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## **RELATIONSHIP BETWEEN THE METROPOLITAN POLICE SERVICES AND THE SOUTH AFRICAN POLICE SERVICE**

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### **1. INTRODUCTION**

The Metropolitan Police Services (MPSs) are regulated under a comprehensive legislative framework, including the Constitution, the South African Police Service (SAPS) Act, 1995 (Act 68 of 1995), the Local Government Systems Act, 2000 (Act 32 of 2000), the Regulation for Municipal Police Services (1999)<sup>1</sup> and various policing standards. The National Policing Standards for Municipal Police Services regarding Domestic Violence (2006) and Crowd Management during Gatherings and Demonstrations (2008) (amongst others) have also been published.

A member of the MPS has similar powers of arrest as a SAPS members. As such, section 49 of the Criminal Procedure Act, 1977 (Act 51 of 1977), which sanctions the use of deadly force during an arrest, applies to MPs members. Parliamentary scrutiny is therefore vital in ensuring that these powers are not abused. During the 2017/18 financial year, the Independent Police Investigative Directorate (IPID) investigated 118 cases involving the MPS on various criminal offences, of which 53% (63 cases) involved assault, followed by the discharging of an official firearm (26.2%; 31 cases) and death as a result of police action (12.7%; 15 cases).

The cooperation between the SAPS and the MPSs is crucial in ensuring safety and security in South Africa. More especially in realising the vision of the National Development Plan (NDP) to build safer communities. An integrated approach between all role-players in the criminal justice value chain is essential to attain this goal. However, the crime prevention role of the MPSs must be clarified for it to play a greater role in visible policing and the fulfilment of their mandate.

This paper is completed in preparation for an engagement between the Portfolio Committee on Police with the Chiefs of the MPSs and the Senior Management of the SAPS scheduled for 13 February 2019.

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<sup>1</sup> Gazette No 20142 dated 11 June 1999



## 2. METRO POLICE DEPARTMENTS

There are six established MPSs in South Africa and two in the process of application. The already established MPSs have specialised units. These Departments, together with their respective specialised units, include:

### **Tswane Metro Police**

#### **Specialised Units:**

- Dog Unit (K9)
- Equestrian Unit
- Substance Abuse (Drug) Unit
- Specialised Response (Tactical) Unit
- VIP Protection Unit
- Crowd Control Unit
- Social Crime Prevention
- Cable Theft Unit
- Drunk Driving Support Unit
- Speed Law Enforcement Unit
- Bylaw Unit

### **Ekurhuleni Metro Police**

#### **Specialised Units:**

- Dog Unit (K9)
- Equestrian Unit
- Substance Abuse (Drug) Unit
- Specialised Response (Tactical) Unit
- VIP Protection Unit
- Crowd Control Unit
- Overload Unit
- Speed law Enforcement
- Bylaw Unit
- OR Tambo Precinct (National Key Point)

### **Johannesburg Metro Police**

#### **Specialised Units:**

- Dog Unit (K9)
- Equestrian Unit
- Substance Abuse (Drug) Unit
- Specialised Response (Tactical) Unit
- VIP Protection Unit
- Crowd Control Unit
- Social Crime Prevention Unit

### **Ethekwini (Durban) Metro Police**

#### **Specialised Units:**

- Dog Unit (K9)
- Equestrian Unit



- Public Transport
- Crowd Control Unit

### **Nelson Mandela Bay Metro Police**

The Metro Police was established in May 2016.

### **Cape Town Metro Police**

#### **Specialised Units:**

- Dog Unit (K9)
- Equestrian Unit
- Substance Abuse (Drug) Unit
- Video Unit
- Gang Task team
- Crowd Control Unit
- Social Crime Prevention
- Bylaw Enforcement Unit

There are two Metropolitan Police Services in process of applying to for the establishment of a Metropolitan Police Service, namely Buffalo City Metropolitan Municipality and Mangaung Metropolitan Municipality. In terms of the Mangaung Metro Police, the following:

### **Mangaung Metro Police**

- Approved by Council, but not established by the Member of the Executive Committee (MEC).
- Specialised units not specified.
- Metro Police Chief appointed in 2018.

## **3. RELATIONSHIP WITH SAPS**

The SAPS Division: Visible Policing is responsible for the coordination and liaison between the MPSs and the SAPS. The MPSs and the SAPS conduct various joint operations at provincial, cluster and station level throughout the year. These include major events, elections, the opening of Parliament and Provincial Legislatures.

The MPSs are involved in various Police Coordinating Committees, namely:

- National Joint Intelligence and Operational Structures (NATJOINTS);
- Provincial Joint Intelligence and Operational Structures (PROVJOINTS);
- Provincial Crime Combating Forums;
- Cluster Crime Combating Forums.

The SAPS also participate in the National Forum for MPSs and is chaired by the Deputy National Commissioner: Policing on behalf of the National Commissioner. The Forum also include various other role-players, amongst others, the Road Traffic Management Corporation (RTMC), the Independent Police Investigative Directorate (IPID) and the Civilian Secretariat for Police Service.



The SAPS plays a leading role in the training of members from MPSs and provides support in post-basic training. The SAPS provides training on drill and physical training instructors, management and leadership, crowd management and general policing training.

#### **4. WHITE PAPER ON POLICING (SINGLE POLICE SERVICE)**

Chapter 4 of the White Paper on Policing deals with the establishment of a framework for a professional police service as is called for in the National Development Plan (NDP). It states:

“The attainment of Vision 2030 requires policy coherence and programmatic alignment across the three spheres of government. Optimal coordination, while respecting the powers and responsibilities assigned to each sphere, is imperative. This can best be achieved through a single police service. The strife for unity in purpose occurs within the recognition of specificities both in respect of geographic areas as well as within the nature of crime.”

