**3. Report of the Select Committee on Security and Justice on an Oversight Visit to Diepkloof Police Station, dated 10 May 2016.**

1. **BACKGROUND:**
   1. The Committee decided to visit this particular police station given the recent internal audit report on the station and media reports regarding mismanagement which was reported on in the media in March 2016 (See Annexure A). The Soweto Cluster, within which Diepkloof police station falls, was also involved in the 2015 xenophobic attacks on foreign shop owners. Strategies to prevent, contain and manage these types of civil unrest was also a determining factor in the decision to conduct oversight over Diepkloof police station. The Committee determined the management of the station, firearms competency, disciplinary hearings, regular cell visitation and the filling of vacancies as key issues to investigate.
2. DELEGATION:
   1. The oversight delegation was composed of the following members:

|  |  |  |
| --- | --- | --- |
| **Province** | **Political Party** | **Present** |
| Eastern Cape | African National Congress | Hon Ms T Wana |
| Free State | Democratic Alliance | Hon Mr G Michalakis |
| Gauteng | Democratic Alliance | Hon Ms B Engelbrecht |
| KwaZulu-Natal | African National Congress | Hon Mr JM Mthethwa |
| Democratic Alliance | Hon Mr M Chetty |
| Limpopo | African National Congress | Hon Mr SG Thobejane |
| Northern Cape | African National Congress | Hon Ms GM Manopole |
| 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.

1. **STATION PERSONNEL:**

The delegation was met by;

* 1. Provincial Commissioner, Lt Gen DS De Lange, Station Commander, Brigadier Malesela and support staff.

1. **STATION PROFILE**[[1]](#footnote-1) :

The Soweto East Cluster consists of five (5) stations, namely:

* Diepkloof SAPS (111 754)
* Eldorado Park SAPS (133 470)
* Kliptown SAPS (109 096)
* Meadowlands SAPS (154 946)
* Orlando SAPS (142 455)
* **Total Population: 651 721**

The current vacancies at this police station amount to 20. Aproximately1-10 disciplinary actions were undertaken by this police station. In respect of Domestic Violence, 50-70% of personnel received training on Domestic Violence and the station had approximately 500 to 800 reported incidents. There are 5-10 holding cells and there was 1 death in the holding cell in the last year.

Four policing sectors have been established. Community Policing Forum meetings take place once a month. Generally Metro/Municipal police do not attend Community Police Forum (CPF) or crime combatting meetings. There are insufficient vehicles at this police station, the station requires 17 more vehicles to be effective and the current ratio of personnel to vehicles is 4:1. Vehicles are sent to garages in Lenasia.

1. **SITE VISIT:**

During the site inspection the Committee requested to see the victim support centre, the compliance with the Domestic Violence Act, the state of equipment at the station, the detective evidence rooms, the availability of the DNA kits and the state of the holding cells.

The following observations were made by the Committee during the site inspection:

* 1. **Victim Empowerment Centre**: The centre is staffed by one woman and one male who have been trained by lifeline as well as one police official and an extra person who co-ordinates the centre.
  2. **Firearm License Office**: The firearm application room is a separate office, with 4 officers on duty; one sergeant, one clerk and two lieutenants.
  3. **Firearms** are held in a locked safe stored in the SAPS 13 storeroom.
  4. **Client Service Centre (CSC) or Charge Office**: Five SAPS members are on duty in the charge office and there are separate rooms for statements to be taken.
  5. **Information Pamphlets**: There is a table in the CSC with pamphlets / information related to drugs, domestic violence and sexual offences.
  6. **Domestic Violence Register**: The police officials were able to present 1 register with complaints and another general register which logs the clients’ details. The last entry was number 26 on 11/4/2016 in respect of ‘intimidation’.
  7. **Holding Cells**: Population limits were set out for each cell and clearly marked outside each holding cell. The delegation inspected 2 cells; one with a female offender alone in the cell with a sponge mattress, toilet and shower facilities, and the other cell was occupied by an undocumented migrant male. In relation to the migrant male, the delegation was informed that the police station experiences some challenges with the Department of Home Affairs not responding timeously to collect undocumented migrants. This person was reported to Home Affairs by SAPS on Monday, 11 April 2016 and the delegation’s visit took place on Thursday, 14 April 2016 during which time the male migrant was still being held in SAPS’ holding cells and had not been collected by the Department of Home Affairs.

