**Report of the Select Committee on Security and Justice on its oversight visit to the Free State Province to oversee the conditions at Park Road Police Station on 18 August 2022, dated 28 March 2022.**

The Select Committee on Security and Justice (the Committee), conducted an oversight visit to the Free State Province from 16 to 19 August 2022. The Committee visited the Park Road Police Station, as part of its oversight function over the South African Police Service (SAPS) and herewith reports its findings and recommendations to the Council as follows.

1. **Delegation**

|  |  |  |
| --- | --- | --- |
| **Province** | **Political Party** | **Members in attendance** |
| Eastern Cape | African National Congress | Ms. N Ndongeni  |
| Free State | Democratic Alliance | Mr. G Michalakis  |
|  | Economic Freedom Fighters | Mr. K Motsamai  |
| KwaZulu-Natal | African National Congress | Mr. E M Mthethwa  |
| Inkatha Freedom Party | Mr. N M Hadebe  |
| Limpopo | African National Congress | Chairperson Ms. S Shaikh  |
| Mpumalanga | African National Congress | Ms. A Maleka  |
| Northern Cape | African National Congress | Ms. B Bartlett  |
| North West | African National Congress | Mr. T S C Dodovu  |
| Western Cape | Democratic Alliance | Mr. I M Sileku  |

1. **Support staff**

|  |  |
| --- | --- |
| **Parliamentary support staff** | **Designation** |
| Mr. Z Rento | Committee Secretary: SC Security and Justice |
| Mr. G Dixon | Committee Secretary: SC Security and Justice |
| Mr. T Manele | Committee Secretary: SC Cogta |
| Ms J Le Roux | Committee Researcher |
| Mr. N Mfuku | Content Advisor |
| Mr B Lwazi  | Committee Assistant |
| Mr M Mbebe | NCOP Procedural Officer |

1. **Background**

The Select Committee identified the Park Road Police Station in Bloemfontein to conduct an oversight visit of the police station. Park Road Police Station was identified as number 6 in the country out of the top 30 police stations with the highest crime rate. The Select Committee met with the Department of Public Works and Infrastructure (DPWI) to determine the impact of the ongoing construction delays on service delivery in the area. The Select Committee toured the precinct to determine the facilities available to service the community.

1. **Oversight visit to Park Road Police Station, 18 August 2022**

Prior to the oversight visit the Select Committee received a briefing on the Free State Provincial Crime statistics on 10 August 2022. The presentation is available on request.

The Committee visited the Park Road Police Station in Bloemfontein on 18 August 2022 and had engagements with the MEC for Police, Roads and Transport, Hon KW Bulwane, the Provincial Commissioner and her delegation, the Department of Public Works, and also the executive members of the Community Policing Forum (CPF).

In attendance:

**South African Police Service**

| **Rank, Initials and Name** | **Post Title** |
| --- | --- |
| Lt Gen BB Motswenyane | Provincial Commissioner |
| Maj Gen L Singh  | F/Provincial Commissioner: Free State |
| Maj Gen TS Lesia | DPC: Policing |
| Maj Gen NA Modise | DPC: Crime Detection |
| Maj Gen MA Makhele | Prov. Head: Crime Intelligence |
| Maj Gen M Bokaba | Directorate for Priority Crime Investigation: Free State  |
| District Commissioner and Station Management |
| Maj Gen AP Adams | District Commissioner: Mangaung |
| Brig M Lento | Station Commander |
| Col AH Myeki | Vispol Commander |
| Col MD Khapola | Detective Commander |
| In addition the Provincial Heads, Supply Chain Management and other support services were also in attendance. |

**Department of Public Works and Infrastructure**

Head Office:

Mr. Batho Mokhothu – DDG: Construction Projects Management

Ms. Tshepiso Dibakoane – Director: Construction Projects Management

Bloemfontein Regional Office:

Ms. Ruth Klip – Kam Manager

Mr. Phaphama Dlulisa – Senior Project Manager

Ms. Phumza Zweni – Director: Projects and Professional Services

The MEC Welcomed the Committee to the Free State and wished the Committee a fruitful interaction with the SAPS.

