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SC security

South African Police Service



Suid-Afrikaanse Polisiediens

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Kgoshi LM Mokoena, MP
Chairperson:
Select Committee on Security and Constitutional Affairs
Parliament of the Republic of South Africa
CAPE TOWN

Dear Mr Mokoena

BUDGET VOTE HEARING: SELECT COMMITTEE: 28 MAY 2008 : WRITTEN RESPONSES

1. Emanating from the Department's appearance before the Select Committee on Safety and Constitutional Affairs on the abovementioned date and with reference to additional information required by the Committee on specific subject matters, the Department would like to respond as follows:

1.1 Audit opinion

Although certain matters were reported, the audit opinion received for the Vote: Safety and Security for the previous financial year (2006/07) was unqualified. Audit opinions expressed by the Auditor-General over a three period (since 2004/05) are as follows:

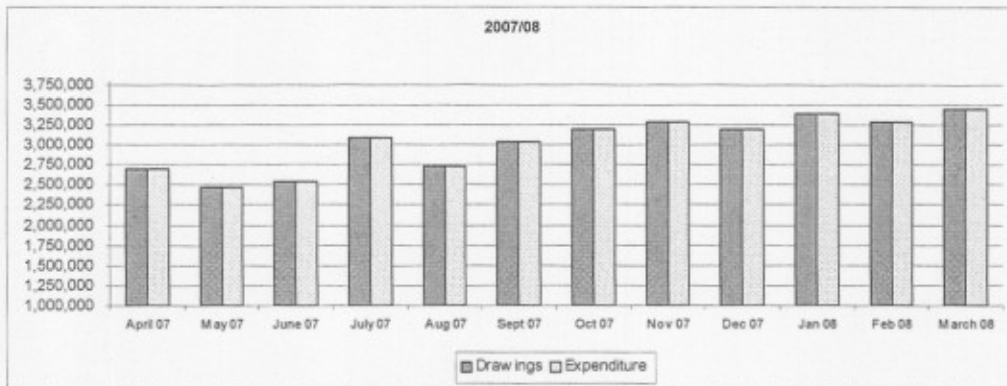
2004/05	:	Unqualified
2005/06	:	Unqualified
2006/07	:	Unqualified

The Auditor-General, however, must still express an audit opinion for the 2007/08 financial year as audits are currently in process.

In a progressive and rapidly growing department taking into account the operational nature, it would be realistic to expect that some subject matters may be reported from time to time. The important aspect, however, is to implement remedial steps and address such matters as identified.

1.2. Expenditure trend (2007/08)

The original allocation for the Department included in the Estimates of National Expenditure 2007 amounted to R 35 917,470 million. The Adjusted Estimates for 2007/08 included an additional amount of R 468,365 million, which increased the Department's allocation to R 36 386,105 million. The total expenditure for the 2007/08 financial year amounted to R 36 386,105 million, which represents a spending rate of 100 %. The surplus on the Vote for the 2007/08 financial year amounts to R 43.11.



When the monthly drawings from the National Revenue Fund vis monthly expenditures by SAPS are considered since April 2007 it will inter alia be noted that monthly expenditures were in accordance with the drawings in and over the time series (see graph and table below) which is reflective of planning, monitoring and intervention where appropriate.

	Drawings R'000	Expenditure R'000
April 07	2,702,753	2,702,441
May 07	2,473,696	2,472,976
June 07	2,537,002	2,537,023
July 07	3,098,408	3,098,225
Aug 07	2,735,327	2,735,233
Sept 07	3,038,492	3,038,482
Oct 07	3,196,240	3,195,991
Nov 07	3,278,964	3,279,565
Dec 07	3,199,760	3,200,631
Jan 08	3,388,227	3,387,899
Feb 08	3,293,142	3,292,858
March 08	3,444,094	3,444,781
TOTAL	36,386,105	36,386,105

(Note: no rollover of funds)

In order to provide a bit of context in general, forecasting as an activity requires anticipation of a number of aspects in an ever changing environment. Forecasting should therefore not be viewed as an end in itself, but as an integrated part of the planning and decision making process. In any environment it is however also a fact that many unpredictable events occur notwithstanding the fact that a need exists to predict a future situation. Since forecasting is

just a precursor to planning and decision making, the usefulness of a forecast relates directly to its added value in making plans or decisions.

