Report of the Select Committee on Security and Justice on an oversight visit to the Estcourt Police Station and the Estcourt Magistrates Court in KwaZulu-Natal Province, dated 18 March 2015.

1. **Delegation**

    1.1. The oversight delegation consisted of:

Province	Political Party	Present
Eastern Cape	African National Congress	Hon Ms T Wana
Free State	African National Congress	Hon Mr MJ Mohapi
	Democratic Alliance	Hon Mr G Michalakis
Gauteng	Democratic Alliance	Hon Mr JWW Julius
KwaZulu-Natal	African National Congress	Hon Mr LPM Nzimande
	Democratic Alliance	Hon Mr M Chetty
Limpopo	African National Congress	Hon Mr SG Thobejane
Mpumalanga	African National Congress	Hon Mr MT Mhlanga
Northern Cape	African National Congress	Hon Ms GM Manopole
North West	Economic Freedom Fighters	Hon Ms TJ Mokwele
Western Cape	African National Congress	Hon Mr DL Ximbi (Committee Chairperson)

The following parliamentary staff supported the Committee: Mr G Dixon – Committee Secretary, Ms A Van Der Burg – Content Advisor, Ms P Whittle – Committee Researcher and Mr N Mangweni – Committee Assistant.

2. **Introduction and Terms of Reference**

    2.1. The Committee, as mandated by the Constitution and Rules of the National Council of Provinces, undertook an oversight visit to the abovementioned town of Estcourt in KwaZulu-Natal Province on 22 October 2014. The aim of the oversight was to:

    2.1.1. Oversee the effectiveness and efficiency of service delivery by the SAPS at station level;
    2.1.2. Assess the effectiveness of policing programmes in the area and promote policing coordination in the province;
    2.1.3. Oversee the implementation of the Integrated Justice System (IJS) in the province;
    2.1.4. Oversee the management of the magistrate's court; and
    2.1.5. Determine the specific challenges faced by the magistrate's court in terms of service delivery and case management.

    2.2. **The Committee expected the following outcomes**

    2.2.1. The specific requirements needed by the police station for effective policing of the area and to improve its service delivery as a contact centre;
    2.2.2. Police intervention to curb the political unrest between political parties in the region;
    2.2.3. Police compliance with the implementation of legislation;
    2.2.4. Crime prevention initiatives in the area;
    2.2.5. Inspection of police facilities; and

2.2.6. The specific requirements needed by the magistrate's court to render services to the public.

3. **Meeting with SAPS members of the Estcourt Police Station 22 October 2014[1]:**

3.1. **Briefing by Brig. Reynders on the Estcourt cluster**

The Estcourt cluster consists of Estcourt, Wembezi, Weenen, Winterton, Amangwe, Ntabamhlophe and Mooi River police stations. It covers 5444 km² and, according to the 2011 census statistics, has a population of 250 322 residents. The Mtshezi local municipality and the Imbabazane local municipality services the areas policed by the cluster. It consists of a mixture of rural, residential and informal settlements, shopping centres and industrial areas.

The Estcourt, Weenen, Winterton and Mooi River stations serve urban and rural areas consisting of residential areas, business areas, commercial farms as well as rural communities.
The Amangwe, Wembezi and Ntabamhlophe stations serve mostly rural communities and small subsistence farmers.
Mooi River, Ntabamhlophe, Amangwe and Winterton share the international border with Lesotho.

The police station operates in an environment with high levels of political intolerance particularly with the upcoming 2016 local government elections. There are mainly service delivery and land problems experienced in the area.

The briefing indicated that the South African Police Service (SAPS) established sector policing at all stations within the cluster. The stations in the cluster were policed in accordance with the National Crime Prevention Strategy's two pronged approach namely Organised Crime and Geographic Approach.

