYEES
Executive authorities	2
Top Management	24
Senior Management	758
Commissioned officers	21 398
Non-commissioned officers	122 075
Public Service Act employees	37 840
<b>Total SAPS employees</b>	<b>182 126</b>

The figures translate into a ratio of one police officer to 413 people in the country.<sup>31</sup> This ratio has been declining steadily over the review period. In 2014/15, the police-to-population ratio stood at 1:358.<sup>32</sup> This indicates a real and proportionate reduction in policing personnel.

24 SAPS. (September 2019). *An Integrated Resource Strategy* (1 April 2019 to 31 March 2024).

25 *Social Justice Coalition and others v Minister of Police and others*, CCT 121/2021.

26 The Constitutional Court handed down its decision on 19 July 2022.

27 SAPS. (2020). *The Review of the Theoretical Human Resource Requirement (THRR) Model: Toward an Integrated Resource Plan*. 1 April 2020 to 31 March 2024, Annexure AA1.

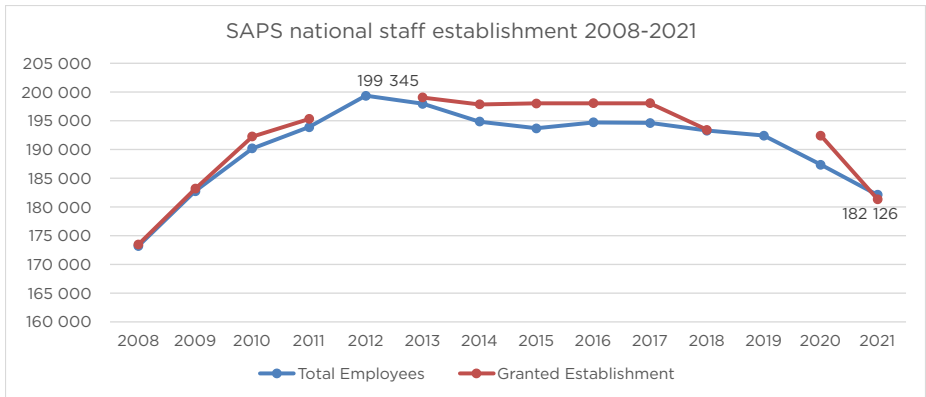
28 SAPS. (2020). *Annual Report 2020/21*. Pretoria. SAPS, p. 12.

29 SAPS. (2020). *Annual Report 2020/21*. Pretoria. SAPS, p. 253.

30 SAPS. (2020). *Annual Report 2020/21*. Pretoria. SAPS, p. 40.

31 SAPS. (2021). *Annual Report 2020/21*. Pretoria. SAPS, p. 40.

32 SAPS. (2015). *Annual Report for the 2014/15 Financial Year*. Pretoria. SAPS, p. 35.

**Figure 5: The SAPS National establishment from 2008 – 2021<sup>33</sup>**

There were 21 367 SAPS posts on the granted establishment in the Western Cape in 2020/21 (Figure 6).<sup>34</sup> SAPS reported that there were 19 505 actual employees, meaning that it achieved 91.28% of posts filled in terms of the approved establishment.<sup>35</sup> This falls short of the national target of 98% but is an improvement on the 90.91% achieved the previous year.<sup>36</sup> The process of early retirements (without penalties) resulted in a noticeable increase in service terminations, and personnel losses owing to Covid-19.<sup>37</sup> The total number of SAPS employees has decreased by 1.78% from 19 860 in 2018 to 19 505 in 2021. However, the number of SAPS Act employees increased slightly during the period (0.3%) from 16 177 to 16 240. The human resources shortages increased in 2020 as there were no police trainees in 2020. The 2020 SAPS intake was suspended by the Minister of Police because of the Covid-19 pandemic and the lockdown.<sup>38</sup>

The Western Cape SAPS managed to train and appoint an additional 1 166 members in the 2019/20 year and they were deployed to priority stations as well as the detective services.<sup>39</sup> In 2020/21, 728 new trainees were recruited as were an additional 40 crime intelligence trainees.<sup>40</sup> While SAPS nationally has a police-to-population ratio of 1:1413, the Western Cape reported a ratio of 1:378 for 2020/21.<sup>41</sup>

33 Figures are taken from the SAPS Annual Reports from 2007/8 to 2020/21.

34 Correspondence between the Office of the Provincial Commissioner, Western Cape, and the Head of Department, Community Safety, 3 March 2022.

35 SAPS. (2021). *Western Cape Annual Report 2020/21*. SAPS, p. 87.

36 SAPS. (2020). *Western Cape Annual Report 2019/20*. SAPS, p. 124.

37 SAPS. (2020). *Annual Report 2020/21*. Pretoria. SAPS, p. 119, and SAPS. (2021). *Western Cape Annual Report 2020/21*. SAPS, p. 87.

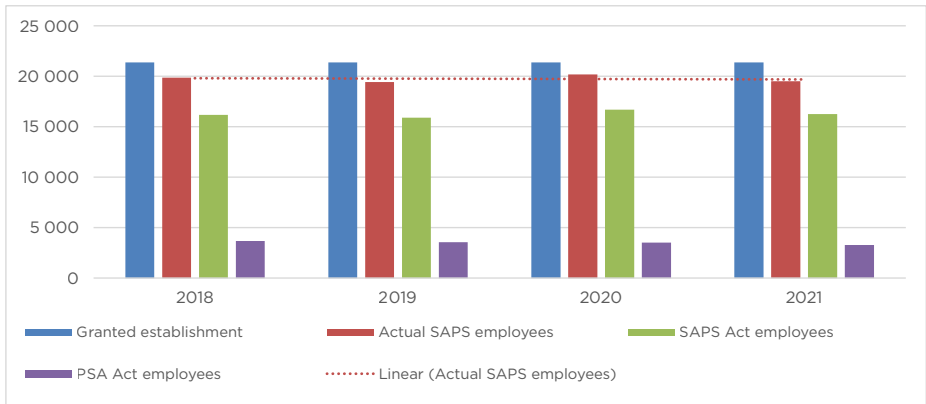
38 Speaker notes by Minister of Police, and Minister of Justice and Correctional Services on the occasion of the implementation of the Covid-19 Disaster Management Regulations. (20.03.2020), available online at <https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=25327>. Accessed on 30 March 2021.

39 SAPS. (2020). *Western Cape Annual Report 2019/20*. SAPS, p. 119.

40 SAPS. (2021). *Western Cape Annual Report 2020/21*. SAPS, p. 89.

41 Correspondence between the Office of the Provincial Commissioner, Western Cape, and the Head of Department, Community Safety, 3 March 2022.

**Figure 6: Granted vs Actual Establishment in the Western Cape (2018 - 2021)**



The establishment numbers for the individual police stations are not available but SAPS has provided the police-to population-ratios.<sup>42</sup> On 31 March 2021, the police-to-population ratio for the country was 1:413.

There was a lower ratio for the Western Cape at 1:378 although the ratio for the City of Cape Town was higher at 1:547.<sup>43</sup> The ratio has increased for both the Province and the city since 2018. Across the Province, the ratios vary between Table Bay Harbour (1:62) and Cloetesville with the highest ratio of 1:1 118.

Looking at the police-to-population ratios for the 13 priority stations and the precincts recording the highest number of murders in 2020 (Table 5 below), it is apparent that all the police stations have a higher ratio than for the Province. The majority have a higher ratio than the city overall. The top five murder precincts (see Table 2 above) record some of the highest police-to-population ratios: Khayelitsha, 628; Delft, 711; Nyanga, 559; Kraaifontein, 721; and Harare, 879. These ratios highlight the necessity to revise the THRR to ensure that stations with the highest levels of serious crimes are adequately resourced.

The vacancy rates at individual precincts also vary and are often higher than the provincial and national rates. DoCS oversight visits to Athlone, Atlantis, Gugulethu and Harare police stations between October and December 2019 to assess vacancy rates found that all four visited stations had a concerning vacancy rate at VisPol.<sup>44</sup> Athlone and Atlantis had a vacancy rate of 18 and 11% respectively.

42 Correspondence between the Office of the Provincial Commissioner, Western Cape, and the Head of Department, Community Safety, 3 March 2022.

43 This excludes specialized units and components that deliver services across the provinces, including the head office.

44 Department of Community Safety. (2019). *Report on inefficiencies identified during oversight visits at police stations*, p. 7.

**Table 5: Police-to-population ratios per 100 000 in the Western Cape from 31 March 2018 to 2021- key precincts<sup>45</sup>**

Name of Station	2018	2019	2020	2021
Harare	811	884	801	879
Samora Machel			722	778
Gugulethu	683	710	700	773
Kraaifontein	689	707	688	721
Delft	756	778	703	711
Khayelitsha	580	596	560	628
Philippi	530	579	539	594
Mfuleni	583	540	534	583
Nyanga	721	761	525	559
Mitchells Plain	523	494	488	535
Bishop Lavis	513	543	500	535
Atlantis	493	507	461	515
Philippi East	396	423	361	398
Cape Town Central	86	91	89	100
<b>City of Cape Town</b>	<b>517</b>	<b>533</b>	<b>526</b>	<b>549</b>
<b>Western Cape Province</b>	<b>345</b>	<b>365</b>	<b>350</b>	<b>378</b>
<b>South Africa</b>	<b>375</b>	<b>383</b>	<b>400</b>	<b>413</b>

### 7.1.2. Performance Management

SAPS Employment Regulations, 2018, stipulate that the National Commissioner must determine and implement performance management and staff development systems for the South African Police Service. The performance management system requires a staff member to enter into a Performance Agreement (PA) with the employer. The performance management system must include the following: a clear job description for the employee which stipulates the main objectives, job purpose and required outputs or key performance areas, as well as a workplan outlining the outputs, activities and relevant resources required.<sup>46</sup>

The SAPS annual report revealed that all targets for the performance management process for levels 1 - 12 during the 2019/20 financial year were achieved. SAPS achieved 99.98% against a 99% target for the capturing of performance-enhancement plans (PEP) during the 2019/20 performance cycle as all middle- and lower-management-level employees had individual plans. Furthermore, performance assessments related to the second written assessment period of the 2018/19 cycle were conducted. A total

45 Correspondence between the Office of the Provincial Commissioner, Western Cape, and the Head of Department, Community Safety, 3 March 2022.

46 Department of Community Safety. (2020). *Report on Inefficiencies identified during oversight visits at police stations*, p. 8.

of 99.66% of assessments for the first written assessment of the 2019/20 cycle was completed. A total of 96.55% of the senior managers complied and captured their Performance Agreements for the 2019/20 cycle. On the other hand, the compliance rate for the performance assessment of Cluster Commanders was 76.92% and 82.69% for 2018/19 and 2019/20 cycles respectively. A number of reasons which prevented achievement of the targeted performance levels were presented.<sup>47</sup>

In June 2019 the Department of Community Safety conducted a Police Station Census Project to collect baseline information on SAPS performance in relation to service delivery, the implementation of and compliance with regulations. The elements covered by the Census Project included performance management, inspections and management training. The Department reported that there was exceptional performance in respect of performance agreement processes. However, uncertainty was created by delays in employment contracting processes pertaining to performance expectations concerning the duties of station commanders and Heads of Components. The delay in employment contracting processes could have an adverse impact on management and performance of personnel and ultimately on police stations.<sup>48</sup>

When the Department conducted oversight visits to Athlone, Atlantis, Gugulethu and Harare between October and December 2019, they found that all four station commanders had successfully concluded their performance agreements and were implementing the Performance Enhancement Plan with the Head of VisPol, Detective Services and Support Services at the time of the oversight visits. This meant that they were fully compliant in terms of the compliance score card.<sup>49</sup>

## 7.2. Police stations

The number of police stations in the Western Cape remained the same as in the previous reporting period at 151.<sup>50</sup> The State owns 88% of the buildings while 18% are leased. In addition to the 151 police stations there are 30 satellite police stations of which 18 are leased. SAPS has reported that there are plans to build two police stations which are at the planning and design phases - these are Makhasa and Tafelsig.<sup>51</sup> It should be noted that the planned Makhasa Police station has remained at the planning and design stages for more than nine years now, although SAPS has provided no reason for the delays. This leads to the concern that the community of Makhasa and surroundings will continue to be subjected to inadequate service delivery by SAPS for many years to come.

The Province installed security-enhancement facilities at 12 police stations in the form of Closed-Circuit TV surveillance cameras. The following stations benefited from this project:<sup>52</sup>

1. Belhar	4. Delft	7. Elsies River	10. Harare
2. Kensington	5. Kraaifontein	8. Langa	11. Lingeletu West
3. Mfuleni	6. Philippi	9. Philippi East	12. Samora Machel

47 SAPS. (2020). *Western Cape Annual Report 2019/20*. SAPS, p. 120.

48 Department of Community Safety. (2019). *Western Cape Police Oversight Report 2018/19*, p. 8.

49 Department of Community Safety. (2019). *Report on inefficiencies identified during oversight visits at police stations*, p. 9.

50 SAPS. (2020). *Western Cape Annual Report 2019/20*. SAPS, p. 135.

51 Department of Community Safety. (2020). *Provincial Policing Needs and Priorities (PNP) Report for the Western Cape 2020/21*, p. 32.

52 SAPS. (2020). *Western Cape Annual Report 2019/20*. SAPS, p. 135.

### 7.3. Impact of Covid-19 on SAPS

On 23 March 2020, President Cyril Ramaphosa announced a nationwide lockdown in South Africa as part of the Covid-19 crisis response.<sup>53</sup> Initially it was to run from 26 March to 17 April 2020, however, the Disaster Regulations remained in place until April 2022. Five alert levels were devised depending on the level of infection in the community, with differing levels of restrictions.<sup>54</sup>

During pandemics, like Covid-19, law enforcement agencies are responsible for working with Government and public health officials to contain the spread, serve the local community, maintain public order and enforce the regulations. In South Africa during lockdown, a high contingent of law enforcement resources were deployed, including soldiers, private security, traffic and metropolitan police as well as SAPS officers. The members of SAPS, SANDF and other law enforcement agencies played a crucial role in the enforcement of the Covid-19-related rules and made a significant number of arrests, especially in the periods of hard lockdown.<sup>55</sup>

Towards the end of April 2020 when the country was still on Level 5, about 107 000 cases were opened with 118 000 people charged for contravention of the lockdown regulations. In just over a month, this number had grown to more than 240 000 contraventions, with the Western Cape leading in terms of the people who were arrested. At least 57 000 people had been arrested in the Western Cape, while about 40 000 had been arrested in Gauteng.<sup>56</sup> In August 2020, Minister Bheki Cele announced that close to 300 000 people had been arrested for contraventions. Of the 300 000 arrests, 30 000 had been found guilty at that time.<sup>57</sup> Contraventions included:

- Liquor-related offences;
- Cigarette-related offences;
- Illegal gatherings;
- Failure to confine to place of residence;
- Cross-border and inter-provincial movement;
- Business-related offences;
- Transport-related offences; and
- Fraudulent or no permits.<sup>58</sup>

Given the person-to-person spread of Covid-19 through respiratory droplets, law enforcement officers were also at a heightened risk of exposure owing to their close contact with members of the public.<sup>59</sup> On 9 April 2020, it was reported that an Athlone police official was one of the first officers to test positive for Covid-19. By 28 May 2020, more than 800 South African Police Service (SAPS) officers had tested positive for Covid-19 and at least eight of them had succumbed to the disease. Of the more than 800 who tested positive for Covid-19, 601 were in the Western Cape. There are about

53 Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002: R398 dated 25 March 2020.

54 See the South African Government Covid-19 website for details of the different lockdown levels and their time frames. [https://www.gov.za/covid-19/resources/regulations-and-guidelines-coronavirus-covid-19?gclid=EAAlaIQobChMlw6-MuqWK-QlVwXwrCh3ZmQCfEAAAYASAAAEglvD\\_BwE](https://www.gov.za/covid-19/resources/regulations-and-guidelines-coronavirus-covid-19?gclid=EAAlaIQobChMlw6-MuqWK-QlVwXwrCh3ZmQCfEAAAYASAAAEglvD_BwE). Accessed on 21 July 2022.

55 Wesley G Jennings; Nicholas M Perez. (2020). The Immediate Impact of Covid-19 on Law Enforcement in the United States. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7275851/>. Accessed on 3 March 2021.

56 South African Government. (2020). Minister Bheki Cele: Coronavirus Covid-19 regulations levels of compliance and adherence. Available at <https://www.gov.za/speeches/minister-bheki-cele-coronavirus-covid-19-regulations-levels-compliance-and-adherence-22-may>. Accessed on 3 March 2021.

57 ENCA. (14 August 2020). Almost 300,000 people arrested during lockdown. Available at: <https://www.enca.com/news/almost-300000-people-arrested-during-lockdown>. Accessed on 24 March 2021.

58 South African Government (2020). Minister Bheki Cele: Coronavirus Covid-19 regulations levels of compliance and adherence. Available at <https://www.gov.za/speeches/minister-bheki-cele-coronavirus-covid-19-regulations-levels-compliance-and-adherence-22-may>. Accessed on 3 March 2021.

59 Wesley G Jennings; Nicholas M Perez (2020) *The Immediate Impact of Covid-19 on Law Enforcement in the United States*. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7275851/>. Accessed on 3 March 2021.

121 stations countrywide and 40 units had members testing positive and the premises contaminated. The Western Cape was the hardest-hit province with at least 19 stations that had to be decontaminated at that stage.<sup>60</sup>

In September 2020, Minister Cele reported that Covid-19 had been hard on SAPS, infecting 16 539 officers with 215 of them succumbing to the pandemic nationally. At the same time over 15 000 members had won their battle against the virus and were back at work serving their communities.<sup>61</sup> By December the number of affected members had grown to 19 203, while 290 of them lost their lives.<sup>62</sup>

In the initial period of lockdown, police stations were closed for sanitation but, later on, these were sanitised and remained open for service. However, service delivery was also affected when police members were on sick leave or remained off work as a result of close contact with someone who tested positive for Covid-19. Since the outbreak of the Covid-19 pandemic close to 92% (139/151) of the police stations in the Western Cape had to re-locate their services - owing to infections - from 26 March 2020.<sup>63</sup> Not surprisingly, the re-location of police services followed the same trend as the number of positive cases tested in the Province. In this regard, 139 police stations had to re-locate their services while there were 759 infections during the same period.

The Department of Community Safety, through its Sub-programme Monitoring and Evaluation, conducted oversight assessments at 52 police stations during lockdown. These oversight visits were aimed at assessing SAPS' service delivery continuity amid the Covid-19 pandemic, including during the different lockdown alert levels. The aim of these assessments was to determine whether police stations had the necessary Occupational Health and Safety (OHS) protocols in place, collect baseline data to give effect to the ideals of the Western Cape Safety Plan, as well as to gain feedback on deficiencies identified during previous police station visits.

## 7.4. Law Enforcement Advancement Project (LEAP)

The Law Enforcement Advancement Project (LEAP) is one of the initiatives arising from the Western Cape Safety Plan to respond to the high levels of violence in the City of Cape Town. It is a partnership between the Western Cape Government and the City of Cape Town to fund the training, recruitment and deployment of additional law enforcement officers to priority precincts in the City. Operating in close collaboration with SAPS and metro police, LEAP aims to increase visibility and tackle the drivers of violence in priority areas, through a data-led approach. LEAP was rolled out in April 2020 with the phased appointment of law enforcement officials. It started with 500 officers and a further group of 500 was added between July and December 2021. By early 2022, there were 1 116 officers deployed.

The Directorate: Policy and Research, in the Department of Community Safety, conducted a rapid assessment of LEAP which aimed to understand its implementation, explore the outcomes of LEAP on stakeholders and assess the achievement of outputs

60 South African Government (2020). Minister Bheki Cele: Coronavirus Covid-19 regulations levels of compliance and adherence. Available at <https://www.gov.za/speeches/minister-bheki-cele-coronavirus-covid-19-regulations-levels-compliance-and-adherence-22-may>. Accessed on 3 March 2021.

61 South Africa. (2020). Police Minister General Bheki Cele on the occasion of the announcement of Alert Level 1, hosted on 22 September 2020 at the GCIS in Pretoria. Available at: [http://www.policesecretariat.gov.za/newsroom/speeches/speech\\_22-09-2020.php](http://www.policesecretariat.gov.za/newsroom/speeches/speech_22-09-2020.php). Accessed on 18 March 2021.

62 SA news. (17 December 2020). Police urged to clampdown on Covid-19 regulation contraveners. Available at: <https://www.sanews.gov.za/south-africa/police-urged-clampdown-covid-19-regulation-contraveners>. Accessed on 24 March 2021.

63 Department of Community Safety. (March 2021). Quarter 4 Western Cape *MINMEC Report, 2020/21*, p. 13.



as well as short- to medium-term outcomes. The key evaluation questions explored whether LEAP had been implemented as intended, how LEAP has been experienced and perceived by stakeholders, what works and the challenges of LEAP and how LEAP can be improved.

Covid-19 did disrupt the overall management and implementation of LEAP in its first year of operation. The pandemic had a severe effect on the original plan for LEAP as it delayed training and recruitment of new officers and the procurement of resources. Initially, LEAP officers were deployed in support of the Covid-19 lockdown. However, LEAP was deployed more strategically over time. By mid-2022 they were deployed in 11 high priority areas, including Atlantis, Bishop Lavis, Delft, Gugulethu, Harare, Khayelitsha, Kraaifontein, Mfuleni, Mitchells Plain, Nyanga, and Philippi. There is also a Response Unit which is deployed as crime moves to new areas.

The rapid assessment found that LEAP did increase law enforcement capacity through visible policing as well as supporting SAPS and other law enforcement in reducing crime. There was an increased number of firearm and drug confiscations which resulted in more arrests. There was also dedicated collaboration and willingness to partner, between SAPS and law enforcement, as well as with other stakeholders.<sup>64</sup> This initiative can be an effective addition to existing policing and law enforcement approaches.

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64 Department of Community Safety. (2022). *A Rapid assessment of the LEAP programme in 3 murder hotspots in the Western Cape*. Cape Town.

## 8. KEY FINDINGS

The Department reviewed previous PNP reports produced by the Department of Community Safety for the period 2014/15 to 2019/20. This section outlines the policing needs and priorities raised consistently over the period under review. Several issues emerged as the most prevalent identified between 2014/15 and 2019/20.

Below is the thematic presentation of each of the issues, highlighting progress made on some of these and indicating whether they remain a policing need and priority.

The key findings are categorised under 1) Professional Policing, 2) Crimes that should be prioritised by SAPS, Metro Police and other safety role players, and 3) Safer Environments.



## 8.1. PROFESSIONAL POLICING

### Policing Need and Priority: Shortage of human and physical resources in the Western Cape SAPS

#### Context

The shortage of police resources consistently emerged as one of the policing needs and priorities raised in the Western Cape since 2014. The PNP perception survey conducted in 2014/15 indicates that most respondents (87.34%) felt that there were an insufficient number of police resources for their community. Respondents believed the police service is not adequately resourced to effectively execute their duties. Most of the respondents (55.11%) indicated that they thought the resources were not effectively utilised or were under-utilised.

A common complaint in all areas was that SAPS does not have sufficient resources to carry out its functions. Although several stations received additional human resources during the 2015/16 financial year, there continued to be a shortage of police officials at several police stations. High levels of absenteeism and heavy workloads impact negatively on service delivery. In some rural areas, seasonal influxes of people (including foreign nationals) and the long distances between areas hinder effective policing.

In 2018/19 most respondents indicated that there was still a shortage of human and physical resources at SAPS (personnel, vehicles, office space, holding cells). SAPS was short-staffed and their numbers were further reduced when they had to police protest actions, respond to crime scenes and transport psychiatric patients to hospitals. This contributes to a lack of visibility and affects response times negatively. Participants expressed the need for additional police officers, police reservists, more police vehicles as well as extra and improved police infrastructure.

In addition, in 2018/19 it was found that there is poor visibility in crime hotspots (SAPS, Metro Police, Traffic Departments and Law Enforcement).

The allocation of SAPS human resources to police stations suggests that most of these are under-resourced. This impacts on police visibility, responsiveness and the ability to attend to complaints and investigate cases. All District Municipalities supported the call for more police resources and police visibility to reduce crime levels in their districts.

Respondents raised concerns of a shortage in police resources, including equipment, police uniforms, vehicles, horses, bicycles, community service centre (CSC) space, and – in some cases – demands for new police stations. In addition, repairs to vehicles and equipment take too long, leaving the police without these much-needed resources.

Poor police resource allocation as well as insufficient human and vehicle resources still formed a policing need and priority identified in 2019/20. In 2019 it was found that SAPS does not deploy enough officers to the stations.

According to a DoCS oversight report, the allocation of human resources at police stations was said to be inadequate considering the huge scope of policing work that needs to be done at local level. This is exacerbated by the higher vacancy rate. It found that “[t]his is not sustainable in the context of the higher level of crime, the demand for increased police visibility and demand for higher detection rates. There is a need to reconfigure the SAPS fixed establishment in order to improve efficiency and effectiveness at the coalface of policing service delivery.”<sup>65</sup>

The shortage in police resources, human and physical, was also a key finding in the oversight reports and safety information generated by the Department of Community Safety as part of its civilian oversight mandate which provides more context in terms of the SAPS human and physical shortages.