The Chairperson outlined the purpose of the oversight visit to oversee the construction challenges at the station and determine the extent of its impact on service delivery in the region. After a round of introductions, the Provincial Commissioner (the Commissioner) proceeded to provide answers to the outstanding questions raised at the briefing session on 10 August 2022 and presented the crime statistics for the area.

1. **Department of Public Works and Infrastructure (DPWI) presentation on construction progress and challenges**

The DPWI presentation updated the Committee on the project performance implemented by the Development Bank of Southern Africa on behalf of the National Department of Public Works & Infrastructure.

1. **Project Background**

The DPWI reported that its mandate is to provide and project manage the delivery of construction projects within the parameters of time, cost and quality as per the requirements of User Departments, however the DPWI encountered capacity constraints within the Bloemfontein Regional Office and commissioned the DBSA to assist in the implementation of the Park Road SAPS Repair and Maintenance project.

The project was initiated in 2016 with the DBSA commencing with tender adverts in early 2017. The DBSA awarded the contract to Soaring Summit Development (SSD) in November 2017. The DPWI’s approved budget was R82 766 187 for construction, Professional fee and DBSA Management fee. The SSD proceeded with construction and was paid R26 114 047 but then defaulted at 17% progress.

DBSA received a request from SSD to cede the contract to other contractors as they were experiencing cash flow issues. SSD presented three Replacement Contractors and after consideration by the DBSA, Ikaheng Developers and Plant Hire (IDP) was deemed the most suitable and qualified contractor to complete the outstanding work. SSD Contract was terminated, and all their Guarantees (10%) were paid back to them. IDP made advances for contract escalation and extension of the contract period for 16 months with related cost while awaiting the construction permit. Later the contract with IDP was terminated. The DBSA returned back to the market in November 2019 for a replacement contractor.

The recommended bidder offer was R85 211 178. The DBSA requested funding for R98 299 615 (Construction, Professional Fees and DBSA Management fee) however this was not approved by the DPWI. DBSA was instructed to institute legal proceedings to claim funds from the repudiated contractor and recover the funds in order to successfully complete the project.

DBSA went ahead to phase project scope and awarded the bid to Mpfumelelo at R48, 970 754. Phase 1 in accordance with the approved budget and was planned to be completed by August 2022.

1. **Project Status**
* The initial contractor was terminated at 17% complete versus time lapsed of 70%.
* Ceded contractor (IDP) only dealt with remedial work for the initial contractor therefore progress was not recorded.
* The Completion contractor, Mpfumelelo is currently at 47% complete versus time lapsed of 98.9%
* Extension of time is granted from November 2021 until August 2022.
* The Phase 2 scope is estimated for 12 months upon receiving funds authorization.
1. **Delays/challenges**
* Late payment of the contractor by DBSA throughout the construction period
* Late payment of the contractor by NDPWI between April and July 2021.
* None payment of PSP by DBSA.
* DBSA Failure to institute legal processes to claim from repudiated contractor and recover the funds in order to successfully complete the project.
* Poor contract management by DBSA - EOT application
* Poor communication with project team
* Outdated programme of works
* Application of contract clauses
* Poor performance by the contractor without
* Applying the contractual corrective measures
* Hazardous site (OHSA compliance)
1. **Committee interaction**

**Gender Based Violence crimes**

* Members queried the increase in crimes and sexual offences for 2021/22 and whether the interventions were producing results.
* Members noted the slow arrests when domestic violence cases were reported and requested clarity.
* Members questioned the GBVF training programme and whether the training relates to other departments in the GBVF circle.
* The Commissioner noted that Domestic Violence and Abuse (DVA) non-compliance was the highest reported in the country but this has since been rectified with measures in place to ensure compliance.
* The Commissioner explained that the arrests on DVA would be very low as the reason is that alternative measures besides opening a case is implemented, usually at the request of the victim, such as talking to the perpetrator instead of charging them.