These strategies were strengthened by the seven pronged approach adopted by the Provincial Commissioner.
- a.   Geographic approach – refers to the location where crimes were committed.
- b.   Organised crime approach – refers to syndicates.
- c.   Community Partnership – refers to engaging through the Community Police Fora (CPF) and improving cooperation with communities and restoring trust that allows for the flow of information and accountability.
- d.   Multi-Disciplinary approach – all departments within the JCPS Cluster work together to combat crime.
- e.   Victim Support Approach – Victims were often witnesses to a crime. By treating people with respect and dignity the SAPS ensured that they respected the rights of victims and regarded them as credible witnesses.
- f.   Repeat Offender approach - Correctional Services kept the police abreast of released individuals and parolees. Recidivism was high and the police ensured that they visited and monitored released individuals.
- g.   Apex Crime Threat Approach – in this cluster the SAPS identified stock theft as one of the crimes that had a negative economic impact on the rural communities and classified it as an Apex Crime.

3.2. **Pressure factors on policing in the cluster**

---

[1] The SAPS team was led by KwaZulu-Natal Provincial Commissioner of Police, Lieutenant General BM Ngobeni.

The station reported that it had the required capacity in terms of physical and human resources. It identified challenges with regard to the recent misinformation surrounding staff losing their pension benefits that led to many staff members applying for early retirement. The station was currently filling the posts left vacant but acknowledged that the turnaround time to fill a post was a lengthy procedure.

The cluster managed its staff complement by assessing the workload in the region and deployed staff accordingly. It had moved away from benchmarking according to the population ratio as other factors such as the profile of the region, crime statistics and workload determined the deployment of staff members. Built up areas experienced higher crime rates than rural areas and the need for more staff deployment to these areas was necessary.

The police briefed the committee on the following factors that placed pressure on policing in the area:

3.2.1. **Construction of new incarceration facility**

   a. The local prison was currently under construction. This resulted in the police having to transport detainees on a daily basis between Ladysmith, Estcourt and Newcastle to appear in court. The long distances did not appear to hamper the operation of the courts as arrangements were made between the court, police and the Department of Correctional Services.

3.2.2. **Security risks due to close proximity of taxi rank to police station and court**

   a. The station management indicated that the location of the newly built double storey taxi rank next to the police station and court posed a potential security threat to detainees being transported into court or appearing in court.
   b. The station management noted that it must also be borne in mind that political crimes were often between opposing political groups, which often resulted in violent reprisals such as assassination attempts on witnesses or accused individuals.

3.2.3. **Political unrest related to local government elections, service delivery protests and land redistribution issues**

   a. The service delivery protests related to Mooi River, Imbabazane, Wembezi and Weenen took up a lot of policing hours. The police indicated the causes of these protests were often difficult to resolve.
   b. Tribal conflict emanating from the redistribution of land resulted in numerous murders, attempted murders and malicious damage to property in the Weenen and Estcourt regions. One case referred to the attempted murder of a councillor.
   c. The station applauded the provincial government's initiatives to deal with political intolerance. The provincial government established a multi-party political committee to quell or deal with political intolerance. One of its successes was in the Nongoma region which was a political hotspot and when the provincial government intervened it managed to quell the unrest.
   d. The Provincial Commissioner noted that the province placed great emphasis on intelligence operations. The community driven interventions were bolstered by intelligence information. The cluster met on a weekly basis and exchanged information with the State Security Agency (SSA) and the South African National Defence Force. The deployment of Public Order Policing was always intelligence driven.
   e. The station utilised inter-departmental resources to alleviate certain situations. It cited the cooperation of the Cooperative Governance cluster to resolve service

related protests. The provincial government also assisted by calling municipalities to cooperate to defuse situations and render services. During service delivery protests, police identify perpetrators and after their arrest the National Prosecuting Authority (NPA) is brought on board.

f. SSA Head Mr Bharat Morar briefed the Delegation on the intelligence driven matrix employed across the province. He noted that most of the protests occurred in the metropolitan centres and he emphasised the need to have mayors or department representatives on board to resolve issues related to water and service delivery. It was imperative to meet with decision-makers together with community spokespersons. An Early Warning System was implemented, for e.g. to be able to act when alerted about planned service delivery protests.