65 Department of Community Safety. (2019). *Western Cape Police Oversight Report 2018/19*, p. 22.

**Policing Need and Priority:** Shortage of human and physical resources in the Western Cape SAPS**Progress made**

According to SAPS Western Cape Annual Report (2020/21) staffing level in the Province stood at 91.28% for the year. In addition, a total of 1 166 new trainees graduated during the 2019/20 financial year. These members were allocated to identified priority stations and detective environments.<sup>66</sup> Moreover, 728 entry-level trainees were allocated to the Province plus a further 40 posts for Division: Crime Intelligence. The posts for re-enlistments were advertised externally and 37 candidates were appointed.<sup>67</sup>

A total of 20 Public Service Act (PSA) general worker posts were filled in October 2020.<sup>68</sup> SAPS reported that the shortage in personnel in 2019/20 was 603, an improvement from a shortage of 1 396 in 2018/19 and 1 107 in 2017/18.<sup>69</sup> SAPS reported that 3 600 posts were earmarked for recruitment in 2020/21.<sup>70</sup>

Despite these new appointments, it is clear that there is still a shortage of human resources in the Western Cape and, as referred to above, in the country as a whole. Owing to budget constraints, this situation is likely to persist for the foreseeable future.

**Conclusion**

The shortage of human and physical resources in SAPS is still a policing need and priority in the Western Cape. Given the likelihood of the shortage continuing, it is even more important that police are correctly allocated to the areas which need it the most.

**Policing Need and Priority:** SAPS Sick Leave Management**Context**

Absenteeism owing to sick leave and abuse of sick leave is a frequent complaint raised and is noted in PNP reports.<sup>71</sup> According to DoCS' oversight reports, SAPS in the Western Cape lost 63 281 days owing to sick leave taken by 12 049 members (equating to 75.7% of the staff component) between July and December 2017 (six months of the 2017/18 financial year).<sup>72</sup> In another oversight report, DoCS noted: "The abuse of sick leave by SAPS members is of great concern as it is undermining efforts to combat and prevent crime and is demoralising to those members that are hard-working police officers, but who put their lives on the line to keep South Africans safe."<sup>73</sup>

66 South African Police Service. (2020). *Western Cape Annual Report: 2019/20*, p. 119.

67 South African Police Service. (2022). *Western Cape Annual Report: 2020/21*, p. 89.

68 South African Police Service. (2022). *Western Cape Annual Report: 2020/21*, p. 89.

69 Western Cape Parliament. (25 September 2020). Question number 13.

70 South African Police Service. (2021). *Western Cape Annual Report: 2020/21*, p. 295.

71 Department of Community Safety. (2019). *Western Cape Policing Needs and Priorities (PNP) Report 2019*, Western Cape Government, p. 136.

72 Department of Community Safety. (2019). *Western Cape Police Oversight Report 2018/19*, p. 11.

73 Department of Community Safety. (2020). *Report on inefficiencies identified during oversight visits at police stations (Quarter 1 of 2019/20)*, Western Cape Government, p. 9.

**Policing Need and Priority: SAPS Sick Leave Management****Progress made**

The increase in the utilisation of sick leave was attributed to the start of the new three-year cycle which commenced in 2019. National Head Office visited the Province during August, September and October 2019 to finalise outstanding medical assessments and that initiative assisted in reducing the number of officials who were off sick for prolonged periods. During this process 161 officials were interviewed and the results were recorded as follows:

- 33 officials were medically boarded;
- 70 officials were instructed to resume duty; and
- 56 cases were pending Head Office decision.<sup>74</sup>

During the 2020/21 financial year the absenteeism rate was 3.69%, resulting in the sick leave target of 3.25% not being achieved.<sup>75</sup> A total of 172 660 working days were lost from a total of 5 150 517 days. An increase in the utilisation of sick leave was mainly attributed to members being infected with Covid-19. The impact of the virus and its long-term consequences have resulted in longer sick leave periods, including temporary incapacity leave, to allow for hospitalisation, quarantine and isolation of affected employees.<sup>76</sup>

Owing to travelling restrictions arising from Covid-19 protocols, there were no interventions in the Province by National Head Office in order to finalise outstanding medical assessments. However, 21 members were medically boarded in this period, which was 45 less than the 66 in 2019.

**Conclusion**

The issue of sick leave management by SAPS members needs to be improved as the targets for 2019/20 and 2020/21 were not achieved. This issue is still a policing need and a priority that needs to be addressed by SAPS.

**Context**

During the 2018/19 financial year the Western Cape Department of Community Safety, in conjunction with the Civilian Secretariat for Police Services (CSPS), conducted a Police Station Census Project at 150 police stations in the Province. The aim of the census was to assess SAPS performance pertaining to police delivery as well as the implementation of, and compliance with, regulations. This was achieved by collecting accurate, reliable and comprehensive baseline information on SAPS. One of the elements assessed by the Department was the allocation of vehicles at police-station level using data collected from 60 police stations. It was discovered that 59% (or 940) of the 1 572 vehicles allocated to the 60 police stations were in poor condition. During the reference period of the census 836 vehicles were at the SAPS garages and 356 were boarded.<sup>77</sup>

While the level of vehicle availability is above the minimum directive issued by the Ministry of Police during the budget speech of the 2018/19 financial year, it still falls short of SAPS' set target of 85%. The unavailability of about 17% of the vehicles, and the lengthy period that these vehicles take after sending them to SAPS garages for repair and maintenance, also compound the challenge of vehicle availability. The report also found that the purchasing of vehicles unsuitable for the policing environment in about 40% of the police stations in the Province exacerbated the problem. These vehicles would consequently have a shorter-than-normal lifespan compared to if these were used in a suitable environment. "It is evident that vehicle availability plays a crucial role in the context of improving police visibility and consequently policing service delivery." Several police precincts complained about insufficient police vehicles. Vehicles take too long to be repaired owing to the lengthy administrative process and this impacts police ability to perform functions and on response times.<sup>78</sup>

74 South African Police Services. (2020). *Western Cape Annual Report 2019/20*, p. 121.

75 South African Police Service. (2022). *Western Cape Annual Report: 2020/21*, p. 87.

76 South African Police Service. (2022). *Western Cape Annual Report: 2020/21*, p. 87.

77 Department of Community Safety. (2019). *Western Cape Police Stations Oversight Report 2018/19*, p. 23.

78 Department of Community Safety. (2019). *Western Cape Police Oversight Report 2018/19*, p. 22.

**Policing Need and Priority: SAPS Vehicle Fleet Management**

**Progress made**

SAPS reported that it had a total of 6 869 vehicles during the 2019/20 financial year. During the 2019/20 financial year the Province received an annual budget of R 151 179 000 for the purchasing of new vehicles. A total of 581 new vehicles were bought. The Province surpassed the approved personnel-to-vehicle ratio, that was set at 4.51:1, by achieving a ratio of 3.96:1. The national target of 85% in respect of the availability of vehicles was also achieved and an annual average of 85.12% was maintained. SAPS has established Vehicle Risk Committees at all police stations and the Provincial Office monitors all alleged misuse and abuse of official vehicles. It was also reported that there was a 12.73% decrease in vehicle collisions compared to 2018/19.<sup>79</sup>

In the 2020/21 financial year the Province received an annual budget of R155 915 18. for the purchasing of new vehicles. A total of 463 vehicles were purchased as indicated below:<sup>80</sup>

<b>Vehicle Type</b>	<b>Quantity</b>
LDV double cab canopy & 4X4	250
LDV double cab open & 4X4	13
Sedan	82
LDV single cab canopy	31
LDV single cab open	46
Riot 3 compartment truck	5
MPV 7 seater	30
8-10 seater	6
<b>Total</b>	<b>463</b>

**Conclusion**

The level of vehicle availability has improved, however, the decrease in personnel also needs to be taken into consideration when calculating the improved police to vehicle ratio. New vehicles were purchased and measures were put in place to prevent misuse and abuse of vehicles by members.

The lengthy period that these vehicles take after sending them to SAPS garages for repair and maintenance needs to be addressed by the Provincial Office as a matter of urgency.

**Policing Need and Priority: Police stations in need of upgrade**

**Context**

The PNP reports throughout the years have raised concerns about the state of police stations. Some are in dire need of upgrading. Issues of concern include insufficient office space, storage space, unhygienic and unsafe working conditions. At some stations it was reported that SAPS does not have sufficient resources, especially holding cells.

79 South African Police Service. (2020). *Western Cape Annual Report: 2019/20*, p. 136.

80 South African Police Service. (2022). *Western Cape Annual Report: 2020/21*, p. 102.

**Policing Need and Priority:** Police stations in need of upgrade**Progress made**

The Department of Community Safety conducts regular oversight visits to police stations to monitor service delivery and infrastructure. During the period under review, 38 stations were visited. One concern was that some of those police stations operating from leased or rented premises had been unable to make the necessary alterations to infrastructure. It was concerning that 68.4% of those stations did not have access control in place.<sup>81</sup>

The same review found that 26.3% of the stations visited did not have holding cells and 10.5% did not have any detention cells. These stations had to then use alternative spaces to process and hold detainees such as private offices and the areas outside of the holding cells. This poses a security challenge.<sup>82</sup> A previous report found that of the 150 stations visited in the Province in 2017, 89.3% had detention cells while only 47.3% had holding cells.<sup>83</sup> Any needed alteration or upgrade would have to be provisioned through the National Department of Public Works and SAPS.

According to a DoCS oversight report for 2017/18, 94% of stations had a Docket Archive Store and 90% had a store to manage exhibits.<sup>84</sup>

The SAPS Annual Report 2019/20 states that security enhancements such as closed-circuit TV surveillance cameras have been installed at 12 police stations. The stations are Delft, Elsies River, Belhar, Harare, Kensington, Langa, Kraaifontein, Lingeletu West, Mfuleni, Philippi, Philippi East and Samora Machel.<sup>85</sup>

**Conclusion**

The upgrade of police stations still needs attention as there are several stations still in need of additional storerooms and maintenance. This is considered a policing need and priority.



81 Department of Community Safety. (2020). *Western Cape Police Oversight Report, 2020*, p. 35.

82 Department of Community Safety. (2020). *Western Cape Police Oversight Report, 2020*, p. 35.

83 Department of Community Safety. (2018). *Western Cape Police Oversight Report, 2017/18*, p. 15.

84 Department of Community Safety. (2018). *Western Cape Police Oversight Report, 2017/18*, p. 19-21.

85 South African Police Service Western Cape. (2020). *Annual Report 2019/20*, p. 135.

**Policing Need and Priority:** Detective human resource capacity inadequate for effective service delivery**Context**

The effectiveness of the detective service function is determined through its ability to deliver on the performance elements expressed in planning documents. Among other main variables, detection and conviction rates are used to measure the performance of the detective services.<sup>86</sup> The Western Cape SAPS detective assessment report released by the Department of Community Safety in 2019 revealed that there was a lack of training and under-resourcing of the detective services in the Western Cape. The assessment of the Western Cape Detective Services was conducted at the 150 fully fledged police stations operating between 1 July and 31 December 2017. The purpose of this exercise was to assess the level of compliance based on SAPS standards, prescripts and instructions. The assessment found that the Western Cape Detective Services was under-resourced, completely over-burdened and inadequately skilled.<sup>87</sup>

There were 2 785 detectives at the 150 police precincts in the Western Cape at the time of the review, of whom 2 710 were responsible for investigating cases.<sup>88</sup> DoCS reported that of the total detectives in the Western Cape, 48% had a case load of over 200 dockets per person which is 333% above the 50 to 60 case norm. The Western Cape does not have sufficient detectives to investigate the spate of criminality and gangsterism in the Province. There was a shortage of 548 detectives in the Province and 142 posts remained vacant.<sup>89</sup>

Of the detectives eligible for training in the Western Cape:

- 91.7% had not received training in the Specialised Detective Learning Programme;
- 88.2% had not been trained to investigate fraud;
- 57% of the detective commanders had not completed the requisite training; and
- 45.8% did not complete the Basic Detective Learning Programme.<sup>90</sup>

In addition, it was found that 71% of detectives had no informers.<sup>91</sup>

In March 2018 there were 3 060 detectives in the Western Cape, making up 19.2% of SAPS members which totalled 15 910. However, there was a shortfall of 16% or 584 detectives between the ideal allocation and the actual allocation for detectives.<sup>92</sup>

Between April and December 2019 DoCS conducted oversight visits at 12 police stations. DoCS reported that the detective vacancy rate at these 12 police stations was alarming. The assessments also revealed that the successful investigation of contact crime, contact-related crime and property-related crime remained a challenge.<sup>93</sup>

Another assessment of the implementation of the Criminal Procedure Amendment Act 37 of 2013 found that of the 849 detectives across the 23 stations assessed, only 64.8% had received training on how to collect buccal samples, compared with 12.2% of VisPol members who had received the same training.<sup>94</sup>

An assessment looking at training for detectives on domestic violence found that 67% of visible policing members and 74% of detectives at the top 20 stations reporting Domestic Violence cases had not undergone the five-day DVA training course.<sup>95</sup>

86 Department of Community Safety (2019). *Report on inefficiencies identified during oversight visits at police stations. April to June 2019*, p. 10.

87 Department of Community Safety. (2019). *WC SAPS Detective Assessment Report 2019*, p. 11.

88 Department of Community Safety. (2019). *WC SAPS Detective Assessment Report 2019*, p. 10.

89 Department of Community Safety. (2019). *WC SAPS Detective Assessment Report 2019*, p. 15.

90 Department of Community Safety. (2019). *WC SAPS Detective Assessment Report 2019*, p. 11.

91 Department of Community Safety. (2019). *WC SAPS Detective Assessment Report 2019*, p. 13.

92 Department of Community Safety. (2019). *WC SAPS Detective Assessment Report 2019*, p. 8.

93 Department of Community Safety. (2019). *Report on inefficiencies identified during oversight visits at police stations. April to June 2019, July to September 2019, October to December 2019*, p. 11.

94 Department of Community Safety. (2019). *Report on oversight inspections conducted at selected police stations on the Criminal Law (Forensic Procedure) Amendment Act 37 of 2013*, p. 12.

95 Department of Community Safety news. (2020). 'SAPS fails to comply with Domestic Violence Act'. Available at: <https://www.westerncape.gov.za/news/saps-fails-comply-domestic-violence-act>. Accessed on 28 March 2021.



**Policing Need and Priority:** Detective human resource capacity inadequate for effective service delivery

From this, it is apparent that the human resource capacity of the detective service at police stations is inadequate to deal with the high workload resulting from the high rate of reported crimes.

A training programme for Detective and Visible Policing components is needed. There is a need for SAPS members to receive professional police training and to be monitored for compliance. However, there is concern that the duration of SAPS basic training has been reduced to eight months, which is a third of the current two years. Some of the content and objectives of the training may be lost to new recruits who require skills, diligence and professionalism under stressful work situations.<sup>96</sup>

The Department advised that under-resourcing and a lack of training have dire consequences for the detection of crime and safety of citizens. Of the 150 stations assessed in 2017, the Department found that only 71.3% met the detection target rate of 56.4% for contact crimes and only 61.3% met the target of 84.6% for convictions. Only 64.7% of stations met the low target rate of 17.5% detection for property crimes.<sup>97</sup>

Hence, 85% of cases monitored during the assessment were struck off the court roll. To break these figures down further, of the 875 cases monitored during the assessment:

- 380 dockets did not arrive at court;
- 417 investigations were incomplete;
- 37 witnesses were absent from court; and
- 41 forensic reports were unavailable.<sup>98</sup>

The allocation of detectives to police stations is not congruent with the context of crime in the Western Cape. A shortage of detective services is an impediment for the fulfilment of SAPS' objectives to investigate all crimes that threaten the safety and security of any community and ensure offenders are brought to justice.

In 2021/22, DoCS conducted an analysis of 80 murder dockets from 2013/14 to 2017/18 which had been withdrawn. This was part of a national study for the Civilian Secretariat that sampled three stations in the Western Cape: Delft, Khayelitsha and Nyanga.<sup>99</sup> Based on the docket analysis and face-to-face interviews with the detectives and detective commanders, the study identified several shortcomings in the investigation process. These included: a challenge with the tracing of witnesses – often due to intimidation of witnesses; a shortage of resources (human, equipment and other) that the detectives need to do their job effectively and efficiently. The ratio of detectives to murder case dockets has also been highlighted as a challenge that detectives in these historically disadvantaged police stations like Delft, Nyanga and Khayelitsha face. External factors such as the delay in the processing of forensic laboratory results (post-mortem reports, DNA, ballistic reports) and the development of crime scene photos tend to delay investigation processes. The study found that investigating officers have a high case load which makes it difficult to focus on the multiple ongoing cases thus affecting the administration of the dockets.

96 Department of Community Safety. (2019). *WC SAPS Detective Assessment Report 2019*, p. 20.

97 Department of Community Safety. (2019). *WC SAPS Detective Assessment Report 2019*, p. 14.

98 Department of Community Safety news. (2019). 'Detective Services report confirms lack of training and under-resourcing'. Available at: <https://www.westerncape.gov.za/news/detective-services-report-confirms-lack-training-and-under-resourcing>. Accessed on 28 March 2021.

99 Department of Community Safety. (2022). *Analysis of murder case dockets*. Cape Town.

**Policing Need and Priority:** Detective human resource capacity inadequate for effective service delivery

**Progress made**

It is encouraging to note that in June 2019 Police Minister Bheki Cele announced that a new Detective Academy was to be established with the aim to strengthen, clean up and bolster the capacity of SAPS and to “fully capacitate investigators with sufficient resources and relevant manpower”.<sup>100</sup> Although there have been no further reports of its establishment such an academy would be crucial to increasing the number of detectives and to enhancing the quality of training. During the 2019/20 financial year two Colonels were appointed in the Crime Intelligence Service (CIS), which aimed to improve monitoring capacity. Since the appointment of the officers, 11 inspections were conducted.<sup>101</sup>

In the Western Cape, the detection rate for all serious crimes, excluding crimes dependent on police action, has declined to 37.45% (0.08% below the target) in 2020/21. The detection rate for most crime categories has declined when compared to the previous year. Reasons for the drop in detection included witnesses withdrawing statements, contamination of crime scenes before the arrival of SAPS, intoxication of witnesses and poor CCTV footage. The decline in detection of contact crimes is also attributed to witnesses having a poor recollection owing to having been under the influence of alcohol at the time of the commission of the crime.<sup>102</sup> The detection rate of property-related crimes improved to 48.42% and this is attributed to docket inspections with appropriate guidance by the NPA.<sup>103</sup>

Crime category	Detection rate 2019/20 <sup>104</sup>	Detection rate 2020/21 <sup>105</sup>
All serious crimes	37.35% (0.81%)	37.43% (0.08% of target)
Contact crimes	50.47% (-3.44% of target)	48.46% (-4.01% of target)
Contact crimes in top 30 national stations	-	31.54% (-20.93% of target)
Property-related crimes	17.57% (-1% of target)	19.19% (1.62%)
Contact-related crimes	47.77 (-1.44%)	48.42% (-0.4%)
Crimes against women	78.33% (-3.28%)	-
Crimes against children	70.48% (-3.92%)	-
Trio crimes	17.18% (-3.13%)	16.4% (-1.98%)

100 SA News. (2019). ‘Police’s Anti-Gang Unit elevated to national office’. Available at: <https://www.sanews.gov.za/south-africa/polices-anti-gang-unit-elevated-national-office>. Accessed on 28 March 2021. South African Government. (2019). Minister Bheki Cele: Police and IPID Dept Budget Vote 2019/20. Available at: <https://www.gov.za/speeches/budget-vote-department-police-and-ipid-delivered-minister-police-11-jul-2019-0000>. Accessed on 28 March 2021.

101 South African Police Service. (2020). *Western Cape Annual Report: 2019/20*, p. 179.

102 South African Police Service. (2021). *Western Cape Annual Report: 2020/21*, p. 151.

103 South African Police Service. (2021). *Western Cape Annual Report: 2020/21*, p. 152.

104 South African Police Service. (2020). *Western Cape Annual Report: 2019/20*, p. 186-187.

105 South African Police Service. (2021). *Western Cape Annual Report: 2020/21*, p. 151-154.

**Policing Need and Priority:** Detective human resource capacity inadequate for effective service delivery

DoCS' Watching Brief programme has identified a number of shortcomings with the investigation of cases including cases relating to failure:

- by the Investigating Officers (IO) to finalise the investigation within a reasonable timeframe;
- to have the police docket at court;
- to have the forensic reports timeously available at court;
- of the IO to subpoena witnesses to attend court;
- to comply with the instructions of the prosecutor; and
- to bring the arrested person to court within 48 hours.<sup>106</sup>

DoCS has referred a number of cases to the SAPS Provincial Commissioner for remedial action.

During 2020/21 financial year the Provincial Crime Investigation Services commenced interventions throughout the Province, resulting in 58 interventions being concluded at the end of the year. The focus of the interventions was to improve the detection rate, process compliance and trial-ready rate.<sup>107</sup>

**Conclusion**

The inadequate detective human resource capacity is still an issue that needs to be addressed by SAPS. A continued decline in detection rate would impact seriously on SAPS's ability to combat crime in the Western Cape.

**Policing Need and Priority:** SAPS Basic and Advanced Training and Development Programme (BPDLP)**Context**

Every year SAPS recruits, trains and places new police trainees at various police stations.<sup>108</sup> The basic training is important to advance civilian-centred police that are responsive to the needs of diverse communities. Trainees who successfully complete the 21 months BPDLP are awarded a certificate and then are permanently enlisted in SAPS as constables. SAPS' goal for the BPDLP training is to ensure that trainees are conversant with policing and are able to carry out their duties in a professional manner. In addition, the aim of the BPDLP is to ensure that there is improved police conduct, fewer complaints against the police, high quality, detailed reports and documentation as well as a higher degree of success with specialised services.

In 2019, the Civilian Secretariat for Police Services commissioned a national study to examine the effectiveness of the BPDLP on professionalising the police.<sup>109</sup> The Department of Community Safety assessed the BPDLP at the three training academies in the Western Cape. The assessment revealed some shortcomings in the BPDLP. Generally, the trainees and the constables rated the trainers positively in terms of their ability to transmit knowledge to the trainees. However, trainees sometimes perceived trainers as being unfair in their treatment of them and thought trainers lacked practical and community experience.<sup>110</sup>

106 Department of Community Safety. (2020). *Quarter Three MINMEC report*, p. 16.

107 South African Police Service. (2022). *Western Cape Annual Report: 2020/21*, p. 146.

108 Department of Civilian Secretariat for Police Services. (2019). *Effectiveness of Basic Training Research Project: Concept Note*, p. 2.

109 Department of Community Safety. (2020). *2019/20 Provincial Policing Needs and Priorities (PNP) Report*, p. 37.

110 Department of Community Safety. (2020). *The effectiveness of SAPS' Basic Police Development Learning Programme (BPDLP) on a professional police service*, p. 46.

**Policing Need and Priority:** SAPS Basic and Advanced Training and Development Programme (BPDLP)

**Progress made**

By December 2019, a total of 1 166 additional police officials completed an 8-month BPDLP at various SAPS training academies in the Western Cape. The members were immediately deployed to various police stations to undergo a 12-month workplace exposure under the mentorship of experienced police officials.<sup>111</sup> The Department made several recommendations in its report on the BDLP. There is no information available indicating that the recommendations provided by the Department and possibly by other provinces were incorporated in the 2020 training programme.

The planned recruitment and training of 7 000 police officers for the 2019/20 year was cancelled due to the COVID-19 pandemic. SAPS then planned to begin training of 3 000 recruits in October 2020,<sup>112</sup> but this was also affected by the lockdown. The 2020/21 intake was cancelled owing to the COVID-19 pandemic and SA lockdown.<sup>113</sup>

**Conclusion**

SAPS needs to improve the BPDLP to make it effective and meaningful. The public's expectations of the police can only be met if they are satisfied with the professionalism and promptness of the services rendered by the officers at police stations. It is, therefore, important that SAPS personnel render services of a high standard with efficiency, professionalism, integrity and empathy. To ensure that the objectives of the BPDLP are attainable, SAPS needs to incorporate elements of credibility, quality and usability in the programme through consistent monitoring, evaluation and improvement. It is of major concern that trainers are often junior constables with no or limited on-the-job experience.

There is a concern that cancelling the 2020/21 intake caused a larger backlog regarding recruitment and training of new members. This needs to be addressed with some urgency.

111 SAPS. (2019). '108 Newly trained police constables welcomed to the Southern Cape'. Available at: <https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=23866>. Accessed on 10 March 2021.

112 South African Police Service. (2020). *Annual Report 2019/20*, p. 22.

113 South African Police Service, Media Statement. Office of the National Commissioner. (9 March 2021). 'Recruitment and training of police recruits still on hold due to the COVID-19 pandemic', available online on <https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=31359>. Accessed on 31 March 2021.

**Policing Need and Priority: Shortage of SAPS Reservists****Context**

The National Development Plan (NDP) envisions that in 2030 South Africans will feel safe at home, at school and at work because of lower levels of serious and violent crimes.<sup>114</sup>

The South African Police Service (SAPS), on the other hand, recognises that it cannot prevent crime on its own and would somehow need to increase its visibility to address crime. This notion was reiterated, not only by the Standing Committee on Community Safety but also in the findings of the Khayelitsha Commission of Inquiry, which pointed out that a need exists to recruit police reservists as a long-term support mechanism and impetus to prevent and reduce crime.