The White Paper further states that the rationale underpinning the establishment of a Single Police Service is that:

- The available resources in South Africa do not permit the huge duplication of functions;
- Where policing forces are fragmented the standard of training and other support services are likely to diminish; and
- Artificial boundaries and barriers (geographical or legal) between police forces makes the task of policing more difficult and raises serious problems with regard to the jurisdiction of one police force over crimes committed in one area and where the suspects have crossed the border into another area.

The model for a Single Police Service will clarify the ambiguity surrounding the crime prevention mandate of the MPS. Further, the MPS can effectively contribute to visible policing through the enforcement of their two other mandates, namely traffic and by-law enforcement.

The White Paper also states that a regulatory framework must be established for conferring the limited investigative competencies for Metro Police Departments to conduct investigations in particular categories for preparation to submit to court. This is to include particular categories such as traffic related matters, municipal by-laws, as well as crimes committed on and related to municipal assets or environment, such as theft and tender irregularities, amongst others. MPS may only detain suspects until the SAPS are able to take custody.

#### **5. PREVIOUS MEETING**

The Committee met with the Chiefs of the Metro Police Departments and senior management of the SAPS on 07 September 2016 to discuss issues focusing on cooperation, training and challenges. Committee Members focused on the following issues:

- Vetting of participants from the MPSs at NATJOINTS and PROVJOINTS;
- Involvement of Detective Services Division and Crime Intelligence Division of SAPS in joint operations;



- Mandate of the National Traffic Unit;
- Involvement of MPSs in crowd management training and activities, especially in the light of recommendations made by the Farlam Commission of Enquiry;
- Overlap of functions between the SAPS and MPS;
- Mandate and establishment of specialised units;
- Corruption (bribes); and
- Digital policing (CCTV monitoring).

During the meeting, the common challenges faced by all Metro Police Departments were cited as:

- Insufficient funding for expensive law enforcement infrastructure;
  - Vehicles, communication, weapons, information systems, etc.
  - Specialised Training and Equipment (Crowd Management)
  - Slow growth of staff vs huge growth in population
- Increase in events, protest actions, land invasion and required policing
- Increased demand by Community for “Local” Policing
- Legislative Challenges;
  - Limitations in terms of investigative powers for traffic and bylaw related crimes (e.g. not having powers such as key practitioners like health and fire safety)
  - Excessive requirements placed on training and accreditation – Need for a dedicated National Metro Police qualification

## **6. KEY ISSUES FOR CONSIDERATION**

**The Committee could focus on the following issues during deliberations:**

- 1) The MPS Chiefs should indicate how alleged police brutality is viewed by internal disciplinary regulations. The Chiefs should indicate whether all cases under the investigative mandate of the IPID are reported and what disciplinary sanctions were handed down during the past financial year.
- 2) The MPS Chiefs should indicate whether all MPSs have established Internal Affairs units to deal with issues relating to breaches of respective Codes of Conduct. Are these units working with the IPID?
- 3) The Metro Police Chiefs should indicate whether training (provided by SAPS) on crowd management has improved and whether it takes the recommendations of the Farlam Commission’s Panel of Experts into account? Has any specialised equipment, in terms of crowd management, been procured by MPSs? If so, the MPS Chiefs should indicate what type of equipment was procured?
- 4) Are the provisions of the National Municipal Policing Standard for Crowd Management during Gatherings and Demonstrations applicable to the changing environment of public protests or are legislative changes needed?



- 5) The Metro Police Chiefs should provide examples of current crime prevention programmes or operations in its respective metropolitan areas as well as successes and challenges faced.
- 6) In terms of the Domestic Violence Act (DVA), the MPS has various responsibilities. The MPS Chiefs should indicate whether the MPSs comply with these responsibilities.
  - a. For instance, does MPS members have access to a comprehensive list of suitable shelters and where medical attention can be obtained for those victims in need thereof?
  - b. Are members serving interim or final protection orders if so ordered by the court?
  - c. The Committee should consider the oversight architecture relating to the DVA, as the Civilian Secretariat for Police Service (CSPS) monitors and evaluates the compliance to the DVA by SAPS members – who is overseeing MPSs adherence to the DVA? Disciplinary action against a member of the MPS failing to adhere to the DVA must be taken by the Executive Head of the MPS – is this happening?
- 7) Specialised SAPS Anti-Gang Units have been established in the Western Cape, Eastern Cape and Gauteng to curb escalating gang violence. The Cape Town Metro Police has established a Gang Task Team to address gang violence. Will the other affected MPS also establish specialised anti-gang units? Cooperation between Metro Police and SAPS is essential in this regard, as the fragmentation of state resources can jeopardise an effective response to the scourge of gang violence. The mandate of Metro Police is crime prevention. As such, the Cape Town Metro Police must indicate what it is doing to proactively address gang violence as part of its crime prevention mandate.
- 8) The MPS Chiefs should explain their crime prevention responsibilities in terms of the Drug and Drug Trafficking Act, 1992 (Act 140 of 1991).
- 9) The MPS Chiefs should indicate whether they are part of the current review of the National Drug Master Plan as a key stakeholder in crime prevention countrywide.
- 10) The SAPS and MPS Chiefs should indicate whether Crime Combatting Forums are effective, especially at local level.
- 11) Has any progress been made towards the development of a National Metro Police qualification?
- 12) The SAPS should indicate the number of MPS members that were trained to date. This should include the courses that were attended.
- 13) The SAPS and MPS Chiefs should indicate the number of joint operations conducted during the current financial year (to date) as well as the nature thereof.