Amongst other the Department, which is geographically located country wide, is processing and paying (as provided by different suppliers) in the vicinity of 1 085 000 invoices per annum together with the monthly remuneration of approximately 173 000 persons, which include cost of living negotiations in the PSCBC, timely receipt of pace reports (invoices) from the Public Works Department in the capital works environment of ± R700 million, timely receipt of invoices from SITA in a ± R900 million environment, delivery of vehicles and submission of invoices by suppliers for the purchasing of vehicles in a more than R1 billion environment etc.

1.3 **Disciplinary interventions: Corruption and Fraud**

The South African Police Service's Discipline Regulations, promulgated in 2006, deals with the process of discipline management.

In terms of these Regulations, an employee of the department may be suspended with full remuneration, temporarily transferred or without remuneration. In instances where an employee is suspended without remuneration, the delegated functionaries must be satisfied on reasonable grounds that the misconduct which the employee is alleged to have committed, is misconduct as defined within the framework of a common law or statutory law offence and that the case against the employee is so strong that it is likely that the employee will be convicted of a crime and subsequently dismissed. Before a suspension can be effected, the employee must be afforded a reasonable opportunity to make written representations. These written representations should also be considered by the delegated functionaries before a decision is reached to suspend the employee with or without remuneration.

The following factors are considered by the delegated functionary in exercising his/her discretion to distinguish between serious and non-serious misconduct -

- whether the misconduct constitutes an infringement of human rights and the extent of such infringement;
- the extent of any dishonesty displayed by the employee;
- the effect that the misconduct has or may have on the general discipline amongst other employees within the department;
- the extent to which the delivery of an effective police service to the community has or may have been detrimentally affected by the misconduct;
- the extent to which the Service has or may have been brought into disrepute by the misconduct;
- whether the misconduct also constitutes a criminal offence;
- any other factor which, in the light of the peculiar circumstances prevailing at the place and time where the misconduct was committed, should be taken into consideration;
- whether, objectively seen, the employer/employee relationship has been damaged or has become intolerable; and
- whether the priorities contained in the Annual Police Plan of the National Commissioner have been or may have been impaired.

The Prevention and Combating of Corrupt Activities Act, 2004 (Act no 12 of 2004), provides a general definition of Corruption in Chapter 2, Section 3 of the Act, namely:

- "Any person who, directly or indirectly -
 - Accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or
 - Gives or agrees or offers to give to any other person any gratification, whether for the benefit of that person or for the benefit of another person, in order to act, personally or by influencing another person to act in a manner -
 - ▶ that amounts to the -
 - illegal, dishonest, unauthorised, incomplete or biased; or
 - misuse the selling of information or material acquired in the course of the exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation
 - ▶ that amounts to -
 - ▶
 - the abuse of the position of authority;
 - abreach of trust; or
 - the violation of a legal duty or a set of rules;
 - ▶ designed to achieve an unjustified result; or
 - ▶ that amounts to any unauthorised, or improper inducement to do or not to do anything, is guilty of the offence of corruption."

The following is reported in respect of suspensions effected within the department for fraud and corruption as per definition:

FRAUD AND CORRUPTION RELATED CASES: SUSPENSIONS: 2006/2007 FINANCIAL YEAR

Criminal charges	With Salary	Without Salary
Aiding an escapee	-	7
Bribery	1	2
Corruption	7	160
Defeating the ends of Justice	2	26
Extortion	2	1
Fraud	7	55
Total	19	251

Note should be taken of the fact that the figures presented in the department's Annual Report for 2006/2007, will differ from the figures presented in this letter as a result of the implementation of the Prevention and Combating Activities Act.