Over roughly the last decade, however, there has been a drastic decline in the number of SAPS reservists - in particular after SAPS National Instruction 3 of 2014 - was introduced. This set out strict requirements for the appointment of reservists. In 2008, SAPS reported having 66 394 reservists across the country,<sup>115</sup> but in March 2019 there were only 10 144 reservists which is a decrease of 84.7%.<sup>116</sup> The Western Cape had 5 059 active reservists in 2008. In 2015 this decreased by 66% to 1 700. In October 2016, the Standing Committee on Community Safety held a series of public hearings on police resources. One of their recommendations was for SAPS to revise the reservist policy in order to relax the stringent conditions for appointment.<sup>117</sup> In October 2017, the Western Cape Police Ombudsman was asked to investigate the decline in the number of active reservists in the Province. In his report (released in November 2018) the Ombudsman found that from 2015/2016 to 2018/19 the number of active reservists decreased by 31% from 1 050 to 724.<sup>118</sup> The recorded rate of reservists as at March 2019 was 1 348.<sup>119</sup> However, in June 2019 the number of active reservists in the Province was noted to be 867,<sup>120</sup> indicating that since 2008 the number of active reservists in the Western Cape decreased by 82.9%.

**Progress made**

To boost the declining numbers in SAPS members and reservists, the Department of Community Safety designed the Commissioners of Oath Volunteer (COV) Project. Premier Winde announced, during the two-day Safer Western Cape Conference in November 2018, that as part of the Government's employee "volunteer" campaign, it would release government employees, who are on a Level 5 or higher salary scale, would act as Commissioners of Oath (CoA) at various police stations in this Province. The Western Cape Government (WCG) has 84 000 employees and their assignment as commissioners of oaths could make a significant difference as it would release a large number of police officers from their desks so ensuring more police personnel are visible in our communities, fighting crime.

The Department piloted this project in the Cape Town City Centre in February 2019. It aimed to release police officers from desk work so they could divert their limited resources to fighting crime on the streets. The time community members spent in queues to get their documentation certified at the Cape Town Central Police station was reduced dramatically.

114 South African Government. (2012). *National Development Plan: A vision for 2030*, p. 350.

115 SAPS. (2009). *Annual Report 2008/09*. Pretoria: SAPS, p. 89.

116 SAPS (2019) *Annual Report 2018/2019*. Pretoria: SAPS, p. 138.

117 Western Cape Provincial Parliament (27 January 2017). *Committee Report No 2. Report on the Standing Committee on Community Safety's stakeholder meeting and public hearings on police resources of 3, 4 and 5 October 2016. Fourth Session, Fifth Parliament*, p. 6.

118 Western Cape Police Ombudsman. (2018). "Concerning Decline in the Number of SAPS Police Reservists in the Western Cape". *External memo to the Standing Committee for Safety and Security, Western Cape Provincial Parliament*, p. 3.

119 SAPS. (2019). *Annual Report 2018/19*. Pretoria: SAPS, p. 138.

120 Question NW297 to the Minister of Police 14 August 2019.

**Policing Need and Priority:** Shortage of SAPS Reservists

SAPS reported to the Portfolio Committee on Police that – regarding the recruitment of new trainees into SAPS – a process to enlist 3 000 reservists was at an advanced stage and would be completed by the end of October 2020.<sup>121</sup> However, this was put on hold by Covid-19. While the number of reservists in service is not reported on, SAPS in the Western Cape did report that additional budgets of R2 million was paid to reservists for festive season deployment and R1.194 million for election duties.<sup>122</sup>

In the 2020/21 financial year SAPS reported that an external advertisement was published in the media in September 2019. Subsequently 108 reservists and security guards were appointed in December 2020.<sup>123</sup> A number of reservists were recruited and appointed as permanent members of SAPS.

**Conclusion**

In their 2020 call for reservist applications, SAPS changed some of the eligibility criteria: applicants must be at least 20 years of age but below 50. Being employed is no longer a pre-requisite, but rather a preference.<sup>124</sup> This addresses one of the recommendations of the Ombudsman’s report to broaden the scope of the recruitment of reservists by giving consideration to unemployed members of society.<sup>125</sup> However, despite this, there has been no improvement in the number of reservists.



121 Republic of South Africa. (2020). ‘Parliament, police committee welcomes additional allocation for visible policing’. Available at: <https://www.parliament.gov.za/press-releases/police-committee-welcomes-additional-allocation-visible-policing>. Accessed on 30 March 2021.

122 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 137.

123 South African Police Service. (2022). *Western Cape Annual Report: 2020/21*, p. 89.

124 The Careers Portal. (3 February 2020). ‘SAPS Reservists Applications Open’. Available at <https://www.careersportal.co.za/company/south-african-police-service/learnerships-2020/traineeships/saps-reservists-applications>.

125 Western Cape Police Ombudsman. (2019). *Annual Performance Report for the WCPO 2018/19 Financial Year*, p. 3.

**Policing Need and Priority:** Shortage of human and physical resources in the Western Cape Metro Police and Law Enforcement units at all municipalities

### Context

The PNP consultations during 2018/19 revealed that there is insufficient involvement of Law Enforcement officials in the community. It was specifically noted that Law Enforcement officials, except in the City of Cape Town, typically work only during weekdays and are not available to assist SAPS in enforcing by-laws over weekends and after hours when most crimes occur.<sup>126</sup>

### Progress made

In 2018/19 the City of Cape Town implemented a 24-hour Law Enforcement programme. The programme involved the implementation of an integrated policing model that ensured quality service delivery from the City's three policing departments, namely Metro Police, Law Enforcement and Traffic Services.<sup>127</sup> Some of the initiatives implemented during that period included the enhanced powers of law enforcement, evidentiary breath testing, public transport commuter safety, holistic road traffic enforcement and rail enforcement.

In addition, the Department of Community Safety committed to fund the deployment of 1 000 Law Enforcement (LEAP) officers through the City of Cape Town over a three-year period within the boundaries of the City to bolster law enforcement capacity. In February 2020, 451 law enforcement officials were recruited and deployed in the priority murder stations in the Metro. A further 500 were recruited and deployed in the second half of 2021. For the period February 2020 to March 2021, it was reported that LEAP confiscated 51 firearms and 384 rounds of ammunition. They made 1 543 arrests, of which 911 were for drugs. These officers searched 5 608 houses and 148 329 suspects. In addition they have inspected 2 174 shebeens of which they closed 333.<sup>128</sup>

LEAP officials work 24 hours and seven days a week.

The Cape Town Metropolitan Police Department (CTMPD) was established in terms of S64C(2)(g) of the South African Police Service Act, No. 68 of 1995. It has 694 employees, of whom 565 (81%) are uniformed officials. The CTMPD services the 60 police stations in the City of Cape Town. Its priority crimes are the combatting of alcohol and drugs, illegal firearms and ammunition, gang-related criminal activities, crimes against women and children as well as traffic and by-law enforcement. The CTMPD also plays a role in responding to, and the policing of, protest actions as well as legal and illegal gatherings.<sup>129</sup>

There are no other metropolitan police services in the Western Cape.

### Conclusion

Analysis of crime statistics shows that the commission of crime peaks over weekends and at night – this is when SAPS and law enforcement officials need to be on duty. While LEAP officials are available over weekends and after hours, there is a need to ensure that they are deployed when and where they are needed most. The number of officials deployed after hours and during weekends must be increased. All municipalities need to re-evaluate the working hours of law enforcement units in order to deploy them during timeslots that the service is most needed.

Budget needs to be made available to pay law enforcement officers overtime for work over weekends.

126 Department of Community Safety. (2019). *Provincial Policing Needs and Priorities (PNP) Report for 2018/19*.

127 City of Cape Town. (2019). *Integrated Annual Report: 2018/19*, p. 84.

128 Presentation by Director Robberts, City of Cape Town. (31 March 2021). *Presentation to the Standing Committee on Community Safety, Culture and Sport: Deployment of Law Enforcement Officers to crime ridden areas in the Metropole*. Directorate: Safety and Security, City of Cape Town.

129 City of Cape Town. (2021). *Annual Police Plan: 2021 – 2022*. Cape Town Metropolitan Police Department.

**Policing Need and Priority:** Inadequate police visibility**Context**

Inadequate police visibility was found to be a major enabling factor that creates opportunities for crime. A quarter of the respondents completing the PNP scorecard in 2015/16 had either not seen SAPS patrolling (26.80%) or had not seen SAPS patrolling at night, during the early morning and day (26.48%). The majority of respondents wanted to see improved police visibility in their respective areas, predominantly over the weekend (34.52%) and during the week (28.31%).<sup>130</sup> Some clusters expressed concern around the lack of police visibility in general and at crime hotspots in 2015/16.<sup>131</sup>

In 2014/15 communities in Nyanga were overwhelmed by lawlessness and inadequate police visibility. Community vigilantism was becoming an increasing problem in a seemingly legitimate effort to tackle crime. SAPS members in the Nyanga precinct stressed the need for additional resources (human and equipment) for effective execution of their services.<sup>132</sup>

Vigilantism continues to be a problem. In 2019/20 SAPS reported that Nyanga was one of the precincts plagued with vigilantism. The top contributing stations for murders owing to vigilantism are Nyanga, Philippi East, Harare, Khayelitsha and Gugulethu. Stones, bricks and rocks were utilised by community members to assault the victims in 15.4% (27) of the incidents. SAPS revealed that community retaliation/vigilantism contributed to 4.4% (175) of the murder incidents recorded in the Western Cape in 2019/20, and for 198 (5.2%) in 2020/21.<sup>133</sup> Though police visibility is not the only factor in vigilantism, it does play a role.<sup>134</sup>

The Victims of Crime Survey asked households how often they saw police in uniform and on duty in their area of residence. According to the responses, published on 18 February 2017, the Northern Cape had the highest visibility with 50.8% of households reporting seeing police patrolling in their area at least once a day, followed by Gauteng (48.1%), the Western Cape (43.2%) and Free State (43.2%).<sup>135</sup>

The worst police visibility was in KwaZulu-Natal where over 20% of households responded that they never see a police officer in uniform in their area.<sup>136</sup>

**Progress made**

As indicated by the SAPS annual reports, vigilantism continues to plague Western Cape townships and little progress has been made to tackle this problem effectively.

There is some progress in terms of increasing law enforcement numbers in the Western Cape, as reported above, but it is still insufficient.

**Conclusion**

Inadequate police visibility will remain a problem until the staff shortages are fully addressed in the Western Cape and the police-to-population ratio in the Province has been adequately addressed. A more focused policing approach in the areas is needed. The Area-Based Team approach adopted in the priority areas in the Western Cape aims to ensure that police and law enforcement are deployed using a targeted data-led operational approach.

130 Department of Community Safety. (2015). *Provincial Policing Needs and Priorities (PNP) Report for the Western Cape 2014/15*.

131 Department of Community Safety. (2016). *Provincial Policing Needs and Priorities (PNP) Report for the Western Cape 2015/16*.

132 Department of Community Safety. (2015). *Provincial Policing Needs and Priorities (PNP) Report for the Western Cape 2014/15*.

133 South African Police Service. (2020). *Western Cape SAPS Annual Report 2019/20*, p. 39, and South African Police Service. (2021). *Western Cape SAPS Annual Report 2020/21*, p. 24.

134 Super, G. (2020). *Report to SAPS: Vigilante Violence in the Khayelitsha and Nyanga Policing Clusters, 2000 - 2016*. Unpublished report.

135 Republic of South Africa. (2017). *Stats SA: Victims of Crime Survey 2016/17*, p. 64.

136 BusinessTech. (2017). 'How long it takes the police to respond to emergencies in South Africa'. Available at: <https://businesstech.co.za/news/lifestyle/157259/how-long-it-takes-the-police-to-respond-to-emergencies-in-south-africa/>. Accessed on 25 March 2021.



**Policing Need and Priority:** SAPS response times must be improved<sup>137</sup>**Context**

In 2014/15, 28.8% of respondents indicated that SAPS did not arrive within a reasonable time period and a further 11.5% indicated that SAPS did not arrive at all. It was again raised as a concern in 2015/16 that SAPS officials arrive late at crime scenes in some areas.<sup>138</sup> However, it was highlighted in 2018/19 that while it is common for both the public and police management to want quick police responses to calls for assistance, response times do not necessarily impact crime.

SAPS' reaction time to complaints remains an important factor in the services that are rendered by police stations.

Response times are based on the severity of the crime and are classified according to the Alpha, Bravo and Charlie System. Alpha complaints are crimes in progress, which require immediate police response or action. Bravo complaints are crimes that have already taken place, with no immediate threat to the complainant or property, such as a report of a housebreaking that has already occurred. Charlie complaints are crimes of a less serious nature such as loitering and trespassing.<sup>139</sup>

In 2014/15, 29.5% of the respondents indicated that their calls were only answered after several tries and a further 5.67% indicated that their calls were not answered at all.<sup>140</sup> It is a major cause for concern when calls are not answered timeously as it impacts service delivery and ultimately crime levels. Furthermore, the public expects SAPS to answer calls when a life is in danger and every second counts.<sup>141</sup>

**Progress made**

Statistics South Africa released its Victims of Crime Survey (VoCS) detailing emergency response call times across South Africa's nine provinces. According to the report, published on 18 February 2017, the Western Cape had by far the fastest police response time to emergency calls. It is also the only Province where 59.8% of households reported that it takes less than an hour for the police to respond to an emergency call. In the Northern Cape, Free State, KwaZulu-Natal and Mpumalanga households generally indicated that it takes more than two hours for police to respond to an emergency call. North West has the worst police response time to emergency calls where more than 50% of the households reported that it takes more than two hours or sometimes SAPS never arrive.<sup>142</sup>

However, it was argued that in terms of being satisfied with police services, response time was not the leading factor for households. Rather, they are happy with police arriving at the scene, police commitment, trustworthiness and arrests. Responding on time was only the fifth-highest reason for satisfaction with services.<sup>143</sup>

137 The reaction time is defined as the time it takes to respond to a complaint.

138 Department of Community Safety. (2016). *Provincial Policing Needs and Priorities (PNP) Report for the Western Cape 2015/16*.

139 South African Government Website. 'Police reaction time'. Available at: <https://www.gov.za/about-sa/police-and-defence#saps>. Accessed on 25 March 2021.

140 Department of Community Safety. (2015). *Provincial Policing Needs and Priorities (PNP) Report for the Western Cape 2014/15*.

141 Department of Community Safety. (2015). *Provincial Policing Needs and Priorities (PNP) Report for the Western Cape 2014/15*.

142 BusinessTech. (2017). 'How long it takes the police to respond to emergencies in South Africa'. Available at: <https://businesstech.co.za/news/lifestyle/157259/how-long-it-takes-the-police-to-respond-to-emergencies-in-south-africa/>. Accessed on 25 March 2021; Statistics South Africa. (2018). *Victims of Crime Survey 2017/18*, p. 83.

143 Ellis, M. (2017). 'Henri van Breda's emergency call has reignited the discussion on police response time in SA. We explore the issue and offer advice...' Available at: <https://compareguru.co.za/news/police-response-time-south-africa/>. Accessed on 25 March 2021.

**Policing Need and Priority:** SAPS response times must be improved<sup>137</sup>

Some of the problems with response time can be attributed to outdated technology. The Province has one Radio Control Centre at Maitland and four Radio Rooms (George, Oudtshoorn, Beaufort West and Worcester) which are regularly visited for maintenance. The Metropole is serviced by the old outdated APCO 16 Analogue Trunk Radio System which was discontinued in 2009. The challenge is to maintain the system and to repair faults as no parts have been available since 2012. The lead time to repair breakages is long as it is a labour-intensive task. National TMS has embarked on a project to renew the old redundant APCO16 Analogue Trunk Radio System in the Metropole with a modernised IP-based digital Radio Communication System.<sup>144</sup>

Members of the community continue to complain about the slow response time of the police<sup>145</sup> so prompting the Police Minister Bheki Cele to prioritise police visibility and immediate response to distress calls.<sup>146</sup>

**Conclusion**

SAPS response times must be improved. CPFs should monitor the response time of the police regarding Alpha, Bravo and Charlie complaints. They should raise possible concerns at CPF meetings and report on them to the Department of Community Safety.<sup>147</sup> The prompt answering of the phones is seemingly further derailed by a failing, outdated system.

**Policing Need and Priority:** Complainants should be served in their home language (i.e. isiXhosa, English or Afrikaans)**Context**

In 2014/15, most PNP respondents (75.1%) received assistance in their language of choice (isiXhosa, English or Afrikaans) during their last visit to the police station. The rest were either not (14.9%) or sometimes (10.1%) served in the language of their choice. Being serviced in the language of your choice is important as it creates a comfortable space for victims to share details of crime, whereas language barriers may result in these details of crime being lost during translation. In addition, inaccurate witness and complainant statements may have a negative impact when the statement is used in a trial.<sup>148</sup>

Language issues were also raised as a concern in 2017. Some community members were of the view that not all SAPS officials who are appointed to police stations match the language spoken and other demographic factors of the community. They thus cannot communicate well with the community they serve. SAPS members were reported not to speak Afrikaans in Manenberg, Saldanha and Paarl East where it is the dominant language of the local community.<sup>149</sup>

144 South African Police Services. (2020). *SAPS Annual Report 2019/20*, p. 155.

145 Damons, M. Groundup. (28 October 2021). 'Give us better cops, say Mitchells Plain protesters'. Available online at: <https://www.groundup.org.za/article/police-drive-past-us-while-the-community-is-begging-for-help/>. Accessed on 7 July 2022.

146 Mtshwa, C. News24. (20 December 2021). 'Bheki Cele flushes 20 000 litres of illegal alcohol during festive season tour'. Available online at: <https://www.news24.com/news24/southafrica/news/watch-bheki-cele-flushes-20-000-litres-of-illegal-alcohol-during-festive-season-tour-20211220>. Accessed on 7 July 2022.

147 Department of Community Safety. (2017). 2016/17 Provincial Policing Needs and Priorities (PNP) Report.

148 Department of Community Safety. (2015). 2014/15 Provincial Policing Needs and Priorities (PNP) Report.

149 Department of Community Safety. (2019). 2019 Provincial Policing Needs and Priorities (PNP) Report.

**Policing Need and Priority:** Complainants should be served in their home language (i.e. isiXhosa, English or Afrikaans)

### Progress made

The report on the effectiveness of SAPS' Basic Police Development Learning Programme (BPDLP) on a professional police service, published in March 2020, also reflected on the language proficiency and stated that the lack of the trainees' proficiency in English had been highlighted by trainers at all three colleges. Although these trainees have grade 12, there is reportedly a disconnect between their mother-tongue language and the language of instruction at the colleges, which is English. The language barrier affects the transmission of knowledge to the trainee and, down the line, it could impact the quality of the police statements as well as communication with members of the community and other officials. One trainer stated that in Ocean View, for instance, the new recruits are mostly isiXhosa-speaking yet they serve a community that is fluent in Afrikaans. Owing to the language barrier, it was reported that clients are inclined to wait for another officer to translate or for an officer who speaks Afrikaans. In some cases, the language barrier reportedly led to statements having to be corrected at a later stage.<sup>150</sup>

The report further highlights some areas to improve the trainees' experience of the training programme when it recommends that policing requires the ability to communicate and understand the community members who lodge a complaint. Constables recommended that members should be posted at a police precinct where community members speak their home language to avoid a barrier, partly because the training at the college does not necessarily equip a trainee to speak another language.<sup>151</sup>

### Conclusion

Serving people in their native language is important to avoid losing critical information. Equally important is teaching police trainees in their native language and ensuring that they are able to speak at least two of the three official languages used in the Province they are deployed to.

**Policing Need and Priority:** Integrated case docket management

### Context

The management of docket stores is another area of concern that is highlighted in the Department of Community Safety oversight reports. The findings of an assessment conducted indicated that although most of the police stations (94%) had functional docket stores, the management thereof remains a concern since most of the dockets lost during the review period occurred from the docket stores. Coupled with lost dockets is the challenge that only 76% of the stations have trained SAPS 13 officers. Although it is an acceptable rating, the responsibility of these members should not be underestimated.<sup>152</sup>

150 Department of Community Safety. (2020). *The effectiveness of SAPS' Basic Police Development Learning Programme (BPDLP) on a professional police service*, p. 43.

151 Department of Community Safety. (2020). *The effectiveness of SAPS' Basic Police Development Learning Programme (BPDLP) on a professional police service*, p. 35.

152 Department of Community Safety. (2020). *Report on oversight inspections conducted at selected police stations on the state of Docket Archive Stores (DAS)*.

**Policing Need and Priority:** Integrated case docket management**Progress made**

The Department of Community Safety conducted a Docket Archive Store (DAS) assessment project. The assessment took place between July and September 2019 and monitored the standard operating procedure (SOP) of 11 stations in the Province. The stations selected were predominantly murder- and gang-priority stations. The purpose of the assessment was to determine the state and management of the DAS with the aim of ensuring a safer Western Cape.<sup>153</sup>

The Integrated Case Docket Management System (ICDMS) system generates e-dockets which are predominantly used by detectives. The purpose of the ICDMS is to ensure that dockets are not lost or tampered with. It assists in the management and administration of criminal cases, inquests and enquiries on cases from when these are opened to when these are closed. It is intended to include information from external stakeholders including the departments of Home Affairs, Social Development (DSD), Justice and Constitutional Development (DoJ&CD), and the National Prosecuting Authority. In 2017, the ICDMS had been rolled out to 1 153 (or 80%) of SAPS stations nationally and to 509 of the 627 courts in South Africa at a total cost of R613.5 million. The ICDMS can be a powerful tool used to ensure that when a case reaches a prosecutor, it includes all the necessary information to ensure that a culprit does not get off lightly owing to a lack of evidence.<sup>154</sup>

The findings of DoCS assessment included:

- 90.9% of officials appointed for DAS were not vetted before handling sensitive information;
- 72.7% of detectives are not fully trained to use the ICDMS;
- 62.9% of dockets are lost in the DAS with no subsequent disciplinary action taken;
- 14.3% of dockets are lost in court; and
- One of the 11 stations have linked their ICDMS with external stakeholders such as DSD and DoJ&CD.

Missing dockets and ineffective policing result in an average of 22 cases of gender-based violence – including rape and murder – being thrown out of Western Cape courts every month. Over the course of three months, between July and September 2020, the Department's Court Watching Brief Unit monitored 92 cases struck off the roll at courts receiving cases from 11 priority police stations owing to police inefficiencies. Of these, 52 were struck off the roll when dockets were not in court and 40 for investigations not being completed. Sixty-six cases were gender-based violence (GBV) and domestic violence related.<sup>155</sup>

**Conclusion**

This remains a priority to be addressed together with the findings of the Docket Archive Store (DAS) Assessment.

153 Department of Community Safety. (2020). *Report on oversight inspections conducted at selected police stations on the state of Docket Archive Stores (DAS)*.

154 Western Cape Government website. (2020). R613,5 million e-docket software not being effectively used by SAPS & Courts. Available at: <https://www.westerncape.gov.za/news/r6135-million-e-docket-software-not-being-effectively-used-saps-courts>. Accessed on 26 March 2021.

155 Press Release by Albert Fritz, Western Cape Minister of Community Safety. (21 October 2020). "Court Watching Brief monitors 92 cases struck off court roll due to SAPS inefficiencies".

**Policing Need and Priority:** Professionalism among SAPS officials must be improved**Context**

Many of the PNP engagements highlighted the perceived lack of professionalism among some SAPS officials and participants felt that community members were not always treated with adequate respect and professionalism. It was further argued that SAPS members at Community Service Centres (CSC) and those answering phones were not always polite, showed little telephone etiquette and did not identify themselves or respond professionally to members of the community. Some new recruits lacked the skills and knowledge to perform their duties.

Though improvements were noted in some areas over the years, communities felt that they are not always treated with respect and dignity. There were complaints regarding the lack of privacy and respect, especially when lodging a complaint. There was also concern about police disclosing details of complaints to members of the public. There is a need for SAPS to be able to communicate well with communities as well as to match the language and other demographics of communities.

Discourteous treatment or police abuse of authority will result in community distrust of the police and unwillingness to assist in a cooperative effort against crime.<sup>156</sup>

**Progress made**

In July 2019 the Minister of Police, Bheki Cele, announced that the Division responsible for the SAPS Inspectorate would be capacitated to deal with poor performance and lack of discipline within SAPS. It was announced that the Division would perform inspections at all SAPS operational centres and investigate any form of policy transgressions and/or lack thereof, community complaints, undetected cases, compliance with SAPS discipline and operational standards as well as make findings and recommendations to the Minister and National Commissioner. The Division would also be responsible for monitoring and evaluation functions. The Minister added that any transgression(s), poor performance, lack of discipline in SAPS would be a thing of the past.<sup>157</sup>

The South African Police Service (SAPS) has been criticised as one of the most brutal policing systems in the democratic world, with a history of police brutality and human rights abuses in the country being traced to its legacy of apartheid.<sup>158</sup>

**Conclusion**

This remains a priority.

156 Institute for Security Studies. (2012). Professionalism and the South African Police Service What is it and how can it help build safer communities? Available at: [https://www.saferspaces.org.za/uploads/files/Professionalism\\_and\\_the\\_South\\_African\\_Police\\_Service.pdf](https://www.saferspaces.org.za/uploads/files/Professionalism_and_the_South_African_Police_Service.pdf). Accessed on 25 March 2021.

157 South African Government. (2019). *Minister Bheki Cele: Police and IPID Dept Budget Vote 2019/20*. Available at <https://www.gov.za/speeches/budget-vote-department-police-and-ipid-delivered-minister-police-11-jul-2019-0000>. Accessed on 28 March.

158 ForeignPolicy.com. (31 May 2021). 'South African Police Are Undertrained, Uncontrolled, and Deadly. A disabled teenager's killing underscores endemic police brutality'. Available online at: <https://foreignpolicy.com/2021/05/31/southafrica-police-brutality-julies/>. Accessed on 7 July 2022.