g. The SSA nodal centre would coordinate the information and activate the necessary resources. If the situation required political intervention then the SSA would request the assistance of the relevant political head.

h. The SAPS and the SSA produced monthly stability reports, this information was analysed and discussed during their weekly and monthly meetings. The reports would define the persons or organisations involved in criminal or political unrest situations.

i. The system was designed to deploy resources rapidly.

j. The briefing noted that attacks on foreign nationals were rare in the province. The SSA escalated any information related to such an attack to the Provincial Police Commissioner.

3.2.4. **Taxi related violence**

a. The station reported that the transport conflict emanated from the Ezakheni region. Taxi related murders were committed in the Estcourt region.

b. The SAPS established a task team which included the Department of Transport, Public Order Policing, detectives and Intelligence, to investigate the taxi conflict. The provincial government assisted to resolve the situation in Ezakheni and Ladysmith. The provincial government engaged the community in Ladysmith through community dialogues and peace accords.

3.2.5. **Land claim disputes**

a. The Department noted that some conflicts related to disputed land claims. The Department advised that this would require a multi-disciplinary approach involving all stakeholders to resolve the ongoing disputes.

3.2.6. **Stock theft**

a. The cluster reported a decline in stock theft. The cluster adopted a multi-faceted strategy for stock identification incorporating branding, chipping and record keeping. It assisted with rolling out the process of branding in various parts of the province. The CPF and other community forums meet on a regular basis with SAPS. Some challenges include that stock owners do not regularly keep account of the number of their stock.

3.2.7. **Drugs**

a. The briefing recorded an increase in the arrests of perpetrators who were distributing drugs. This translated to fewer drugs on the street. Drug busts were regularly undertaken and SAPS worked collaboratively with the Department of Social Development.

3.3. **Strategies to deal with corruption in police**

3.3.1. The Provincial Commissioner reported that her command has a professional relationship with the Independent Police Investigative Directorate (IPID). The IPID met with the Provincial Commissioner on a monthly basis to exchange information regarding cases and to discuss progress with regard to the recommendations made.

3.3.2. The SAPS developed a Code of Conduct for police officers and instructed all members to adhere to it to ensure a professionalised police service.

3.3.3. SAPS also has an internal personnel services register and measures in place.

3.3.4. The Hawks and the Directorate for Priority Crime Investigation investigated police officers accused of corrupt activities and worked closely with the IPID.

3.4. **Crime prevention initiatives**

3.4.1. **Community safety**

a. The 184 stations in the province each have a liaison officer.

b. The province developed good working relations with the communities and Community Police Forums (CPF). The SAPS was reviving CPFs but not all of them were fully functional.

c. The Minister of Police and the Minister of Education implemented a country-wide Memorandum of Understanding. It also implemented adopt-a-cop and adopt-a-school strategies. A Priority Committee was established with the Head of the Provincial Department of Education and the MEC was also engaged. An announcement will be made by the Provincial Commissioner and Head of the Provincial Department of Education regarding the finalisation of the project.

3.4.2. **Security cluster programme in Wembezi**

a. Much of the political unrest centered on the Wembezi region.

b. The Justice, Crime Prevention and Security cluster (JCPS) intended launching its festive season crime prevention programme in Wembezi on Thursday, 23 October 2014.

4. **Conviction rates**

4.1 The cluster reported a challenge with regard to what constituted a credible witness and would develop a programme to inform the community. The court required a different form of communication than that spoken at home and this often led to the prosecution cases failing as it hinged on the witnesses testimony.

5. **Border control and South African National Defence Force (SANDF) support to SAPS**

5.1. Col. Mbeki from the SANDF informed the Delegation of its operations in KwaZulu-Natal province in supporting the SAPS in terms of border control. As per its mandate its operation centered on curbing and lowering crime entering South Africa. The SANDF met regularly with its counterparts in Swaziland and Mozambique and noted that the interaction curbed much of the external crime entering South Africa. Col. Mbeki advised that there was still a gap in terms of the Lesotho / KwaZulu-Natal border as there were no SANDF deployments along that border.

