



THE ROLES AND RESPONSIBILITIES OF THE SAPS IN PROTECTING THE NATIONAL PARLIAMENT

Briefing to the
Joint Standing
Committee on the
Financial Management
of Parliament

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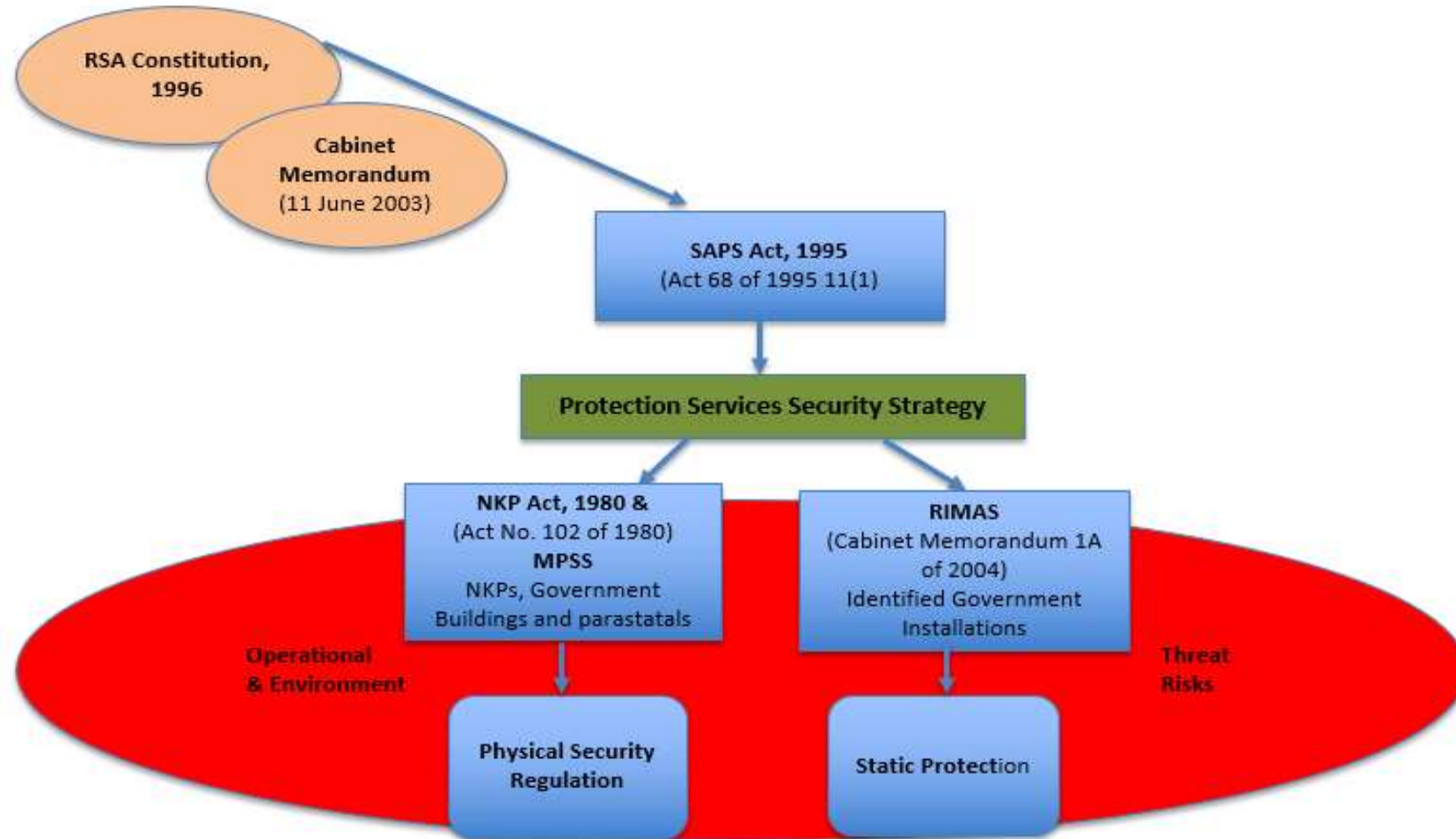
SAPS Legal and Policy Framework: Protection Service (1)

- The mandate of the SAPS, is derived from Section 205 of the Constitution of the Republic of South Africa (RSA), 1996.
- The objectives of policing are to:
 - Prevent, combat and investigate crime.
 - Maintain public order.
 - Protect and secure the inhabitants of the Republic and their property.
 - Uphold and enforce the law.