**Policing Need and Priority:** Corruption in SAPS must be addressed decisively**Context**

Police corruption in South Africa and in some Western Cape clusters is a continuing concern. Corruption is a contentious issue that is not widely talked about as it highlights the critical issue of tension between the occupational requirements of police members to combat criminal activity and the organisational needs of the police agency to be accepted in the eyes of the public.

PNP respondents felt that police and law enforcers did not enforce the law against their off-duty colleagues. When members of the community report suspicious activity to them, they said that it was important for the police to keep the name of the community member anonymous.

There is a perception among the community that some police officials are corrupt. This perception is bolstered by high-profile corruption charges being brought against high-ranking police officers. Some participants also felt that the lack of investigation of certain cases and the failure to arrest suspects was due to corrupt officials. Whether this is indeed the cause of investigative failure or not, it does contribute to a lack of trust in the police.

Corruption Watch reported in August 2019 that South African police are the most corrupt public servants.<sup>159</sup> The report was compiled from information provided by 1 591 whistle-blowers "who have exposed corruption in different sectors across the country". In the South African Police Service (SAPS), the leading forms of corruption are abuse of power and bribery, which stand at 35.7% and 30.6% respectively. The report showed that SAPS 'corruption' accounted for 9.2% of all reported corruption – up from 6.3% in 2018 – followed by schools at 8.4% (10.8% in 2018). Gauteng received the highest number of reports of corruption, followed by KwaZulu-Natal, with the Western Cape and Limpopo sharing third place.<sup>160</sup>

The City of Johannesburg accounted for 27.5% of reports, followed by the City of Tshwane (9.3%), the eThekweni Metro Municipality and the City of Ekurhuleni, which accounted for 7.2% and 6.3% of reports while the City of Cape Town accounted for 4.3% of reports.

A Corruption Watch report states that stories shared by community members across the country amplify the lack of confidence in law enforcement and the damaging effect when entrusted power is abused. Senior officials, among them detectives and investigating officers, were named in the publication as the most corrupt among those police officials who were fingered by the public.

"The statistics, as revealed by the report, according to rank, are as follows: detectives and investigating officers make up 26% of the total, station commanders 15%, followed by captains at 12%, constables at 10%, whilst the remainder includes sergeants and warrant officers, amongst others." The report also stated that there might be collusion or a beneficial relationship between police and perpetrators of these crimes.<sup>161</sup> Although this report is not specific to the Western Cape, it does highlight the problem of corruption in the police.

Between 2009 and 2021, 1 303 corruption investigations were brought against SAPS members in the Western Cape, which resulted in 680 members (52%) being found guilty. Of these, 304 were dismissed and others received lesser sanctions.<sup>162</sup>

159 BusinessTech. (2019). 'South African police are the most corrupt public servants report'. Available at: <https://businesstech.co.za/news/business/337169/south-african-police-are-the-most-corrupt-public-servants-report/>. Accessed on 28 March 2021.

160 BusinessTech. (2019). 'South African police are the most corrupt public servants report'. Available at: <https://businesstech.co.za/news/business/337169/south-african-police-are-the-most-corrupt-public-servants-report/>. Accessed on 28 March 2021. Corruption Watch in Business Times (2019) Available at: <https://www.timeslive.co.za/news/south-africa/2019-08-27-police-are-the-most-corrupt-public-servants-corruption-watch-report/>. Accessed on 28 March 2021.

161 Mahangu, T. (2019). 'Police Corruption an ongoing problem'. Available at: <https://www.corruptionwatch.org.za/police-corruption-an-ongoing-problem/>. Accessed on 25 March 2021.

162 Cape Town etc. (29 April 2021). '52% of investigated WC SAPS members found guilty of corruption'. Available online at: <https://www.capetownetc.com/news/52-of-investigated-wc-saps-members-found-guilty-of-corruption/>. Accessed on 6 July 2022.

**Policing Need and Priority:** Corruption in SAPS must be addressed decisively

Corruption and collusion with criminals was a factor in the murder of anti-gang unit police officer Colonel Charl Kinnear. At the time of his murder, one of the cases Kinnear was investigating involved police officers in Gauteng allegedly fraudulently creating gun licences for gangsters in the Western Cape.<sup>163</sup>

**Progress made**

Serious corruption includes the misuse of a public or private office or position or resources with a corrupt intent and may include an act of bribery, nepotism, extortion, fraud and theft. This includes, but is not limited to, offences under the Prevention and Combatting of Corrupt Activities Act of 2004.

The DPCI Serious Corruption Investigation Unit is reported to have achieved major successes in arresting officials involved in procurement fraud and corruption-related cases.<sup>164</sup>

The Anti-Corruption Unit in the Western Cape investigates corruption and corruption-related allegations against SAPS members. In 2019/20, 33 police members were arrested on charges of corruption, business robbery, defeating the administration of justice, fraud, extortion, kidnapping and theft. Nine members were convicted of corruption and corruption-related cases.<sup>165</sup>

**Conclusion**

Corruption must be addressed decisively and not be tolerated within SAPS. DoCS will continue to monitor the work of the DPCI Serious Corruption Investigation Unit and other fraud or corruption cases.

**Policing Need and Priority:** SAPS Management of Domestic Violence**Context**

The 2019/20 crime statistics indicate that crimes against women decreased by 4.8% nationally and 4.6% in the Western Cape when compared with 2018/19. Crimes against children also decreased by 6.4% nationally and 5.5% in the Western Cape.<sup>166</sup> Minister Beki Cele reported that there was a significant decrease in domestic violence cases during the hard lockdown period between March and May 2020, with a decrease of 68.4% when compared with the same period for the previous year.<sup>167</sup> Indeed, the quarterly crime statistics showed that there were 2 932 domestic violence-related crimes in the Western Cape in the first quarter of 2020/21<sup>168</sup> compared with 5 395 in the second quarter,<sup>169</sup> 6 446 in the third quarter<sup>170</sup> and 6 199 in the fourth quarter.<sup>171</sup> However, the reduction in reported cases of domestic violence during lockdown was questioned in the Western Cape by the Department of Social Development.

- 163 Dolley, C. Daily Maverick. (29 July 2021). 'To serve and endanger: Corrupt cops are South Africa's greatest security threat'. Available online on: <https://www.dailymaverick.co.za/article/2021-07-29-to-serve-and-endanger-corrupt-cops-are-south-africas-greatest-security-threat/>.
- 164 South African Government website. Police and Defence. Available at: <https://www.gov.za/about-sa/police-and-defence#visible>. Accessed on 25 March 2021.
- 165 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 183-184.
- 166 South African Police Service. (2020). *Crime Statistics: Crime situation in Republic of South Africa, Twelve Months (April to March 2019-2020)*. Released 31 July 2020.
- 167 South African Government (2020). 'Minister Bheki Cele: Coronavirus Covid-19 regulations levels of compliance and adherence'. Available at <https://www.gov.za/speeches/minister-bheki-cele-coronavirus-covid-19-regulations-levels-compliance-and-adherence-22-may>. Accessed on 03 March 2021.
- 168 South African Police Service. (2020). *Police recorded crime statistics: Crime situation in the Republic of South Africa - 3 months (April to June 2020/21)*, p. 7.
- 169 South African Police Service. (2020). *Crime Statistics: Crime situation in the Republic of South Africa (July to September 2020/21)*.
- 170 South African Police Service. (2020). *Crime Statistics: Crime situation in the Republic of South Africa, Quarter 3 (October to December 2020/21)*, p. 11.
- 171 South African Police Service. (2021). *Crime Statistics: Crime situation in the Republic of South Africa, Quarter 4 (October to December 2020/21)*, p. 56.

**Policing Need and Priority:** SAPS Management of Domestic Violence

On 16 April 2020, Social Development MEC Sharna Fernandez reported that more domestic violence cases were referred to the Western Cape Social Development Department by the national call centre during the lockdown period as compared to the first three months of the year.<sup>172</sup> Amnesty International said that the Covid pandemic had magnified existing structural problems such as poverty, inequality, crime, high unemployment and systematic criminal justice failure. Lockdown measures also meant that “women could not escape abusive partners or leave their homes to seek protection”.<sup>173</sup>

The Western Cape Government in partnership with the Institute for Security Studies (ISS) conducted research to track and understand violence and policing during South Africa's Covid-19 lockdown from April to August 2020, conducting interviews with law enforcement officials, SAPS station commanders, NGO service providers and education officials in Philippi, Khayelitsha and Delft. Participants were uncertain as to whether domestic violence had increased or decreased, which was attributed to the nature of domestic violence which typically takes place behind closed doors. In addition, not all domestic violence incidences are reported to SAPS, making it impossible for SAPS to know about all the incidents as they account only for reported cases.<sup>174</sup>

The Western Cape SAPS reported that domestic violence in the Province accounted for 5% (198) of the total recorded murder incidents in the Province during 2019/2020, and for 205 (5.3%) in 2020/21. Lwandle, Harare, Milnerton, Delft, Manenberg, Gugulethu and Khayelitsha were the highest contributing stations for domestic related murders.<sup>175</sup>

Domestic violence is a pressing concern for most policing precincts.

**Progress made**

Responding to increasing pressure from civil society groups, women's groupings and the public in general for Government to take action to address the scourge of Gender-Based Violence urgently, a Presidential Summit on Gender-Based Violence and Femicide was convened by the National Government on 1 - 2 November 2018.<sup>176</sup> The summit culminated in the establishment of an Interim Steering Committee in April 2019 to respond to the gender-based violence and femicide crisis in South Africa. Subsequently the Gender-Based Violence and Femicide National Strategic Plan (GBVF-NSP) was published in 2020. The NSP aims to provide a multi-sectoral, coherent strategic policy and programming framework to enhance a coordinated national response to the scourge of gender-based violence and femicide for the Government of South Africa and the country as a whole.

172 IOL. (2020). 'More domestic abuse cases during lockdown in Western Cape than over first three months'. Available at: <https://www.iol.co.za/capetimes/news/more-domestic-abuse-cases-during-lockdown-in-western-cape-than-over-first-three-months-46923470>. Accessed on 17 March 2021.

173 Muchena, D. Amnesty International. (9 February 2021). 'Southern Africa: Homes become dangerous place for women and girls during COVID-19 lockdown'. Available online at: <https://www.amnesty.org/en/latest/news/2021/02/southern-africa-homes-become-dangerous-place-for-women-and-girls-during-covid19-lockdown/>. Accessed on 6 July 2022.

174 Department of Community Safety. (2020). *Violent crime in 11 priority areas of the Western Cape during the Covid-19 Lockdown*. Department of Community Safety, available online on [https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/20200629\\_violent\\_crime\\_during\\_lockdown\\_-\\_report\\_final\\_with\\_recommendations\\_1.pdf](https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/20200629_violent_crime_during_lockdown_-_report_final_with_recommendations_1.pdf).

175 South African Police Service. (2020). *Western Cape SAPS Annual Report 2019/20*, p. 39, and South African Police Service. (2021). *Western Cape SAPS Annual Report 2020/21*, p. 26.

176 Republic of South Africa. (2020). *National Strategic Plan on Gender-based Violence and Femicide*, p. 2.



**Policing Need and Priority: SAPS Management of Domestic Violence**

The strategy is envisaged to address the needs and challenges faced by all, especially women of all ages, sexual orientations, sexual and gender identities and other vulnerable groups such as elderly women, women who live with disabilities, migrant women and trans women, affected and impacted by the gender-based violence blight in South Africa.<sup>177</sup>

In September 2020, Minister Bheki Cele announced 30 GBV hotspot police stations. These include nine stations in the Western Cape namely: Delft, Nyanga, Khayelitsha, Mfuleni, Mitchells Plain, Kraaifontein, Gugulethu and Bellville.<sup>178</sup>

He added that as part of SAPS's Integrated Sexual Offences and GBV action plan, there are pro-active measures to be taken using short-, medium- to long-term timeframes. Below are some of the measures to be implemented:

- GBV is to remain a priority crime for SAPS.
- SAPS will continue to have sustained public awareness and community-based campaigns at the identified GBV hotspot areas.
- All police stations in those identified areas are to have a permanent desk dedicated to GBV to ensure that victims of gender crimes are responded to by trained officers in a professional way.
- The dedicated desk will reduce the risk of ill-treatment at the hands of officers.
- SAPS has to ensure that victim-friendly rooms meet all requirements and are available at all police stations.
- Police stations should have access to DNA collection kits at all times, especially in the identified areas.
- A medium- to long-term goal is to address the GBV case backlog as well as re-looking at cold cases.
- The capacitating of the FCS specialised unit that handles all GBV and femicide cases is ongoing and so is the training of members.<sup>179</sup>

Despite the measures announced by SAPS to address gender-based violence, there are inefficiencies. The Department of Community Safety's Court Watching Brief reported that between 1 July and 30 September 2019, 66 out of 92 cases struck off the roll in courts owing to police inefficiencies, were GBV related.<sup>180</sup> The Department monitors the 11 high-priority areas of the Western Cape. These are Delft, Nyanga, Khayelitsha, Mfuleni, Mitchells Plain, Kraaifontein, Gugulethu, Harare, Philippi, Bishop Lavis and Ravensmead.

SAPS is responsible for implementing aspects of the Domestic Violence Act (No 116 of 1998). DoCS conducted an assessment at 16 police stations during the year and found that there was a 50 – 88% compliance rate with the DVA at the different stations. Some of the concerns were that first- and second-level inspections were not carried out by commanders and that domestic violence entries were not accurately and properly recorded. This resulted in a challenge with alignment and cross-referencing of forms. Other challenges noted was a lack of training on the DVA and a lack of volunteers to perform counselling at victim-friendly rooms.<sup>181</sup>

177 Republic of South Africa. (2020). *National Strategic Plan on Gender-based Violence and Femicide*, p. 2.  
 178 South Africa. (2020). Police Minister General Bheki Cele on the occasion of the announcement of Alert Level 1 hosted on 22 September 2020 at the GCIS in Pretoria. Available at: [http://www.policesecretariat.gov.za/newsroom/speeches/speech\\_22-09-2020.php](http://www.policesecretariat.gov.za/newsroom/speeches/speech_22-09-2020.php). Accessed on 18 March 2021.  
 179 South Africa. (2020). Police Minister General Bheki Cele on the occasion of the announcement of Alert Level 1 hosted on 22 September 2020 at the GCIS in Pretoria. Available at: [http://www.policesecretariat.gov.za/newsroom/speeches/speech\\_22-09-2020.php](http://www.policesecretariat.gov.za/newsroom/speeches/speech_22-09-2020.php). Accessed on 18 March 2021.  
 180 Department of Community Safety. (2020). Court Watching Brief Report, p. 4.  
 181 Department of Community Safety. (2020). *Western Cape Police Oversight Report, 2020*, p. 14-15.

**Policing Need and Priority:** SAPS Management of Domestic Violence

SAPS and the Civilian Secretariat for Police Service report bi-annually to Parliament on SAPS's compliance with the DVA. In the period 1 April to 30 September 2021, 2 548 domestic violence cases were reported to the police in the Western Cape.<sup>182</sup> A total of 43 incidents of SAPS non-compliance with the Act were registered in the period in the Western Cape. Remedial steps were taken against the officers involved in the majority of cases (29). In the Western Cape 117 SAPS members were alleged perpetrators of domestic violence (49% of the total reported cases), and 26 of them had their official firearms removed as a result. A total of 52 SAPS members were identified as victims of domestic violence.

SAPS reported that they have established gender-based violence desks in each police station in the country, though not every police station does have a private interviewing space.<sup>183</sup>

The Civilian Secretariat for Police Service said refresher courses on the Domestic Violence Act should be provided to station commanders in order to strengthen compliance and supervision.<sup>184</sup> They also recommend that all police officers charged with domestic violence should be disciplined, and enquiries held into their fitness to hold a firearm should be held.<sup>185</sup>

**Conclusion**

This remains a high priority to be addressed.

Station commanders and VisPol commanders must ensure that non-compliance with the DVA and NI 7/1999 are effectively managed. Station commanders also have a key role in managing the processes of members who are perpetrators or victims of domestic violence.<sup>186</sup>

182 Civilian Secretariat for Police Service. (2022). *Domestic Violence Act Monitoring Report: Report for 1 April to 31 September 2021*. Presentation to the Portfolio Committee for Police on 25 May 2022, available online on [https://static.pmg.org.za/220525DVA\\_Monitoring\\_Report.pdf](https://static.pmg.org.za/220525DVA_Monitoring_Report.pdf).

183 Civilian Secretariat for Police Service. (2022). *Domestic Violence Act Monitoring Report: Report for 1 April to 31 September 2021*. Presentation to the Portfolio Committee for Police on 25 May 2022, available online on [https://static.pmg.org.za/220525DVA\\_Monitoring\\_Report.pdf](https://static.pmg.org.za/220525DVA_Monitoring_Report.pdf).

184 Makhina, M. IOL. (26 February 2022). 'Watchdog body finds SAPS non-compliant with Domestic Violence Act'. Available online at: <https://www.iol.co.za/news/politics/watchdog-body-finds-saps-non-compliant-with-domestic-violence-act-7d546fb9-c178-4912-b65d-ee23fff26f91>. Accessed on 6 July 2022.

185 Civilian Secretariat for Police Service. (2022). *Domestic Violence Act Monitoring Report: Report for 1 April to 31 September 2021*. Presentation to the Portfolio Committee for Police on 25 May 2022, available online on [https://static.pmg.org.za/220525DVA\\_Monitoring\\_Report.pdf](https://static.pmg.org.za/220525DVA_Monitoring_Report.pdf).

186 Ibid.

**Policing Need and Priority: Forensic Analysis****Context**

The Criminal Law (Forensic Procedures) Amendment Act, No. 37 of 2013 aimed to amend the previous legislation, specifically: the taking of specified bodily samples for the purposes of forensic DNA analysis to ensure the protection of the vulnerable, the addition of a list of offences for which DNA samples must be taken, the establishment and regulation of the administration as well as the maintenance of the National Forensic DNA Database of South Africa, amongst others.

The Department of Community Safety conducted a study to determine the availability of DNA kits and specifically for buccal sampling. The study determined the capacity of SAPS members in terms of the Act, assessed SAPS' compliance with regards to conducting regular inspections and determined whether SAPS is adhering to the minimum infrastructure requirements as well as solicited the challenges SAPS members and stations are facing in terms of the implementation of the applicable legislation.

The study found that:

1. SAPS should be commended for ensuring that all stations comply with the prescripts by ensuring that only authorised members who are eligible are taking buccal samples from the suspects and other persons of interest.
2. A total of 39.1% of the stations indicated that the feedback from the Forensic Science Laboratories could be improved as it has a direct bearing on the outcome of cases especially when there are fixed court dates or known suspects are awaiting court appearances.
3. A total of 39.1% of the stations in the Western Cape do not have the facilities to ensure the privacy of suspects or people of interest, which needs to be addressed urgently. In addition, two stations indicated that it is not always possible to ensure that a person of the same gender is conducting the sampling due to the availability of authorised members.
4. Only one station kept a record of the cases withdrawn or struck off the roll due to outstanding FSL reports, while only two stations conducted regular inspections of the SAPS 13 Store by recording it in their Occurrence Book as required.
5. In terms of public awareness programmes, as required by the Act, only one station indicated that they conducted DNA awareness campaigns. Most (95.7%) failed to do so owing to a shortage of buccal sample kits nationally, a lack of training and understanding of the Act, as well as the procedures prescribed by the Act.
6. In terms of challenges identified by the DNA board, the situation has not improved, since 43.5% of the sampled stations did not have any kits to conduct buccal sampling and only 13% of stations had between one and five kits available.
7. Some of the individual SAPS members and stations raised a number of challenges they are currently experiencing in terms of giving effect to the Criminal Law Amendment Act 37 of 2013. Repeat offenders contribute towards the depletion of the station's limited resources. The lack of a designated space to take samples from suspects and at times the environment where samples are taken, which is not sterilised, may have influenced the case to secure a successful conviction.
8. One of the key deliverables of the Act is the relationship between stations and the Forensic Science Laboratories, but some stations indicated that the delays in getting the reports timeously from the forensic labs can be frustrating.
9. Some stations reported that the shortage of stock for the past two years includes not only buccal sample kits, but also the other DNA-collections kits such as Adult Sexual Kits (D1), Paediatric Kits (Children) and Sexual Assault Kits (D7).<sup>187</sup>

<sup>187</sup> Department of Community Safety. (2019). *Report on oversight inspections conducted at selected police stations on the Criminal Law (Forensic Procedure) Amendment Act 37 of 2013*. Unpublished report.

**Policing Need and Priority: Forensic Analysis**

The delays in forensic analysis escalated during 2020. There were long delays in the processing of DNA-testing caused by procurement of chemicals used in testing and a dispute over the SAPS PCEM system, which is the electronic system for managing the chain of evidence. Following allegations of corruption in 2017, SAPS suspended payments to Forensic Data Analysts (FDA), the company which provided services to SAPS, including the Property Control and Exhibit Management (PCEM) track and trace module, Firearms Permit System and the VA\_AMIS intelligence system. After payment was cancelled, FDA deactivated the system with the result that no electronic system for managing evidence was available. SAPS was forced to rely on a manual system. FDA is claiming payment of R644 million as the purchase price of its IP and R120 million for maintenance and support in order for SAPS to continue to use the system. SAPS engaged SITA to develop an alternative Forensic Science Laboratory forensic exhibit management module. It was anticipated that this would be fully functional in April 2021.<sup>188</sup>

In March 2021, SAPS reported to the Portfolio Committee that there was a 172 787 test backlog, an increase from 142 504 cases reported in December 2020. This was as a result of delays in procurement of consumables to conduct the tests.<sup>189</sup> In a briefing to the Portfolio Committee, SAPS indicated that the causes of the DNA-testing backlog included the high volume of samples, increasing demand, high quality requirement for evidence material, critical vacancies in support and operational positions, restrictions during Covid-19 lockdown, a lack of track-and-trace capability and lack of consumables. Only the Western Cape and the Head Office Biology Units had DNA analysis capacity. The backlog in evidence recovery stands at 47 296 cases, caused by a lack of PPE and swabs needed for crime scene evidence collection. Regarding DNA analysis there was a backlog of 108 342 cases from the Crime Index System and 119 887 cases in the Reference Index System. This backlog is caused by inadequate specialised PPE, a lack of maintenance and service contracts for the CI and RI systems as well as incomplete validation for quantification kits.<sup>190</sup>

SAPS presented its plan for resolving the problems and reducing the backlog. Solutions include the awarding of outstanding maintenance and service contracts, specialised laboratory PPE and waste removal, as well as exploring Public Private Partnerships for forensic analysis.<sup>191</sup>

The MEC for Community Safety and the Premier of the Western Cape, Mr Alan Winde, have raised their concerns with the Minister of Police regarding these backlogs, which clearly are affected by the management of forensic services at a national level.<sup>192</sup>

In August 2021 SAPS updated the Portfolio Committee. There were a total of 352 956 cases registered, of which the Forensic Laboratory had managed to clear around 88 195 from the backlog of old and newer entries.<sup>193</sup> The Western Cape contributed 33 016 to the new entries

- 188 Parliamentary Portfolio Committee on Police. (17 March 2021). Forensic Services backlog & related matters: SAPS briefing; with Deputy Minister, Parliamentary Monitoring Group, available online on <https://pmg.org.za/committee-meeting/32601/>. Accessed on 31 March 2021.
- 189 Gerber, J. (2 March 2021). 'Forensic evidence backlog stands at more than 170 000, police committee horrified'. News24. Available online at <https://www.news24.com/news24/southafrica/news/forensic-evidence-backlog-stands-at-more-than-170-000-police-committee-horrified-20210302>. Accessed on 30 March 2021.
- 190 Parliamentary Portfolio Committee on Police. (17 March 2021). Forensic Services backlog & related matters: SAPS briefing; with Deputy Minister, Parliamentary Monitoring Group, available online on <https://pmg.org.za/committee-meeting/32601/>. Accessed on 31 March 2021.
- 191 Parliamentary Portfolio Committee on Police. (17 March 2021). Forensic Services backlog & related matters: SAPS briefing; with Deputy Minister, Parliamentary Monitoring Group, available online on <https://pmg.org.za/committee-meeting/32601/>. Accessed on 31 March 2021.
- 192 Mthetwa, C. (15 April 2021). 'Western Cape MEC Fritz wants answers on how SAPS plans to eradicate backlog of 200 000 DNA cases'. Available online at <https://www.news24.com/news24/southafrica/news/western-cape-mec-fritz-wants-answers-on-how-saps-plans-to-eradicate-backlog-of-200-000-dna-cases-20210415>. Accessed on 6 July 2022.
- 193 Parliamentary Portfolio Committee on Police. (24 August 2021). Central Firearms Registry and Forensic Science Laboratories, available online on <https://pmg.org.za/committee-meeting/33423/>; South African Police Services. (24 August 2021). *Presentation to the PCOP on progress made in dealing with and elimination of DNA analysis backlog in SAPS*, p. 10.

**Policing Need and Priority:** Forensic Analysis

The continued impact of the backlog in courts is extensive. The NPA reported that the backlog had a huge impact on court cases, with several having been postponed and some withdrawn. It said the backlog had been reduced from 37 647 in July to 27 146 as of 20 September 2021. However this has triggered a backlog in cases where DNA is required, which results in cases either being postponed or withdrawn.<sup>194</sup>

**Progress made**

Not much progress was made.

**Conclusion**

There is an urgent need for the national SAPS to address the problems with analysis and the Forensic Science laboratory. The backlog in tests continues to grow, impacting SAPS' ability to investigate crimes properly. It is recommended that the forensic laboratory in the Western Cape report to the Western Cape Provincial Commissioner rather than at the national level. It is further recommended that partnerships be forged with other institutions in an effort to address the backlog.