6. **Meeting with Department of Justice and Constitutional Development and the Head of Judiciary, Chief Magistrate Goosen, at the Estcourt Magistrates Court, 22 October 2014:**

6.1. **Mr Godfrey Leseba the Integrated Justice System Board Chairperson in the Office of the Director General of Justice and Constitutional Development briefed the Committee on the Integrated Justice System (IJS)**

The IJS Programme was established as a result of the National Crime Prevention Strategy of 1996 and aims to modernise the Criminal Justice System (CJS). The IJS Programme was further given impetus by the Review of the South African Criminal Justice System Seven-point Plan in 2007 and it gives effect to Outcome 3 of the JCPS Cluster Delivery Agreement - "All people in South Africa are and feel safe". The National Development Plan provided added impetus to its establishment.

6.1.1. **The primary objective of the IJS Programme is to:**

a.   Electronically enable and integrate the end-to-end criminal justice business processes (i.e. from the report of a crime to the release of a convicted person), through technology solutions; and

b.   Manage the related inter-departmental information exchanges across the CJS.

6.1.2. **It would deter crime in South Africa by:**

a.   Eliminating swapping of identity at Remand Detention Facilities;

b.   Ensuring effective and instant linking of criminal records, bail status and "wanted" status of persons at the point of arrest so as to provide enough information about an arrested person to the prosecution prior to their first court appearance, which usually takes place within 48 hours;

c.   Ensuring effective identification of criminals based on crime scene evidence (e.g. finger prints, DNA);

d.   Enabling rapid processing of cases through the courts by providing information about the case, person, and processes exhibits seamlessly to speed up justice to victims of crime, and punishment to perpetrators of crime.

Mr Leseba confirmed that the project had progressed to the stage that the Transversal Hub was now a reality. The Transversal Hub would be the central resource that would collect evidence from all sectors namely, Home Affairs, SAPS, Department of Social Development, National Prosecuting Authority, Legal Aid South Africa, Department of Correctional Services and the Office of the Chief Justice. The system would allow prosecutors to review criminal dockets from the police to see what was still pending in terms of the investigation and would inform the Office of the Chief Justice and appoint court time to judges and magistrates.

The Department of Justice was the lead department and responsible for the Transversal Hub. The Transversal Hub was currently situated within the SAPS but the Department was busy with its migration.

6.1.3. **Department system integration**

The briefing reported that the Department procured the services of an IT consortium that had determined the best implementation model was a modular approach. It advised that the first step should be the modernization of each department's IT infrastructure and systems upgrade. When each department reached a certain maturity level, it would then

be ready for integration into the IJS. The modular approach kept the autonomy of departments intact while the integration agreement governed the requirements for integration.

The project was currently integrating each department into the network, as detailed by the following IJS structure in Figure 1 below, with the Department of Correctional Services and the Department of Social Development still under development.