FRAUD AND CORRUPTION RELATED CASES: SUSPENSIONS: 2007/2008 FINANCIAL YEAR

Criminal charges	With Salary	Without salary
Aiding an escapee	-	17
Bribery	1	2
Corruption	10	100
Defeating the ends of Justice	-	22
Extortion	-	5
Fraud	5	25
Total	16	171

With reference to the 2007/2008 financial year, the following table presents an indication of the outcomes of suspension. Cognisance should be taken of the fact that the pending suspensions with salary as at 31 March 2008, which represents 8 cases, is quite marginal and is indicative of the application of command and control relevant to the timeous conclusion of disciplinary interventions.

Offence	Found guilty		Found not guilty		Resigned		Pending		Total	
	Suspended		Suspended		Suspended		Suspended		Suspended	
	w	wo	w	wo	w	wo	w	wo	w	wo
Aiding an escapee	-	10	-	3	-	-	-	4	-	17
Bribery	-	-	1	2	-	-	-	-	1	2
Corruption	1	28	2	11	1	8	6	53	10	100
Defeating the ends of Justice	-	5	-	6	-	5	-	6	-	22
Extortion	-	3	-	-	-	-	-	2	-	5
Fraud	2	9	-	7	1	2	2	7	5	25
Total	3	55	3	29	2	15	8	72	16	171

1.4 Police killings

- The Training Division has developed and implemented a Street Survival Training Programme, focussing on "street smart behaviour" by SAPS personnel members, which includes practical instruction on the manner in which life-threatening situations should be dealt with. All entry level SAPS members undergo shooting exercises to determine their firearm competency as well as the Street Survival Programme as part of the basic police training syllabus.
- In addition to the annual shooting practices operational members are subjected to tactical training and the Street Survival Programme. The Street Survival Programme was developed to enhance the firearms proficiency and general fitness of SAPS members against the backdrop of the high number of police killings. The following modules are included in the training programme: Legal principles, guidelines to Health and Fitness and the use of firearms in the policing environment.
- This programme was designed to deliver the following outcomes:
 - Improve firearm proficiency in the operational policing environment,
 - Comply with the requirements for accreditation of the Firearms Control Act,
 - Improve general fitness of members,
 - Prepare members to become street wise through situational awareness and positive decision making,
 - Improve personal safety of members.
- Division Training has also institutionalized a new training programme called Tactical Survival Techniques. This programme includes modules such as, legal aspects, the seven survival principles, tactical movement (House clearance), attending to complaints, transporting of dangerous prisoners, patrols, response to emergencies, physical control and tactical procedures.
- Members performing low risk duties are required to attend shooting practice and the Street Survival Programme annually. Members performing medium risk duties are required to attend shooting practices bi-annually and the Street Survival Programme once per year. Members performing high risk duties, are required to attend shooting practices as required by the specialized fields of operation.
- A number of other initiatives have been implemented, including ensuring that SAPS personnel members have the correct training, are equipped with bullet proof vests, weapons and are properly supervised in terms of the performance of their operational functions.
- It should be noted that approximately 41% of members that were murdered, were on duty.

1.5 Crowd Control

With reference to provisioning of proper training to members of the department to effectively deal with the 2010 World Cup, the following strategy with regards to Crowd Management is implemented within the department:

- Police deployment for crowd management is based on threat assessment levels, namely:
 - **Level 1 - Low Risk.** To be managed at Station Level. Crime Combating Units (CCU) to be placed on standby.
 - **Level 2 - Medium Risk.** To be managed at Station Level. Crime Combating Units (CCU) to be placed on reserve.
 - **Level 3 - High Risk.** To be managed by Crime Combating Units (CCU).
- The following Training Strategy was defined to address the above:
 - Basic Training:
 - ▶ All members of SAPS who completed the Basic Training Programme, will attend a the orientation to Crowd Management / First Responder Training course which includes the following principles:
 - Crowd dynamics;
 - Use of force;
 - Legislation; and
 - Policy matters.
 - Crowd Management course for members deployed at Police Station level:
 - ▶ Members performing crime prevention duties at station level, will receive training towards the following:
 - Platoon and Section formations;
 - Foot formations;
 - Vehicle formations;
 - Indoor techniques; and
 - Tactical options (defensive).
 - Crowd Management for Crime Combating Units:
 - ▶ Members stationed at Crime Combating Units will receive training towards the following:
 - Platoon and Section formations,
 - Foot formations,
 - Vehicle formations,
 - Indoor techniques,
 - Tactical options (defensive / offensive).
 - Commanders:

- ▶ All commanders, inclusive of Crime Prevention units and Crime Combating Units, will undergo the following training interventions:
 - Crowd Management for Platoon Commanders (PCT),
 - Operational Commanders Training (OCT),
 - First Line Operational Managers (FLOM).

Training, relevant to the 2010 Soccer World Cup, will be prioritized. Specific focus will be placed on event specific crowd management policing needs and the alignment thereof in terms of the department's strategic priorities. The in-service training Institution situated in Thabazimbi, will be utilized on a full time basis to present Crowd Management Training.

1.6 Promotions

Grade Progression and Post Promotional processes are well defined within National Instructions promulgated within the department.

Both processes, effected within the department, encompass the following important principles:

- to address the movement of an employee from a lower to higher levels;
- to provide opportunities for career advancement and individual development;
- to offer all employees equal and fair opportunities, within their capabilities, to progress;
- to identify and appoint suitable employees in the correct posts;
- to accelerate (fast-track) the appointment of suitably qualified employees from designated groups who have been included in the accelerated (fast-track) programme to promote representivity; and
- to enhance greater effectiveness, efficiency and service delivery.

Grade progression is the promotion of employees from Constable to Inspector (Band A) and from Band B1 (Inspector) to Band B2 (Inspector). The grade progression is thus an upward progression from a lower to a higher grade (salary level), within a defined career path, with the employee acquiring and demonstrating the required competencies and skills to perform the job. (This process has recently been introduced in SAPS).

Employees who apply for advertised posts must be considered for promotion if they are suitable and meet the minimum promotion requirements applicable to the next higher post. The South African Police Service prescribes the following uniform criteria for the selection of candidates for promotion:

- prior learning, training and development;
- record of previous experience;
- employment equity in line with the Employment Equity Plan of the relevant business unit;
- evidence of satisfactory performance;
- suitability; and
- record of conduct.

The allocation of posts for promotion purposes is determined by taking into account the

number of vacancies available in terms of the Resource Allocation Guide (RAG). Posts are advertised on a regular basis and members have to apply and compete with their peers for advertised posts. Due to the limited number of posts available, it is unfortunately not possible to promote all members who qualify for promotion.

1.7 **Police Stations visited by the Select Committee (Culcutta, Matsulu and Graskop)**

With reference visits effected by the Select Committee towards the abovementioned stations, the following responses can be provided:

Culcutta Police Station

According to the provincial management the station commissioner can be perceived as arrogant because he speaks with authority. Due to the limited time the matter was not investigated by national management. A follow-up investigation will be conducted.

Matsulu Police Station

The figures for various serious crimes recorded in the Matsulu precinct during each financial year from 2001/2002 to 2007/2008 are provided in the attached table. (Annexure A) The following can be deduced from these figures:

- Matsulu is clearly not a flashpoint of crime in Mpumalanga. If the average annual contact crime figures over the past five financial years for Matsulu are compared with those of stations such as Kanyamazane, Vosman, Tonga, etc, Matsulu recorded only about a fifth of the contact crimes reported by these priority stations.
- The fact that the figures in the attached table have low numerical values in respect of most crime trends, makes annual comparisons extremely difficult. Most trends actually decreased between 2006/2007 and 2007/2008. If the contact crime figures are added together and those for 2007/2008 are compared to the average for the previous four years, a decrease of 11,2% was recorded in 2007/2008. Actually, all contact crime categories except attempted murder, indecent assault and common robbery decreased. Attempted murder increased by 109,1% from 11 to 23 cases. However, the figure of 23 attempted murders is not exceptional compared to the 23 cases of 2005/2006 and the 32 cases of 2004/2005. The increase in indecent assault, from 1 to 4 cases between 2006/2007 and 2007/2008, boils down to a 300,0% increase. This illustrates the dilemma posed by comparisons involving very low figures. A single incident of serious crime, such as e.g. a shoot-out during an armed robbery, could easily contribute 12 cases of attempted murder to a station's figures.