194 Weekend Argus. (13 November 2021). 'Over 2700 DNA reports of outstanding cases received after backlog, Western Cape receives 143'. Available online at: <https://www.iol.co.za/weekend-argus/news/over-2700-dna-reports-of-outstanding-cases-received-after-backlog-western-cape-receives-143-8c9bf618-ad42-432d-90bc-5f52462b0d4c>. Accessed on 6 July 2022.

**Policing Need and Priority:** Quality of SAPS' victim support/counselling service**Context**

An area where SAPS may be lacking (and which has implications not only for victims of domestic violence but victims of all crime) relates to victim support. SAPS reported that in 2019/20, inspections were conducted at 85 stations to assess the services offered to victims.<sup>195</sup> In 2020, the Western Cape Police Ombudsman (WCPO) responded to a complaint from a non-governmental organisation and investigated the Provincial SAPS Victim Empowerment Programme (VEP) and - in particular - the victim-friendly rooms at police stations. The WCPO visited 53 police stations across the Western Cape and found that there was a high level of compliance with the infrastructure requirements in victim-friendly rooms, and that all stations had a designated victim empowerment coordinator, as required in SAPS National Instruction 12 of 2012.

However, there were some shortcomings. For instance, only 46% of stations had a first aid kit as required by the national instruction. The WCPO also found that the training of police officers on Victim Empowerment, Domestic Violence and Sexual Offences was 'sorely lacking'. In 2018/19, less than 10% of officers who had applied for training on this subject received it and no-one was sent for training on the Family Violence, Child Protection and Sexual Offences (FCS) or Vulnerable Children courses. In addition, no complainants interviewed were informed of their right to compensation, as well as their right to protection, and only 20% of complainants had been interviewed in a victim-friendly room or private room.<sup>196</sup>

The WCPO concluded that:

- Despite the fact that SAPS has adopted the Victim Empowerment Programme and ensured that the structural requirements are met, there is no implementation of the stipulations of the programme.
- It is also clear that there is a lack of resources, manpower as well as other resources, to sustain the Victim Empowerment Programme and to ensure that victims receive all services as was envisioned with the implementation of the programme.
- In order to ensure that the Victim Empowerment Programme delivers the required results there is a great need to strengthen relationships with non-governmental organisations that will supplement and enhance the Victim Empowerment Programme when implemented by SAPS.

Furthermore, the Ombudsman said that it would be advisable to have dedicated VEP Coordinators who focus only on the implementation of this programme within SAPS.<sup>197</sup>

195 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 162.

196 Western Cape Police Ombudsman. (6 August 2020). 'General Complaint Against the Office of the Western Cape Provincial Commissioner: SAPS Victim Empowerment Programme', report prepared for the Standing Committee on Community Safety, Cultural Affairs and Sport.

197 Western Cape Police Ombudsman. (6 August 2020). 'General Complaint Against the Office of the Western Cape Provincial Commissioner: SAPS Victim Empowerment Programme', report prepared for the Standing Committee on Community Safety, Cultural Affairs and Sport.

**Policing Need and Priority:** Quality of SAPS' victim support/counselling service**Progress made**

The Department of Social Development is responsible for the Victim Support Service Programme. DoCS is taking the following steps:

1. Liaising with the office of the Provincial Commissioner to improve service delivery within victim-support rooms;
2. Tasking an official within the Court Watching Brief Unit to monitor related cases and provide quarterly reports on trends and blockages;
3. Continue conducting DoCS' statutory requirement of monitoring SAPS' compliance with the Domestic Violence Act and have concluded an in-depth assessment; and
4. Conducting a communications campaign including a booklet to advise victims of domestic violence about how to obtain a protection order.<sup>198</sup>

The Victim Support Bill was published in 2020 for comments and placed renewed focus on all role players to institutionalise victim-support services.

The MEC for Social Development, Sharna Fernandez, established a Transversal Gender-Based Violence Steering Committee to address problems around GBV and service delivery in the Province. The six pillars of the National Strategic Plan (NSP) on Gender-Based Violence and Femicide (GBVF) have been aligned with these essential actions. Interventions are designed to reduce GBV and reinforce the WCG's existing GBV responses in the context of its socio-economic, cultural, and political landscape.<sup>199</sup>

**Conclusion**

There is a need to strengthen victim support services at all police stations in the Province, with the collaboration of SAPS and Social Development. Multi-sectoral coordination among various societal sectors based on relationships of mutual benefit and trust is necessary to put the NSP's pillars into action.

198 SAPS 2019/20 Annual Report, p. 7.

199 Parliamentary Portfolio Committee on Social Development (WCPP). (05 April 2022). Western Cape Government GBV Implementation Plan & progress in implementing the GBV Plan; Department's GBV & Sexual Harassment Policies. Parliamentary Monitoring Group, available online on <https://pmg.org.za/committee-meeting/34715/>. Accessed on 01 June 2022.

**Policing Need and Priority:** Serious crimes committed in police custody**Context**

In giving effect to the provisions of chapter 6, the Independent Investigative Directorate (IID) is obligated, in terms of Section 28(1)(a) to (h) of the IID Act (Act 1 of 2011), to investigate the following:

28. (1)(a) any deaths in police custody;
- (b) deaths because 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/her duties; and
- (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 as the case may be, in the prescribed manner.<sup>200</sup>

In terms of section 19 of the Community Safety Act, the Department of Community Safety monitors the number of deaths in police custody, or as a result of police action, as well as allegations of torture or rape in police custody. During the 2019/20 financial year, SAPS reported a 251% increase in allegations of police assault or torture and 846 complaints were made over the course of the year.<sup>201</sup>

However, it remains a challenge for SAPS to manage and address recurring incidences of alleged "assault and/torture" and "rape by a police official". This is regrettable from a police professionalism and human rights perspective and requires clear leadership and senior management intervention.<sup>202</sup>

**Progress made**

SAPS reported 17 deaths in detention and three deaths as a result of police action in 2019/20, and this increased to 24 deaths in custody in 2020/21.<sup>203</sup> SAPS did not report on measures taken to mitigate the deaths.

South Africa ratified the Optional Protocol<sup>204</sup> to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment<sup>205</sup> in 2019. This requires the establishment of a National Preventive Mechanism (NPM), which was recently established in the office of the South African Human Rights Commission. It has the purpose of conducting unannounced visits to police custody and is a welcome step in attempts to oversee the treatment and conditions of detainees. This could help to address a variety of underlying causes of deaths in police custody. Its work is important because it complements IID, which has a reactive responsibility to investigate deaths.<sup>206</sup>

200 Department of Community Safety. (2019). *Report on the implementation of IID recommendations by SAPS, Q2 of 2019/20 April-June 2019*, p. 4.

201 Department of Community Safety. (2020). *Assessing the efficiency, effectiveness and conduct of the SAPS and MPS: Reporting obligations under sections 19 and 21 of the Western Cape Community Safety Act, April 2019 to March 2020*. Unpublished report.

202 Department of Community Safety. (2019). *Report on the implementation of IID recommendations by SAPS, Q2 of 2019/20 April-June 2019*, p. 7.

203 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 161, and *Western Cape Annual Report 2020/21*, p. 123.

204 UN Resolution A/RES/57, 18 December 2002, coming into force in 2006.

205 Adopted by the UN on 10 December 1984 and ratified by South Africa in 1998.

206 African Policing Civilian Oversight Forum. (23 April 2021). *Webinar Report. Deaths in Police Custody: Why is it still such a problem?* Available online at <https://apcof.org/wp-content/uploads/deaths-in-police-custody-webinar-report-23-april-2021.pdf>. Accessed on 17 June 2022.



**Policing Need and Priority:** Serious crimes committed in police custody

Monitoring locations of deprivation of liberty, producing reports, providing recommendations and connecting with mandate holders are all important duties for the NPM. The NPM could have an impact on detention circumstances by protecting detainees' dignity, lowering contingent liabilities, enabling a more proactive governance system, and enhancing the ability of other internal and external oversight systems. The NPM's ability to execute its mandate will depend on effective stakeholder engagement and alignment to ensure that recommendations are implemented quickly and efficiently.<sup>207</sup>

Internally, SAPS has also made efforts to provide clear direction to members on the treatment of persons in custody through a series of national instructions including No. 11 of 2019: Arrest, treatment and transportation of an arrested person, No. 12 of 2019: Arrest and treatment of illegal foreigners and No. 13 of 2019: Management of persons in custody of the South African Police Service.<sup>208</sup>

During 2020/21, 224 cases were reported by SAPS in the Western Cape to IPID during the year. Of these, 1 034 cases involved allegations of assault or torture, 23 were deaths in police custody, 44 were deaths as a result of police action, and 13 were allegations of rape by a police officer.<sup>209</sup> Of these cases, 551 were referred back to SAPS by IPID during the year. Over the year, the majority (461 or 83.66%) of referrals resulted in no steps being taken by SAPS. Written warnings were given in 17 cases and 21 were referred to the Provincial office for a hearing. The Municipal Police Service referred 22 cases to IPID in terms of S 29, the majority of cases relating to the discharge of a firearm, and one death in police custody. It is concerning that there are such a high number of allegations of ill-treatment against the police and that so few result in serious sanctions against the police.

**Conclusion**

This remains a priority. The role of the Department of Community Safety, IPID, the South African Human Rights Commission and the NPM remain crucial oversight bodies in South Africa. The Western Cape also has the Western Cape Police Ombudsman. SAPS and MPS need to take account of recommendations made by these bodies and to report on progress on the implementation thereof.

207 Ibid.

208 Ibid.

209 Department of Community Safety. (March 2021). *Assessing the effectiveness, Efficiency and Conduct of SAPS and MPS: Reporting Obligations under SS 19 and 21 of the Community Safety Act 3 of 2013.*

**Policing Need and Priority:** Policing of illegal firearms and ammunition**Context**

In 2018 it was reported that approximately 5.4 million South Africans have guns in their possession but only 3 million are licensed.<sup>210</sup> In 2020/21, the Central Firearm Registry (CFR) received a total number of 526 374 new firearm licence applications nationally from individuals and organisations, of which 270 555 were finalised.<sup>211</sup> This is significantly more than the 107 631 applications received in the 2019/20 year and the 81 976 finalised.<sup>212</sup> A total of 7 762 applications were received in the Western Cape in 2019/20.<sup>213</sup> In the Province, during the 2019/20 year, 12 045 firearm licences were renewed out of 13 383 applications.<sup>214</sup>

Murders in the Western Cape are on an increasing trajectory. These increased by 67% from 2011/12 to 2020/21 when they reached a high of 3 848 murders.<sup>215</sup> A high proportion of murders and attempted murders in the Western Cape Province are committed using firearms and this percentage has been increasing. In 2016/17, 36% of murders were firearm-related. This increased to 42.3% in 2017/18 and 46% in 2018/19.<sup>216</sup> During the 2019/20 year, firearms were used in 47.3% (1 821) of murders. This increased to 53.9% in 2020/21.<sup>217</sup> The predominant firearms were pistols/revolvers (2 994) followed by high-calibre firearms (43) and shotguns (69). Homemade firearms were used in seven cases.<sup>218</sup> Firearms were used in 93.1% (685 counts) of the reported gang murders<sup>219</sup> and 97.6% of attempted gang murders.<sup>220</sup> Firearms were used in 100% of taxi-related murders. Firearms were used in 6.3% of domestic violence-related murders, and 14.8% of murders owing to arguments or misunderstandings.<sup>221</sup>

Firearms were used in the majority of trio crimes, predominantly pistols and revolvers.<sup>222</sup> Firearms were used in 81.4% of car-jacking, 56.3% of residential robberies and 77.1% of business robberies.<sup>223</sup>

A number of firearms are lost or stolen from the police. In 2020/21, 57 firearms were reported as lost or stolen from the police and 376 were recovered in the period. In the Western Cape, 10 firearms were lost or stolen from the police in the same period and 39 were recovered.<sup>224</sup>

The circulation of lost, stolen and found firearms plays an essential role in the investigation of firearm-related crime, in the efficient control of firearms and - ultimately - in the reduction of the proliferation of firearms. Firearms without serial numbers are issued with Firearm Identification Numbers and earmarked for destruction. In 2020/21, 5 332 firearms were circulated as lost or stolen nationally and 2 035 were recovered. In the Western Cape, 570 were circulated as lost or stolen and 530 were recovered.<sup>225</sup>

SAPS issues firearm licences, competency certificates, permits and authorisations to individuals and businesses in terms of the provisions and subject to compliance with the prerequisites of firearm-control legislation. This is after comprehensive assessment of the content of applications and supporting documentation. The proliferation of illegal firearms remains a major contributor to crime levels in the country.<sup>226</sup>

210 Western Cape Government News (5 August 2019). *We need to be Disruptive in our Approach to Illegal Firearms*. Available at <https://www.westerncape.gov.za/news/we-need-be-disruptive-our-approach-illegal-firearms>.

211 South African Police Service. (2021). *Annual Report for 2020/21*, p. 157.

212 South African Police Service. (2020). *Annual Report for 2019/20*, p. 147.

213 South African Police Service. (2020). *Annual Report for 2019/20*, p. 147.

214 South African Police Service. (2020). *Annual Report for 2019/20*, p. 69.

215 South African Police Service. (2021). *South African Police Service, Annual Crime Statistics*.

216 South African Police Service, Annual Reports for 2016/17, 2017/8 and 2018/19.

217 South African Police Service. (2021). *South African Police Service, Western Cape Annual Report 2020/21*, p. 28.

218 South African Police Service. (2021). *South African Police Service, Western Cape Annual Report 2020/21*, p. 35.

219 South African Police Service. (2021). *South African Police Service, Western Cape Annual Report 2020/21*, p. 25.

220 Ibid, p. 31.

221 Ibid, p. 26.

222 Ibid.

223 South African Police Service. (2021). *South African Police Service, Western Cape Annual Report 2020/21*, p. 49-57.

224 South African Police Service. (2021). *Annual Report for 2020/21*, p. 157.

225 South African Police Service. (2021). *Annual Report for 2020/21*, p. 156.

226 South African Government website. Police and Defence. Available at: <https://www.gov.za/about-sa/police-and-defence#visible>. Accessed on 25 March 2021.

**Policing Need and Priority:** Policing of illegal firearms and ammunition

There were at least 188 848 firearms in SAPS 13 Stores in 2011. Security and administration of firearm stockpiles have been inconsistent across police stations. Firearms have been stolen and/or sold to criminals by corrupt officials, including former Colonel Chris Prinsloo who was convicted on 20 charges of racketeering, corruption and money laundering as well as the distribution of lethal weapons that had been confiscated and held at the Vereeniging Police Station, to gangs in the Western Cape. He was sentenced to 18 years imprisonment. He supplied over 2 000 firearms to gangs<sup>227</sup> and was subsequently released on parole in 2020 after serving only four years.<sup>228</sup>

Firearm competency is also a concern. Western Cape SAPS reported that out of 19 205 SAPS officials in 2018/19, 2 436 were not able to undergo their annual firearm competency testing in 2018/19 because of a lack of ammunition. Without completing the competency training, SAPS cannot issue permits to police officials for the issuing of a service pistol, which means they cannot carry out their operational duties.

**Progress made**

There have been two recent firearm amnesties (1 December 2019 to end May 2020) and 1 August 2020 to 31 January 2021). During this period a total of 149 726 firearms were surrendered. During both amnesty periods, a total of 723 959 rounds of ammunition were surrendered nationally.<sup>229</sup>

In 2021, police management in the Western Cape vowed to intensify efforts to deal with illegal firearms. A number of arrests and confiscations of firearms were made.<sup>230</sup>

An important oversight mechanism of SAPS is conducting compliance checks of security service providers and firearm dealers. In 2020/21, 165 deregistered security service providers were visited by SAPS, resulting in the confiscation of 3 058 firearms and 6 823 rounds of ammunition.<sup>231</sup>

A total of 212 non-official institutions - including firearm dealers, manufacturers, gunsmiths, security organisations and firearm training providers - were subjected to compliance checks.<sup>232</sup>

Municipalities, Metropolitan Police Departments, state departments at national and provincial levels, museums, and SANParks were among the 105 official institutions visited for compliance inspections.<sup>233</sup>

On 7 July 2020, 30 000 confiscated firearms were destroyed by SAPS in Vereeniging, Gauteng. Of these confiscated firearms, 1 697 were confiscated in the Western Cape between June 1999 and September 2019.<sup>234</sup>

One of the focus areas for the LEAP officials deployed in priority areas in the Western Cape over December 2020 to March 2021 was the recovery of illegal firearms.

227 Guy Lamb. (2018). 'Murder & the Policing of Firearms in South Africa'. Available at: Website: [https://www.westerncape.gov.za/assets/day\\_1\\_session\\_3\\_mr\\_guy\\_lamb.pdf](https://www.westerncape.gov.za/assets/day_1_session_3_mr_guy_lamb.pdf). Accessed on 26 March 2021.

228 TimesLive. (1 January 2021). 'Revealed: Ex-cop who sold guns to gangsters is in witness protection'. Available online on <https://www.timeslive.co.za/news/south-africa/2021-01-01-revealed-ex-cop-who-sold-guns-to-gangsters-is-in-witness-protection/>. Accessed on 28 March 2021.

229 South African Police Service. (2021). *Annual Report for 2020/21*, p. 158.

230 SABC. (2021). 'Western Cape police to intensify efforts to deal with illegal firearm's. Available at: Website: <https://www.sabcnews.com/sabcnews/western-cape-police-to-intensify-efforts-to-deal-with-illegal-firearms/>. Accessed on 26 March 2021.

231 South African Police Service. (2021). *Annual Report for 2020/21*, p. 158.

232 Ibid.

233 Ibid.

234 Parliamentary Question Paper. (24 July 2020). Question 6. Question by Mr Allen.

**Policing Need and Priority:** Policing of illegal firearms and ammunition

**Conclusion**

SAPS needs to put a concerted effort into initiatives aimed at firearm recoveries and confiscations through police stop, search and seizure or crime intelligence-led operations as well as campaigns such as the voluntary surrender of guns, such as a firearm amnesty.

The general management of stockpiles must be strengthened to prevent the leakage of legal firearms held by the police, military and civilians to criminally minded people. An analysis of people who have a history of substance abuse or violent behaviour should be undertaken and such information should be considered when granting people licences. If needs be, such people should be prohibited from accessing firearms.

All gunsmiths or gun manufacturers should be required to keep a database of buyers of both guns and ammunition/bullets. Such database must be made available to SAPS upon request. Furthermore, the number of ammunition cartridges that a licence-holder can purchase needs to be regulated and restricted in line with section 91(1) of the Firearm Control Act No. 60 of 2000, which states: "the holder of a licence to possess a firearm referred to in Chapter 6 may not possess more than 200 cartridges for each firearm in respect of which he/she holds a licence."<sup>235</sup> It is also recommended that the number of cartridges that a holder may purchase be reduced.



235 South Africa, (2001). *Firearms Control Act (No 60 of 2000)*. Section 91 (1). Available at [https://www.saps.gov.za/resource\\_centre/acts/downloads/juta/act60of2000.pdf](https://www.saps.gov.za/resource_centre/acts/downloads/juta/act60of2000.pdf).

**Policing Need and Priority:** Better cooperation from SAPS and integration**Context**

There is a need for better cooperation between SAPS, the community and other role players in the safety environment. This includes cooperation and partnerships with district and local government, different government departments, law enforcement agents and civil society.

Many of the key challenges are associated with the lack of implementation of the policies that are already in place as well as the lack of coordination between government departments and civil society. To address the lack of integration, partnerships between law enforcement and other government agencies are key to democratic and problem-oriented policing.

**Progress made**

SAPS should be commended for SAPS cluster and Station Commanders and other seniors attending the annual policing needs and priority consultations as well as accounting at these sessions.

The Western Cape Premier, Mr Alan Winde, launched the Western Cape Safety Plan in September 2019.<sup>236</sup> The plan is aimed at halving murders in 10 years in the Province in line with a target set by the President. The Safety Plan is premised on two main approaches.

Firstly, it aims to boost law enforcement capacity in the least-safe areas (boots on the ground) in the Province. Secondly, it aims to prevent and reduce violence using the public health approach. Both approaches emphasise data-led law enforcement and evidence-based policing.<sup>237</sup> The Safety Plan relies on the effective collaboration across provincial, local and national government. The Safety Plan and the Western Cape Recovery Plan focus on an Area-Based Approach which requires close cooperation at a local level between SAPS, law enforcement, Metro Police and provincial government. There is also cooperation at the strategic level in the Province.

The City of Cape Town recommended several steps to facilitate integration between SAPS, City Municipal Police and law enforcement. Better collaboration and shared objectives across the agencies were recommended. More specifically, it was recommended that:

- The City of Cape Town by-laws should be placed on the SAPS CAS system;
- The Transport Management Centre (TMC) and the SAPS War Room should be integrated;
- There should be effective collaboration around CCTV footage and gunfire detection;
- The extension of EPIC for SAPS use and giving SAPS access to the ICM must be considered;
- Radio services must be integrated; and
- Crime statistics, crime intelligence and crime threat analysis should be effectively shared to develop a more effective predictive policing capacity.<sup>238</sup>

**Conclusion**

The Area-Based Approach to the implementation of the Western Cape Safety Plan provides the opportunity for all stakeholders to work together to achieve the national objective of halving the number of murders in the country within 10 years.

236 Capazorio, B (2019). *Most comprehensive safety strategy in the history of the Western Cape launched*. Available online at <https://www.westerncape.gov.za/news/most-comprehensive-safety-strategy-history-western-cape-launched>. accessed on 27 March 2021.

237 Department of the Premier. (2019). *Western Cape Safety Plan. Working Document*. Available at [https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/assets/departments/premier/western\\_cape\\_government\\_safety\\_plan.pdf](https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/assets/departments/premier/western_cape_government_safety_plan.pdf). Accessed on 27 March 2021.

238 CTMPD. (25 November 2020). *Input on Provincial Policing Needs and Priorities in the Western Cape*. Presentation to the Standing Committee on Community Safety, Cultural Affairs and Sport by the Cape Town Metropolitan Police Department.

## 8.2. CRIMES TO BE PRIORITISED

### Policing Need and Priority: Drug use, abuse and trading

#### Context

The need to address drug abuse and the requirement for it to be prioritised by all stakeholders and role players have been consistently raised in the Western Cape Province since 2014/15. Most of the PNP respondents perceived drug-related crime as the top priority that should be the focus of SAPS.<sup>239</sup> The respondents viewed substance abuse as the main contributor to crime while the need for money was identified as one of the main motivators of crime.

Of the 25 Police Clusters that existed in 2014/15, 24 (except for Claremont) ranked drug-related crime as the top priority crime. In 2018/19 it was again confirmed by all District Municipalities and 16 Police Clusters that drugs are a problem in the Western Cape Province.

Since 2013/14, the Western Cape has been ranked as the Province with the highest proportion of drug-related crime.<sup>240</sup> There are high levels of drugs and gangsterism in many of the communities and policing has relatively little impact on them.<sup>241</sup>

It was found, in the perception surveys conducted, that drugs and alcohol abuse are rife among parents and youth. This leads to the disintegration of moral fibre and social cohesion. There is a shortage of rehabilitation facilities and a lack of care facilities for children of drug-abusing parents.<sup>242</sup>

The use and abuse of drugs is still a major concern in the Province. The market for drugs has expanded to users as young as nine years and as old as people in their 50s and 60s. Drug-dealing is associated with drug dealers, international syndicates, gangsterism and violence. The use of drugs also impacts the economically active population as many drug users lose their jobs and resort to crime to sustain their drug habits.<sup>243</sup>

PNP workshops in 2017 identified the following concerns: 1) absence of rehabilitation programmes, 2) lack of information on 'drug houses' and 3) a need to introduce drug-prevention activities in rehabilitation programmes. It was also noted that police disproportionately target drug users over drug dealers.<sup>244</sup>

There are two drug courts in the Western Cape. These cater specifically for offenders who are drug users or addicts as a form of diversion from the normal court system. These courts are most effective with first-time drug users. The courts have been criticised for the way they expedite punishment rather than focusing on rehabilitation.<sup>245</sup>

In 2018, the Department held a PNP specifically themed around drugs. It was noted that the prevalence and abuse of drugs remain a huge concern despite the relaxing of the law regarding cannabis for personal use. The trade in other substances is probably more of a concern, particularly considering its linkages to gangs as well as the corruption of the police and law enforcement.<sup>246</sup>

239 Department of Community Safety. (2015). *2014/15 Provincial Policing Needs and Priorities (PNP) Report*.

240 Department of Community Safety. (2015). *2013/14 Provincial Policing Needs and Priorities (PNP) Report*.

241 Department of Community Safety. (2016). *2015/16 Provincial Policing Needs and Priorities (PNP) Report*.

242 Department of Community Safety. (2016 and 2017). *2015/16 and 2016/17 Provincial Policing Needs and Priorities (PNP) Report*.

243 Department of Community Safety. (2017). *2016/17 Provincial Policing Needs and Priorities (PNP) Report*.

244 Department of Community Safety. (2019). *Policing Needs and Priorities Report, 2019*, p. 72.

245 Evans, J. (2016). "New 'Drug Court' opens in Bellville". Cited in Department of Community Safety. (2019). *Policing Needs and Priorities Report, 2019*, p. 73.

246 Department of Community Safety. (2019). *Provincial Policing Needs and Priorities (PNP) Report for 2018/19 on the policing of drugs*.

