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**DEPLOYMENT OF THE SAPS DURING THE 2016 LOCAL GOVERNMENT ELECTIONS AND RELATED ISSUES OF UNREST IN THE RUN-UP TO THE ELECTION**

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**1. INTRODUCTION**

The 2016 Local Government Elections (LGE) were held on 3 August 2016, with special votes cast two days prior to the Election Day. The South African Police Service (SAPS) were tasked to maintain law and order during this period, as well as in the months leading up to the election. This period was marked by several high profile incidents of public violence, notably in Vuwani (Limpopo), due to demarcation disputes as well as in Gauteng in late June 2016 due to the nomination of the ANC mayoral candidate for the Tshwane area. The main responsibility of the SAPS focussed on the securing of election material and static security at 22 612 voting stations countrywide, while specialised police units were deployed to high risk hotspot areas as identified by the Crime Intelligence Division of the SAPS.

This paper provides a summary of the SAPS deployment during the 2016 LGE period, pre-and-post Election Day.

**2. SAPS DEPLOYMENT DURING 2016 LOCAL GOVERNMENT ELECTIONS**

Safety, security and stability planning were coordinated through the Joint Operational and Intelligence Structure (JOINTS), while the strategic coordination, management and monitoring of safeguarding operations were the responsibility of the National Joint Operational and Intelligence Structure (NATJOINTS). Among government departments and agencies represented on NATJOINTS are the South African National Defence Force (SANDF), the SA Police Service, the National Prosecuting Authority, the Department of Health, the Department of International Relations and Co-operation, the Independent Electoral Commission (IEC), governments' Intelligence Co-ordinating Committee and metro police from across the country.<sup>1</sup> The Provincial Joint Operational and Intelligence Structure (PROVJOINTS) were mandated with the aforementioned responsibilities at provincial and local level. Interdepartmental Priority Committees were also established at both National and Provincial

<sup>1</sup> Defenceweb (2016)



level, which was co-chaired by the SAPS and IEC in order to coordinate safety and security planning.

#### Comments and questions

The Department should indicate whether any challenges were experienced in terms of coordination, as four (4) different coordination structures were involved in the planning and coordination of operations during the 2016 LGE.

### 2.1. Identified hotspots

Several areas countrywide were identified as hotspot areas in the run-up to the 2016 LGE, which required intervention. These hotspots were identified by the already established Intelligence Coordinating Committee made up of SAPS Crime Intelligence, Defence Intelligence, State Security Agency (SSA) and the National Intelligence Coordinating Committee (NICOC).

The majority of these areas were affected by violent protests actions against demarcation decisions, the party list nomination process and other political tensions. A total of 270 hotspots were identified, of which the vast majority were identified based on violent protests (232 hotspots). The majority (56 hotspots) were located in the Limpopo Province.<sup>2</sup> for the sections below provide further details on the SAPS operations regarding hotspot areas, which formed part of the first phase of operations before and during the 2016 LGE.

### 2.2. Security approach: LGE 2016

The SAPS adopted a three-phased approach to the 2016 LGE. The deployment strategies during each phase is addressed in the sections below.

#### 2.2.1. Phase 1: Build-up to election activities (Feb - July 2016)

The hotspot areas were identified during the first phase of operations. National intervention stability operations were conducted by specialised SAPS units, including the National Intervention Unit (NIU), the Tactical Response Team (TRT) and Public Order Policing (POP) unit, all of which were deployed from national level. These operations were conducted in selective priority hotspots that were primarily located within the KwaZulu-Natal Province, including the following areas:

- KwaMashu (KwaZulu-Natal Province);
- Umlazi (KwaZulu-Natal Province);
- Mandini (KwaZulu-Natal Province); and
- Nongoma (KwaZulu-Natal Province);  
Vuwani (Limpopo Province).

In other hotspots, Clusters conducted three (3) operations, three (3) times per week in order to enhance police visibility, as such, a total of nine (9) stability operations were conducted in the 270 identified hotspots.

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<sup>2</sup> SAPS (2016)



### Comments and questions

- 1) The SAPS should provide a comprehensive list of hotspots where specialised units were deployed from national level.
- 2) The Committee should request details on the deployment of specialised units, in terms of numbers and duties.

### 2.2.2. Phase 2: Special votes and voting day (1-3 August 2016)

Phase 2 of the SAPS deployment were executed on the three (3) voting days between 01 and 03 August 2016 and focussed primarily on securing election warehouses, materials and providing escort services for deliveries of voting material and personnel, static deployments at voting stations and roving reaction teams.

SAPS members were deployed at all 22 612 stations on a 2/4/6 ratio based in the threat and risk assessment, as shown by the table below.

**Table 1: Ratio deployment of SAPS members based on risk (static) at VDs**

No of SAPS Members	Risk level	Voting stations	Total SAPS members <sup>3</sup>
Two	Low	20 364	40 728
Four	Medium	1 328	5 312
Six	High	650	3 900
<b>Total</b>		<b>22 342<sup>4</sup></b>	<b>49 940</b>

Source: SAPS (2016)

The total deployment of SAPS members differed on the three (3) different election days and is reported as follows:

- Day 1 (1 August 2016)<sup>5</sup>: 60 480 SAPS members;
- Day 2 (2 August 2016): 64 197 SAPS members; and
- Day 3 (2 August 2016): 98 813 SAPS members.