Figure 1
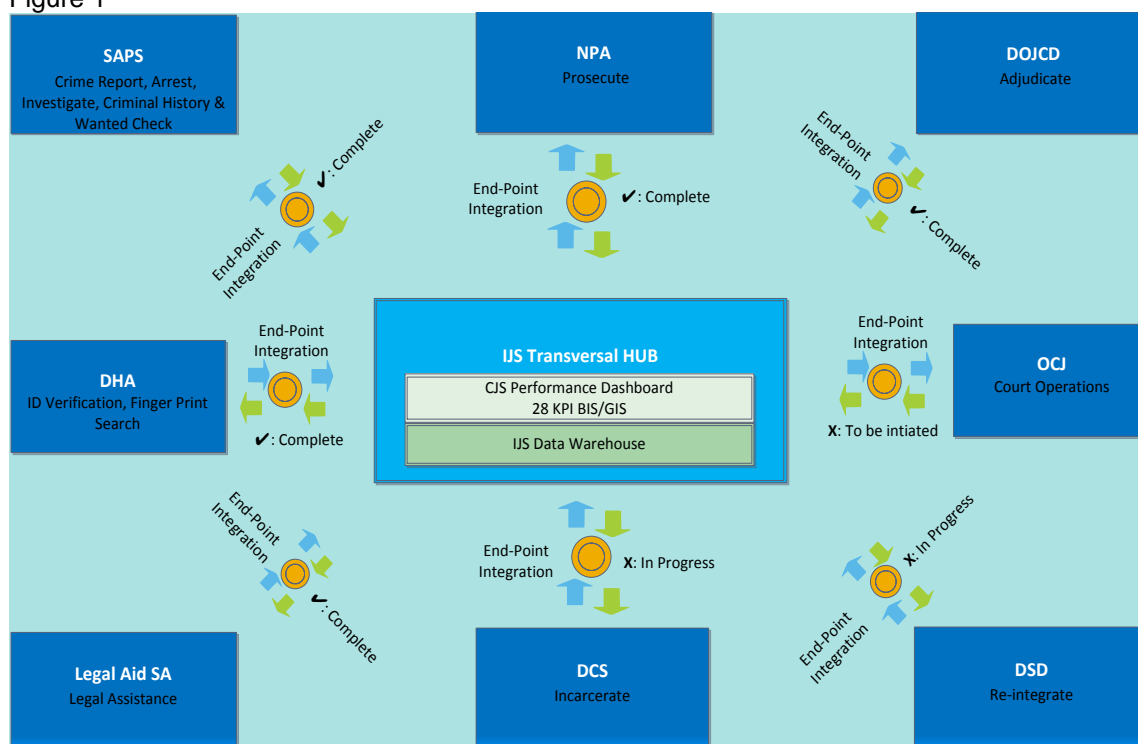
6.2. **Achievements:**

6.2.1. The docket ready, docket request and case outcome integrations between the SAPS and the Department of Justice and Constitutional Development (DOJ&CD) was now deployed to 221 DOJ&CD Courts across all 9 provinces and linked to 848 SAPS Police Stations nationally.

6.2.2. Person integration achievements: PIVA-1 Pilot (Person Identification & Verification Application) deployed to Cullinan and Mamelodi Police stations.

6.2.3. Information Exchange Agreements (IEA) were finalised with SAPS, NPA, DOJ&CD, DCS and DSD.

6.2.4. Various business processes were finalised along with the improvement of reporting lines, accountability and restructuring of the Board to allow for better fiscal management and accountability.

6.3. **Findings / challenges / areas for improvement:**

6.3.1. The Delegation determined from the briefing that the IJS required another three years to finalise the upgrade to the Home Affairs National Identification System or HANIS system. The Department cautioned that the IJS was a modernization

journey, and when viewed in this context, there would be no qualitative end to the modernization.

6.3.2. The Department identified the change management process as the major challenge in the SAPS when converting to electronic dockets.

The competency of staff at the station to run the system required proper change management if the system were to be a success. The recruitment strategy of the SAPS with regard to the required information technology skill levels and education levels of police members inputting information into the system was critical. The success of the IJS still hinged on the quality of the information inserted into the system.

The skills development programmes of various departments was essential and formed part of the change management process. The IJS system would help with capacity training as the data would speak to performance across provinces. The performance information would be comparable across provinces and identify best practices.

The presenter acknowledged that a total clean-up of departments was necessary as one department's weakness could undermine the whole system.

6.3.3. **Protection of Personal Information:**

The Department allayed the Delegation's concerns regarding the protection of personal information and explained that the access to information was strictly controlled. The data would only identify and link perpetrators to criminal activity and the Department assured the delegation that personal information such as identification information would be tightly controlled and would only relate to the criminal case of an accused.

