

**IN THE EQUALITY HIGH COURT
(HIGH COURT, CAPE TOWN)**

Case No.: **Equality Court 3/2016**

In the application of:

NYANGA COMMUNITY POLICING FORUM

Applicant for intervention

in re:

SOCIAL JUSTICE COALITION

First Applicant

EQUAL EDUCATION

Second Applicant

and

MINISTER OF POLICE

First Respondent

NATIONAL COMMISSIONER OF POLICE

Second Respondent

WESTERN CAPE POLICE COMMISSIONER

Third Respondent

**MINISTER FOR COMMUNITY SAFETY, WESTERN
CAPE**

Fourth Respondent

FILING NOTICE

Documents filed herewith:

- 1. Answering Affidavit deposed to by Preston Voskuil on behalf First, Second and Third Respondents; and**
- 2. Confirmatory Affidavit of Mr K E Jula**

DATED AT CAPE TOWN THIS 13th DAY OF MARCH 2017

STATE ATTORNEY
LEON MANUEL
TEL: (021) 441 9200
FAX: 021 421 9364

STATE ATTORNEY

Per: 

L MANUEL

1st, 2nd & 3rd Respondents'
Attorney
4th Floor
22 Long Street
CAPE TOWN
(Ref: 1128/16/P12)

TO: THE REGISTRAR
Equality Court
CAPE TOWN

AND TO: LEGAL RESOURCES CENTRE
Attorney for First Applicant and Applicant for Intervention
3rd Floor, Greenmarket Place
54 Short Market Street
CAPE TOWN
Ref: Ms M Mudarikwa

Service by e-mail

AND TO: WEBBER WENTZEL
Attorney for Second Applicant
15th Floor
Convention Tower
Heerengracht, Foreshore
CAPE TOWN
Ref: O Ampofo-Anti

Service by e-mail

**IN THE EQUALITY HIGH COURT
(HIGH COURT, CAPE TOWN)**

Case No.: **Equality Court 3/2016**

In the application of:

SOCIAL JUSTICE COALITION

First Applicant

EQUAL EDUCATION

Second Applicant

NYANGA COMMUNITY POLICING FORUM

Third Applicant

and

MINISTER OF POLICE

First Respondent

NATIONAL COMMISSIONER OF POLICE

Second Respondent

WESTERN CAPE POLICE COMMISSIONER

Third Respondent

MINISTER FOR COMMUNITY SAFETY, WESTERN

Fourth Respondent

CAPE

and

WOMEN'S LEGAL CENTRE TRUST

Amicus Curiae

**ANSWERING AFFIDAVIT FILED ON BEHALF OF THE
FIRST, SECOND AND THIRD RESPONDENTS**

I, the undersigned,

PRESTON LANCE VOSKUIL

do make oath and state that:

1. I am an adult male police officer in the rank of Brigadier and appointed as the Provincial Head of Organisational Development and Strategic Management in the Western Cape with effect from January 2016. My office is situated at 25



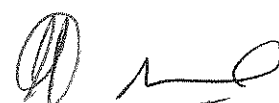
Alfred Street, Green Point, Cape Town. I am duly authorised to depose to this affidavit in opposition to the application brought by the applicants.

2. The facts contained in this affidavit are within my personal knowledge and belief, unless the contrary appears from the text, and are all true and correct. Where I rely on information provided to me by others, I indicate the source thereof and verily believe such information to be true and correct. Where I make legal submissions, I do so on the basis of advice given to me by the legal representatives of the first, second and third respondents, the correctness whereof is accepted by me.

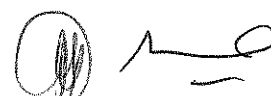
3. I have read the application and the respective answering affidavits of Major Generals Rabie, Sekhukhune, Brand, Nelson and Makgato and confirm that the contents thereof are true and correct, including but not limited to their references:
 - 3.1. to me;
 - 3.2. the application of the Theoretical Human Resources Requirements (*“the THRR”*) and the variables taken into account when calculating the THRR;
 - 3.3. the fact that the THRR is subject to constant revision with a view to further enhancing policing in the Republic, including the nine provinces. When referring to the Western Cape Province, I refer to it as such or as *“the province”*;



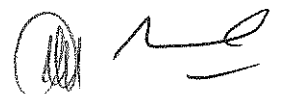
- 3.4. the allocation of police resources and the fact that such allocations are not done on a discriminatory basis;
 - 3.5. the distribution by the Provincial Commissioner at provincial level is similarly not done on a discriminatory basis;
 - 3.6. the distribution of human resources in the province by the Provincial Commissioner is done on a dynamic, flexible and strategic basis, and in response to policing needs;
 - 3.7. the reality of budgetary constraints;
 - 3.8. the implementation of the recommendations of the Khayelitsha Commission (*"the Khayelitsha Commission"* or *"the Commission"*) which have not been fully implemented as yet as regards recommendation 7 thereof (*"recommendation 7"*);
 - 3.9. the importance of collating and analysing crime statistics, ensuring the integrity of the process and the use thereof to improve policing in all nine provinces, with emphasis on intelligence driven crime prevention;
 - 3.10. the need to build and foster relationships with communities whose assistance are integral to effective policing; and
 - 3.11. the factors which may inhibit effective policing such as the demographics, topography, infrastructure, socio-economic conditions prevalent in certain areas *etc.*
4. This affidavit is structured as follows:
- 4.1. first, I describe my functions and duties in the province;
 - 4.2. I thereafter outline the relief sought by the applicants;



- 4.3. next, I provide a summary of the preliminary points which would justify the dismissal of this application;
- 4.4. thereafter, certain introductory observations are made in relation to policing;
- 4.5. the human resource process is then addressed. In analysing the allocation process, it becomes demonstrably obvious that the THHR is neutral in its effect and application when the National Commissioner (*"the National Commissioner"* or *"the second respondent"*) exercises his powers, duties and functions in terms of section 11 of the South African Police Service Act, No. 68 of 1995 (*"the SAPS Act"*), and does not result in allocations being done on a discriminatory basis. Likewise when the Provincial Commissioner, Lieutenant General Khombinkosi Elvis Jula (*"the Provincial Commissioner"* or *"the third respondent"*) determines the distribution of the strength of the service under his jurisdiction in the province among the different areas, station areas, offices and units in terms of section 12(3) of the SAPS Act;
- 4.6. I thereafter provide a broad overview of the crime statistics of the 17 community reported serious crimes and crimes detected as a result of police action for the 9 month period from 1 April 2016 to 31 December 2016 which were released by the Minister of Police (*"the Minister"* or *"the first respondent"*) on 3 March 2017. These statistics are for the first to third trimesters of the current year which commenced on 1 April 2016 and ends on 31 March 2017. They also contain a comparison with previous years. My analysis is confined mainly to the statistics in this province;