1. **BRIEFING BY SAPS**
   1. The Committee requested that the Diepkloof police station brief members on:
      1. the management of the area;
      2. interventions by the police to combat crime specific to the region;
      3. the management of the station; and
      4. the filling of vacancies at the station.
   2. The police station presented on the measures which are being undertaken to decrease crime:

* Sector members are briefed on crime patterns and trends.
* Integrated operations are in place which target hot spots and involve internal and external stakeholders. Force multipliers (external roleplayers and reservists) are utilised during these operations.
* Monthly meetings are held with the Department of Justice to address issues affecting successful convictions and investigations.
* The Community Police Forum (CPF), youth desk and patrollers are engaged to assist with social crime projects. The station also regularly visits schools in the area.

1. **MANAGEMENT OF THE STATION:**
   1. **STATION MAINTENANCE** 
      1. One member noted that generally the station was in a good condition but that there were broken door handles and furniture that required fixing.
      2. The SAPS replied that it would prioritise the maintenance of the station furniture.
   2. **STATION MONITORING AND PATROLLING OF HOLDING CELLS**
      1. The members queried whether the cells were patrolled regularly.
      2. The SAPS indicated that regular patrols were identified as a cause for concern by an internal audit investigation but that the officers on duty at the time had been disciplined and that regular patrols were now taking place as per requirements.
2. **CLIENT, COMMUNITY AND STAKEHOLDER MANAGEMENT**
   1. **Immigration and Business Licence Verification**
      1. Members queried the inspection of licences for immigrants and spaza shops and what was being done in terms of licenses and improving working relationships with the Department of Home Affairs.
      2. **Immigration**: SAPS continuously checks on foreign nationals and the station has a business against crime committee meeting that provides regular feedback. The SAPS also works with Home Affairs to ensure that undocumented persons are reported to Home Affairs. In respect of undesirable business, the station receives a weekly report on this matter.
   2. **Relationship With The Community Police Forum (CPF)**
      1. The delegation queried the relationship between the station and the community and whether the community supported the CPFs.
      2. The relationship between the CPF and the police was working well. The Chairperson of the CPF reported that he received the highest commitment from the station where issues brought by the CPF were prioritised and addressed.
      3. The station also meets on a daily basis with relevant role-players, such as business fora, to ensure that safety and security is maintained in the area.
3. **PERSONNEL MANAGEMENT AND COMPETENCY**
   1. The vacancy rate with regard to visible policing was queried and the station’s initiative to fill the current vacancies in this programme.
   2. The news article mentioned 20 vacancies and the presentation given by the station also reflected 20 vacancies, the members therefore confirmed that there must be some legitimacy to some of the claims made in the news article.
   3. Another member asked the station to highlight the challenges which they have in order for the Committee to assist the station such as the turnaround strategy for vacancies.
   4. Members enquired as to how long the 20 posts were vacant.
      1. The SAPS replied that filling the vacancies was a process and the Provincial Commissioner’s office and Cluster Commander’s office was responsible for ensuring that these posts were filled. The Provincial Commissioner explained that the stations in the cluster were prioritised to fill vacancies and that Diepkloof’s vacancies would be addressed in the next cycle of prioritisation.
      2. In respect of vacancies, the SAPS would like to get the fixed establishment to at least 98%. The SAPS reported that most staff resigned as a result of the concerns around their pension fund pay-outs.
   5. Members noted that the station was unable to provide the committee with an appropriate response to the length of time of the vacancies and the reasons for the lengthy turnaround time to fill the positions.
4. **GENDER BASED VIOLENCE (GBV)**
   1. During the oversight visit, members noted that there were 3 persons on duty to deal with Gender Based Violence (GBV) and queried whether this was sufficient, whether the station had volunteers trained to assist the SAPS and whether the SAPS members were trained to deal with sexual violence cases.
      1. **Gender Based Violence (GBV):** The station has a Family Violence, Child Protection and Sexual Offences (FCS) unit dealing with gender based violence cases on a 24 hour basis.
      2. **Patroller volunteers**: Have been sensitised regarding gender violence and work with the Department of Social Development and other stakeholders to ensure that vulnerable groups are safe.
5. **NEWS ARTICLE AND AUDIT REPORT:**
   1. According to a news article published in March 2016, 2 employees were suspended but were still receiving salaries. Members queried the veracity of the report as well as who was responsible and what was being done to resolve the matter.
      1. The SAPS replied that a constable with a similar name had worked at the Diepkloof police station and was arrested and convicted of a crime. The constable’s salary was terminated immediately after the conviction. The SAPS stressed that although the constable had a similar name, the continued payment of salary was at another station and not the Diepkloof station. The Diepkloof matter had been resolved upon conviction of the offending constable.
   2. The audit report spoke further to management and supervision challenges and that 8 officers did not pass the firearms competency test, the member queried whether this was correct or not?
      1. SAPS replied that there are 3 officers who are currently required to redo the test. They have been taken off the street until completion of the test.
6. **RESOURCE MANAGEMENT**
   1. The delegation queried whether the 48 vehicles were sufficient for the station’s needs and how they were being serviced.
      1. SAPS replied that vehicles were allocated as per the vehicle policy.
7. **COMPLIANCE WITH LEGISLATION AND REGULATIONS**
   1. Domestic Violence Register (DVA): The delegation queried whether the Domestic Violence Register was in place and how often it was being updated.
      1. The SAPS replied that the DVA register was available on request and was updated within the stipulated timeframes as per regulations.
   2. The delegation noticed that the CSC police officers were wearing bullet proof vests and queried why they wore the vests whilst in the CSC office and whether they were not meant to only wear these vests when they were out on the road and on duty.
      1. The SAPS replied that the policy required that officers on duty wear bullet proof vests even at the Client Service Centre. This was a requirement after stations elsewhere in the country had come under fire.
8. **CRIME PREVENTION**
   1. One member noted that the presentation did not refer to shebeens in the area and the delegation queried the prevalence of shebeens in the area and its contribution to crime.
      1. The SAPS indicated that they monitored the bylaws in relation to shebeens and enforced the laws where required.
9. **RECOMMENDATIONS**