**Corruption interventions**

* Members wanted to know what is being done to curb corruption and what disciplinary measures have been implemented? Has IPID made specific recommendations and have they been implemented? The Commissioner replied that there were 2 IPID recommendations but that they were ready for trial. The IPID recommendations are managed at the Ministry.

**Slow pace of murder investigations**

* The Committee noted the report indicated that 1 murder case had been finalised in 6 months and queried why the pace of concluding investigations and prosecution seems to be taking so long.
* The SAPS cases have been waiting for the DNA results but cases can be prosecuted without the DNA results. They report on progress twice per annum to the Provincial Commissioner to monitor progress.
* There are more than 700 DNA cases waiting results. There is no forensic laboratory in the province and reliance is on the national laboratory. Special requests are prioritised.

**Update on missing dockets**

* The Commissioner reported there were currently no missing dockets as all dockets are scanned for back up purposes.

**High attrition rate of police members resigning and staff morale**

* Members noted the high rate of retirement and queried the reason members were leaving the service and whether the morale of members were adequately managed.
* The Commissioner agreed that resignations were high. This was due to the removal of the SARS penalties for early retirement to allow members to move to greener pastures. The Commissioner reported that this has not worked out well for many retirees as they have spent their monies and are now struggling to make ends meet.
* The morale of members is monitored on a continuous basis. The Department has set aside incentive bonuses for good work done. The Commissioner reported one member received a R35000 bonus and medal for outstanding service. This incentive has boosted morale.

**Vehicle maintenance and management**

* Members queried the condition of the high mileage cars.
* The Commissioner agreed that although vehicles had high mileage that they should be in working order and fit for service. In past times the vehicles would be returned to the station keys locked away before the shift ends but times have changed and vehicles perform on a 24-hour basis. The vehicle repair and maintenance programme ensures vehicles are properly serviced and faults are rectified.

**Police detention cells**

* Members wanted to know what the inconvenience and cost implication is of Police detention cells in the station.
* Currently the station does not have detention facilities at the station and they are forced to drive 400 kilometres to other police stations for the purpose of detaining suspects.
* This is impacting the fuel budget as well as reducing the age of the vehicles by increasing the mileage. The travel distance also has an impact on the staff who drive as they often have to return late from the return destinations after a day at court.
1. **Community Policing Forum (CPF)**

The MEC addressed the Committee on the matter of stipends for the CPF volunteers. The MEC noted that not enough support is provided to CPFs. He outlined that the Department has one budget and no ring fencing which results in other Departments needs met by the budget allocated for the Civilian Secretariat.

Mr Ron Van Wyk, the Chairperson of the Park Road CPF outlined the challenges but expressed hope that if they could receive funding from the business community to render the service with the help of the MEC and Police Station Commander it may result in more community support for the CPF. The CPF noted that patrol vehicles were not always available when problems arise as they may be busy elsewhere. Cable theft in the area is a big problem. Students using drugs usually resort to cable theft to fund their drug use. The neighbourhood watch is increasing patrollers but the recent petrol price increase is not sustainable. While foot patrols in certain areas have increased in other areas members are afraid due to the high crime rate. The CPF reported it has done outreach at the local schools to reduce drug use in the area. They reported that the relationship is good between the CPF and the station.

Mr Mohai Hlapo the Secretary of the CPF raised concerns that they were not treated well as a CPF as they were not receiving training as prescribed by law. In addition, the Secretary highlighted the need for more vehicles at the station as Sector 2 is the biggest sector but no vehicles are available. The CPF requires support with files and stationary. The Secretary noted that persons of colour were not well represented in leadership positions within the CPF.