**Policing Need and Priority: Drug use, abuse and trading**

During that session, participants recommended adopting a harms-reduction approach to drug-policing and to drugs in general. This required evidence-based information sharing on the harms of drugs, on alternatives to drug use and on support structures available; the need for evidence-based alternatives to drug use that have proven to work and/or tested as pilots; and more broadly the need to adopt the language of harms-reduction rather than a hardline approach that advocates for the combating of drugs.

Secondly, many participants recommended a change in the way drugs are policed. This would require the need to focus on problematic users, abusers, and the drug trade rather than on the drug use; a review in performance management of the policing of drugs; and a need to build spaces for exchanges and dialogue, as well as adequate psycho-social support for all stakeholders.

In addition, most participants insisted on the need for more and better coordination between all stakeholders, primarily between the different components of the criminal justice system, but also more generally between all stakeholders involved. There is also a need to review and enhance capacity of government institutions active in this space and local safety partners, such as CPFs and NHWs.<sup>247</sup>

**Progress made**

SAPS continues to have a strong focus on addressing crime generators such as liquor and drugs through enforcement. However, after the Constitutional Court case ruling that use and possession of marijuana for personal use was legal, drug-related arrests have decreased year on year since 2017/18. These crimes have decreased by 61.91% since then and by 28.8% in the last year with 44 621 recorded in 2020/21.<sup>248</sup> Although PNP recommendations focused on the dealing of drugs, the SAPS reported that only 7.4% of drug-related crimes were in respect of dealing – up from 7.3% in 2019/20.<sup>249</sup> SAPS reported that there was a decrease in searches owing to a reluctance to apply section 22 of the Criminal Procedure Act allowing for a search without a warrant or arrests and because magistrates are increasingly unwilling to sign search warrants for the same addresses.<sup>250</sup>

The Western Cape Safety Plan (2019) and the strategic priorities for the Western Cape (2019 - 2024) outline the need to address the upstream contributors of crime, including problems of alcohol and drug abuse. Identified priorities for the period include the implementation of the revised National Drug Master Plan to address demand reduction, supply reduction and localised harm-reduction including the provision of drug treatment services for youth. Local Drug Action Committees will continue to be rolled-out in partnership with municipalities and gaps in access to treatment services will be addressed, notably in the Central Karoo and Garden Route Districts. The revised National Drug Master Plan also emphasises evidence-based drug awareness programmes.<sup>251</sup>

It is important that people with substance-use disorders can be referred for appropriate treatment. The 2021 report compiled by the South African Community Epidemiology Network on Drug Use (SACENDU) revealed that in the Western Cape the primary substances of use reported in the 37 specialist treatment centres in 2019 were 'tik' (30%), cannabis (25%), alcohol (19%) and heroin (14%). In the second half of 2019, 2 654 people were treated across the treatment centres.<sup>252</sup>

247 Department of Community Safety. (2019). *Provincial Policing Needs and Priorities (PNP) Report for 2018/19 on the policing of drugs*.

248 South African Police Service. (2021). *Western Cape Annual Report (2020/21)*, p. 81.

249 Ibid.

250 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 166-167.

251 Western Cape Government. (2019). *Provincial Strategic Plan 2019-2024*, p. 34.

252 Spokesperson for the Minister of Social Development, Minister Sharna Fernandez. (11 March 2021). Press statement: "Tik', Cannabis, Alcohol and Heroin remain primary substances of use", available online on <https://www.westerncape.gov.za/news/tik-cannabis-alcohol-and-heroin-remain-primary-substances-use>. Accessed on 31 March 2021.

**Policing Need and Priority: Drug use, abuse and trading**

Minister Reagen Allen, in his capacity as the former DA Western Cape Spokesperson on Community Safety, submitted a formal complaint to the Ombudsman's office in March 2022 in relation to police inefficiencies resulting from their failure to stop the operation of drug houses in the Province. Subsequently, Major-General Oswald Reddy, the Western Cape Police Ombudsman, opened an investigation into claims that the police in the region neglected to shut down well-known drug dens. The office will conduct a systemic probe of police ineffectiveness in combatting the drug trade. The purpose of the investigation, which was disclosed in the Provincial Gazette on Friday, 8 April 2022, is to ascertain why the police are unable to:

- Combat the use, possession, and selling of illegal substances, in addition to the manufacturing and supply of those substances; and
- Halt operations in these locations.

SAPS noted the intention to investigate the allegations and will cooperate with the investigators.<sup>253</sup>

**Conclusion**

Although there was a significant reduction in the sub-category of drug-related crimes reported for the 2020/21 financial year, this is mainly attributed to the impact of the Constitutional Court ruling on 18 September 2018, decriminalising the use and cultivation of cannabis in a private space. Drug-related crime remains a prevalent issue, contributing 80% to the crimes detected as a result of police action.<sup>254</sup> A harm-reduction approach to drugs has been recognised in the Western Cape but much work is needed to ensure implementation. There needs to be a greater focus on drug dealing rather than on the possession of drugs.

**Policing Need and Priority: Alcohol abuse - Regulation of legal and illegal liquor outlets****Context**

Many concerns were raised regarding the consumption of alcohol in the community as well as the regulation of legal and illegal outlets. In some areas, participants raised a concern that there was insufficient regulation and enforcement of alcohol-related by-laws. Drinking in public is a problem that creates a nuisance. Though by-laws may regulate this, these are not regularly enforced. Participants felt that the National Prosecuting Authority is reluctant to prosecute people for drinking in public as well as for other liquor-related offences.<sup>255</sup>

Participants were concerned that liquor outlets, shebeens and taverns fail to comply with liquor policy and licences. Licences are granted despite community objections. Opening hours are too long. Liquor outlets fail to comply with basic hygiene and safety standards, they are overcrowded and do not close on time.

Communities have expressed their concern that liquor licences were granted near schools and churches without consultation with all stakeholders as well as the number of shebeens and taverns situated near one another and close to schools, churches and residential areas. Many of them trade illegally, for example beyond their licensed trading hours. The participants raised concerns about the nuisance of drunk people in neighbourhoods and an increase in dangers on the road. There were concerns regarding the sale of alcohol to underaged children. SAPS reported a link between alcohol abuse, assault and domestic violence. Communities were also concerned that liquor licences were granted despite protests from organised groupings.

253 George Herald. (13 April 2022). *Drug houses investigated by WC police ombudsman*. Available at: <https://www.georgeherald.com/News/Article/General/drug-houses-investigated-by-wc-police-ombudsman-202204130826>. Accessed on 17 June 2022.

254 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 108.

255 Department of Community Safety (2016). *2015/16 Provincial Policing Needs and Priorities (PNP) Report*.



**Policing Need and Priority:** Alcohol abuse - Regulation of legal and illegal liquor outlets

'Substance abuse' refers to the excessive use of a substance, especially alcohol or a drug, in a way that is detrimental to self, society, or both.<sup>256</sup> Although there is no universally accepted definition of substance abuse, it appears that in most cases people use the term 'substance abuse' as a collective term to refer to the abuse of drugs and alcohol. According to the DoCS Youth, Safety and Religious Partnership (YSRP) evaluation reports, substance abuse was identified as one of the priority safety concerns in many areas where the project was implemented in 2019/20.<sup>257</sup> Although the areas where the project was implemented in 2019/20 are all based in the City of Cape Town, these problems are also experienced in the district municipalities.

One of the noticeable impacts of the Covid-19 pandemic was the reduction in murder and serious violent crime during the periods of hard lockdown when there were restrictions on movement and a ban on the sale of alcohol. Homicide declined by 47% in the first four weeks of lockdown in 2020 as compared to the same period in 2019 and by 38% in the second four weeks. With the relaxing of regulations – most notably the unbanning of alcohol, the relaxation of restrictions of movement and the opening of the economy – murder increased to just 10% below 2019's figure. Knife-related murder decreased to a greater extent than gun-related murder.<sup>258</sup> Much of this has been attributed to the ban on alcohol, or the reduced accessibility to alcohol as well as to restrictions on movement.<sup>259</sup> This has promoted a closer look at better management of alcohol availability.

The Alcohol Harm Reduction (AHR) game changer was implemented in the Western Cape between 2016 and 2019. The main objective was to reduce alcohol-related injuries and fatalities in the identified areas by mid-2019. The initiative focused on Paarl East and Khayelitsha (Town Two) and had three levers: reducing access to alcohol, providing recreational and other alternatives, as well as health and social services.<sup>260</sup> The project was beset with numerous challenges in the implementation but it recommended that the following initiatives be continued: the deployment of law enforcement officers in the target area, together with CCTV cameras; re-looking at the regulatory strategy for licensing of liquor outlets and the loosening of overly restrictive zoning regulations; alcohol pricing; improved liquor environment; Nyanga Yethu, and the community-owned solutions in addition to effective communications.<sup>261</sup> Participants in the PNP supported the AHR but felt that it needed better coordination.<sup>262</sup>

One of the key objectives of the Western Cape Liquor Authority's (WCLA) five-year strategy is the processing of applications without undue delays and within prescribed timeframes. This is also one of the performance indicators of the Liquor Licensing Administration division of the WCLA. SAPS has an obligation – in terms of the Western Cape Liquor Act (the Act) – to provide inputs into different types of liquor applications by way of designated liquor officers' reports (DLO reports). This would allow the Liquor Licensing Tribunal (LLT) to make informed decisions upon approval of such applications. The possible impact on crime and the competency of prospective licensees, managers or interest holders are mostly considered on the basis of crime statistics and records which are currently only accessible to SAPS. The Act prescribes timeframes within which such DLO reports have to be submitted to the WCLA and in many cases the submission of such reports is not done within the legislative timeframes or remain outstanding. It is therefore important that the Designated Liquor Officers keep to these timeframes in order to allow the Authority to fulfil its legislative mandate.<sup>263</sup>

256 This definition of substance abuse was put together by one of the authors after looking at different definitions of substance abuse.

257 The areas include Bishop Lavis, Delft, Elsies River, Gugulethu, Harare, Khayelitsha, Kraaifontein, Langa, Lingeletu West, Manenberg, Mfuleni, Mitchells Plain, Nyanga and Philippi East.

258 Faull, A., Kelly, J., and Dissel, A. (2021). *Lockdown Lessons: Violence and policing in a pandemic*. Institute for Security Studies, available online at <https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/sar44.pdf>. Accessed on 31 March 2021.

259 Faull, A., Kelly, J., and Dissel, A. (2021). *Lockdown Lessons: Violence and policing in a pandemic*. Institute for Security Studies, available online on <https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/sar44.pdf>. Accessed on 31 March 2021.

260 Western Cape Government. (2019). *DSU Handover Report 2019: Alcohol Harms Reduction*.

261 Western Cape Government. (2019). *DSU Handover Report 2019: Alcohol Harms Reduction*, p. 36-37.

262 Department of Community Safety. (2019). *2018/19 Provincial Policing Needs and Priorities (PNP) Report*.

263 Western Cape Liquor Authority. (July 2020). *Western Cape Liquor Authority inputs into 2020/21 Policing Needs and Priorities report*.

**Policing Need and Priority:** Alcohol abuse - Regulation of legal and illegal liquor outlets

Owing to the lack of capacity at the WCLA's Inspectorate, it relies on the support of SAPS to report non-compliance by liquor outlets. Especially during the course of the Covid-19 lockdown and the restrictions which were placed on the sale of liquor, the WCLA largely depended on SAPS to report incidents of non-compliance in order to suspend licences in terms of section 71 of the Act. However, these applications are brought on an urgent basis due to the imminent threat which the illegal activities of certain licensees pose to the community. If these incidents are not reported timeously, applications may be unsuccessful.

The WCLA has noted that in cases which it has investigated for illegal trading (in respect of unlicensed outlets), there has been a low success rate of criminal cases due to the difficulty in proving such cases beyond a reasonable doubt. Most of these cases which were referred for prosecution have been withdrawn.<sup>264</sup>

The manufacturing and distribution of cheap wine has become an international phenomenon and has increased in South Africa, with a small number of convictions. More businesses are starting to produce wine, using fraudulent ingredients to lower the costs of production and increase profit margins. Known companies are generating millions of rands through the manufacturing of illicit products. The WCLA and DoCS would like to see that more focus is placed on the successful prosecution of the relevant individuals. Although the WCLA has assisted in establishing a task team to investigate specific cases in the Province, obtaining the support of SAPS - in terms of dedicated detectives to assist with the preparation of such matters for the NPA - remains a challenge. It has also been a challenge to obtain the assistance of SARS, which is regarded as the main victims of such contraventions.<sup>265</sup>

**Progress made**

The Provincial five-year strategic plan aims to implement the WCG Alcohol-Related Harms Reduction Policy (2017), including amendments to the Western Cape Liquor Act, to strengthen the Western Cape Liquor Authority and law enforcement agencies' ability to combat illegal alcohol trading. This is aimed at reducing alcohol-related interpersonal violence. The refined Random Breath Testing and the mobile Evidentiary Breath Alcohol Testing vehicles, incorporated into the road safety priority, is also intended to contribute to a reduction in excessive consumption and related safety problems.<sup>266</sup>

The WCLA's five-year strategic plan is centred on the Alcohol Harm-Reduction White Paper. Its main aim is reducing the harm caused by alcohol in the Province. There has thus been a concerted effort from various law enforcement agencies over the past three years to address concerns. Monthly meetings with the South African Police Service (SAPS) resulted in the proper planning of operations and monthly schedules were issued which gave clear direction in terms of which areas would be focused on.<sup>267</sup> Enforcement operations are planned on a monthly basis at a joint meeting which includes the inspectorate, SAPS, City of Cape Town Law Enforcement and the Gambling Board inspectorate. Although SAPS and other Law Enforcement agencies join forces to be more effective, it also assists the Inspectorate to address non-compliance in areas where safety risks are high.<sup>268</sup>

The relationship with agencies such as the Department of Forestry, Fisheries and Environmental Affairs (DFFE), City Law Enforcement (CoCT) and SAPS has developed in a manner which allows for a concerted effort to address alcohol harm. This relationship should be maintained and improved.

264 Western Cape Liquor Authority. (July 2020). Western Cape Liquor Authority inputs into *2020/21 Policing Needs and Priorities Report*.

265 Ibid.

266 Western Cape Government. (2019). *Provincial Strategic Plan 2019–2024*, p. 34.

267 Western Cape Liquor Authority. (July 2020). Western Cape Liquor Authority inputs into *2020/21 Policing Needs and Priorities Report*, p. 2.

268 Western Cape Liquor Authority. (July 2020). Western Cape Liquor Authority inputs into *2020/21 Policing Needs and Priorities Report*, p. 1.

**Policing Need and Priority:** Alcohol abuse - Regulation of legal and illegal liquor outlets**Conclusion**

As reflected in the statistics, there is a clear link between violence and alcohol abuse. Alcohol is a significant driver of violent crime. Alcohol-related harm should be addressed. There needs to be a focus on the compliance-monitoring of licensed outlets while unlicensed outlets need to be closed.

**Policing Need and Priority:** Murder is the crime category of the gravest concern in the Western Cape**Context**

Murder in the Western Cape increased from 3 186 in 2014/15 to 3 848 in 2020/21. The murder rate is 54.5 per 100 000 of the population, compared to 33.3 per 100 000 for South Africa. The Western Cape had the third-highest murder number of murders in the country for 2020/21.<sup>269</sup> The 10 police precincts contributing the highest number of murders account for 42.7% of murders in the Province. There are, in addition, 12 precincts in the Western Cape which are consistently among the top 10 stations. These include Delft, Khayelitsha, Nyanga, Mfuleni, Harare, Gugulethu, Philippi East, Kraaifontein, Mitchells Plain, Samora Machel, Bishop Lavis and Manenberg.

The crime figures, including murder, were presented and discussed at all the PNP engagements. SAPS noted - at the Nyanga PNP consultation meeting - that liquor abuse is a major driver of murder in the precinct and that approximately 50% of the murders are vigilante killings.<sup>270</sup> Over the years, various drivers of murders in the Western Cape were identified. These include gang-related violence as the top driver of murder in the Province. Domestic violence, arguments and revenge are also key drivers as are robberies, taxi conflict and vigilante or revenge murders. Factors such as alcohol and drug abuse, the proliferation of firearms, dysfunctional families, unemployment and crowded living conditions also contribute to violence.

**Progress made**

Provincially, murder stabilised between 2018/19 and 2019/20 and decreased slightly in 2020/21. Attempted murder, on the other hand, decreased by 7.9% in 2019/20, but increased the next year by 16.54% (see Table 1). SAPS attribute this partially to the implementation of Operation Lockdown from July 2019 to March 2020, focusing on the 18 identified priority murder and attempted murder stations, where positive inroads were made to address these crimes in certain precincts. According to SAPS, normalisation occurred at seven stations, stabilisation at eight stations and increases at three stations. The recorded increases were largely owing to inter- and intra-gang conflict, taxi violence over-allocated routes and interpersonal conflict (personal intolerance) which was often worsened by liquor abuse. Domestic Violence and Vigilantism also contributed (to a lesser extent) to the high overall murder figure.<sup>271</sup>

A decrease in violent crime was also noted during the Covid-19 lockdown, particularly under Alert Level 5 and 4 when there were restrictions on freedom of movement, an increased presence of all law enforcement agencies and there was a complete ban on the sale and distribution of alcohol;<sup>272</sup> but there was an increase once these restrictions were relaxed. The lockdowns of 2019 and 2020 demonstrate that, with particular short-term interventions, it is possible to reduce the murder rate. However, more sustained interventions are required for a continued reduction.

269 KwaZulu Natal leads with 4 825 murders, followed by Gauteng with 4 079. South African Police Service. (2021). Crime Statis presentation 2020/21, p. 12.

270 Department of Community Safety. (2015). *Western Cape Policing Needs and Priorities (PNP) 2014/15 Report*, p. 100.

271 South African Police Service. (2020). *Western Cape 2020/21 Annual Operational Plan*, p. 11.

272 Murder decreased in Q1 (767) and Q2 (1013) of 2020/21 compared with Q1 (935) and Q2 (1090) of 2018/19 and Q1 (1056) and Q2 (1022) of 2019/20. SAPS Quarterly Crime statistics.

**Policing Need and Priority:** Murder is the crime category of the gravest concern in the Western Cape

In 2019 the Western Cape Provincial Government adopted the Western Cape Safety Plan (WCSP) using an evidence-based approach with a focus on increasing the presence of law enforcement when and where crime happens through strengthening society's resilience to crime, especially in families, in schools and among youth at risk as well as by addressing the result of harms caused by substance abuse. It also aims to increase safety in public spaces, strengthen social cohesiveness and connectedness. The Safety Plan aims to halve the murder rate over the next 10 years.<sup>273</sup>

Based on an understanding that violence is not distributed equally across the Province - but that it is concentrated in particular precincts and within that, in certain locations and times - the Province has adopted an area-based approach to tackle violence where it is most concentrated and most harmful. During 2021, the Department established 16 area-based teams (ABTs) to coordinate the implementation of a targeted violence-prevention approach. Eleven of these areas fall within the City of Cape Town and five other areas are in the five District Municipalities. The deployment of the LEAP officials under the operational direction of SAPS is central to the establishment of the ABTs in the Metropole.

**Conclusion**

The number of murders in the Province has shown a steady increase since 2010/2011, though it stabilised in the 2019/20.<sup>274</sup> Murders and attempted murders are mostly fuelled by gang violence, arguments and misunderstandings as well as aggravated robberies.<sup>275</sup> Therefore, murder remains the crime category of the gravest concern in the Western Cape and it is crucial that all role players work together to reduce violence.



273 Western Cape Government. (2019). *Western Cape Safety Plan*.

274 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 34.

275 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 35.



### Policing Need and Priority: Gangsterism and the need for specialised gang units

#### Context

Gangsterism is rife in many communities in the Western Cape and is responsible for the high levels of violence. The PNP reports through the years have highlighted the problems of gangs, particularly on the Cape Flats and in areas like Worcester and Paarl East, though other clusters were concerned about the drug trade, which is highly associated with gangs.<sup>276</sup> In Khayelitsha, complaints related to youth proto-gangs, while in Manenberg the gangs are more organised, involved in organised crime, and are structured and linked to the Numbers Gangs.<sup>277</sup> In 2019/20, SAPS reported that 20.7% of murders (821) and 33.4% of attempted murders were gang related.<sup>278</sup> In that year, 45 stations were identified as having gang-related murders. Of the top 10 gang-stations, the percentage of gang-related murders ranged from 90.9% at Steenberg to 39.6% at Delft.<sup>279</sup> In the 2020/21 financial year SAPS reported that 56 stations in the Western Cape had experienced incidents of murder or attempted murder.<sup>280</sup>

During the PNPs participants in some clusters stated that SAPS members are threatened by gangs, do not readily intervene in gang fights and they do not approach them when gangs are observed in hotspot areas. There was also a concern that SAPS members lack the training and skills to deal with gangs effectively. There are serious challenges with SAPS crime intelligence units not being properly capacitated to deal with gangs in their policing precincts. The patterns of gang activities tend to shift so that as soon as one modus operandi has been identified and police activities are targeted against it, gangs adopt another approach. In one area, it was reported that gangs are targeting robberies of foreign-owned shops.

The gang culture has become entrenched in the working-class communities of the Cape. The modus operandi of the gangs has evolved into erudite criminal enterprises over the last two decades, employing methods such as illegal drug trade, gun smuggling, abalone poaching, protection rackets, human trafficking and the sex trade to earn their profit.<sup>281</sup>

Gang violence impacts on how safe residents feel in their areas.

276 See PNP reports for 2015/16 and 2016/17 which referred to gang-related concerns in the following Clusters: Beaufort West, Blue Downs, Cape Town, Khayelitsha, Mitchells Plain, Worcester, Wynberg, and in 2017/18 which referred to a gang-related problem in Manenberg and Khayelitsha.

277 Department of Community Safety (2019). 2018/19 *Provincial Policing Needs and Priorities (PNP) Report*.

278 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 35 and 43.

279 Top 10 stations include Delft, Mitchells Plain, Ravensmead, Elsie's River, Bishop Lavis, Philippi, Kleinvlei, Atlantis, Manenberg, Steenberg. South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 37.

280 South African Police Service. (2022). *Western Cape Annual Report 2020/21*, p. 36.

281 Daily Vox (2020). 'Gangs, Guns And Bullets: The Western Cape Is At War'. Available at: <https://www.thedailyvox/tag/cape-flats>. Accessed on 10 February 2021.

**Policing Need and Priority:** Gangsterism and the need for specialised gang units**Progress made**

According to the South African Police, gang violence continues unabated in the Western Cape and this is driven by the drug trade, prostitution and other organised crimes. Contributors to violence among gangs are competition in drug prices and quality of products, revenge and retaliation and counter attacks, personal vendettas as well as the elimination of witnesses and extortion.<sup>282</sup>

The Anti-Gang Unit (AGU) was launched in response to high levels of gang violence in the Western Cape in November 2018.<sup>283</sup> The aim of the Unit is to dislodge and continuously disable gangs in identified areas. This includes the disabling of the illicit economy and criminal governance of gangs as well as drug and firearm supply lines. Thirty-one precincts have been identified as being associated with gangs.<sup>284</sup> Focused operations take place in these stations on a weekly basis using an operational approach which includes: an intelligence approach, a visible policing approach, a detection approach and a community-mobilisation approach. The following intelligence structures are involved: 1) the Intelligence Coordinating Committee (ICC) consisting of the State Security Agency, SAPS Crime Intelligence and Military Intelligence; 2) Intelligence Analysis and coordination, which is involved in compiling crime threat analysis and the identification of hotspot areas; and 3) Intelligence Collection, which includes the provision of tactical intelligence, recruitment of informers and profiling of persons of interest.<sup>285</sup> Unfortunately, the SAPS Annual Report 2019/20 does not report on the successes of the Anti-Gang Unit.

Following repeated calls by the community and Western Cape Government, the State President announced the deployment of the SANDF in support of Operation Lockdown on 17 July 2019. This was extended to 31 March 2020. "At an operational level, the first lockdown was focused on high-density operational deployments aimed at stamping the authority of the State. The second round of Operation Lockdown was more tactical, directed at stabilisation efforts. Phase 3 of lockdown focused upon normalisation through creating an enabling environment for all stakeholders to contribute to the 'normalisation' of communities." According to SAPS, operation statistics of reported crime for the 2019/20 period indicated an overall reduction of 5.05% in serious violence crime, which can partially be attributed to the lockdown.<sup>286</sup>

Despite this, gangs continued to find ways to operate. Two weeks into the Covid-19 hard lockdown, which lasted from 26 March to 30 April 2021, there were claims that gangs in many parts of the Cape Flats decided to adopt a gangland truce and ceasefire while extending their hand generously to assist with the distribution of food parcels to the needy. However, studies revealed that the gangs found the lockdown a golden opportunity for them to penetrate communities to promote their services. For example, in Manenberg residents reported that the gangs used the opportunity to recruit young people to strengthen their groups. It is also reported that they distributed guns and drugs with the food parcels and people were made to sell the drugs in exchange for something to eat.<sup>287</sup>

282 SAPS. (2020). *Annual Report 2020/21*, p. 36

283 Dougan, L. (2 November 2018). *Launch of Anti-gang Unit Brings a Ray of Hope for the Gangster-ridden Areas of the Cape Flats*. Available at <https://www.dailymaverick.co.za/article/2018-11-02-launch-of-anti-gang-unit-brings-a-ray-of-hope-for-the-gangster-ridden-areas-of-the-cape-flats/>.