- 4.7. next, I respond to specific allegations in the affidavit of Phumeza Mlungwana of the Social Justice Coalition ("*the first applicant*" or "*the SJC*"), in so far as this may be necessary. The affidavit of the second respondent has been responded to by Major General Rabie. Major General Brand also deals with youth in his affidavit;
- 4.8. I thereafter address certain paragraphs in the affidavit of Jean Françoise Redpath ("*Redpath*") where required;
- 4.9. this is followed by answering to the affidavit of Mr Martin Makasi ("*Makasi*"). It falls to be emphasised that any averment contained in Makasi's affidavit which is not expressly dealt with or denied by me but which is inconsistent with the first to third respondents' answering affidavits, should be construed as though denied; and
- 4.10. finally, and in conclusion, I address the appropriate remedy.
5. The Provincial Commissioner has had sight of the papers filed by the applicants and the answering affidavits filed on behalf of the first, second and third respondents. All relevant aspects have been traversed in the respective answering affidavits deposed to by Major Generals Rabie, Makgato, Sekhukhune, Nelson and Brand, as well as my affidavit. Consequently, and in the interests of brevity, the Provincial Commissioner will file a confirmatory affidavit, rather than restate the contents of the aforementioned answering affidavits.
6. I should point out that my affidavit was prepared in draft before Major General Makgato deposed to his, hence his knowledge of its contents. The only



additional matter relates to the latest crime statistics released on 3 March 2017 which have now been incorporated into my affidavit. These statistics are relevant to the determination of the matter. The crime statistics relating to the fourth quarter will similarly be germane to the hearing and will be placed before court should they be released by the time the matter is heard.

7. These affidavits took a significant amount of time to prepare and several deponents confirmed the affidavits of others which delayed the process. The applicants' case is comprehensively challenged and this took a considerable amount of time rendering it impossible to comply with the filing date. There was no intention to breach the court order but the deadline of 17 February 2017 was not possible to adhere to for a multiplicity of reasons. No prejudice has been occasioned to the applicants. On the contrary, the updated human resourcing figures and the latest crime statistics in this province serve to illustrate the improvements in policing. These pertinent factors should be taken into account when this matter is determined and should allay the applicants' concerns pertaining to policing. Furthermore, these developments are inimical to the grant of any relief to the applicants.
8. In light of the comprehensive response filed to the applicants' papers by the first to third respondents, it will be submitted that the matter should be determined on the affidavits filed of record.
9. I will not be providing a seriatim response to each and every averment contained in the applicants' papers but any allegation contained therein which



is inconsistent with the affidavits filed on behalf of the first, second and third respondents, should be construed as though denied.

10. I now turn to address the issues summarised above.

My functions and duties in the province

11. As the Provincial Head of Organisational Development and Strategic Management, my primary role and responsibility is to render an effective management advisory service to the Provincial Commissioner in order to address crime effectively. The organisational structure at the provincial level and my key performance areas and tasks ("*the KPAs*") are set forth in annexure "**PLV1**" hereto.

12. In essence, the management advisory services provided to the Provincial Commissioner include, but are not limited to:

12.1. the rendering of an efficient advisory service. Previously this also included the maintenance, provision and presentation of Western Cape crime statistics;

12.2. optimising efficiency through work study and method investigations;

12.3. ensuring the development and maintenance of organisational structures within the province; and


12.4. facilitating strategic management processes.



13. The tasks associated with each of the four KPA's are identified in section B of annexure "PLV1" hereto and the task outputs are described under that heading.

The relief sought by the applicants

14. The Nyanga Community Police Forum ("*the third applicant*" or "*the Nyanga CPF*") sought leave to intervene as an applicant in terms of regulation 10(5)(c)(v) of the regulations promulgated under the Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000 ("*the Equality Act*").
15. The equality court granted the Nyanga CPF leave to intervene conditionally. For the reasons expounded upon below, the condition was not complied with. That notwithstanding, the relief sought in the main application in which the third applicant makes common cause with the applicants, is the following declaratory relief, that:
- 15.1. the allocation of police human resources in the Western Cape unfairly discriminates against black and poor people on the basis of race and poverty;
- 15.2. the system employed by the SAPS to determine the allocation of police human resources unfairly discriminates against black and poor people on the basis of race and poverty;
- 15.3. section 12(3) of the SAPS Act grants Provincial Commissioners the power to determine the distribution of police resources between

A handwritten signature in black ink is located at the bottom right of the page. To its left is a circular stamp containing vertical lines, possibly representing a seal or official mark.

stations within their provinces, including the distribution of permanent posts under the fixed establishment, not merely temporary posts.

16. Relief is also sought specific to the Western Cape Province in that the applicants seek to:

16.1. compel the Provincial Commissioner to:

16.1.1. within three (3) months of the date of this order, prepare a plan ("*the provincial plan*") for the re-allocation of resources within the Western Cape to address the most serious disparities in the allocation of police resources in the province; and

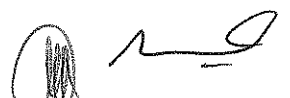
16.1.2. submit the provincial plan to the court and advertise it for public comment in accordance with directions to be issued by this court.

16.1.3. the applicants and other interested persons may, within one (1) month of the date on which the provincial plan is submitted, make submissions to the court on the contents thereof.

17. The court, after hearing argument on the matter, will either:

17.1. approve the provincial plan;


17.2. approve an amended version thereof; or

A handwritten signature in black ink is located at the bottom right of the page. To its left is a circular stamp, partially visible, which appears to contain a name or title, though the text is illegible.

- 17.3. call for the Provincial Commissioner to file an amended plan and issue directions for the further conduct of the matter.
- 17.4. Once the provincial plan is approved by the court, the provincial commissioner shall:
 - 17.4.1. implement it within 6 months of the date on which it is approved by the court.
 - 17.4.2. file monthly reports on the progress in implementing it.
18. The applicants also seek orders that this court will retain supervision of the processes described in paragraphs 4 to 7 of the notice of motion until it is complete and will have the power *mero motu*, to call for additional evidence, set the matter down for hearing, or alter this order.
19. In addition to the foregoing, the applicants also seek what they term "*national relief*" in which the following orders are sought:
 - 19.1. Compelling the Minister and the National Commissioner to:
 - 19.1.1. Re-evaluate the system the South African Police Service uses to allocate and distribute its human resources;
 - 19.1.2. Report to the court on their progress in complying with paragraph 9.1 of the notice of motion by:
 - 19.1.2.1. Within three (3) months of the date of this order, submitting a plan that will guide the re-evaluation process ("*the national plan*"); and



- 19.1.2.2. Submitting reports to the court every four (4) months on the progress they have made in implementing the national plan.
- 19.1.3. Ensure that the re-evaluation process is open to public scrutiny, and institutional oversight by, amongst other bodies, the civilian secretariat for the police service and the national assembly.
- 19.1.4. Complete the development and implementation of a new system for allocating and distributing police human resources within four (4) years.
- 19.2. The applicants and any other interested person may make submissions to the court about the national plan, or the National Commissioner and the Minister's compliance with that plan, including asking the court to conduct further hearings, call for further evidence, or make additional orders.
- 19.3. The applicants furthermore also seek a structural order in respect of the national relief in terms whereof the court will retain supervision of the processes described in paragraphs 9 to 10 of the notice of motion until it is complete.
20. There are a number of preliminary points which militate against the grant of any relief herein. These are not matters which have been addressed by the applicants despite the fact that they could have done so in the voluminous papers filed in support of the application.