The Committee requests the Department to supply the Committee with the following information within 14 days after its adoption by the National Council of Provinces:

* 1. That the police station furnish the Committee with the audit report mentioned in the news article.
  2. The Committee requests the Department to supply the Committee with a report identifying the:
     1. The operational challenges of the station;
     2. The strategies to address the vacancy rate; and
     3. A report on the last meeting held with the Department of Home Affairs in respect of undocumented migrants.

**Report to be considered.**

**Annexure A**

**News Article 23 March 2016:**

**Shocking mismanagement at police station revealed**

Johannesburg - A Soweto policeman who was fired and jailed for violent crime is still being paid his salary.

The 33-year-old former constable from Diepkloof police station got into a fight at a tavern with another patron. He rushed home and returned to the tavern with a pistol, and shot and wounded the patron.

He was found guilty of attempted murder and began his sentence in September.

The Star was shown an audit report on the police station compiled by the SAPS's audit team. The report says the officer was paid last month’s salary and also received a bonus as it was his birthday month.

The report on the police station shows that another constable was paid a salary after being fired in August.

The report indicates a range of problems at the station.

The Star asked Gauteng police about the details of the report.

Spokeswoman Colonel Noxolo Kweza said: “We are not commenting.”

The 59-page audit report, which covers the period from April 2015 to last month, paints a bleak picture of a station plagued by problems. Some of these challenges were blamed on management inadequately supervising and monitoring the work of the officers at the station. The station has eight officers who did not pass the firearm competency assessment but were still in possession of their guns.

“The SAPS might face a lawsuit if a member declared incompetent injures or kills someone with a state firearm,” the report warned. It noted that officers at Diepkloof had no confidence in the services rendered by their employee health and wellness office.

While the SAPS's policy states that disciplinary hearings be finalised within 60 calendar days, seven cases are still dragging on long after that deadline. One had been going on for 275 days, another for 195 days and others for up to 130 days.

The holding cells were not visited hourly, which could result in detainees escaping, injuring each other or dying without officers noticing.

Twenty vacant posts hadn’t been filled despite the provincial office being informed. And because there is a shortage of investigating officers, detectives are dealing with a lot more case dockets.

Problems were also experienced while transporting suspects to court. A female suspect sat with two policemen in the front of the vehicle. The 10 detainees were not searched before being escorted and were given back items like cellphones and cigarette lighters while in transit to court.

“This might open a loophole for escape,” the report said.

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1. Parliament sends the Station Monitoring tool to police stations for further information, prior to the site visit. [↑](#footnote-ref-1)