

SAPS RESPONSE TO THE PORTFOLIO COMMITTEE ON POLICE 1 DECEMBER 2021

- 1. MENTAL HEALTH CARE ACT**
- 2. SPECIAL SCHOOLS**





PURPOSE

The purpose of the presentation before the Portfolio Committee on Police is to provide responses to the following reports:

- 1) Report of the National Investigative Hearing Into the Status of Mental Health Care in South Africa, South African Human Rights Commission (SAHRC)**
- 2) Safety and Security Measures in Schools for Children with Disabilities**



PRESENTATION CONTENT

1. QUESTIONS FROM SAHRC REPORT
2. SAPS RESPONSE TO MHC REPORT
3. RESPONSE TO SCHOOL SAFETY REPORT
4. FEEDBACK ON SHELTERS



1. LIST OF QUESTIONS FROM SAHRC REPORT



QUESTIONS FROM THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

a.	Does the SAPS have in place any training programmes that specifically aim to assist its staff in managing cases that involve MHCUs? This answer should specifically address whether any such training is aligned with or otherwise based on the CRPD and the White Paper on the Rights of People with Disabilities.
b.	Statistical information of cases dealt with by the SAPS involving MHCUs over the last ten financial years, commencing in 2007/2008?
c.	How does the SAPS monitor the effectiveness of its policies that aim to assist MHCUs?
d.	What are the costs associated with the delivery of resources to support MHCUs?
e.	What, in your view, are key challenges confronting SAPS when engaging with MHCUs?
f.	What are your proposed recommendations to address these challenges?



QUESTIONS FROM THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (2)

g.	In your view, what key priority areas require the allocation of more resources in order to adequately accommodate the varied needs of MHCUs by the SAPS?
h.	What steps have the SAPS taken to ensure early identification and referral of MHCUs in terms of section 40 of the Mental Health Care Act, 2002?
i.	Has SAPS developed guidelines for the implementation of Section 40 of the Mental Health Care Act? If no, why not? If yes, what have been barriers to implementation of these guidelines?
j.	Has SAPS trained its employees to assess whether a person is a danger to himself or herself or others due to mental condition or intellectual disability?
k.	If so, what training has been undertaken and by which members of the SAPS?



QUESTIONS FROM THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (3)

l.	Has SAPS collaborated with any state departments, members of civil society, or MHCU advocacy groups in developing guidelines for early identification and the management of forensic and behaviourally disturbed clients in police custody while in transit to or awaiting hospitalisation?
m.	Any other information of relevance to SAPS' engagements with MHCUs?
n.	What is the status of the SAPS investigation into the Gauteng Mental Health Marathon Project?



2. SAPS RESPONSES TO MHC QUESTIONS



(A) DOES THE SAPS HAVE IN PLACE ANY TRAINING PROGRAMMES THAT SPECIFICALLY AIM TO ASSIST ITS STAFF IN MANAGING CASES THAT INVOLVE MHCUS? THIS ANSWER SHOULD SPECIFICALLY ADDRESS WHETHER ANY SUCH TRAINING IS ALIGNED WITH OR OTHERWISE BASED ON THE CRPD AND THE WHITE PAPER ON THE RIGHTS OF PEOPLE WITH DISABILITIES.

The South African Police Service has developed a **Vulnerable Group Learning Programme** (VGLP) that addresses services for Mental Health Care Users (MHCUs). The Learning Programme was approved, on 22 April 2020. The Train-the-Trainer programme was conducted, from 9 to 20 November 2020.

This Learning Programme is aligned to the UN Convention on the Rights of People with Disability (UNCPRD) and will be provided in the In-Service Training to SAPS members.

It will also be presented at Basic Training where the new intake of recruits who are Police Trainees will be sensitised and well equipped in managing cases involving MHCUs, in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002). Currently trainees are sensitised to handling of MHCUs, for detention purposes, in basic training.