284 Athlone, Atlantis, Bishop Lavis, Bellville South, Belhar, Cloeteville, Delft, Elsies River, Gansbaai, Grassy Park, Hermanus, Hout Bay, Kensington, Kuilsrivier, Kleinvelei, Kraaifontein, Lentegeur, Macassar, Manenberg, Muizenberg, Mitchells Plain, Mfuleni, Ocean View, Philippi, Paarl East, Ravensmead, Steenberg, Strand, Strandfontein, Woodstock and Worcester. SAPS. (31 March 2021). *Briefing: Gang Violence*. Presentation to the Standing Committee on Community Safety, Sport and Culture.

285 SAPS. (31 March 2021). *Briefing: Gang Violence*. Presentation to the Standing Committee on Community Safety, Sport and Culture.

286 SAPS. (2020.) *Western Cape SAPS 2020/21 Operational Plan*. South African Police Service, p. 9.

287 Parker, R., McLaggan, M. & Thomas, K. (2020). *Cape Gangs in Lockdown: Saints or sinners in the shadow of Covid-19?* [Online] Available at: <https://globalinitiative.net/gangs-in-lockdown-manenberg/>. Accessed on 26 March 2021.

**Policing Need and Priority:** Gangsterism and the need for specialised gang units

In July 2020, the Minister of Police Bheki Cele reported that the additional resources of Operation Thunder and the Anti-Gang Unit (AGU), made a contribution towards crime-fighting in general, adding that the gang-stricken communities had commended the establishment of Anti-Gang Units as a positive policing intervention in addressing the challenges of drug abuse and crime in their neighbourhoods. The work study process of establishing the Anti-Gang Unit as a national unit was at an advanced stage. By July 2020, SAPS had an active AGU in the Western and Eastern Cape, Gauteng and the Free State.<sup>288</sup> No further details were provided in terms of the extent of the contribution of the Unit. One of the concerns is that the Unit has been subjected to serious challenges. The Anti-Gang Unit Section Head, Charl Kinnear - who was one of the top investigators - was shot dead on 18 September 2020 at the doorstep of his house in Bishop Lavis. Following that disciplinary action was instituted against the head of the AGU, Major-General André Lincoln, for allegedly failing to provide adequate protection at the home of Lieutenant-Colonel Charl Kinnear two weeks prior to his death.<sup>289</sup>

There were suggestions in the media that Kinnear's murder was linked to an internal fight among SAPS' top management and that the disciplinary action was an attempt to divert attention.<sup>290</sup> Kinnear was continuing investigations that had exposed former SAPS Colonel Prinsloo and other SAPS members in 2013.<sup>291</sup> Prinsloo - who had been sentenced to 18 years imprisonment in 2016 on more than 20 charges of racketeering, corruption and money laundering involving the sale of firearms confiscated by SAPS - was paroled in April 2020.

A massive clampdown conducted in June 2020 resulted in the arrests of 16 suspects. These included eight police officers and a former SAPS officer from Gauteng as well as six others including Cape Town suspect Nafiz Modack. Subsequently two Gauteng station commanders were detained.<sup>292</sup> The trial against these accused is continuing.

The SAPS Anti-Gang Unit, often in collaboration with other law enforcement and SAPS units, continues with joint operations to bring stability to areas experiencing ongoing gang violence.<sup>293</sup>

Following an investigation into the police's response to allegations of lack of protection given by police to Kinnear, IPID recommended that the Anti-Gang Unit in the Western Cape be disbanded. However should the structure be retained, the IPID called for the appointment of a detective commander to head the Unit and for it to be resourced properly.<sup>294</sup>

**Conclusion**

There is still some optimism around the establishment of the Anti-Gang Unit and the prosecution of some high-profile figures in the gang underworld. However, SAPS needs to report on the success of the AGU so that its impact can be monitored.

- 288 Minister Bheki Cele (2020). Police, IPID and Civilian Secretariat for police service department budget speech. Available at: <https://www.gov.za/speeches/minister-bheki-cele-police-ipid-and-civilian-secretariat-police-service-dept-budget-vote#>. Accessed on 25 March 2021.
- 289 *Daily Maverick* (15 January 2021). André Lincoln disciplinary: Who's calling the shots, and why? Available at: <https://www.dailymaverick.co.za/article/2021-01-15-andre-lincoln-disciplinary-whos-calling-the-shots-and-why/>. Accessed on 17 March 2021.
- 290 *Daily Maverick*. (15 January 2021). 'André Lincoln disciplinary: Who's calling the shots, and why?' Available at: <https://www.dailymaverick.co.za/article/2021-01-15-andre-lincoln-disciplinary-whos-calling-the-shots-and-why/>. Accessed on 17 March 2021.
- 291 *Daily Maverick*. (2020). Available at: [dailymaverick.co.za/article/2020-10-16-officials-mum-top-cop-sentenced-to-18-years-for-flooding-cape-flats-with-illegal-guns-is-out-on-parole-after-four-years/](https://www.dailymaverick.co.za/article/2020-10-16-officials-mum-top-cop-sentenced-to-18-years-for-flooding-cape-flats-with-illegal-guns-is-out-on-parole-after-four-years/). Accessed on 18 March 2021.
- 292 *Daily Maverick*. (2021). 'Guns to gangs'. Available at: <https://www.dailymaverick.co.za/article/2021-02-12-another-guns-to-gangs-arrest-as-durban-shop-owner-accused-of-channelling-firearms-to-cape-town-gangsters/>. Accessed on 18 March 2021.
- 293 South African Police Service, Media Statement. Office of the Provincial Commissioner Western Cape. (21 April 2022). *Anti-Gang Unit detains a suspect for murder in Grassy Park*. Available online at: <https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=39374>. Accessed on 17 June 2022.
- 294 *Daily Maverick*. (24 June 2022). 'Disband the Western Cape Anti-Gang Unit, police watchdog recommends to Bheki Cele'. Available online on <https://www.dailymaverick.co.za/article/2022-06-24-disband-western-cape-anti-gang-unit-police-watchdog-recommends/>. Accessed on 20 July 2022.

**Policing Need and Priority: Copper theft and vandalism of trains and theft of rail infrastructure****Context**

Copper theft emerged repeatedly as one of the policing priorities in the Western Cape. Copper theft has impacted particularly on train and rail infrastructure. According to the previous PNP reports, vandalism of infrastructure, arson and coach vandalism were caused mainly by the demand for copper.<sup>295</sup> In the Western Cape, vandalism of the rail system has resulted in half the train sets being lost and approximately 400 000 passengers moving away from rail services. The direct cost of damage to train sets is estimated at R643 m over the last five years.<sup>296</sup> Theft and vandalism have led to the virtual collapse of some of the Central Line in the Inner City, which has been suspended from November 2019 due to "unprecedented theft and vandalism".<sup>297</sup>

The Department of Transport and Public Works made a transfer payment to evolve a collective government funded venture between the Western Cape Department of Transport and Public Works, the City of Cape Town, and the Passenger Rail Agency of South Africa to mark rail asset protection and commuter security.<sup>298</sup> The Department of Transport and Public Works also invests in the Rail Enforcement Unit partnership between the DTPW, PRASA and the CoCT, which has shown positive returns in addressing safety and security concerns of the Metrorail service. It will require a concerted effort and investment to restore public confidence in the commuter rail service.<sup>299</sup>

Metal theft is also the reason behind vandalism of electricity cables, metal fencing and gates, reinforced fencing posts, street lighting and more recently, whole railway lines.

SAPS do not report on the extent of vandalism or theft, though they do enforce the Second-Hand Goods Act by facilitating the conducting of compliance inspections at vehicle dealerships and scrapyards.<sup>300</sup>

**Progress made**

The establishment of specialised courts to prioritise cases related to copper theft was a key recommendation that was made in the Commuter Safety 2018 PNP Report.<sup>301</sup> The Western Cape faces several serious challenges that require specialist investigations. These include copper theft, organised crime and related (gang) violence, abalone poaching and violence in the taxi industry. It is not clear from SAPS reports to what extent these are being addressed by dedicated investigators within the DPPI or any other unit.<sup>302</sup>

It is not clear how much progress has been made in terms of the above measures except that Minister Mbalula has given the assurance that the Cape Town railway central line will be opened by December 2022.<sup>303</sup>

295 Department of Community Safety. (2018). *Western Cape Policing Needs and Priorities (PNP): Commuter Safety 2018/19 Report*. Western Cape Government and Department of Community Safety. (2019). *Western Cape Policing Needs and Priorities (PNP) 2019 Report*.

296 Department of Transport and Public Works. (2020). *Department of Transport and Public Works Annual Report 2019/20*, p. 46.

297 Cape Argus. (16 November 2020). 'Western Cape PRASA, government to revive Central Line'. IOL, available online at: <https://www.iol.co.za/capeargus/news/western-cape-government-prasa-to-revive-the-central-line-18130f31-7891-45a3-a62a-20c3c403db54>.

298 The Department of Transport and Public Works. (2020). *Annual Report: 2019/20*, p. 146.

299 Department of Transport and Public Works. (2020). *Department of Transport and Public Works Annual Report 2019/20*, p. 80.

300 South African Police Service. (2020). *SAPS Western Cape Annual Report 2019/20*, p. 60.

301 Department of Community Safety. (2018). *Western Cape Policing Needs and Priorities (PNP): Commuter Safety 2018/19 Report*, p. 23.

302 Department of Community Safety. (2019). *Western Cape Policing Needs and Priorities (PNP) 2019 Report*, p. 100.

303 News 24. Available at: <https://www.news24.com/news24/southafrica/news/prasa-to-include-mk-veterans-as-rail-corridor-coordinators-in-safety-revamp-20210308>. Accessed on 20 May 2022.



**Policing Need and Priority: Copper theft and vandalism of trains and theft of rail infrastructure****Conclusion**

The demand for copper is one of the main reasons why Metrorail's infrastructure gets vandalised. Cable theft is an issue that is still prevalent and needs to be prioritised because it has an immense impact on crucial services like public transport, electricity, telephone and the internet. When cables are stolen from the rail system, trains are delayed and cancelled because the infrastructure is badly damaged.

**Policing Need and Priority: Abalone poaching****Context**

Abalone poaching in South Africa, especially in the Western Cape, has grown exponentially in the last few years and has been tied to criminal syndicates as well as organised crime networks. Estimates show that it is responsible for an income loss of R628 million per year had it been fished as a legal commodity. Abalone poaching formed a key part of the Western Cape Police Ombudsman's investigation. The Ombudsman's investigation findings (presented to the Standing Committee on Community Safety on 17 October 2019) established that there is a shortage of SAPS human and physical resources in the Overstrand area, with all four stations at below 90% of their granted allocation for human resources and below their granted allocations for vehicles, with Stanford being particularly low at 58%.

Findings also showed that SAPS does not have the ability to investigate crime in the Overstrand area effectively. As an example, across the four stations in 2018/19, arrests were not affected in 58 - 84% of cases, and 50 - 70% of reported cases were not detected. With respect to abalone-poaching, communities reported a lack of action by SAPS against abalone poachers and gang leaders, which has implications for the public's trust in the police. In addition, the Ombudsman found that no reference was made to the reduction of abalone/marine-related crimes in the stations' Annual Operational Plans and abalone-related crimes are not classified as priority crimes by the Provincial or Cluster office, or the Overstrand stations. Furthermore, over R40 million worth of confiscated abalone was lost owing to criminal activity.<sup>304</sup>

The problem of abalone-poaching is exacerbated by the extent to which government officials are involved in abalone-poaching syndicates. For example, in 2021 it was reported that nine Department of Agriculture, Forestry and Fisheries (DAFF) officials who had been arrested in 2018 and other suspects faced charges of racketeering in terms of the Prevention of Organised Crime Act, accepting and offering bribes, money laundering, theft of abalone, defeating the ends of justice and the contravention of the Marine Living Resources Act.<sup>305</sup>

**Progress made**

A number of key recommendations were made in the Ombudsman's report but abalone-poaching has not been addressed in great detail in SAPS reports. Therefore, it is not clear as to what extent these recommendations are being or have been implemented to date. Likewise, it has not been reported in the SAPS annual reports how the issue of abalone-poaching is being addressed by dedicated investigators within the Directorate for Priority Crimes Investigations (DPCI) or any other Unit.

304 Western Cape Police Ombudsman (17 October 2019). *Overstrand Investigation: Standing Committee on Safety and Security*.

305 *Daily Maverick*. Available at: <https://www.dailymaverick.co.za/article/2021-02-18-abalone-kingpins-18-year-sentence-welcomed-by-state/>. Accessed on 20 May 2022.

**Policing Need and Priority: Abalone poaching**

**Conclusion**

Abalone poaching remains a serious challenge in the coastal areas of the Western Cape that needs to be prioritised. Abalone-poaching is also a contributing factor to heightened gang activity which is driven by the drug trade, prostitution and other organised crimes such as the illegal harvesting and sale of abalone.<sup>306</sup> De Greef and Haysoun argue that removing corrupt officials, ramping up policing efforts, patrolling more and arresting more (possibly in the form of defending expanded marine-protected areas) might not be the best solution. They are proposing three approaches that depart substantially from the current methods, arguing instead for a harm-reduction approach to the illegal abalone trade. They argue that most effective law enforcement actions should be directed at Hong Kong where decision makers who shape the criminal market are mainly located. Operations should include asset seizures, arrests and confiscation of the physical product which would have the greatest impact on the rest of the supply chain.<sup>307</sup>

**Policing Need and Priority: Burglary at residential premises**

**Context**

Previous PNP reports highlighted the concern of business and home burglaries and robberies in many different areas. According to the Victims of Crime Survey (VoCS) (2017/18) housebreaking or burglary accounts for 54% of all household crimes covered by VoCS and for about 14% of community-reported serious crimes released by SAPS in 2017/18. The survey shows a steady decline in housebreaking incidences between 2013/14 and 2016/17, but then an increase to 832 122 incidences in 2017/18. The VoCS estimates that the real volume of burglary is much higher than that reported to the police as nationally about 51% of households report burglary to the police and 58% in the Western Cape.<sup>308</sup> In the Western Cape, the 2020/21 VoCS reported that 6.7% of households experienced housebreaking.<sup>309</sup>

Reported residential and non-residential burglaries decreased in the Province in 2020/21 by 24.4% and 7.9% respectively,<sup>310</sup> with the lowest number of residential burglaries recorded in five years.<sup>311</sup> In 2020/21, Kraaifontein recorded the highest volume of burglaries at residential premises, contributing 2.8% to the Provincial total, followed by Knysna, Worcester, Delft and Hermanus.<sup>312</sup> All the top-contributing stations recorded decreases during 2020/21 when compared to 2019/20, with the exception of Somerset West.<sup>313</sup>



306 South African Police Service. (2020). *SAPS Western Cape Annual Report 2019/20*, p. 36.  
 307 De Greef, K. and Haysoun, S. (2022). *Disrupting abalone harms Illicit flows of H. Midae from South Africa to East Asia*. Global Initiative, p. 40.  
 308 Statistics South Africa. (2018). *Victims of Crime Survey, 2017/18*, p. 24-26.  
 309 Statistics South Africa. (2021). *Victims of Crime Survey, Governance, Public Safety, And Justice Survey GPSIS 2020/21*, PO 341, p. 14.  
 310 South African Police Service. (2021). *Crime Statistics for the 2020/21 year*.  
 311 South African Police Service. (2022). *Western Cape Annual Report 2020/21*, p. 65.  
 312 South African Police Service. (2022). *Western Cape Annual Report 2020/21*, p. 65.  
 313 South African Police Services. (2021). *Western Cape Annual Report 2020/21*, p. 65.



### Policing Need and Priority: Burglary at residential premises

#### Progress made

SAPS reported that focused deployments in hotspot areas increased police presence. Internal and external amplifiers were utilised in support of police stations and monitored at Provincial level through the Provincial Operational Command Centre (POCC). SAPS reported that there is evidence to suggest that stations generally achieved greater success where there was a greater focus on increased policing actions. This is also evident in the reduction of the crime categories, common and aggravated robbery, including house and business robberies. This was especially during the Operation Lockdown period (11 July 2019 to 31 March 2020) where increased police actions and initiatives in the 18 identified priority stations showed a collective decrease.

Notable reductions in the last financial year were made in the overall property-related crimes, including residential and business burglary, theft of motor vehicles and motor cycles as well as theft out of motor vehicles and motor cycles.<sup>314</sup> The 2020/21 VoCS showed that burglary at residential premises has been consistently declining for the last three financial years from 970 in 2018/19 to 809 in 2020/21 in South Africa. The Western Cape had the highest proportion in the 2020/21 financial year at 6.7%.<sup>315</sup>

In addition, the Western Cape Department of Community Safety continued with its initiative to accredit neighbourhood watches and provide physical and financial support to these community structures. There was widespread support for neighbourhood watches and community-patrollers in the Districts during 2018/19 consultation sessions. The NHWs provide increased visibility and can be an important resource to SAPS as well as law enforcement. For the 2019/20 financial year, the Department aimed to increase safety in communities and among residential areas as 304 Neighbourhood Watches were accredited with a 13 160-strong membership.

#### Conclusion

A seventh consecutive reduction in burglary at residential premises was recorded, which is the lowest in the past 10 financial years as represented in the SAPS Annual Report crime stats 2020/21. However, burglary at residential premises accounts for 42% of property-related crime in the Western Cape. Despite the successes that have been recorded, burglary at residential premises remains a concern.

314 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 26.

315 Statistics South Africa. (2020). *Victims of Crimes Survey 2020/21*, p. 12.

### 8.3. SAFE SPACES NEED TO BE CREATED

#### Policing Need and Priority: Transport hubs, taxis, buses, rail and streets

##### Context

Transport hubs frequently become unsafe between dusk and dawn and are a haven for criminal activities. This contributes to a feeling of unsafety.<sup>316</sup> This is also applicable to taxi ranks.

In 2017, only 15% of PNP respondents felt safe using public transport at night while 40% felt safe travelling on public transport during the day.<sup>317</sup> Only 13% of respondents felt safe on the street at night whereas 39% felt safe during the day.<sup>318</sup> Participants of various PNPs mentioned a number of other public spaces where they felt unsafe, such as empty buildings, parks, streets, bushy areas and unsafe pathways. Poor street lighting and bushy areas create an enabling environment for crime to be committed. Dark and unregulated open spaces also contribute to high incidents of crime. Open spaces in some areas attract young people. Drugs and alcohol are often sold there.

The Department of Transport and Public Works' Annual Report (2019/20) reports that taxi violence disputes have negative ramifications on commuter safety in the Western Cape and the functioning of the Province's public transport system. These disputes between taxi drivers and other associations ensued in murders and attempted murders, subsequently affecting the already fatigued public transport system that has several operational rail failures.<sup>319</sup>

Taxi violence contributes to the lack of safety in public spaces. According to the SAPS, there were 121 taxi-related murders in 2020/21. There were 17 incidents which resulted in 43 murder victims. One incident in Nyanga resulted in five victims. The conflict is caused by route invasions, leadership conflict, ineffective enforcement and inefficient regulation of the industry that has caused tensions. Twenty-six stations in the Province recorded taxi-related murders with Nyanga and Delft at the top with 23 and 18 murder counts, respectively. Khayelitsha contributed with nine, Gugulethu with eight and Bellville, Ceres and Harare contributed three murders each. Firearms were used in 100% of the taxi-related murders.<sup>320</sup> In terms of attempted murders SAPS reported that taxi violence contributed 1.7% (69) counts to attempted murders. The top contributing stations were Delft, Mfuleni and Nyanga contributing 10 counts each. Bellville recorded eight counts and Cape Town Central seven. Firearms were used in 100% of the taxi-related attempted murders.<sup>321</sup>

The urban trains are another unsafe environment.<sup>322</sup> The incorporation of the South African Railway and Harbour Police into the South African Police in 1986 resulted in a fragmented police service in the rail environment. This impacts on commuter safety as well as the damage and theft to the railway infrastructure. The policing of railways now falls under the Rapid Rail Police Unit (RRPU), which is a national unit located under SAPS Visible Policing. This Unit also experiences understaffing and resource constraints.<sup>323</sup>

316 Department of Community Safety. (2017). *Western Cape Policing Needs and Priorities (PNP) 2016/17 Report*, p. 100.

317 Department of Community Safety. (2019). *Western Cape Policing Needs and Priorities 2019 Report*, p. 67.

318 Department of Community Safety. (2019). *Western Cape Policing Needs and Priorities 2019 Report*, p. 65.

319 The Department of Transport and Public Works. (2020). *Annual Report 2019/20*, p. 45.

320 South African Police Services. (2021). *Western Cape Annual Report 2020/21*, p. 25.

321 South African Police Services. (2021). *Western Cape Annual Report 2020/21*, p. 33.

322 SATS. (1987). *Report of the General Manager of the South African Transport Services, Pretoria*.

323 Department of Community Safety. (2018). *Policing Needs and Priorities 2018/19: Commuter Safety Workshop held on November 28, 2018*, p. 15-16.

**Policing Need and Priority:** Transport hubs, taxis, buses, rail and streets**Progress made**

One of the many goals of the National Development Plan (NDP) is for people to feel safer in and around their neighbourhoods. The Victims of Crime Survey (2019/20) showed that in 2015/2016, 83.2% of respondents felt safe walking in the street during the day which increased to 86.6% in 2019/20. The percentage of Respondents who felt safe walking in the street at night rose from 30.5% to 41.8% between 2015/2016 and 2019/20.<sup>324</sup> This is higher than the percentage of PNP respondents in the Western Cape who felt safe walking in the streets at night.

The Victims of Crime Survey also found that the incidents of street robbery had decreased, although more people were reporting these to the police.<sup>325</sup> The predominant weapons used were knives (47.9%) and guns (34.7%).<sup>326</sup> In the Western Cape, street robbery (with a firearm and/or other weapon) contributed 71.2% (17 355 counts) of aggravated robberies. These incidents decreased by 0.63% from 2018/19.<sup>327</sup> The highest number of street robberies were recorded in Khayelitsha, Nyanga and Mitchells Plain, with 60% occurring from Saturday to Monday.<sup>328</sup>

The media has reported a recent concern for Golden Arrow Bus and MyCiti commuters due to crime, vandalism and civil unrest. It is reported that an average of seven robberies take place a week, leaving commuters severely traumatised. Around 200 attacks a month took place on the buses of the Golden Arrow Bus Services in 2020.<sup>329</sup>

In March 2021 the DTPW reported that a Joint Task Team on taxi-related crimes had been established by the DTPW, in partnership with the SAPS and the NPA, to investigate murders and attempted murders, as well as crimes at the root of taxi violence including route invasions, illegal operations, fraud, extortion, racketeering and other elements of organised crime. However, the focus of the Department shifted to attend to Covid-19 related interventions towards the end of March 2020, resulting in the initiative losing momentum. It is not clear when the DTPW will focus on this initiative again.<sup>330</sup>

In May 2021, the DTPW launched the Blue Dot Taxi Initiative which aims to recruit 1 300 taxis as part of an incentive scheme and rewards improved driving behaviours as well as a higher quality of service. This aims to reduce the likelihood of illegal operations and violent conflict. As of June 2022, over 850 drivers and more than 500 participating operators met the eligibility criteria for the project.<sup>331</sup>

324 Statistics South Africa. (2020). *Victims of Crimes Survey 2019/20*, p. 38.

325 Statistics South Africa. (2020). *Victims of Crimes Survey 2019/20*, p. 32.

326 Ibid.

327 South African Police Service. (2020). *Western Cape Annual Report 2019/20*, p. 59.

328 Ibid, p. 60.

329 Stoltz, E. (2021). *Concern for safety of Cape Town's bus commuters intensifies - The Mail & Guardian*. [online] The Mail & Guardian. Available at: <<https://mg.co.za/news/2021-02-11-concern-for-safety-of-cape-towns-bus-commuters-intensifies/>>. Accessed on 19 March 2021.

330 Department of Transport and Public Works. (2021). *Annual Report 2020/21*, p. 128.

331 Department of Transport and Public Works. *Blue Dot Taxi Service*, available online on <https://www.westerncape.gov.za/tpw/blue-dot-taxi-service>. Accessed on 20 July 2022.

**Policing Need and Priority:** Transport hubs, taxis, buses, rail and streets**Conclusion**

The MyCiti bus terminus and transport hubs remain a haven for criminal activities. A large number of the population is dependent on public transport so violence on these transport mediums creates a sense of insecurity. The ongoing attacks on public transport service providers, infrastructure and the robbery of commuters need to be considered as a policing need and priority. While the City of Cape Town has called on the Minister of Police to establish a dedicated policing unit to investigate public transportation crimes, the City of Cape Town and Golden Arrow Bus Services are planning to establish their own law enforcement unit.<sup>332</sup>

The formalisation and transformation of the informal economy, specifically the taxi industry, is required. The prevalence of crime on public transport and fear of crime when commuters leave their homes to go to transport interchanges, train stations and taxi ranks, must be addressed. There is a lack of stakeholder integration. A serious challenge is that key stakeholders - such as SAPS, PRASA and Metrorail - do not share a similar understanding of the actual implications of their respective mandates. A lack of SAPS human and physical resources and approved staff members makes this a critical issue to address.

Effective strategies are needed to combat street robberies and robberies at transport hubs. This would include targeted patrols, increased visibility by police and law enforcement, CCTV cameras and neighbourhood watch structures. It is also crucial that these crimes are fully investigated and perpetrators apprehended.

SAPS, together with PRASA, need to put in place an effective strategy to ensure safety on trains and in the rail environment.