SAPS Legal and Policy Framework: Protection Service (2)

- Protection services are performed, in terms of the Constitution of the RSA, 1996, whereby the Interim Constitution [SA 1993: Act 200 of 1993: 218 (1)] remains intact; re: “...the National Commissioner shall be responsible for (1) national protection service...”
- The SAPS Act, 1995 (Act No. 68 of 1995), Section 11(1), further states that **the National Commissioner may exercise the powers and shall perform the duties and functions necessary, to give effect to Section 218(1) of the Constitution.**

SAPS Legal and Policy Framework: Protection Service (3)



Roles and Functions of the Division: Protection and Security Services

- In effecting the said legal provisions (Cabinet Memorandum of 2003), provides that the Division: Protection and Security Services (PSS) renders a professional, effective and accountable protection and security service, to all identified dignitaries and government interests in South Africa, through the following functions and provision of:
 - VIP Protection Services.
 - Static Protection Services.
 - A regulatory service to all identified strategic installations, including National Key Points (NKPs).

Functions of the Component: SAPS Static Protection Services (1)

- The primary aim of access control is to safeguard the Parliament as a National Key Point and ensure the safety and protection of Very Important Persons (VIPs), Parliamentarians and staff, within the Parliamentary Precinct.
- Access control is executed through the following primary functions:
 - Screening of the person who seeks access, to determine if the person is a legitimate visitor and whether his/her reason for visiting the premises is a valid one.
 - Record keeping.
 - Permit issuing.

Functions of the Component: SAPS Static Protection Services (2)

- Search and examination of the person and vehicle, if applicable, for harmful items including:
 - Perimeter patrol and protection.
 - Established response teams, within the Parliamentary Precinct.
 - Monitoring of the external CCTV cameras.
 - Contingency planning.
 - Permit processing.
 - Screening of permit applicants and contractors.

Roles and Responsibilities: Parliamentary Protection Services

- The primary function of the Parliamentary Protection Services is focussing on internal security matters, within the precincts of Parliament.
- It should be noted that the Parliamentary Protection Services is not part of the SAPS and function independently/separately.
- The mandate for Parliamentary Protection Services still needs to be addressed.
- The focus shall be on the following areas, inside the Parliamentary buildings:
 - Movement, control of visitors after SAPS process of access control:
 - key control.
 - contingency planning.
 - chamber security.
 - Document security.
 - Personnel security of the employees of Parliament.
 - Information and communication technology security.
 - Managing the Permit Office/Permit Control: Issuing of permits for members and employees, vehicle permits, and contractors' permits.

Physical Security Measures (1)

- The Minimum Physical Security Standard (MPSS) is a policy document, approved by the National Commissioner, which prescribes the minimum physical security standards of departments and institutions.
- The standard is designed to assist security managers of departments, in coordinating and managing compliance, within the working environment.
- The Division: PSS, Security Advisory Services (SAS) is mandated, to conduct physical security appraisals at all identified installations/government buildings, as part of the risk limiting principles of the security strategy and to make recommendations on appropriate security measures.
- Since 2004, the PSS SAS conducted five security assessments, with recommendations and audits, at Parliament and the security assessments and/or audit reports were submitted to the Department of Public Works and Infrastructure (DPWI), for intervention.

Physical Security Measures (2)

- Initiatives to communicate/emphasise the critical need for the enhancement of physical security measures at the Parliament Precinct Complex, amongst others, are the following:
 - 2013: The National Commissioner's communique to the Director-General: DPWI, highlighting critical security concerns at Parliament.
 - 2016: A Joint briefing of the Justice Crime Prevention and Security (JCPS) Cluster on the implementation of upgrades at Parliament.
 - 2016: Benchmark with international security standards. Visit by the Secretary of Parliament and the Divisional Commissioner: PSS, to Hungary.
 - 2018: A Joint briefing to the Portfolio Committees on Police (PCoP) and Public Works, on the progress made to improve the security at the National Parliament, as recommended on 26 September 2018.

Physical Security Measures (3)

- The Minimum Physical Security Standard on providing facilities for institutions, the DPWI must ensure that:
 - Physical Security measures, as prescribed by the SAS for departments/institutions, as part of the contracting process, are adhered to.
 - Threat and risk assessments are conducted by the relevant National Intelligence Structure.
 - Security assessments of facilities, or drawings/architectural designs thereof, are undertaken by the SAS, before an agreement is entered into, to procure the property for an institution and all recommendations of the SAS, are implemented.
 - The DPWI is responsible for the implementation of Physical Security recommendations at government owned buildings and government buildings, declared as National Key Points.