Points in limine

The application has been brought prematurely

21. The report of the Khayelitsha Commission was finalised in August 2014 and issued shortly thereafter. These proceedings were commenced less than 2 years after the release of the report and at a stage when the recommendations were still in the process of being implemented.
22. Recommendation 7 is titled *Revision of SAPS' system for determining the theoretical human resource requirement of police stations, and the urgent reallocation of human resources to the three Khayelitsha Police Stations*. The Commission recommended that the system be “overhauled as a matter of urgency” but nonetheless acknowledged in paragraph 36 of the recommendations that this would take time. The report states the following in this regard:

“The Commission acknowledges that significant reallocation of members may well be necessary in the Western Cape to bring about a fair and rational allocation. It accepts that this is a complex process that cannot be achieved overnight, particularly as it may have implications for police station infrastructure. It recommends that once the new allocation method is determined, it should be phased in over a period of time that should not exceed three years” (emphasis supplied).



23. The three year period referred to in recommendation 7 has not expired and will not have done so by the time this matter is heard. "Overhauling" the model is an ongoing and time-consuming process. Once it has been overhauled, the implementation of these changes also takes time – a fact which the Commission appreciated. It would not have specified a three year period if this was not the case.
24. The deponent to the first applicant's affidavit, Phumeza Mlungwana ("Mlungwana") is a member of the task team to which I revert below. As a result she attends meetings thereof and is regularly updated on the status of the Commission's recommendations. She is fully aware of the fact that recommendation 7 has only been partially implemented.

The status of the findings of the Khayelitsha Commission

25. The applicants have approached this matter from the precept that the findings of the Commission are indeed binding. They make no attempt to explain why this is so.
26. The Commission was not an institution established in terms of Chapter 9 of the Constitution of the Republic of South Africa, 1996 ("*the Constitution*") and it does not follow that the recommendations in the report are binding. They are just that – recommendations.



27. That notwithstanding, the police are under a constitutional imperative to perform policing services in terms of section 205(3) of the Constitution. The first to third respondents are constantly striving to enhance policing services and implementing the recommendations is in keeping with this objective.

The application is based on largely outdated material

28. The applicants have sought to make out a case based largely on the evidence adduced at the Khayelitsha Commission and the findings made pursuant thereto.
29. Policing is constantly evolving with a view to improving service delivery. There has been a multiplicity of changes to policing since the Commission. It is unfair, and indeed unacceptable, to request this court to grant relief on historic data which is not only critically outdated but to the applicants' knowledge have been overtaken by subsequent developments in policing in the areas complained of. Their conduct in withholding highly relevant information from this court is not only misleading but constitutes an improper attempt to buttress an application which ought not to succeed.
30. The bringing of the application was not only unnecessary but abusive of this court's process. Matters are exacerbated by the fact that a task team was formed after the Commission released its report where the SAPS, representatives of the Department of Community Safety ("DOCS") and members of civil society are represented. I refer this court to the affidavit of



General Brand which deals with, amongst other things, the task team. I've been a member of the task team since February 2016 after taking up my present position in the SAPS. Mlungwana is fully aware of the developments which have taken place at the Khayelitsha, Harare and Lingelethu-West police stations, yet makes no mention thereof in her affidavit.

31. The meetings of the task team have been ongoing and have continued into 2017. Mlungwana attends these meetings on behalf of the SJC. Major General Brand has annexed several minutes to his affidavit and I don't propose doing the same, suffice it to highlight Mlungwana's attendance at the meeting held on 10 November 2016, her query on the way forward and the agreement reached at the meeting. This appears from paragraph 8 of the minutes, a copy of which is appended hereto, together with the draft agenda and list of attendees, marked "**PLV3**". The task team meeting scheduled for 6 December 2016 was cancelled due to the increased policing activities required in that month but has since resumed. It is hugely inappropriate for the SJC to agree on "*the way forward*" and simultaneously proceed with the court proceedings.

32. As the above minutes bear out, the deponent is well aware of what is happening at police station level following the Commission's report, yet has not placed this relevant information before the court. Not only is this conduct unacceptable, but supports the contention that the bringing of this application is premature and indeed, unnecessary.



33. Another anomaly not addressed by the applicants relates to the media report by the Secretary of the Nyanga Community Police Forum (*“the Nyanga CPF”*) Mr Dumisani Qwebe who is reported verbatim in WATCH following a briefing on the 2016 crime statistics. His statement is reproduced below:

“The police were doing their jobs but these areas face social and economic failures which led to the increase in murder, Nyanga Community Policing Forum secretary, Dumisani Qwebe, said.

“Overcrowding and poverty is a serious problem which needs to be handled first, before the numbers can decrease, but I feel that the police are working hard to help the situation,” said Qwebe.

Qwebe said that another problem is the fact that there is only one police station in Nyanga which again relates to the issue of infrastructure and development.

“One thing that I am very happy about is that the community are fully on board to help. They patrol on weekends and do whatever it takes to keep the people safe,” Qwebe said”.

The polycentric nature of the relief sought

34. Wide-spread relief is sought from this court. The applicants have failed to make out a case why the separation of powers should not be maintained and why the court should perform the role of the executive and/or that of the national and provincial commissioners as regards policing.



35. No acceptable basis has been laid therefore and the court should accordingly refrain from granting the relief sought.
36. On the applicants' own admission, policing is complex as evidenced by the concessions made in paragraph 118 of Mlungwana's affidavit.

Failure to make out a case in terms of the Equality Act

37. The applicants have failed to make out a case which would amount to discrimination within the purview of the above Act.
38. They rely on outdated statistics and make no attempt to apprise the court of the developments in policing which are wholly inimical to the grant of the relief sought.

Lack of jurisdiction

39. As the summary of the relief illustrates, some of the prayers sought would have a national reach. Not only do the applicants fail to set out any details or complaints pertaining to policing in other parts of the country apart from the brief and unsubstantiated references to limited parts of KwaZulu Natal save for significantly outdated statistics, but the applicants also fail to address why this court has the requisite jurisdiction to grant relief which would have a national impact and/or in respect of respondents who are not within the area of jurisdiction of the court.



40. Moreover, certain of the relief sought is best determined by those responsible for policing. However, and if the applicants are entitled to such relief (which is denied) then it should be granted and overseen by the courts where such relief will be implemented.

Lack of locus standi to attack the THRR

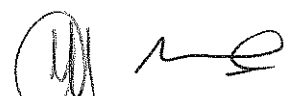
41. None of the applicants have demonstrated any basis upon which they have standing to challenge the THRR. The founding papers are replete with outdated statistics and rely heavily on an untested theory of Redpath who is no expert on policing.
42. Neither the applicant nor Redpath have addressed the variables taken into account in the application of the THRR and how these change from time to time in the interests of improving policing services.
43. No attention is paid to the constraints imposed by the annual budget allocation and how this impacts on service delivery. The applicants seemingly have difficulty in understanding the connection between the THRR which represents the ideal allocation that would be optimal whereas the budget allocation determines the actual or granted posts, also known as the fixed establishment.

Handwritten signature and initials in the bottom right corner of the page.

44. It has not been established that the THRR is unreasonable and/or irrational, nor has any legal basis been shown as to why this court should intervene thereanent.
45. It bears emphasis that the Khayelitsha Commission failed to identify what exactly in the THRR was responsible for the allegedly biased under-resourcing of certain police stations (which I deny). This *lacuna* in the Commission's report is also addressed by Major General Rabie. See for example, paragraph 117 of his affidavit.

