

**We never closed Clifton Fourth Beach - PPA**

**Presentation to the Parliamentary Environmental Affairs Portfolio Committee hearings on the Clifton Fourth Beach incident by the on behalf of Professional Protection Alternatives (PPA), 4 February 2019**

**HENDRICKS – HARMSE
ATTORNEYS**

**RE: PROFESSIONAL PROTECTION ALTERNATIVES (PPA)**

**THE CLOSURE OF CLIFTON FOURTH BEACH ON 23 DECEMBER 2018**

**Introduction:**

Professional Protection Alternatives (PPA) is a private security company that provides services for various private individuals and corporate entities in the Cape Town area and other parts of South Africa.

PPA is a private security company that employs ±400 individuals, the company is registered with PSIRA (the Private Security Industry Regulatory Authority) and duly act in terms of the Preamble, Regulations and Provisions of the ***Private Security Industry Regulation Act* 56 *of 2001.***

The core function of PPA in line with Act 56 of 2001 is to act as a security service provider, in order to provide adequate protection of fundamental rights to life and security of a person as well as the right to not be deprived of property which includes the right to social and economic development of every person.

**Allegation of denying beach goers night access on 23 December 2018:**

It is our client's instruction that PPA members at no stage directly or indirectly informed or instructed any beach goer or community member that the beach is closed or closes at 20h00.

Professional Protection Alternatives deny that its members at any stage denied anyone night access onto the beach on 23 December 2018 and furthermore deny evicting any person or group from the beach. We will set out hereunder the factual chronological unfolding of events with the necessary supporting evidence which will be marked as annexures to this document.

*Please see attached hereto pictures of the day in question, which clearly indicates the date and times the pictures were taken, marked as* ***"Annexure PPA 1".***

**Chronological cycle of events on 23 December 2018:**

Law Enforcement closed the beach on 16 December 2018, when there were various incidents of violence and unruly behavior on the beach. Earlier in the day Law Enforcement **requested assistance** from PPA Security Members as they could not contain a crowd that launched an attack on them.

PPA Members upon request assisted law enforcement and this is self-evident from the picture which was circulated initially on social media where it can clearly be seen that two (2) PPA Members are walking in a line with several Law Enforcement Officers and Metro Police.

*Please find attached hereto the picture marked as* ***"Annexure PPA* 2".**

Initially Mayoral Committee Member JP Smith and the SAPS Spokesperson denied an alleged rape or attempted rape incident, this was however confirmed in later reports, also take note that an OB entry was made by Camps Bay Police about this incident and the victim of the alleged rape did not want to lay charges as she knew the alleged perpetrator and was extremely intoxicated.

The police also had to request urgent assistance from medics and called for an ambulance as the perpetrator was assaulted and attacked by the community and beach goers at the time.

The PPA members on duty on the day in question, 23 December 2018, were requested to assist with general safety of the public in the area by Law Enforcement due to the up rise in violent and dishonesty crimes during the period of 15 December 2018 up until 23 December 2018, which occurred not only in the area but also on the beaches.

On 23 December 2018 the relevant PPA members in respect of the aforementioned incident is Mr. Riaan Botha and Sherwin Rademeyer. They reported on duty at 18h00 in order to facilitate the night shift as per their service agreement with various clients.

*Please find attached hereto the employee files of Riaan Botha and Sherwin Rademeyer marked as****"Annexure PPA 3"*** *(Riaan Botha) and* ***"Annexure PPA 411*** *(Sherwin Rademeyer).*

*Furthermore, please see attached hereto pictures of the Clifton fourth beach area, which indicates how close PPA's clients are to the beach, marked as* ***"Annexure PPA* 5".**

During this time period many incidents of violence and rowdy behaviour took place in the area, such as common assault, public urination, fights and stabbing as well as drunk and anti-social behavior, which did not only affect the beach goers, but also the PPA clients in the area.

*Please see attached hereto pictures of various items confiscated, by PPA members, which includes illegal substances* as *well* as *dangerous weapons, during this time period from the beach goers as well as around the area marked as* ***"Annexure PPA 611***

On the day in question, there were various interventions by members of the South African Police Services (SAPS) as well as Law Enforcement and Metro Police in order to minimize or curb crime in the area.