The Chairperson and the Secretary of the Community Policing Forum raised the following challenges:

1. **Key challenges**
* Challenge of not having funding as the CPF;
* Police station does not treat them well as they had not been provided with training;
* Challenge of disabled people that do not receive assistance from the station as members of the South African Police Service are not trained on how to assist persons with disabilities;
* Students that are on drugs which creates a challenge; and
* Communities are afraid to join CPF because of high crime rate, like high cable theft.
1. **Construction Challenges**

The DPWI reported that the approach adopted relates to the parameters in appointing contractors with the performance monitored downstream.

The DPWI developed a list of contractors with different grades of contractors listed. If the contractor is terminated, then they are able to replace the contractor within 2 – 3 weeks.

The Auditor-General noted the lack of monitoring of sites where defective work is signed off at the site. The DPWI employs consequence management to curb poor quality and to prevent the contractor doing the same on site.

The DPWI noted one of their failings is not dealing with the matter timeously and that they have protected officials who have failed in their duties. The DPWI acknowledged that the situation requires better communication with stakeholders and management of the project. Normally there is a key account person in place to manage and respond to the stakeholders but the project was run from Pretoria and hence officials were not on site to manage the situation. Communication provincially will be in place after this meeting.

The project cost has increased, it initially cost R82 million but DPWI are now projecting a R105 million cost to complete the project. The cost of material, prolonged construction and litigation to recover costs all leads to escalation. A forensic report has been commissioned which will identify what money needs to be recovered.

The office will look into the issue of the generator strategy and the prioritising of the detention cells at the station. SAPS have provided the DPWI with a list of priority stations requiring generators.

Mechanisms to ensure completion date: The DPWI has implemented oversight committees to monitor the projects. A new Memorandum of Understanding will be drawn up with the implementing agents. If they do not perform within 21 days they will then terminate the contract.

The DPWI reported that late payments to contractors resulted in an extension of time. This impacted on the goodwill with suppliers and sub-contractors. The DPWI indicated the problems arose when there was a change of personnel at the DBSA and DPWI which resulted in the late payments. This has been rectified and assurances provided to the implementing agent and building trust with suppliers. The DBSA works on a recovery basis on the project. The DBSA then informs the DPWI to pay at completion of certain milestones, during this process the communication was lacking.

The DPWI indicated the projected completion date of phase 1 would be in November 2022 with the second phase also completing in 2022. The DPWI assured the Committee it would continually monitor the project to ensure completion.

1. **Key Challenges**
* Currently the station does not have detention facility cells and they are forced to drive 400 kilometres to other police stations for the purpose of detaining suspects;
* Challenge of the station having to transport detainees to and from different correctional facilities, located as far as Kroonstad (females) and Kimberly; and
* The challenge of the renovations which had taken 4 years.
1. **Committee Observations and Concerns**
* Members were very concerned that the renovations had been taking place for the past 4 years and the cost has escalated from R82 million to R105 million;
* Members were also concerned about the long distances that are being travelled by members of SAPS in order to transport detainees to various detention facilities; and
* Members were not pleased with the conduct of the Department of Public Works as they had paid the two previous construction companies without having done any work.
1. **Committee Recommendations:**
* The Department of Public Works should engage the contractor in terms of prioritising the building of detention facility cells as the issue was depleting the fuel budget of the station, and the festive season was around the corner;
* Generator capacity at the station should be dealt with as a matter of urgency before the end of the calendar year;
* The DBSA and the Department of Public Works should acknowledge where payment delays have delayed the construction work and contributed toward escalating costs to the detriment of the contractor. Where the DBSA or the Department has been responsible for these delays, they should in reasonable terms adhere to its contractual and payment obligations.
* The management of Park Road Police Station should provide members of the Community Policing Forum with training to be able to service community members and assist SAPS in fighting crime;
* The Department of Public Works should provide the Committee with the forensic report on the previous two contractors that were paid for having done nothing at Park Road Police Station; and
* The Provincial Commissioner and her management team should come up with mechanisms on how to deal with the issue of the station having to transport detainees to and from different correctional facilities, located as far as Kroonstad (females) and Kimberly. This situation is hampering services to the community as those members who are responsible for transportation are not working within the community.

**Report to be considered.**