The failure by the Nyanga CPF to have complied with the court order permitting it to join as a party

46. The Nyanga CPF is an organ of state as envisaged in section 41 read with section 239 of the Constitution and the provisions of the Intergovernmental Relations Framework Act, No. 13 of 2005. In terms of section 41(3) of the Constitution, the Nyanga CPF is legally obliged to "*make every reasonable effort to settle the dispute by means of mechanisms and procedures provided for that purpose, and must exhaust all other remedies before it approaches a court to resolve the dispute.*"
47. In terms of section 41(4) of the Constitution, if a court is not satisfied that the requirements of section 41(3) above have been met, it may refer a dispute back to the organs of state involved.



48. Although the Nyanga CPF had failed to exhaust the internal remedies provided for it in terms of the Intergovernmental Relations Framework Act, the court nonetheless permitted it to be joined as a party to these proceedings. The court order was granted subject to the ratification of the decision to bring this intervention application and other ancillary decisions related thereto at a properly constituted meeting of the applicant in compliance with clause 10.4.4 of the Uniform Constitution for Community Police Forums and Boards in the Western Cape.
49. The Nyanga CPF was ordered to file an affidavit by 10 October 2016 addressing the above, failing which the granting of leave to intervene as a third applicant in the main application would lapse.
50. The affidavit filed by the Nyanga CPF on 10 October 2016 shows unequivocally that there was no compliance with the terms of the court order. Full legal argument will be presented at the hearing but it suffices for present purposes to point out that:
- 50.1. the resolution bears no relation to the court order. It authorises the bringing of an application at some future time relating to the organisation's (the Nyanga CPF) demands;
 - 50.2. the executive committee of the Nyanga CPF was not quorate when the resolution attached and marked MM4 was allegedly taken;
 - 50.3. no evidence is adduced as to when the "*additional members*" were appointed;



- 50.4. there are no minutes or resolutions relating to the alleged "*additional members*" of the Nyanga CPF;
 - 50.5. there was no compliance with the court order of 22 September 2016;
 - 50.6. the resolution was not signed by Martin Makasi but one, Buyisile Makasi as chairperson of the Nyanga CPF;
 - 50.7. there is no Buyisile Makasi on the attendance register relating to the meeting in question;
 - 50.8. not everyone on the executive committee who was required to sign the resolution did so; and
 - 50.9. notably, the minutes make no reference to the resolution appended as MM4 having been adopted.
51. The joinder application is before the court and the documents forming part thereof will be referred to during argument. They are accordingly not annexed in the interests of brevity.
52. In light of the failure by the Nyanga CPF to have complied with the court order, their continued involvement in this matter should not be permitted by this court. They've contributed nothing to the resolution of the dispute in the main application and their involvement has done no more than occasion additional and unnecessary work.

Introductory observations pertaining to policing



53. Security services are regulated in Chapter 11 of the Constitution. In terms of section 205(1) of the Constitution, the national police service must be structured to function in the national, provincial and, where appropriate, local spheres of government. The national legislation referred to in subsection (2) is the SAPS Act which commenced on 15 October 1995.
54. The objects of the police service are set out in section 205(3), namely “*to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law.*”
55. It is against the above backdrop that policing occurs in the Republic. There are 150 police stations in this province, all of which are entitled to human resources. In addition to the police stations, there are also several specialised units within the SAPS including the Tactical Response unit (“*the TR unit*”), the Public Order Policing (“*POP*”), the Family Violence, Child Protection & Sexual Offences unit (“*the FCS*”), the National Intervention unit (“*the NI unit*”) established in 2000, the Flying Squad, the K9 unit (formerly the dog unit), *etc.* These units serve to further capacitate police stations. They operate across policing precincts in the province and the members of these units are specially trained to perform the functions attached to the particular unit.
56. It is beyond the scope of this answer to deal with the origin, make-up and functions of each specialised unit. A truncated description of certain of these units will thus be provided. The FCS was established in response to the




sensitive services required to be rendered to children and all other victims of family violence and sexual offences. The Provincial Commissioner, in a bid to further strengthen capacity at police station level, has authorised the deployment of members of, for example, the TR unit and other units to police stations to improve policing. Some of the main functions of the NI unit are to stabilise volatile situations by combating serious and violent crimes, policing public violence and rendering specialised support to other units and divisions within the SAPS. For example, it provides operational support to the police stations and other units, where necessary. This has been implemented in the province.

57. The need for certain of these special units has not abated over the years. The public protests have necessitated enhancing the POP unit to deal with such situations. The primary function of the POP unit is to maintain public order. Increasing these specialised units is costly as the presentation to the Portfolio Committee on Police relating to the POP unit, annexed hereto as "PLV4", illustrates. In February 2016 the President announced the need for two further specialised units to deal with narcotics and illegal fire-arms.
58. Reverting to the policing of this province, it is perhaps best to commence with the fixed establishment which is defined in the SAPS Act to mean the posts which have been created for the normal and regular requirements of the service.



59. The Provincial Commissioner, Lieutenant General Jula, has adopted a four pillar approach to reduce crime. These pillars are firstly, back to basics; secondly, enhancing service delivery; thirdly, the formation of partnerships and fourthly, following a focused approach. This is particularised in the Provincial Commissioner's powerpoint presentation to Cabinet, appended hereto, marked "PLV5".
60. This four pillar approach is being implemented in this province and, together with the other initiatives adopted and employed by the SAPS, has already produced results by an overall reduction in crime. It is incumbent to stabilise certain identified policing areas to achieve normalisation within those precincts. This, of necessity, involves an overarching approach to policing. The Provincial Commissioner has also taken into account the need to strengthen the stabilisation capacity in consequence whereof some of the new recruits who graduated in January 2017 were deployed to these units. The specialised units are in fact force multipliers since they supplement station capacity.
61. These managerial interventions are ongoing. Some of the more recent managerial interventions aimed at enhancing policing in the province include the:
- 61.1. opening of a service point (also known as a satellite police station) in the Browns Farm area in Nyanga with an officer in command and a dedicated capacity of 60 visible policing members;



- 61.2. capacitation of the broader Nyanga policing precinct with a total of 101 visible policing members over the last 7 months;
- 61.3. stabilisation of identified policing areas to achieve normalisation in the precincts;
- 61.4. commencement of the first phase of the stabilisation process in Nyanga, Gugulethu and Khayelitsha on 16 June 2016 and the next three stations which were additionally capacitated were Kraaifontein, Delft and Harare on 11 August 2016;
- 61.5. additional human resource distributions to several police stations, including 41 operational members to Harare police station in August 2016 and 51 in January 2017; 37 operational members to Khayelitsha police station in August 2016 and 7 in January 2017 and 41 operational members to Nyanga police station in August 2016 and 60 in January 2017. The additional capacitation at the aforementioned three stations and at other stations appear from annexure "PLV2" hereto;
- 61.6. removal of members performing court duties at Lingeletu-West police station and deploying them to Khayelitsha police station to strengthen capacity at the former;
- 61.7. concerted efforts and negotiations to acquire land for the building of a fully-fledged police station in Samora Machel/Weltevreden Valley in the Nyanga policing precinct;
- 61.8. additional operational deployments aimed at stabilising crime hotspot areas and certain identified areas where gangs are prevalent.