Graskop Police Station

Allegations were leveled against the Detective Commander by certain sectors of the community, who raised concerns of an inspector being biased and the fact that case dockets were closed before they were thoroughly investigated. The matter was taken up by the Provincial Detective Head and has been resolved in the meantime. National intervention was effected in the form of a telephonic conversation with the station commissioner who confirmed that the real issue was relevant to the investigation of case dockets and not as a

result of her being undermined by a certain member. A copy of her letter is attached. (Annexure B)

1.8 Firearm Licenses

The South African Police Service received a total of 56 348 firearm licence applications until 31 December 2007. To date a total of 21 393 firearm licences have been approved and a total of 6 604 firearm licence applications have been refused.

The South African Police Service received a total of 546 617 applications for the renewal of firearm licences, permits and authorization until 31 December 2007 of which a total of 228 420 renewal applications have been approved and a total of 6253 have been refused.

1.9 Accommodation of detectives

The accommodation for detectives is not dealt with in isolation. During the building and upgrading of police stations the needs of the detectives are also taken into account.

Accommodation in the provinces is determined by the province's top ten priority list. Each Province's top ten priority list is compiled by the province in conjunction with the MEC: Safety and Security. The office of the Divisional Commissioner: Supply Chain Management attends to the priority list as received from the provinces. As a short term measure a contract for the supply of park homes has been put into place to alleviate the critical shortage of accommodation.

1.10 Accuracy: Asset register

The asset register was audited in respect of 2006/07 and will again be audited regarding 2007/08, the latter which will provide an indication of accuracy.

1.11 Relationship between the SAPS and Department of Public Works

a. Conditions at police stations

The South African Police Service previously experienced problems with the Department of Public Works due to delays in the fulfillment of their responsibilities regarding infrastructure, hence SAPS opted for the devolution of the budget. However, in recent times the relationship has improved to a certain extent .

b. Maintenance

Day to day maintenance provide for minor maintenance below R20 000 to allow stations to use reactive measures in ensuring that buildings do not become dilapidated. However, major maintenance (planned and unplanned) also exists in an effort to decrease backlogs in maintenance.

1.12 Performance of Provinces

The comparison of the performance of one province relative to another is a complex matter that needs to be dealt with circumspectly due to factors such as the complex nature of policing and the differences in structural, environmental, geographical and socio-economical variables. In addition to the aforementioned variables, each province has unique and varying demographics and crime trends which impact substantially on policing. Any assessment that compares the performance of one province relative to another must be both equitable and justifiable in order for it to be relevant as management information. The SAPS has developed a management tool to assist in the measurement of performances of police stations. Apart from this various control mechanisms in the form of prescriptive frameworks, performance agreements, inspections, assessments by the Office of the Auditor-General and Internal Audit exists in order to measure compliance to standards defined.

1.13 Discrimination : Sexual orientation

The department's training interventions and prescriptive framework places a high priority on the prevention of the violation of human rights. Complainants and arrested persons are being treated equally as dictated by the Code of Conduct of the SAPS. In a current victim survey conducted by the Institute of Security Studies (ISS) and a previous survey (2007) which was conducted by Democratic Research Africa no reference was made of any contravention regarding the treatment of persons with preferential sexual orientations. Although isolated cases occurred where SAPS members are accused of such violations the issue cannot be generalized. It is also important to note that males, females and children are kept in separate holding cells.

In cases where SAPS members intentionally or negligently contradict the various prescripts, they are criminally charged or disciplined.

1.14 Female detective training

A number of 633 female detectives were trained during 2007/08 in courses such as the detective learning programme, detective commander course and family violence, child protection and sexual offences.

With appreciation

Signed : Deputy National Commissioner Stander
NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE

DATE: 30 May 2008