National Key Points Act, 1980 (Act No. 102 of 1980)

- Definition of a National Key Point: Any place or area, declared under Section 2(1) of the National Key Points (NKP) Act, 1980 (Act No. 102 of 1980) that is so important that its loss, damage, disruption or immobilisation may prejudice the Republic or it is necessary or expedient for the safety of the Republic or in the public interest.
- Parliament was initially declared as a NKP, in February 1982.
- Furthermore it was extended and declared as a NKP complex, on 12 January 2018, to ensure that Parliament is not exposed to disruptions and immobilisation that would prejudice the stability of the country or its functioning.
- Section 3 of the NKP Act prescribes that *“an owner shall, at his/her own expense take steps to the satisfaction of the Minister of Police, in respect of the security of the Key Point...”*

Inhibiting Factors (1)

- Since the declaration of Parliament Precinct Complex, as a NKP, on the 12 January 2018, the following has not been implemented:
 - A Joint Planning Committee (JPC), which is a coordinating structure established by the NKP owner, in consultation with the protecting authority and this still needs to be established by Parliament.
 - Evaluations have been conducted and the recommendations still need to be implemented by Parliament.
- Among the critical areas, highlighted in the physical security assessments that are still pending, are:
 - The current height of the perimeter fence is 1.3 meters, as apposed to 3 meters as prescribed by Minimum Physical Security Standards.
 - Remote search park.

Inhibiting Factors (2)

- The power outage, caused by Eskom, on 21 December 2021, resulted in the malfunctioning of the video wall for the entire duration, prior to the Parliament fire incident. It is reported that apparently the generators ran out of diesel.
- Members could only monitor movement from a small screen due to the video wall not working.
- Currently Parliament is currently operating two different types of cameras, of which inside is digital and outside the precinct, is analogue.
- At the time of the incident, the Parliament Protection Services was on compulsory leave.
- Parliament constitutes of three monitoring rooms, which are not integrated.
- The fire alarm of Parliament never went off at the City of Cape Town Fire Department.
- The water valves that supply water to the sprinklers, within the building, were found to be closed.
- The fire alarm only went off when the Fire Brigade was already on the scene and extinguishing the fire.

Security Breach (1)

- On 2 January 2022, there was a security breach, within the Parliamentary Precinct.
- Members of the PSS noticed smoke coming from the National Assembly area.
- Upon investigation and questioning the suspect, an African male, Mr Zandile Christmas Mafe, was arrested for trespassing and a criminal case was opened.
- The suspect's first court appearance, was on 4 January 2022.
- The suspect's second court appearance, was on 11 January 2022, for bail information and the case was remanded, to 11 February 2022 for bail application, following a 30 day mental evaluation.
 - On 18 January 2022, the Western Cape High Court, however, ruled that the suspect should immediately be released from the Valkenburg Hospital and transferred to a normal Correctional Services detention facility.
- The criminal case is being investigated, by a multidisciplinary task team, led by the Directorate for Priority Crime Investigation (DPCI).

Security Breach (2)

- A departmental investigation has been instituted against four SAPS members, who performed duties, from 31 December 2021, following the security breach:
 - The PSS Relief Commander.
 - PSS CCTV Monitoring Room Operator. (Two members)
 - PPS CCTV Monitoring Room Operator.

Division: PSS Internal Investigation

- The Division PSS also commenced with an internal investigation to:
 - Extensively assess compliance to the security and regulatory requirements, in respect of the protection of the Parliamentary Precinct Complex.
 - The assessment will provide insight into the level of compliance by the various governance structures as relevant to administrative, procedural and regulatory requirements, in respect of the protection of the Parliamentary Precinct Complex.

Intervention Plan

- The SAPS has established a Multidisciplinary Collaboration Plan with key stakeholders.
- The purpose of the Plan is to enhance security, within the Parliamentary Precinct:
 - SAPS Static Protection Service.
 - Parliamentary Protection Service.
 - Crime intelligence and the State Security Agency (SSA).
 - SAPS Visible Policing.
 - City of Cape Town (CoCT).
 - Department of Social Development.
 - Department of Health.

Conclusion

- Cognisance needs to be taken that Parliament is declared as “Parliament for the People.”
- The Parliament Precinct is declared as a heritage site and approval must be obtained from the South African Heritage Resources Agency (SAHRA), as well as the Western Cape Heritage, before any infrastructure changes may be considered.
- Parliament for the people and the provisions of the Heritage Act, in preserving historical heritage, should be balanced in the interest of national security.



THANK YOU