62. Police operations conducted by the SAPS are regularly reported on to the Provincial Commissioner. It is necessary to share this information so that adaptations may be made where necessary to ensure effective policing. Operation Combat relates to the combating of gangs. Several areas have currently been prioritised for this initiative. The timeframes relate to when gang activity is most rife in the identified areas. A number of other areas in the Western Cape Province are also affected by gangsterism. Once the aforementioned areas are stabilised, other areas will be targeted for purposes of combating gangs.
63. The human resource requirements for these operations and other distributions made by the third respondent were done in the exercise of his powers in terms of section 12(3) of the SAPS Act. The human resources distributed for purposes of Operation Combat were 73 members during the period April to August 2016 and this was increased to 133 members in September 2016.
64. As the Provincial Commissioner's presentation to Cabinet (annexure "PLV5" hereto) demonstrates, there are four broad categories of community reported serious crime, viz:
- 64.1. Contact crimes;
 - 64.2. Contact-related crimes;
 - 64.3. Property-related crimes; and
 - 64.4. Other serious crimes.




65. Contact crime refers to crime in which the victims themselves are the targets of violence or property is targeted and the victim is in the vicinity during the commission of the crime and subjected to threats of violence or actual violence. Murder, sexual offences, attempted murder, assault with intention to do grievous bodily harm ("*assault GBH*"), common assault, common robbery and robbery with aggravated circumstances all fall under the rubric of contact crimes. The last mentioned crime of aggravated robbery includes what we refer to as trio crimes, more particularly: carjacking, robbery-residential and robbery non-residential.
66. Contact-related crime refers to crimes involving damage to or the destruction of the property of another or one's own property. Arson and malicious damage to property are classified under this heading.
67. The third category is the property-related crimes and includes burglaries at residential and non-residential premises, theft of motor vehicles and motorcycles, theft out of or from motor vehicles, and stock theft.
68. The final category is in respect of all serious crimes not mentioned in the preceding three categories. Commercial crime, shoplifting and other theft are classified as other serious crimes.
69. It would be helpful to give some insight into the situational factors which have a bearing on policing. The abuse of alcohol is often a contributing factor to contact crimes inclusive of murder, attempted murder, rape, assaults and



robberies. The availability of alcohol due to the proliferation of illegal outlets allows for uncontrolled personal consumption.

70. The taverns are generally regulated whereas shebeens are illegal liquor outlets. Both constitute a means of income for many residents living in poor areas and are also considered a place of recreation for residents given the lack of amenities in their residential areas. Access to taverns and shebeens are largely uncontrolled and persons carrying dangerous weapons are freely permitted to enter the premises. The effects of drunkenness and arguments coupled with ready access to a dangerous weapon are huge precipitators for contact crimes. Generally murders, attempted murder and assaults are most prevalent over weekends and during times when alcohol consumption is at its peak. Domestic violence is a contributory factor to contact crimes.
71. There is also a link between drug use and crime. Robberies and thefts are often committed to support drug habits. Drug use also acts as a generator for assaults, rapes and other contact crimes.
72. Most of the precincts with high crime levels include areas with populations living in overcrowded conditions usually in informal settlements, with poor or non-existent lighting, no access to indoor toilets and water, a lack of or poor infrastructure, no street names, no house numbers, narrow alleyways which are inaccessible to police vehicles or difficult for them to access.



73. Another situational aspect impacting on usual policing duties are the many protests which often turn violent. Most prevalent amongst these are service delivery protests directed at the need for housing, sanitation, potable water, etc. This, of necessity, requires police resources to be redirected to address such protests. The #Fees Must Fall demonstrations were widespread and protracted and resulted in a diversion of police resources.
74. It is against the above background that I now turn to address the human resources in the Western Cape Province and provincial oversight, and highlight why the applicants have not made out a case for the relief claimed.

Human resource allocations to the provinces and the distribution thereof in the Western Cape Province

75. I have read the affidavit of Major General Makgato and that of Major General Rabie and agree with their explanation on how police resources are allocated to the provinces. Section 12(3) of the SAPS Act gives the Provincial Commissioner wide powers. He is required to determine the distribution of the strength of the service under his jurisdiction in the province among the different areas, station areas, offices and units. This distribution is done after the determination of policing needs at police stations, units, cluster offices and the provincial office under his management and control. This affidavit addresses the applicants' allegations with specific reference to the distribution of police resources in the Western Cape and to demonstrate that the applicants have failed to make out a case entitling them to an order that the



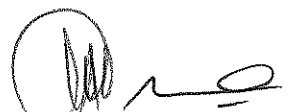
exercise of powers, functions and duties which are the preserve of the Provincial Commissioner should be placed under judicial management.

76. I submit that the basic principles and methodology applied in the distribution of resources in the Western Cape among the different areas, station areas, offices and units are rational and objective. In advising the Provincial Commissioner on the distribution of provincially allocated resources, consideration is given to:

- 76.1. the national allocation to the province;
- 76.2. the high volume crime generating stations;
- 76.3. crime patterns and threats;
- 76.4. critical personnel shortages and vacancies; and
- 76.5. specialised policing needs and priorities.

77. The population of a specific station precinct cannot and has never been the sole determinant of how resources are distributed although it is a factor taken into account. For example, one could have a police station with a high population but with low crime rates whereas a similarly sized population elsewhere may have high crime rates. It is axiomatic that the latter station would have more human resources distributed to it than the former.

78. The provisions of section 12(3) of the SAPS Act are self-explanatory and there is no need for the court to grant the applicants relief in this regard. Section 12(3) of the SAPS Act grants Provincial Commissioners the power to



determine the distribution of police resources between the different areas, station areas, offices and units under their command and control, including the distribution of permanent posts under the fixed establishment, not merely temporary posts. The powers of the Provincial Commissioner are statutorily regulated in clear and unambiguous terms, and it is accordingly unnecessary for the court to pronounce thereon.

79. Furthermore, it is denied that the distribution of resources in the Western Cape unfairly discriminates against black and poor people on the basis of race and poverty. When advising the Provincial Commissioner on the distribution of police resources, this is done without any regard whatsoever to race or social status of communities. A number of variables are however taken into account when human resource needs are determined and distributions made. There is nothing discriminatory about this process, both at national and at provincial level.
80. I have furthermore been advised that there is no legal or factual basis for an order directing the Provincial Commissioner to, within three (3) months of the date of this order, prepare a plan provincial plan for the re-allocation of resources within the Western Cape to address the most serious disparities in the allocation of police resources in the province; and to submit the provincial plan to the court and advertise it for public comment in accordance with directions to be issued by this court.



81. I am further advised that an order as prayed for by applicants would breach the principle of the separation of powers. Further thereto, the applicants have failed to make out a proper case that the Provincial Commissioner has breached any of his powers, functions and/or duties in the distribution of resources in this province.
82. I will address those allegations relevant to policing in the Western Cape on a paragraph by paragraph basis, addressing the legislative and constitutional duties of the police in so far as they have not been addressed.
83. Section 206(2) of the Constitution provides that the national policing policy may make provision for different policies in respect of different provinces after taking into account the policing needs and priorities of these provinces. This provision recognises that different provinces have different needs.
84. In terms of section 206(3) of the Constitution, each province is entitled to:
- 84.1. monitor police conduct;
 - 84.2. oversee the effectiveness and efficiency of the police service, including receiving reports on the police service;
 - 84.3. promote good relations between the police and the community;
 - 84.4. assess the effectiveness of visible policing; and
 - 84.5. liaise with the Cabinet member responsible for policing with respect to crime and policing in the province.