*Please see attached hereto pictures taken by members of PPA which clearly indicates that Law Enforcement Officials were removing people from the beach marked as* ***"Annexure PPA 711***

On numerous occasions, including the 16th of December 2018, these interventions included the closing down of beaches by Law Enforcement. The members of PPA assisted, **upon request** of either Law Enforcement and/or South African Police Services, with some of these operations.

*Please find attached hereto pictures indicating how PPA members assisted Law Enforcement Officials marked as* ***"Annexure PPA 811***

The PPA members would be contacted telephonically in order to assist Law Enforcement. During this period, there was an incident where Law Enforcement were over powered by a violent group of beach goers and the members of PPA were once again requested to assist as Law Enforcement did not have the *"man power"* to deal with the situation adequately.

PPA, just like any other security company, works hand in hand with Law Enforcement as they sometimes don't have the man power . Before PPA commenced working in the Camps Bay area, they had a meeting with the Station Commander of Camps Bay SAPS, Captain Chandler to establish this working relationship.

*Please see attached hereto email correspondence between PPA Management and Captain Chandler marked as* ***"Annexure PPA 911***

The members of PPA were however requested to assist when such decisions were made by members of Law Enforcement and as such request falls within the ambit of a lawful instruction the members of PPA had to comply with such instructions or requests by Law Enforcement.

At no stage did any of the PPA members threaten, intimidate or assault any person and at no stage did any of the PPA members remove or move any person's property.

The relationship between PPA and the South African Police Services (herein after referred to as "SAPS") and Law Enforcement is a matter of PPA assisting SAPS and Law Enforcement where such assistance is requested by SAPS Officials or Law Enforcement.

Members of SAPS and Law Enforcement would telephonically communicate with members of PPA and request assistance and/or the member of SAPS and Law Enforcement would approach PPA members and verbally request assistance where required. The relationship is therefore merely informal where PPA assists SAPS and Law Enforcement members, when required to do so.

Like all other security companies, PPA works hand in hand with the SAPS and Law Enforcement members when responding to alarms, surveillance in central business districts by closed circuit television (CCTV) and vehicle tracking and recovery. This cannot be done without working with Law Enforcement and/or SAPS. For example, see communication between Law Enforcement, including SAPS and PPA members:

A meeting was also held with the Station Commander of Camps Bay Police Station, see attached annexure marked "Annexure PPA 10'' , in order to discuss security issues and the role of PPA in the area as well as working with the Police. This is a clear indication that PPA is not acting on their own account and beyond their scope of powers.

Law Enforcement would contact PPA from their control office in order to request assistance see attached marked "Annexure PPA 11" an incoming call on 20 December 2018 from a number 021 434 2383 (Law Enforcement Control Office) this was an incoming call for the duration of 1 minute.

Again on 20 December 2018 an incoming call from Law Enforcement Officer William Boonzaaier for 57 seconds to a PPA member requesting assistance, see attached marked "Annexure PPA 12".

On 20 December 2018 Constable Yolwa contacted a PPA member from his cell phone with cell number 082 302 0928 an incoming call at 01:32 for 28 seconds also requesting assistance at No 45 Geneva Street, Camps Bay, see attached marked "Annexure PPA 13".

On 24 December 2018 Constable Lekay from Camps Bay SAPS contacted a PPA member from his cell phone with cell number 072 271 9994 at 18:57 see attached marked "Annexure PPA 14".

These are merely a few instances highlighted where Law Enforcement and/or SAPS has requested the assistance of PPA.

**Conclusion:**

In conclusion, this is clear evidence that PPA does not operate unlawfully or outside their scope of powers and only acted in order to assist SAPS and Law Enforcement upon their request.

PPA acted within the boundaries of the Law as well as the Constitution and at no stage did PPA act beyond the scope of their powers. PPA members were merely assisting Law Enforcement and the SAPS where such assistance is requested by SAPS Officials or Law Enforcement.

We would like to emphasize on how highly unfortunate it is that this situation has escalated to this major political situation, simply because an ANC member mis-interpreted the situation on the day. It is furthermore unfortunate that Law Enforcement won't step up and acknowledge that they were the persons who made the decision to close the beach on the day in question, instead they step back and allow PPA to take the fall and be the blame for it all.

PPA was acting in accordance with instruction which they received from Law Enforcement. At no stage did PPA remove people or group from Camps Bay beach and at no stage did PPA authorize the closing of the Camps Bay Beach at 20H00 as PPA has no mandate to do so.