**Policing Need and Priority:** Poor street lighting**Context**

The PNP reports reflect on concerns with public lighting – that they are insufficient in some areas, are not working in others, take a long time to repair or that they are high-mast lighting which is inadequate for densely populated areas. Some of the areas encouragingly reported on plans to erect more lighting. The Social Justice Coalition complained that the City of Cape Town had allocated an inadequate budget for lighting in Khayelitsha in 2019 and planned only to install 33 high-mast lights in the area.<sup>333</sup>

The City of Cape Town's best-practice guidelines for a safer city note that "good lighting is one of the most effective means of increasing levels of safety and deterring crime, because it increases levels of visibility when it is dark. Good lighting levels also increase perceptions of safety and reduce levels of fear. The simple objective of public lighting is to shed light on the criminal or criminal activity without spotlighting the victim. Providing a constant and even level of light is more important than the brightness of the light. Bright spotlights should in fact be avoided, as they cast shadows where potential offenders may hide."<sup>334</sup> The Strategy also recommends that high-mast lighting should be avoided, and light fittings should be vandal-resistant.

332 Stoltz, E. (2021). *Concern for safety of Cape Town's bus commuters intensifies - The Mail & Guardian*. [online] The Mail & Guardian. Available at: <<https://mg.co.za/news/2021-02-11-concern-for-safety-of-cape-towns-bus-commuters-intensifies/>>. Accessed on 19 March 2021.

333 Weyers, D. (8 March 2019). 'Street lights and ward allocations: Discrimination on the basis of race and poverty in the City of Cape Town'. *Daily Maverick*. Available online on <https://www.dailymaverick.co.za/opinionista/2019-03-08-street-lights-and-ward-allocations-discrimination-on-the-basis-of-race-and-poverty-in-the-city-of-cape-town/>. Accessed on 31 March 2021.

334 City of Cape Town. (undated). *Design and Management Guidelines For A Safer City Best Practice Guidelines For The Creation Of Sustainable, Safe And Lively Neighbourhoods In Cape Town*, p. 21. available online on <https://resource.capetown.gov.za/documentcentre/Documents/Procedures,%20Guidelines%20and%20regulations/Design%20and%20Management%20Guidelines%20for%20a%20Safer%20City.pdf>. Accessed on 31 March 2021.

**Policing Need and Priority:** Poor street lighting**Progress made**

The Western Cape Government Safety Plan (2019 – 2024) aims to reduce violence by improving safety in public spaces through environmental design. This will enhance open spaces in terms of lighting as it includes elements of new lighting outlines and steps for the communal spaces under its mandate.<sup>335</sup> In May 2022 the CoCT reported that there had been a spike in vandalism of the City of Cape Town's electricity infrastructure in recent months. The City had budgeted for a significant boost in its effort to curb vandalism. Hotspot areas in the City are Atlantis, Blackheath, Delft, Dunoon, Blue Downs, Crossroads, Eerste River, Khayelitsha, Bloekombos, Klipheuwel, Kraaifontein, Nomzamo, Philippi, Sir Lowry's Pass, Sunbird Park, Walacedene and Wesbank. The District Municipalities include De Doorns, Grabouw, Knysna, Malmesbury, Plettenberg Bay, Rawsonville, Thembalethu and Witsand. About R40 million was included in the City draft budget for the Energy Directorate to secure infrastructure, deploy security patrols in hotspots areas and permanent security deployments at strategic infrastructure. The City was also looking into innovative technology to trace stolen goods/cables, among others.<sup>336</sup>

**Conclusion**

The issue of poor street lighting can still be seen as a policing need and priority to ensure improvements are made in the future.

**Policing Need and Priority:** Security Services to be improved at public buildings and schools**Context**

Many of the PNP reports outline safety concerns at public buildings mainly related to the stealing of IT equipment (such as computers) at schools across the Province. The Western Cape Education Department (WCED) reported that there were 41 incidents of burglary and vandalism in 34 schools during the 2021/22 school holidays while there were 59 and 39 incidents at schools over the 2020/21 and 2019/20 holiday periods respectively.<sup>337</sup> During 2020/21 period there were four major burglaries, which were reported to police. Items stolen included fencing, computers, data projectors, electrical equipment and gas cylinders.<sup>338</sup>

Public health facilities have been subjected to numerous criminal incidents. In March 2022 the Department of Health reported that the health personnel had often been victims of verbal abuse, theft and damage to property while physical assaults were typically patient-on-patient. From April 2020 to March 2021 there were 996 incidents. These included verbal abuse, theft/burglary, damage to property and staff absconding. Figures for the first nine months of the following year look similar, with 857 incidents from April 2021 to December 2021. At the same time the City of Cape Town reported that in City run clinics 138 safety and security incidents occurred from July 2021 to February 2022. These included vandalism, destruction of property, theft of City staff and clients' property, community unrest, robberies at knife or gunpoint, shootings, gang violence, hijacking and threatening behaviour by communities.<sup>339</sup>

335 Western Cape Government. (2019). *Safety Plan: 2019/2024*. p. 22.

336 Cape Argus. High cost of illegal connections, vandalism. Available at: <https://reader.magzter.com/preview/192beqz8budrpiey9dtco9474620/947462>. Accessed on 28 May 2022.

337 IOL. Available at: <https://www.iol.co.za/news/south-africa/western-cape/41-burglary-vandalism-incidents-reported-at-western-cape-schools-during-december-holidays-00c6a14c-d116-4419-a0ee-bc05fcb9f417>. Accessed on 20 May 2022.

338 Mlamla, S. (17 February 2021). '59 Western Cape schools damaged by burglaries and vandalism during the holidays', IOL, available online on <https://www.iol.co.za/capeargus/news/59-western-cape-schools-damaged-by-burglaries-and-vandalism-during-the-holidays-50bc1258-64f7-4954-a6b7-5b09e23c0fb0>. Accessed on 31 March 2021.

339 Daily Maverick. Available at: <https://www.dailymaverick.co.za/article/2022-05-03-call-for-increased-security-at-western-cape-healthcare-facilities-after-spate-of-attacks/>. Accessed on 25 May 2022.

**Policing Need and Priority:** Security Services to be improved at public buildings and schools

**Progress made**

The SAPS Annual Plan (2020/21)<sup>340</sup> mentions its regulated physical security approach at various identified government buildings and their strategic installations to prevent security breaches. In 2018/19, 51.36% of strategic installations were audited (132 from a total of 257) while the actual performance was 99% (209 from 211).

The Department of Community Safety, in conjunction with the Western Cape Education Department, compiled a Safety and Security Resilience Scorecard at 706 (46%) of the 1 540 schools in the Western Cape between January 2019 and March 2021. The scorecard provides an assessment of the risks facing schools. The majority of schools in the sample were primary schools.

Only 3% of participating schools were rated as low risk whereas 64% were rated medium risk and 32% were rated high risk.

Schools reported gangs on school premises on 185 occasions but 10 621 gang-related incidents were reported. These related to gang presence at schools, gang exploitation of learners or teachers, intimidation and threats of learners or teachers as well as learners who are alleged to be members of gangs. Other incidences included vandalism (3 851), trespassing (6 795), bullying (8 662) and substance abuse (8 348).<sup>341</sup>

The Department is currently working with the WCED in the districts to develop implementation plans to mitigate the risks and tackle non-compliance in the schools. Workshops were completed in the Eden and Karoo Districts but the process was put on hold owing to the Covid-19 lockdown.<sup>342</sup>

**Conclusion**

There is some safety awareness in schools and measures are taken to mitigate risks in schools. Ongoing collaboration between all role players is key to ensuring that adequate measures are taken.

Much more safety awareness and education is required to change negligent behaviour and more decisive action is required to send out a strong message. A collaborative approach needs to be taken between SAPS, law enforcement and the Western Cape security to ensure safety at public buildings and institutions.

**Policing Need and Priority:** Parks, public toilets and other public spaces

**Context**

People visiting parks become easy targets and are often pick-pocketed or robbed during the day. Several serious crimes have been reported in the Table Mountain Reserve. The increasing influx of people into city areas has contributed to the growth of vagrants setting up home in some of these places. Parks have become places of leisure for vagrants, the unemployed and street children. Drugs are sometimes sold to youngsters at these places as there are limited monitoring mechanisms in place.<sup>343</sup> The economic pressures brought about by Covid-19 - as well as the moratorium on evictions - has seen an increase of people moving into the City and setting up informal structures.

340 South African Police Service Western Cape. (2020). *Annual Performance Plan: 2020/21*, p. 49.

341 Department of Community Safety. (March 2021). *Internal report on the Safety and Security Resilience Scorecard, from the Chief Directorate: Security Risk Management*.

342 Internal communication is Security Risk Services (DoCS).

343 Department of Community Safety. (2017). *Western Cape Policing Needs and Priorities (PNP) 2016/17 Report*.



**Policing Need and Priority:** Parks, public toilets and other public spaces**Progress made**

According to the Western Cape Government's Safety Plan, violent crime often takes place in micro-locations such as parks.<sup>344</sup> SAPS identified visible policing as a challenge in South Africa owing to the high levels of violent crimes and the limited police resources. However, targeted policing work can be effective when it is targeted where and when crime happens most.

Neighbourhood Watch structures also play a key role in patrolling and providing additional visibility at parks as well as other public spaces.

Key to developing an effective intervention is the ability to understand where crime and violence are happening. SAPS has access to micro-level information on where crime is happening but this is not available to others. The City of Cape Town uses the Emergency and Policing Incident Control (EPIC) system to visualise and analyse crime patterns. The tool is also used as a platform for integrated incident management, call logging and dispatching of responders (such as traffic and law enforcement personnel).<sup>345</sup>

**Conclusion**

Crime-mapping is an important tool to ensure that the crime threats and incidents are properly understood in an area. It is crucial that the information is used to influence the allocation of policing, security and community resources to increase safety.

**Policing Need and Priority:** Insufficient road infrastructure**Context**

PNP reports highlighted that informal settlements are poorly maintained and the state of roads makes patrolling by police and law enforcement difficult. There is also a lack of road signs and no or incorrect house numbering. This contributes to slow police response times and limited visible patrols.

Poor visibility in crime hotspots by SAPS, the Metro Police, City Traffic Department and Law Enforcement was identified in the PNP report in 2019.<sup>346</sup>



344 Western Cape Government. (2019). *Western Cape Safety Plan 2019-2024*, p. 5.

345 City of Cape Town. (2017). *Five-year Integrated Development Plan, 2017-2022*, p. 84.

346 Department of Community Safety. (2020). *Policing Needs and Priorities (PNP) 2019/20*, p. 69.

**Policing Need and Priority:** Insufficient road infrastructure**Progress made**

Informal settlements pose a challenge to the City and rural areas. There was an unprecedented increase in unlawful occupations during the Covid-19 lockdowns. Between January and December 2020 the City of Cape Town removed 16 733 vacant structures and 82 853 pegs where structures were earmarked for building. Between May and July, 5 000 new dwellings were erected for occupation. These invasions hamper efforts to continue with the development of communities in a planned way. It is estimated that R200 million is needed to service the newly occupied areas.<sup>347</sup>

The absence of roads and the crowded nature of these informal settlements pose additional challenges for policing.

According to the Department of Transport and Public Works' Annual Report (2019/20), the planned targeted number of gravel roads to be upgraded to surfaced roads for 2019/20 were 20, however they only managed to achieve 11.<sup>348</sup> These roads are unlikely to impact informal settlements.

By July 2021 the City of Cape Town was already experiencing a backlog of 35 000 potholes in need of repairs across the City. The community continues to express their concerns regarding the adverse impact of poor road infrastructure, such as the non-functioning street lights and the potholes. This affects the ability of emergency medical services, taxis and even police vans to access some parts of the area. Every time they reported this, City would tell them about budget constraints. The Nyanga Community Police Forum raised concerns about the deteriorating condition of municipal roads in the area of Nyanga, Philippi and Crossroads and said that it had exacerbated car-hijackings and smash-and-grabs incidents in the area.<sup>349</sup>

The-then Mayor of Cape Town Mr Dan Plato reported in July 2021 that the city's efforts to maintain road infrastructure had been further impacted by the hard lockdown of 2020 which prevented their transport staff from performing their duties. He added that the national lockdown had caused a severe backlog in repairs but the City had made huge strides when its road maintenance staff had been allowed to return to work. He reported that he had launched a pothole repair campaign when the lockdown was lifted in 2020 and between June 2020 and July 2021 more than 25 000 potholes were repaired.<sup>350</sup>

**Conclusion**

The City and province do have plans in place to improve poorly maintained roads with newly surfaced roads, but the demand is high and ever changing. This is an issue that needs ongoing attention as accessibility to areas is important for safety and to ensure quick access by police and law enforcement.

347 City of Cape Town. (2 March 2021). 'New Framework seeks innovative solution to manage informality'. Statement by The City's Mayoral Committee Member for Human Settlements, Councillor Malusi Booi, Available online at <https://www.capetown.gov.za/Media-and-news/New%20framework%20seeks%20innovative%20solutions%20to%20manage%20informality>. Accessed on 26 March 2021.

348 The Department of Transport and Public Works. (2020). *Annual Report: 2019/20*, p. 113.

349 IOL. Available at: <https://www.iol.co.za/capeargus/news/pothole-problem-in-cape-town-townships-getting-bigger-4b01fcdf-b851-4339-aa8a-a9b6c469acf8>. Accessed on 24 May 2022.

350 IOL. Available at: <https://www.iol.co.za/capeargus/news/pothole-problem-in-cape-town-townships-getting-bigger-4b01fcdf-b851-4339-aa8a-a9b6c469acf8>. Accessed on 24 May 2022.

**Policing Need and Priority: Safety of paramedics****Context**

Paramedics deliver crucial medical care at crime scenes and respond to calls for emergency medical treatment. Emergency Medical Services (EMS) respond to many incidents and call-outs in areas where there are high numbers of crime incidents. Many work hours (4 476 from January – December 2015 and 4 464 from January – December 2016) were lost as a result of staff booking time off after having become victims themselves. High-risk areas including Khayelitsha Site C, Tafelsig, Philippi, Nyanga, New Crossroads, Gugulethu, Heideveld, Kalksteefontein and Hanover Park have been classified as red zones which staff cannot access without a police escort. Safety concerns were also raised about dropping off patients at hospitals in high-risk areas where the patients or EMS staff can also be attacked.<sup>351</sup>

**Progress made**

The Department of Health's Annual Report (2019/20) mentions that ongoing attacks on their operational crew in red zone areas affect their under 15-minute response rate as well as their overall service delivery. As a result of the attacks, staff are unavailable or are booked off.<sup>352</sup> Law enforcement continues to escort paramedics. According to reports in the media, attacks on paramedics have tripled in 2021 with the EMS confirming 68 attacks on paramedics while there were only 22 in 2019.<sup>353</sup> There were five reported attacks on emergency medical services (EMS) personnel in the first three months of 2022 and 12 over the same period last year. There were 78 such attacks in 2021 which was the highest number in five years. The Department is concerned that staff who are dispatched into communities are subjected to attacks or are exposed to trauma, which impacts their mental well-being.<sup>354</sup>

It was reported that newly integrated alarm systems and panic buttons have been installed in ambulances and response vehicles.<sup>355</sup> The Department of Health reported that there was an EMS staff safety plan that detailed their initiatives and centres on four key principles: staff safety, management strategies, safety stakeholder engagements and community initiatives.<sup>356</sup>

**Conclusion**

While law enforcement is making a concerted effort to keep EMS staff safe, their safety is still at risk. This issue is considered a policing need and priority.

351 Department of Community Safety. (2017). *Provincial Policing Needs and Priorities Report for the Western Cape 2016/17*, p. 58.

352 The Department of Health. (2020). *Annual Report: 2019/20*, p. 55.

353 Adams, N. 2021. *Attacks on paramedics have more than tripled*. [online] iol.co.za. Available at: <<https://www.iol.co.za/weekend-argus/news/attacks-on-paramedics-have-more-than-tripled-2f274464-9949-4599-b80b-5aa3a546aabb>>. Accessed on 19 March 2021.

354 *Daily Maverick*. Available at: <https://www.dailymaverick.co.za/article/2022-05-03-call-for-increased-security-at-western-cape-healthcare-facilities-after-spate-of-attacks/> and <https://www.enca.com/news/attacks-western-cape-emergency-services-increase>. Accessed on 25 May 2022.

355 Ibid.

356 *Daily Maverick*. Available at: <https://www.dailymaverick.co.za/article/2022-05-03-call-for-increased-security-at-western-cape-healthcare-facilities-after-spate-of-attacks/>. Accessed on 25 May 2022.

**Policing Need and Priority:** Monitoring of spaza shops

**Context**

Many areas have experienced a proliferation of spaza shops. These shops serve the needs of communities (convenient and accessible shopping) while providing a localised form of economic empowerment. Unfortunately, many spaza shops are unregulated and do not comply with by-laws. Owing to long operating hours and their location, spaza shop employees are vulnerable to crime. These shops become easy targets for robbery as they are largely cash-based businesses. There are also concerns that some spaza shops trade in illicit goods such as drugs and liquor.

Burglaries of spaza shops has increased. In some cases, these spaza shops are not insured or lack alarm systems to protect their businesses owing to unaffordability. The high crime rate in townships deters suppliers from entering to provide delivery services to spaza owners.<sup>357</sup>

**Progress made**

According to the SAPS Annual Report (2020/21), spaza shops were the second highest business premises targeted for robbery, after general dealers (contributing 24.2% of business robberies). A total of 240 spaza shops were robbed, which contributed 16% of the total crime category.<sup>358</sup>

**Conclusion**

The convenience and accessibility of spaza shops makes them vulnerable to crime and easy targets for robbery. The monitoring of spaza shops continues to be a policing need and priority in the Western Cape.

357 Yesufu, S. (2021). 'The changing landscape of the spaza retail outlet amongst black South Africans'. *EUREKA: Social and Humanities*, 5, 12-23. doi: <http://doi.org/10.21303/2504-5571.2021.0.02050>, p. 15.

358 South African Police Service. (2021). *Western Cape Annual Report: 2020/21*, p. 54.

## 9. RECOMMENDATIONS

### 9.1. Strengthening SAPS Resources

#### 9.1.1. Recruit and appoint additional members

The number of police officers has declined both nationally and provincially. They are unevenly distributed throughout the Province. It is recommended that:

- Consultations around the review of the Theoretical Human Resource Requirement should take place to ensure those police precincts that are most at risk are given policing resources accordingly.
- As soon as possible, given the Covid-19 restrictions, new SAPS members must be recruited, trained and deployed to the Western Cape.
- The basic training curricula for police officials should be revised to ensure more practical training and focus on skills required by constables immediately on their deployment. In-field and on-the-job supervision should be re-introduced. Trainers should include experienced police officers.

#### 9.1.2. Physical resources

- Vehicle fleet management needs to be improved and delays in repairing vehicles need to be addressed. Government garages must ensure that the service standards are maintained and that vehicles are serviced within the shortest turnaround time.
- The personnel-to-vehicle ratio needs to be improved.
- Those police stations requiring upgrades need to be attended to. CCTV cameras and security installations must address security risks.

#### 9.1.3. Police reservists

- The Covid-19 pandemic has impacted further on the declining number of reservists and it would appear that SAPS intends to recruit new police officials from the ranks of reservists. It is imperative that SAPS starts a recruitment campaign for new reservists, especially in those areas where crime is highest and police visibility is most needed.

#### 9.1.4. Policing of the railway environment

- A strategy must be developed to ensure effective policing of the railway environment to ensure the safety of commuters and staff, as well as of railway assets and infrastructure.

### 9.1.5. Management of sick leave

- With the pressure of a declining number of officials, it becomes even more important that active officials are managed properly and are available to do their shifts when required.
- SAPS need to address the abuse of sick leave and work towards achieving its target with regard to sick leave.

### 9.1.6. Effective deployment of SAPS members

- Evidence suggests that police action is most effective when it is directed at specific places, targeted at certain people (individuals or groups) and towards defined problems. The deployment of human resources should be dependent on accurate crime and demographic data down to a geographic micro-level.
- The Area-Based Approach currently being implemented as part of the Western Cape Safety Plan is premised on this approach and requires ongoing collaboration from SAPS, law enforcement and other key safety stakeholders.
- It is important that this approach should be carefully monitored to assess its impact and it should be modified as required.

### 9.1.7. SAPS Detectives

- The shortfall in the number of detectives has continued and the detection rate of most serious crimes has declined. The Detective Academy, announced in 2019, needs to be established and offer training to all SAPS members involved in investigating crimes.
- Advanced and specialised detective training also needs to be made available. This must include training on how to collect DNA buccal samples.

### 9.1.8. Integrated Case Docket Management (ICDMS) and Docket Archive Stores

- Detectives must be trained on the implementation of the ICDMS.
- All stations must ensure that they appoint vetted members to manage the Dockets Archive Stores.
- All stations should conduct an audit of training needs for data typists and detectives to utilise the ICDMS.
- All stations must ensure that they adhere to the minimum requirements of National Instruction 13 of 2017.<sup>359</sup>

### 9.1.9. Address police corruption

- Corruption in the police must be addressed at all levels.
- Attention needs to be paid to police culture which allows corruption to flourish. Management and political leadership need to give clear signals through their speeches and actions that corruption will not be tolerated.

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359 Department of Community Safety. (2020). *Report on oversight inspections conducted at selected police stations on the state of Docket Archive Stores (DAS)*, p. 12.

- The SAPS Anti-Corruption Unit needs to continue investigating allegations of corruption and ensure that corrupt members are prosecuted. The performance of this Unit should also be monitored.
- Strong partnerships with the community and civil society, as well as good communication, can help to improve trust and encourage the community to report corruption and expect that their reports will be taken seriously.

### 9.1.10. Address backlogs in the Forensic Services laboratories

- There is an urgent need for SAPS to address the problems with analysis and the Forensic Science Laboratory. The backlog in tests continues to grow so impacting on SAPS' ability to investigate crimes properly. This needs to be addressed at a national level as a matter of urgency.
- It is recommended that the forensic laboratory in the Western Cape report to the Western Cape Provincial Commissioner rather than at the national level.
- The procurement of buccal sample kits needs to be improved and distributed to priority stations.
- SAPS must ensure that stations have the necessary infrastructure to protect the basic human rights of suspects during the sampling process.
- Training should be provided for detectives and members of the Visible Policing Components.<sup>360</sup>

### 9.1.11. Policing of firearms and ammunition

- SAPS must continue to focus on firearm recoveries and confiscations through stop and search and intelligence-led operations.
- Firearm stockpiles must be closely managed to prevent the leakage of confiscated firearms and firearms held legally by the police, military and civilians. SAPS must report on all firearms and ammunition lost or stolen from exhibits, stores or from members of SAPS.
- Confiscated firearms need to be destroyed on a more regular basis.
- There needs to be further regulation of the sale of ammunition to prevent large amounts being bought, sold or lend on to criminally minded people.
- SAPS must ensure that firearm and firearm-related offences are thoroughly investigated so that they can be prosecuted in court.
- An integrated firearms harm-reduction strategy should be implemented across all role players in the Western Cape.

<sup>360</sup> Department of Community Safety. (2019). *Report on oversight inspections conducted at selected police stations on the Criminal Law (Forensic Procedure) Amendment Act 37 of 2013*. Unpublished report, p. 16.

## 9.2. Greater collaboration between SAPS and law enforcement authorities

- There is a need for greater collaboration and integration of SAPS and law enforcement authorities.
- This requires joint planning and operations which should be supported by the sharing of crime information and threats in order to implement an effective hotspots approach to policing.
- Various technological platforms can be explored, such as collaboration around CCTV footage, gunfire detection and drone technology.
- The integration of radio technology and systems should be explored.

## 9.3. Addressing key crime categories

### 9.3.1. Gender-based violence

- SAPS must ensure that victim-friendly rooms meet all requirements and are available at all police stations.
- In collaboration with the Department of Social Development, Victim Empowerment volunteers and coordinators must be appointed and trained at all police stations.
- Police stations must have access to DNA-collection kits at all times.
- SAPS needs to address the backlog in GBV cases.
- The FCS unit should be capacitated to address GBV and femicide cases.
- All SAPS members need to be trained on how to address domestic violence and gender-based violence cases. This should include awareness of the empathy needed to assist victims of GBV.
- First responders should be capacitated to provide support to victims of GBV.
- Victims must be kept informed of the progress of their case and be provided with ongoing victim support.
- The Western Cape Government should continue to address gender-based violence through its Transversal Gender-based Violence Steering Committee or similar structure.

### 9.3.2. Addressing substance abuse, drugs and illegal liquor outlets

- Substance abuse and drugs are key drivers of crime and violence. The root causes of these need to be addressed using a multi-pronged approach. Substance abusers must be given adequate support and treatment opportunities.
- A harm-reduction approach to policing and enforcement should be followed.
- A considered policing and law enforcement approach should be adopted and intelligence-led operations should be brought against drug dealers as well as those higher in the criminal network. K-9 units should be involved in the policing of drug-related crimes.
- Law enforcement plays a key role in policing the 'B' crimes and allows SAPS to concentrate on more serious forms of crime.
- Enforcement around liquor outlets needs to be strengthened and law enforcement officers have to be trained in de-escalation strategies.
- The Western Cape Liquor Authority should continue to ensure compliance with licensing conditions.



### 9.3.3. Murder and serious violent crime

- Ensure a policing approach that responds to a clear understanding of the patterns, causes and nature of murder and serious crime.
- Implement an area-based approach which works collaboratively with SAPS and law enforcement, as well as with stakeholders from Government and civil society.

### 9.3.4. Gang related crime

- Capacitate the SAPS Anti-Gang Unit so that it is able to conduct intelligence-led operations and monitor its impact.
- Adopt a multi-stakeholder approach to working in communities and with youth at risk of joining gangs.
- Implement the Provincial response to the National Anti-Gang Strategy.

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