85. The powers, functions and duties of Provincial Commissioners are regulated in section 12 of the SAPS Act which reads as follows:

“(1) Subject to this Act, a Provincial Commissioner shall have command of and control over the Service under his or her jurisdiction in the province and may exercise the powers and shall perform the duties and functions necessary to give effect to section 219 of the Constitution.

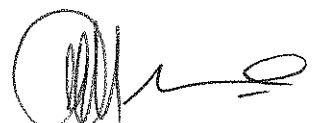
(2) A Provincial Commissioner may —

(a) subject to a determination under section 11(2)(b), delimit any area in the province and determine the boundaries thereof until the province has been divided into as many areas as may be necessary for the purposes of the organisation of the Service under his or her jurisdiction; and

(b) establish and maintain police stations and units in the province and determine the boundaries of station or unit areas.

(3) A Provincial Commissioner shall determine the distribution of the strength of the Service under his or her jurisdiction in the province among the different areas, station areas, offices and units.”

86. The reference to section 219 of the Constitution in the SAPS Act is in fact a reference to the Constitution of the Republic of South Africa, Act No. 200 of 1993 (*“the Interim Constitution”*). The 1996 Constitution was adopted subsequent to the promulgation of the SAPS Act.



87. The Provincial Commissioner has a legal duty to ensure that policing services are rendered within the province in a manner that serves the constitutional imperatives. Section 12(3) of the SAPS Act makes it mandatory for the Provincial Commissioner to determine the distribution of the strength of the SAPS under his or her jurisdiction in the province among the different areas, station areas, offices and units. This means that when the National Commissioner has allocated police resources to the provinces, the Provincial Commissioner is responsible for the distribution of those resources to ensure effective and efficient policing within that province.
88. It must be emphasised that the distribution of resources is not only premised on the core activities such as prevention of crime, attendance of complaints, investigation of crime, *etc.* Every police station must have capacity to ensure service delivery in all respects to communities. In considering the distribution of resources, the following factors must also be considered over and above what has already been stated above:
- 88.1. minimum standards in terms of providing services at the Community Service Centre ("*the CSC*") and sector vehicles for purposes of performing policing duties;
 - 88.2. services provided by the SAPS to other stakeholders, one being court duties rendered to the high, regional and district courts;
 - 88.3. administrative services which are rendered at every station and unit (support personnel);



- 88.4. operational support functions rendered such as applications for firearm licences, applications for liquor licences, the policing of licensed liquor premises, policing of dealers in second hand goods, policing of firearm dealers, *etc*;
- 88.5. cell guards being utilised at some stations as an additional function rendered; and
- 88.6. transportation of prisoners, *etc*.
89. The personnel who render the above functions, such as court duties, will form part of the distributed resources of a particular police station. On the face of it, it may thus appear that a particular police station which also renders court duties has been distributed more resources, in comparison with a police station which does not render court services but which produces similar crime statistics. An example of this is the Cape Town police station which renders court services to the high court as well as to the magistrate's court. The officials rendering these services will be reflected as resources distributed/allocated to Cape Town police station although they are not rendering the core operational services performed by police.
90. Contrary to the applicants' allegations, the Provincial Commissioner is fully aware of his statutory power to decide on the distribution of resources in terms of section 12(3) of the SAPS Act. He has been acting in terms thereof and will continue to do so. I reiterate that there is no basis on which a declaratory order should be granted.

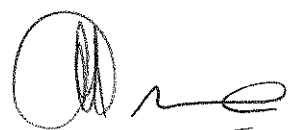


91. As regards the policing approach which is currently being implemented in the Western Cape Province, phase 1 started on 16 June 2016 and involved deploying specialist capacities at three police stations with a high crime rate. In this regard the Provincial Commissioner exercised his powers in terms of section 12(3) of the SAPS Act by re-deploying existing human resources to where they were most needed. Phase 2 commenced in August 2016 after a total of 1269 new constables graduated from Police College and the third phase in January 2017 when 839 new constables graduated. All the new recruits are entry level constables (ELCs) who perform operational duties.
92. This focussed approach involved *inter alia* identifying and policing persons of interest, drug and liquor outlets, illegal arms and ammunition *etc.*
93. In the second phase we identified the top 30 stations responsible for contributing approximately 52% of the seventeen reported serious crimes in this province. This resulted in an additional 790 permanent members being deployed to those stations. The top 30 police stations are shaded in red on annexure "PLV2" hereto. An additional temporary stabilisation capacity involving 425 visible policing and specialised capacities were deployed in 10 identified stations. These are Khayelitsha, Harare, Gugulethu, Nyanga, Delft, Manenberg, Kraaifontein, Bishop Lavis, Elsies River and Steenberg.
94. Phase 3 commenced in January 2017 and involved resourcing the stations and further strengthening our stabilisation capacity. Annexure "PLV2" also identifies the second tranche of 30 police stations in the province which



account for some 28% of the reported serious crime. These are shaded in blue on the annexure. Crime does not remain constant, hence the approximation of figures provided. The 90 police stations which account for about 20% of the crime in the province are listed below the first 60 police stations, commencing with Albertinia on page 2 of the annexure and ending with the Wolseley police station on page 3 thereof.

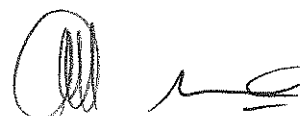
95. The distribution of police resources to communities with high levels of reported serious crime is generally higher than the distribution to police stations with lower levels of reported serious crime. This means that over and above the basic minimum of police resources that are required at every police station to meet basic policing services, more resources are deployed in areas with higher crime levels.
96. In my *ad seriatim* response, I will demonstrate that the Provincial Commissioner, in the distribution of resources, has paid particular attention to the volume of reported crimes, as well as the crime patterns, crime type and crime trends.
97. The applicants also allege that there has been no attention given to the recommendations of the Khayelitsha Commission relating to the revision of the allocation system. I have read the response to this allegation by Major General Rabie and am in complete agreement therewith. The applicants have failed to demonstrate any irrationality or any other basis upon which this court should interfere with that process.



98. Cognisance should also be taken of the fact that the allocation of human resources is subject to budgetary constraints as explained in Major General Nelson's affidavit. The SAPS have accordingly adopted the strategies mentioned hereinabove to reduce crime. This is the reason that the new recruits have not been deployed to the CSCs or support environments. They are primarily dedicated to strengthening classic crime prevention by performing operational duties, the object being to engage in proactive policing based on crime patterns and crime trends. It should be emphasised that the new constables go through intensive training and are placed with more senior SAPS members once they qualify and commence performing operational duties.
99. The above initiatives have produced positive results. This becomes evident when I address the crime statistics below.

Crime statistics in the province

100. As pointed out above, of the 150 police stations in this province, the top 30 account for around 52% of all 17 reported serious crime. The second 30 account for approximately 28% of the reported serious crime while the remaining 90 police stations are responsible for about 20% thereof. These police stations are depicted in red, blue and white respectively in annexure "PLV2" hereto.