RESPONSE TO QUESTION (A) (2)

In ensuring sensitisation of members and addressing the vacuum, capacity building sessions were conducted during 2018/2019, on the following areas:

- Standing Order (G) 291 on Mental Health Care Act, which provides for the provision of services to MHCUs.
- Section 40 of the Mental Health Care Act .
- The capacity building sessions were targeted at Station Commanders, Frontline services members (first responders), Social Crime Prevention Members and Visible Policing Commanders.
- These sessions were conducted throughout the nine provinces.



RESPONSE TO QUESTION (A) (3)

Capacity Building Sessions were conducted as follows

Province	Date	No of participants
Limpopo	23 August 2018	40
KwaZulu-Natal	28 August 2018	45
Mpumalanga	13 September 2018	40
	22 November 2021	47
Western Cape	19 September 2018	53
Eastern Cape	09-11 October 2018	61
North West	13 November 2018	56
Free State	28 November 2018	58
Gauteng	28 January 2019	29
Northern Cape	29 January 2019	68
	9 November 2021	63

Total Number of members reached: 560



RESPONSE TO QUESTION (A) (4)

In addition, in order to ensure that members are knowledgeable, each province was issued with a SAPS Mental Health Care Act file, for distribution to clusters and police stations, during 2018. These files contained the following:

- The Mental Health Care Act, 2002 (Act No. 17 of 2002) including Regulations.
- Standing Order (G) 291, on the Mental Health Care Act, 2002.
- MHCA Form 22 (handing over custody by the SAPS of a person suspected of being mentally ill to a Health establishment)



RESPONSE TO QUESTION A (5)

- MHCA Form 2 (transfer of mental health care user from detention to a Health establishment)
- MHCA Form 25 (Notice of abscondment from a health establishment by mentally ill person to SAPS)
- MHCA Form 26 (Notice of returning absconded Mental Health Care User to the Health establishment by SAPS)
- MHCA Form 2 (Report of abuse of a Mental Health Care User to the Review Board)



(B) STATISTICAL INFORMATION OF CASES DEALT WITH BY THE SAPS INVOLVING MHCUS OVER THE LAST TEN FINANCIAL YEARS, COMMENCING IN 2007/2008?

- There is no statistical information available currently.
- The SAPS systems are not configured to capture data on the MHCUs cases.
- However, in addressing systemic issues impacting on accessing services, monitoring and reasonable accommodation for victims and offenders with disabilities, including MHCUs, the SAPS has embarked on enhancement processes of the docket and forms used for victim and offender information.
- Enhancement has been conducted for SAPS 3M (a) SAPS 3M (b) and SAPS 3M (g) where ticking blocks have been created in capturing different disabilities during statement taking and docket compilation.
- Once institutionalised these enhancements will also be done for the CAS/ICDMS for electronic capturing of information.



RESPONSE TO QUESTION B (2)

- The process of enhancing the forms has been finalised and the forms have been uploaded on the SAPS intranet for utilisation by all SAPS members.
- Once the data regarding persons with disabilities can be captured on the information system, this can be used for monitoring purposes, in terms of people with people with disability who have been through the SAPS System (victims/perpetrators).



(C) HOW DOES THE SAPS MONITOR THE EFFECTIVENESS OF ITS POLICIES THAT AIM TO ASSIST MHCU'S?

Combined Compliance Assurance visits were conducted in the following provinces, in 2019/2020:

Province	Province	Province	Province
Eastern Cape	Gauteng	Limpopo	Northern Cape
Willowvale KwaZakhele	Alexandra Booyens Norkem Park Moffatview Diepsloot Rietgat Dobsonville Soshanguve	Beitbrug Maleboho	Noupoort Colesburg
			North West
			Mareetsane Schweizer Reineke Stilfontein
Free State	KwaZulu-Natal	Mpumalanga	Western Cape
Meloding Bronville	Wentworth Colenso KwaMashu KwaMakhutha	Blinkpan Laersdrift Mbuzini	Bonteheuwel Manenburg Deyselsdorp Phillipi East