6.4. **Briefing by the Department of Justice and Constitutional Development on the court infrastructure, case management and staff complement.**

The Department briefed the delegation on the following:

- The Department required additional funding to build a new court as the current court was old and had significant space challenges. Space norms were submitted for the land and the building of the new court. Three possible sites were identified. Due to the building being old the security of the building was also severely compromised.
- There is no sexual offences court as the KPI requires 21 courts to be established first. At the moment the infrastructure was not ready to establish such courts e.g. intermediary and playrooms. Sexual offences matters were, however, still being dealt with in the Regional Court despite there being no dedicated sexual offences court.
- There is only one Regional Court, it is a Circuit Court for Ladysmith and sits at Estcourt, but it was insufficiently staffed to deal with the caseload. A prosecutor and magistrates from Ladysmith service the Regional Court. There were no magistrates from Estcourt that provided assistance in the Regional Court as they

all came from Ladysmith. An additional Regional Court was required for the region.

- The Department reported that there were currently sufficient magistrates in the court to deal with the current caseload but required the unfilled vacancies filled as soon as possible to relieve the pressure on the staff complement. There was currently a two year magistrate vacancy with the post filled by an acting magistrate.
- The court has a full complement of interpreters.
- The court has not experienced any lost dockets and SAPS has a scanning system which provides for security of dockets and serves to limit any lost dockets. In addition, there are detective court case officers stationed in the court and they facilitate the movement of dockets from SAPS to the court.

6.5. **Estcourt District Court and Regional Court Statistics**

At the time of the visit the delegation was presented with statistics on backlogs, for the Regional Court and the Estcourt Magistrate Court, but the statistics were unclear in certain respects. The Delegation requested the Department reply in writing with the correct information.

The Department replied in writing and reported the following:
a. Statistics for the District Courts in Estcourt are attached as Annexure A.
b. The case statistics for the Regional Magistrates Court indicates that Regional Court One had a total of 74 cases during the period 2010 to 2014 and has a backlog of 5 cases older than 6 months and 5 cases older than 15 months.
c. The case statistics for Regional Court Two indicates a total of 85 cases during the period 2012 to 2014 and has a backlog of 13 cases older than 6 months and 5 cases older than 15 months.
d. The Department reported that between 2012 and 2014 it had a total of 65 sexual offender cases. There were 57 counts of rape, 4 counts of attempted rape, 3 counts of sexual assault and 1 count of exposure.

6.6. **Employment Equity**
a. The Department reported that at present there were no persons with disabilities employed at the Estcourt Magistrate Court.
b. The regions current employment disability statistics stand at 1.58%, which is less than the 2% target. The Department indicated it was committed to achieving the target of 2%.
c. The Employment Equity Plan of the Ladysmith Cluster is available on request.

The administrative organogram of the Estcourt Magistrates Court is attached as Annexure B.

7. **Concluding remarks and recommendations**

7.1. **Police**

7.1.1. SAPS has built up a good working relationship with various role players to resolve many issues, particularly in respect of drugs and stock theft. The main challenge, which confronts this station, relates to service delivery protests, political intolerance and taxi violence protests. The Committee will continue to monitor developments in this region.

7.2. **Magistrates Court**

7.2.1. The Magistrates court infrastructure was in dire need of repair and upgrade. The interaction with the Judicial Head, Mrs Goosen, highlighted the urgent need for a new court. The Department must submit its plans for the building of the new court infrastructure in Estcourt within 14 days of the adoption of the report by the Council. The Department must also submit the infrastructural design to accommodate sexual offences courts in the new court infrastructure.

7.2.2. The National Prosecuting Authority representative expressed a need for additional staff to assist the Dundee Magistrates court as the District Court prosecutor at Estcourt had to assist due to a suspension of a prosecutor at the Dundee court. The National Prosecuting Authority and the Department of Justice and Constitutional Development should address the staffing challenges currently experienced by the Magistrate's court and report back to the Council within 14 days of the adoption of the report by the Council.