101. Despite the fact that 90 of the 150 police stations account for only about 20% of the crime, this does not mean that these police stations should not be resourced within the available means. All police stations are open 24 hours per day, seven days per week, 365 days per annum and require staff to operate and rendering policing services to all communities.
102. The increase in human resources in the province is evident from annexure "PLV2" hereto. A significant number of additional resources were distributed to Khayelitsha, Harare, Lingelethu-West and Nyanga. The Provincial Commissioner did so in the exercise of his powers in terms of section 12(3) of the SAPS Act.
103. Notwithstanding the attrition rate due to promotions, retirement, death, illness, transfers and the like, there has still been a sizeable increase in numbers at certain police stations. In June 2016 Khayelitsha had 206 operational members. This figure, excluding stabilisation members, increased to 282 in January 2017. The percentage increase amounts to 36.9%. Harare increased from 149 operational members in June 2016 to 225 in January 2017 (excluding the stabilisation members) which represents an increase of 51%. The operational members in Nyanga increased from 217 in June 2016 to 303 in January 2017. It benefited by an additional 101 members (41 in August 2016 and 60 in January 2017). This increase similarly excludes the stabilisation unit members and amounts to 39.6%. The increase in operational capacity at identified police stations in the province is evident from annexure "PLV2" hereto.



104. As annexure "PLV2" illustrates, the 30 stations which account for the most crime in this province were capacitated during the period June 2016 to January 2017. Additional human resources were also distributed to certain of the remaining 120 police station, albeit not at the same level. The resourcing of police stations (including the latest capacitation to certain of them) evidence the polycentric nature of such decisions.
105. The top 10 stations which accounted for most of the serious reported crime in the province are outlined in the Provincial Commissioner's presentation to the Cabinet (annexure "PLV5" hereto) from which the following picture emerges:
- 105.1. in both 2015 and 2016 Cape Town Central accounted for the highest crime rates;
 - 105.2. Mitchells Plain was the second highest in the two year period;
 - 105.3. the crime in Stellenbosch increased in 2016, hence its position in third place;
 - 105.4. Worcester and Kraaifontein respectively occupied the 4th and 5th positions followed by Nyanga which had the sixth highest crime rate;
 - 105.5. Bellville, Milnerton and Parow occupied the next three places respectively;
 - 105.6. Khayelitsha had the lowest crime rate of the top 10 stations;
 - 105.7. Harare and Lingeletu-West do not feature;
 - 105.8. the crime figure in Cape Town Central is much higher than Khayelitsha;
 - 105.9. the crime rates in 6 of the top 10 stations reduced;



- 105.10. Bellville and Parow had significant reductions in excess of 10%;
- 105.11. Khayelitsha reduced by 3.3% over the two year period;
- 105.12. this reduction notwithstanding and despite being the station with the lowest crime rate in terms of the top 10 stations, Khayelitsha was still capacitated by the figure enumerated.
106. Further argument will be adduced on the contents of annexure "PLV5" which shows significant decreases in crime. Although crime has increased in certain areas, as Mr Qwebe, the secretary of the Nyanga CPF (the third applicant) correctly points out, this is not attributable to the SAPS as the "*police were doing their jobs*" and "*working hard to help the situation*". He furthermore emphasised the situational factors which contribute towards crime figures.
107. The above picture which is apparent from annexure "PLV5" illustrates that the applicants' assertions relating to biased allocations are facile and misleading. The numbers of operational members at some police stations were enhanced following deployments made by the Provincial Commissioner in terms of section 12(3) of the SAPS Act to stabilise certain identified crime areas.
108. Cabinet has decreed that reported crime should be reduced by 2% in the provinces per annum over the Medium Term Strategic Framework ("*the MTSF*") for the period 2014 to 2019. This equates to a 10% reduction in crime over the 5 year period of the MTSF.



109. The figures for the 9 month crime statistics for the period 1 April 2016 to 31 December 2016 were presented to the Portfolio Committee for Police and were publicly released on 3 March 2017. A copy of the latest statistics is annexed hereto marked "PLV6". The Western Cape Province has achieved this target in the first three quarters of this year and is on course to improve thereon given that there is still a further quarter remaining in this financial year. The four pillar approach adopted by the province has resulted in improvements in policing and a reduction in crime levels. The latest crime statistics released on 3 March 2017 follow a similar pattern to those reported on in annexure "PLV5" and focuses on the 17 community reported serious crime and crime detected as a result of police activity. Signally, the four categories making up the community reported serious crime have all reduced overall in the country. Contact crime reduced by 5.3%, contact-related crime by 5.4%, property-related crime by 2.2% and other serious crimes by 5.3%.
110. These figures show that the THRR allocations are contributing to achieving their purpose and that the provincial distributions are producing the desired result – a reduction in crime levels.
111. There have been a number of significant improvements in the Western Cape Province in combating crime. A reduction of 2.1% in overall reported serious crime has been achieved in the Western Cape for the first three quarters of 2016/2017. Seven of the nine provinces have seen a reduction in their crime rates, the only exceptions being the Eastern Cape and Mpumalanga. A comparison of the nationally reported 17 serious crimes between the



2015/2016 year and the first three quarters of this year shows that with the exception of four of these 17 community reported serious crimes, 13 have reduced. The four which increased are robbery with aggravating circumstances, burglary at non-residential premises, stock theft and commercial crime.

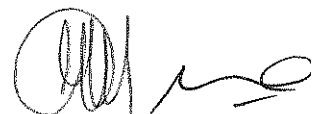
112. As regards crime detected nationally as a result of police action, the successful policing of all four categories have increased in the last 3 quarters when compared to 2015/2016, viz illegal possession of firearms and ammunition is up by 4.3%, drug-related crime has increased by 11%, driving under the influence of alcohol or drugs has increased by 2.3% and the policing of sexual offences has increased by 11.6%. The provincial figures, with particular emphasis on the Western Cape Province shows remarkable successes as the attached presentation illustrates (annexure "PLV6"). These figures again bear testimony to the successful implementation of the THRR and the distributions by the respective Provincial Commissioners, including the third respondent.

113. There have been a number of reductions in crime in this province. Contact crime has decreased, contact-related crime has increased marginally, property related crime has decreased substantially and other serious crime has similarly decreased. In three of the four categories of serious reported crime there has thus been a decrease. There have also been decreases in the sub-categories which will be highlighted during argument. There have also been staggering successes with the percentage increases in crimes



dependent on police action which illustrates the effectiveness of the focused and targeted approach. These publicly available crime statistics bear testimony to the enhanced policing in this province, rendering the application unnecessary. A comparison of annexures "PLV5" and "PLV6" puts it beyond dispute that crime in this province is reducing and that the SAPS is executing its constitutional mandate.

114. There can be no doubt that the first to third respondents are executing their constitutional mandate efficiently and effectively, that they are compliant with their statutory obligations and that allocations are not done on a discriminatory basis. One simply has to look at the policing successes as evidenced by annexure "PLV5", the latest crime statistics released on Friday, 3 March 2017 (annexure "PLV6") and the percentage allocations made to police stations as reflected on annexure "PLV2". This is done by, for example, using the figures for Mfuleni on the said annexure which had 142 operational members in June 2016. This figure increased to 196 in January 2017 (excluding the force multipliers such as the stabilisation members). The percentage increase is calculated by deducting 142 from 196, resulting in an increase of 54 operational members. The difference (54) is then divided by the original amount (142) and then multiplying by 100 which yields an increase of 38.03%.
115. I now deal with the paragraphs in the affidavits of the applicants applicable to the Western Cape which have not been answered by other deponents. In this regard, I will respond to Mlungwana, Redpath and Makasi.