(C) HOW DOES THE SAPS MONITOR THE EFFECTIVENESS OF ITS POLICIES THAT AIM TO ASSIST MHCU'S? (2)

Compliance visits were conducted in the following provinces, in 2020/2021:

Province	Province	Province	Province
Eastern Cape	Gauteng	Limpopo	Northern Cape
Gelvandale; Betalsdorp; New Brighton; KwaZakhele; King Williams Town	Johannesburg Central; Hillbrow; Dobsonville; Ivory Park; Honeydew; Temba; Alexandra; Jeppe; Tembisa; Randfontein; PTA Central; Kagiso; Rietfontein; Mamelodi; Eldorado Park	Polokwane; Seshego; Mankweng; Bolobedu; Tzaneen	Kimberley; Galeshewe; Kuruman; Colesberg
			North West
			Jouberton; Ikageng; Potchefstroom; Rustenburg; Boitekong
Free State	KwaZulu-Natal	Mpumalanga	Western Cape
Park Road; Kagisanong; Botshabelo; Thabong; Meloding	Umlazi; Inanda; Durban Central; Empangeni;	Middelburg; Hendrina; Nelspruit; Tonga; Piet Retief;	Nyanga; Mitchells Plain; Khayelitsha; Delft; Kraaifontein; Mfuleni; Atlantis; Langa; Phillipi East; Bellville; Mowbray



(C) HOW DOES THE SAPS MONITOR THE EFFECTIVENESS OF ITS POLICIES THAT AIM TO ASSIST MHCU'S? (3)

Compliance visits were conducted in the following provinces in 2021/2022:

Province	Province	Province	Province
Gauteng	KwaZulu-Natal	Mpumalanga	North West
Orange Farm Moroka; Mamelodi East; PTA Central Rietgat; Temba; Randfontein; Kagiso; Alexandra; Ivory Park; Tembisa	Inanda Umlazi KwaMashu Osizweni Ntuzuma	Kaapmuiden Schoemansdal Matsulu Tonga	Coligny Ikageng Mareetsane and Reivilo
Western Cape			
Delft; Khayelitsha; Nyanga; Gugulethu; Mitchell's Plain; Bellville; Mfuleni; Kraaifontein			



(E) WHAT, IN YOUR VIEW, ARE KEY CHALLENGES CONFRONTING SAPS WHEN ENGAGING WITH MHCU'S?

(F) WHAT ARE YOUR PROPOSED RECOMMENDATIONS TO ADDRESS THESE CHALLENGES?

Key Challenges	Recommendations
<ul style="list-style-type: none">Accessing paramedics, ambulances & restraining a Mental Health Care user in the absence of the sedatives and tranquilisers	National intervention to enable the Department of Health to enforce uniform standards nationwide
<ul style="list-style-type: none">Early identification and referral of MHCU	Psychiatrists and other professional Mental Health Care workers are trained and SAPS core functions do not accommodate these skills
<ul style="list-style-type: none">Lack of bed accommodation at health institutions, which result in MHCU being detained at police stations	DoH should ensure the availability of facilities in all areas to eliminate risk associated with detention



(D) WHAT ARE THE COSTS ASSOCIATED WITH THE DELIVERY OF RESOURCES TO SUPPORT MHCUS?
(G) IN YOUR VIEW, WHAT KEY PRIORITY AREAS REQUIRE THE ALLOCATION OF MORE RESOURCES IN ORDER TO ADEQUATELY ACCOMMODATE THE VARIED NEEDS OF MHCUS BY THE SAPS?

- The process of enhancing the forms has been finalised and the forms have been uploaded on the SAPS intranet for utilisation, by all SAPS members.
- Once the data regarding persons with disabilities can be captured on the information system, this can be used for monitoring purposes in terms of people with people who have been through the SAPS System (victims/perpetrators).