The SAPS currently has a fixed establishment of 193 692 personnel, of which approximately 150 000 constitutes operational members. The deployment of 98 813 members on Election Day represents more than half of the operational members of the SAPS (65.8 per cent). This is a significant number of SAPS members deployed away from their respective police stations and duties.

It is further reported that members of the SANDF were deployed only for logistical purposes (e.g. air support) and ground forces placed on standby as decided at executive level. Members of the SANDF may be employed for duties regarding law and order in accordance with the provisions of section 201(2)(a) of the Constitution of the Republic of South Africa, 1996. In this regard, the President authorised the employment of 2 367 members of the SANDF for service in cooperation with members of the SAPS during the local government elections. The

<sup>3</sup> Estimated values of SAPS deployment at voting stations.

<sup>4</sup> The 2016 LGE had a total of 22 612 voting stations, however the SAPS reports deployment of members at 22 342 voting stations. This could be explained by changes to changing crime intelligence information on which the risk assessments of VDs were based.

<sup>5</sup> Special votes were cast on 01 and 02 August 2016 ahead of the general voting day.



President stated that “members of the SANDF will be employed in all nine provinces to assist the SAPS to maintain law and order in the run up to and during the local government elections.<sup>6</sup>

From media reports, the employment of SANDF members were more pronounced in hotspot areas and did not only included logistical support, but also the maintenance of law and order during and prior to the 2016 LGE.

#### Comments and questions

- 1) The Committee should request the SAPS to indicate whether there were any breaches of security during the securing of election warehouses and escorts services for deliveries of voting materials and personnel.
- 2) The SAPS insist that the deployment of police in terms of the deployment plan during the 2016 LGE did not affect day-to-day policing at station level, however 50 per cent of operational SAPS members were deployed away from their respective stations and duties. The SAPS should elaborate on this statement.
- 3) The Committee should request clarity on the duties performed by the SANDF during the 2016 LGE.

#### 2.2.3. Phase 3: Post election days (4 August 2016)

Phase 3 of the SAPS deployment started on 4 August 2016 and included the following duties:

- Escorting of election materials and IEC officials from voting stations to the result centres;
- Securing of National and Provincial IEC Result Centres; and
- Policing of related gatherings (like celebrations) after the election results were made public, which was conducted in terms of the Regulations of Gatherings Act, 1993 (Act 205 of 1993) and the Safety at Sport and Recreational Events Act, 2010 (Act 2 of 2010).

#### Comments and questions

The Department should elaborate on the number and details of security breaches during Phase 3 deployments, most notably the silent protest during the official election results presentation on 6 August 2016.

#### 2.3. Case management

The SAPS provided a detailed breakdown of election related cases reported during the period between 1 and 5 August 2016. A total of 782 cases were reported, of which 510 cases were investigated, 490 arrests were made, 168 cases went to court. The majority of cases were reported in the Gauteng Province (394 cases), followed by the Limpopo Province (112 cases) and the Northern Cape Province (41 cases). In terms of suspects arrested, the Gauteng Province had the highest proportion of arrests (73 per cent) – 290 suspects were arrested related to the 394 cases reported. The Western Cape Province had the lowest proportional arrests of 2 per cent, as only one (1) person was arrested in relation to the 38 cases reported.

<sup>6</sup> Parliament, ATC No 83 – 2016, 02 August 2016



Curiously, in the North West Province, a total of 33 suspects were arrested on the 24 cases reported to the SAPS.

In terms of charges brought by the SAPS, a total of 782 charges were made between 1 and 5 August 2016 on election related cases. The majority of charges were brought on burglaries at business premises (182), followed by charges on malicious damage to property (110) and charges on public violence (103). In terms of provincial spread of charges, the majority of charges were brought in the Gauteng Province (403), followed by the KwaZulu-Natal Province (101) and the Limpopo Province (95).

On 1 August 2016, several residents from Vuwani in the Limpopo Province, including a member of the pro-Makhado task team, were arrested on undisclosed charges.<sup>7</sup> It is alleged that these residents were detained without being charged. The arrests were based on the fact that residents allegedly made "irresponsible utterances".<sup>8</sup> According to media reports, the SAPS was originally unwilling to reveal what charges the Vuwani activists would face. The group appeared in court on 5 August 2016 on charges of intimidation, public violence and contravening the Electoral Act.

#### Comments and questions

- 1) The SAPS should explain the low arrest rate in the Western Cape Province (one arrest).
- 2) The Committee should request the SAPS to indicate reasons for allegedly failing to charge the group of Vuwani residents within the prescribed timeframe after arrest (48 hours). The arrest of a suspect without charge may lead to grounds for illegal detention.

#### 2.4. Budget allocation

The required budget for the 2016 LGE was reportedly R256 968 174. 64 (R256.9 million). The SAPS should provide a comprehensive breakdown of spending of the allocated funds. The SAPS should further indicate whether this includes the deployment of members for election duties or whether this will be defrayed from the existing SAPS budget.

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<sup>7</sup> Tiva, W (2016); Thamm, M (2016)

<sup>8</sup> Thamm, M (2016a)



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