7.2.3. The current Magistrates court does not have a developed sexual related offences court infrastructure such as separate interviewing rooms for children. The Department must ensure that changes to the infrastructure of the court building accommodate child victims and report back to the Council within 14 days of the adoption of the report by the Council.

7.2.4. The implementation of the IJS system required monitoring and follow up in future meetings of the Committee.

7.2.5. The Committee resolved that Local Government must investigate the impact of the taxi rank on the security of the magistrates' court and report to the Council within 14 days of the adoption of the report by the Council.

7.3. **Evaluation of joint oversight visit**

7.3.1. The time allocated to conduct the oversight was limited. The exercise highlighted that each committee required at least a day to conduct its programme.

7.3.2. The oversight programme should be undertaken during normal working hours to cater for interaction with people at the court and the police station to determine the level of perceived service delivery.

7.3.3. The briefings on programmes such as the IJS system should be limited to meetings in parliament and the oversight visits should focus more on the physical inspections at the oversight venues.

Report to be considered.

Annexure A

STATISTICAL DATA: DISTRICT CRIMINAL COURTS AT ESTCOURT

Statistical Year 2013	Jan-13	Feb-13	Mar-13	Apr-13	#####	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Tota
Outstanding cases at end of previous month	302	287	285	286	299	307	292	260	268	287	259	238	
Number of new cases enrolled this month	348	225	515	373	396	283	433	542	460	982	852	606	3015
Number of cases re-enrolled this month	4	3	1	1	2	2	6	9	6	5	10	2	51
Total case load for month	654	515	801	662	697	592	731	811	734	1274	1121	846	9438
Number of cases finalized this month	357	230	513	363	390	300	471	543	447	1015	883	543	6065
Outstanding cases on roll at end of this month	287	285	288	299	307	292	260	268	287	259	228	303	
Backlog cases (more than six months)	18	18	20	30	23	31	28	33	34	31	25	33	
Backlog: % of outstanding roll	6.3%	6.3%	6.9%	10.0%	7.5%	10.6%	10.8%	12.3%	11.8%	12.0%	10.5%	10.9%	

Statistical Year 2014	Jan-14	Feb-14	Mar-14	Apr-14	#####	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Total
Outstanding cases at end of previous month	303	259	233	190	171	160	157	145	145	175			
Number of new cases enrolled this month	357	561	411	743	490	400	660	378	637	499			5136
Number of cases re-enrolled this month	1	4	2	3	4	1	7	5	6	4	0	0	37
Total case load for month	661	824	646	936	665	561	824	528	738	676	0	0	7111
Number of cases finalized this month	402	591	456	765	505	404	679	383	613	518	0	0	5313
Outstanding cases on roll at end of this month	259	233	190	171	160	157	145	145	175	160	0	0	
Backlog cases (more than six months)	35	33	18	13	11	8	6	6	4	8	0	0	
Backlog: % of outstanding roll	13.5%	14.2%	9.5%	7.6%	6.9%	5.1%	4.1%	4.1%	2.3%	5.0%	0.0%	0.0%	

Annexure B

12

ORGANO GRAM – ESTCOURT MAGISTRATE
Administration Structure

COURT MANAGER
JD HALIMANA

ADMINISTRATIVE OFFICER
VACANT

CONTRACT POSTS

INTERMEDIARY OFFICER
CD Khuzwayo

MAINTENANCE INVESTIGATOR
Vacant

AUXILIARY SERVICES

TYPIST
ZP Sikhize/ Madondo

MESSANGER
NE Twala

DCRS CLERKS
NZ Ndlull
S Mntambo
LN Kubheka
SS Kubheka

ADMINISTRATION CLERKS
A Eilers
NT Zulu
NR Dlamini
N Khoswa
LB Mkhize
B Parkin
DN Ndaba
SW Chunga
PS Naidoo

LANGUAGE SERVICES

SENIOR COURT INTERPRETER
JR Smith

COURT INTERPRETERS
PS Khumalo
LBM Gcwaso

13