(H) WHAT STEPS HAVE THE SAPS TAKEN TO ENSURE EARLY IDENTIFICATION AND REFERRAL OF MHCUS IN TERMS OF SECTION 40 OF THE MENTAL HEALTH CARE ACT, 2002?

- The SAPS does not have the skill of early identification of MHCUs. More often, SAPS is called out to assist in transportation to established facilities. Generic observation is used by the SAPS or the observation by the member who is bringing in the MHCU to the police station.
- This is a skill that a Psychiatrist and other professional Mental Health Care workers are trained for. The SAPS does not have the competence in this field but would be expected to play a role of referring to such professionals. The SAPS may also be expected to provide support to such professionals.



(I) HAS SAPS DEVELOPED GUIDELINES FOR THE IMPLEMENTATION OF SECTION 40 OF THE MENTAL HEALTH CARE ACT? IF NO, WHY NOT? IF YES, WHAT HAVE BEEN BARRIERS TO IMPLEMENTATION OF THESE GUIDELINES?

- During 2019, SAPS embarked on the review of the Standing Order (General 291) on Mental Health Care Act to upgrade it to National Instruction on Mental Health Care Act 2002.
- Final Inputs and comments were obtained from police stations across the country, in April 2019.
- The draft national instruction is currently with the Division: Legal & Policy Service for legal opinions and inputs.
- SAPS Guidelines for Policing of Persons with Disabilities was developed and approved, on 23 August 2019 and distributed to provinces for implementation.



RESPONSE TO QUESTION I (2)

- An Integrated Action Plan for Provisioning of Policing Service for People with Disabilities, was developed and approved, on 16 September 2019.
- The Plan directs affected Divisions, Components and Provinces, to enable the availability of statistics, Sign Language Interpreters, access to buildings, etc.
- The cost regarding services to MHCU are included in the SAPS' operational budget and cannot be disaggregated.
- Extensive consultation was conducted during the development of the Integrated Action Plan and Policing Guidelines.



**(J) HAS SAPS TRAINED ITS EMPLOYEES TO ASSESS WHETHER A PERSON IS A DANGER TO HIMSELF OR HERSELF OR OTHERS DUE TO MENTAL CONDITION OR INTELLECTUAL DISABILITY?
(K) IF SO, WHAT TRAINING HAS BEEN UNDERTAKEN AND BY WHICH MEMBERS OF THE SAPS?**

- Members of the SAPS are not trained in assessing the mental condition of a disabled person, this does not fall within SAPS competency.
- SAPS members are often called out to the place where a MHCU is reported by either the family member or a concerned community member.
- This field of assessing will fall within the field of Psychiatric competence as they are trained to assess whether a person is a danger to himself/herself or others.



(L) HAS SAPS COLLABORATED WITH ANY STATE DEPARTMENTS, MEMBERS OF CIVIL SOCIETY, OR MHCU ADVOCACY GROUPS IN DEVELOPING GUIDELINES FOR EARLY IDENTIFICATION AND THE MANAGEMENT OF FORENSIC AND BEHAVIOURALLY DISTURBED CLIENTS IN POLICE CUSTODY WHILE IN TRANSIT TO OR AWAITING HOSPITALISATION?

The SAPS consulted with different Government departments and CSOs in the development of guidelines for the provisioning of services to people with disabilities, as well as on the Integrated Action Plan. Early identification and management was, however, not part of this consultation:

Government Departments	Civil Society Organisations
Department of Social Development	Disability representatives
Department of Health	South African Federation for Mental Health
Department of Justice and Constitutional Development	National Council for People with Physical Disabilities.
South African Human Rights Commission (Disability Desk)	South African Blind Association
The then Department Women, Children and People with Disability	South African Disability Alliance
	Deaf SA
	Disabled People of South Africa



(M) ANY OTHER INFORMATION OF RELEVANCE TO SAPS' ENGAGEMENTS WITH MHCUS?

- SAPS is in the process of developing a Memorandum of Agreement (MoA) with Cape Mental Health Organisation with the aim of institutionalising the Sexual Assault Victim Empowerment (SAVE) Model, which is currently effective only in the Western Cape Province.
- This could impact on MHCUs, who are also victims of sexual offences. The MoA will form the basis of a national application of the model.
- There has been engagement between SAPS and the South African Federation for Mental Health and the Department of Health, in regard to finding a solution for the availability of appropriate paramedics and ambulance services.



(N) WHAT IS THE STATUS OF THE SAPS INVESTIGATION INTO THE GAUTENG MENTAL HEALTH MARATHON PROJECT?

- A decision was taken by the NDPP to hold a joint formal inquest for all the 144 deceased MHCU (Mental Health Care Users) who demised as the result of the termination of Life Esidimeni contract by Gauteng Department of health
- The Inquest proceedings started on 19 July 2021 at the North Gauteng High Court sitting in Pretoria and is presided by Judge Teffo.
- Currently, 36 witness have been identified to testify at the proceedings.
- The purpose of the proceeding is to establish as to whether anyone can be held criminally liable for the death of the MHCU.
- The proceeding is expected to continue until at least the end of the second term of 2022 (June 2022) .

3. SAFETY AND SECURITY MEASURES IN SCHOOLS FOR CHILDREN WITH DISABILITIES



BACKGROUND

- Safety in the learning environment is addressed, in terms of the School Safety Protocol for the prevention of crime and violence in schools that was signed between the Ministers for Basic Education and Police, in April 2011.
- This collaborative partnership is aimed at building resilience against crime at schools, thus enhancing a safer and a peaceful environment for positive development.
- The School Safety Protocol is being reviewed by the Department of Basic Education and the South African Police Service, to be in line with the diverse forms of violence and crime that are prevailing at schools currently.



SCHOOL SAFETY PROTOCOL - PURPOSE

- The primary mandate of protecting schools, be it special or ordinary schools, rests with the Department of Basic Education. SAPS is secondary stakeholder.
- The partnership between the Department of Basic Education and the South African Police Service is intended to promote safety at schools and to prevent the involvement of learners in crime.



SCHOOL BASED CRIME AWARENESS PROGRAMMES

- In order to ensure the effective implementation of the School Safety Protocol, schools are linked to police stations and priority schools, including schools with special needs, are identified focusing on the following:
 - Bullying (all kinds)
 - Gender-based violence
 - Gangsterism
 - Use of weapons
 - Substance abuse
 - Occult-related crimes and harmful religious practices
- The above programmes include crime prevention operations and school-based crime awareness campaigns.



IDENTIFIED SPECIAL SCHOOLS 2020/2021

PROVINCE	CLUSTER	STATION	NAME OF SCHOOL	CHALLENGES	PROGRAMME CONDUCTED
KwaZulu-Natal	Amajuba	Madadeni	YWCA Special School	Assault and Bullying	Not conducted due to Covid-19
KwaZulu-Natal	Ethekwini Outer South	Umlazi	Mason Lincoln Special School	Fighting, Drug Abuse	Not conducted due to Covid-19
KwaZulu-Natal	Ethekwini Inner & Outer west	Inchanga	Ethembeni Disable School	Gender Violence and Drugs	Not conducted due to Covid-19
Limpopo	Mankweng	Botlokwa	Lsen Disable School	Bullying and Drugs	Not conducted due to Covid-19
Limpopo	Modimolle	Modimolle	Susan Strjdom Special School	Bullying and Gangsterism	Not conducted due to Covid-19
Mpumalanga	Gert Sibande	Bethal	Jim Van Tonder Special School	Bullying and Drug Abuse	Not conducted due to Covid-19
Western Cape	Khayelisha	Khayelisha	Noluthando School for the Deaf	Substance Abuse	2020/10/03 Substance Abuse/Dagga

Targeted schools for intervention per annum: 1300



4. FEEDBACK ON SHELTERS

- No recommendation was made for the South African Police Service, regarding this matter.



THANK YOU