Affidavit of Phumeza Mlungwana

Ad paragraph 5

116. It is blatantly incorrect and misleading to assert that "*no action has been taken*" and this is denied. The deponent is full aware of the numerous interventions implemented to date.

Ad paragraphs 29 and 30

117. The statistics relied upon in this paragraph are outdated and have changed considerably as the preceding parts of my affidavit illustrate.

Ad paragraph 31

118. The SAPS's constitutional obligation is not confined solely to the prevention of murders. The services offered by the SAPS are many. The analysis of crime trends is done on a regular basis. An increase in deployments does not necessarily bring down crime rates. In some instances where there has been an increase in deployments, crime levels have increased. One also has to be careful not to create a police state in a democratic society. The most optimal way of policing is for the SAPS to effectively utilise its resources, follow a focused and targeted approach, ensure that members are productive and efficient (hence the setting of targets), identifying and targeting hotspots, set time frames for achieving policing targets, and ensuring proper command and



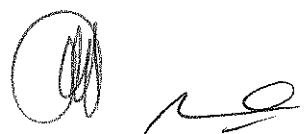
control. It should also be borne in mind that the funded posts allocated to the provinces determine the number of police officials who are distributed to the stations within that province. A number of variables influence the decision of the Provincial Commissioner when these distributions are made. This is manifest from my affidavit.

Ad paragraphs 34 to 36

119. I am aware that communities are concerned about crime. This is not confined to Khayelitsha. There are other areas in this province with higher crime rates. The manner in which a survey is undertaken and the interpretation of the data influences the conclusions. There have been significant improvements in Khayelitsha, Harare and Lingeletu-West and I would be surprised if the survey findings (which are not accepted) still hold true.

120. The police officers formerly attached to Lingeletu-West who performed court duties were moved to Khayelitsha police station. This was a strategic move made by the Provincial Commissioner in terms of section 12(3) of the SAPS Act to strengthen operational capacity at the former since Khayelitsha has greater capacity to accommodate persons who are absent, injured, on sick leave etc. Khayelitsha was able to do so without undue disruptions to ordinary operational policing functions and service delivery.

Ad paragraphs 45 to 59



121. To the extent that the applicants have correctly summarised the process and findings of the Khayelitsha Commission, I do not dispute them, save to point out that although not binding, the recommendations are being implemented. Although the allocation process in terms of the THRR was found to be irrational, no alternative was suggested. The complexities of the model seemingly gave rise to this finding. The reality of the matter is that policing is complex. Consequently, it is not unsurprising that this is replicated at national level when the THRR is applied (and varied according to the exigencies at the time) and at provincial level when the distributions are made in terms of section 12(3) of the SAPS Act.
122. Numerous changes have been made to policing in this province to ensure that the quality of policing improves significantly. In making distributions in terms of section 12(3) of the SAPS Act, the Provincial Commissioner takes a number of considerations into account, including crime patterns and crime trends, crime rates, situational factors, the generators of crime, the need for force multipliers, the setting up of additional service points (satellite stations), the need to further capacitate specialised units, develop new units, *etc.*
123. There are many factors which play an integral role in the determination of the strength of the service in the province among the different areas, station areas, offices and units. This process is dynamic, flexible and responsive to policing needs in the province. It is also done in a strategic manner. Much emphasis has also been laid on crime generators. As a result, various police interventions have been instituted, including targeting illegal drug and liquor



outlets, the illegal possession of arms and ammunition and identifying persons of interests. These are but a few of the initiatives undertaken by the SAPS and have resulted in a number of successes. This is partly the reason that there has been such a significant decrease in crime in this province.

124. Other factors also play a role in effective policing, one of which is community involvement. This important function can never be underestimated. The SAPS relies on crime being reported and community assistance in identifying suspects. Not all crime scenes have DNA or other means of identifying perpetrators such as fingerprints *etc.* Policing is a collaborative effort, not just with the community but also with other government stakeholders. There are high risk factors and generators which would need to be addressed by other stakeholders, for example, the provision of proper lighting, providing safe transportation, *etc.*
125. While the distribution of the funded posts in the province in recent years has brought about a number of successes, the SAPS cannot afford to be complacent. This is the reason that a service point was set up in the Browns Farm area in Nyanga capacitated with 60 members, and the constant assessment by the Provincial Commissioner whether and where further service points should be established.
126. A work study investigation has been conducted and the establishment of a fully-fledged police station to service the Samora Machel/Weltevreden Valley



areas in Nyanga has been approved but obtaining land for this purpose is proving to be a real challenge for the SAPS.

Ad paragraphs 60 to 64

127. I refer to the affidavit of Major General Brand who has responded on the interaction with the community. There are several persons who serve on the task team set up to implement the Commission's recommendations. This includes representatives from the SAPS, DOCS and civil society. I do so, as does Major General Brand and Mlungwana. The participants appear from the attendance registers annexed to the affidavit of Major General Brand. The community, including the applicants have been kept abreast of developments as regards the implementation of the Commission's findings. The increased police presence should also be obvious to anyone living in Khayelitsha, Harare, Lingelethu-West and Nyanga. The SAPS welcomes community involvement in assisting with all aspects of policing in pursuit of service excellence in the Western Cape.

128. The assertions in paragraph 64 of the deponent's affidavit are devoid of all truth and are denied.

129. The remaining allegations are denied in so far as they are inconsistent with the first, second and third respondents' papers.

Ad paragraphs 65 and 66



130. Many of the averments in paragraph 65 are outdated and have been overtaken by later developments. The task team is in place and the recommendations of the Commission which relate to the SAPS have been implemented, save for recommendation 7. To Mlungwana's knowledge, this has only been partially implemented. I refer this court to Major General Brand's affidavit.

131. It is admitted that the Premier of the Western Cape released the recommendations of the Khayelitsha Commission which was positively received in this province. The implementation thereof was a decision which had to be taken at national level. There has always been a positive response to these recommendations by the SAPS and they have now been implemented and given effect to, save for recommendation 7 which, as I have stated, has only been partially implemented.

Ad paragraph 67

132. These averments are not in issue. They have in any event been responded to by Major General Rabie. The statement of the former National Commissioner accords with the prioritisation of this province and the additional recruits (the ELCs) enabled the Provincial Commissioner to distribute more human resources where required.

Ad paragraph 68

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a cursive name.

133. I deny that allocation system is irrational in so far as it relates to the province, or that it is discriminatory. This has already been traversed by me earlier on in my affidavit.

Ad paragraphs 75, 76 and 77

134. The allegations in these paragraphs are denied in so far as they contradict the answering papers of the first to third respondents. There have been significant improvements in the deployment of resources to areas with high crime rates but this has not necessarily resulted in a reduction thereof.

135. It bears emphasising that the deployment of police resources may have an impact on some crime but not on all crime. Distributions to police stations at provincial level are not based on crime alone but a number of other factors which I've already delineated in my affidavit.

136. It is admitted that the stations listed in paragraph 76 have high crime rates but there are many others in a similar or worse position. More recent figures appear from annexure "PLV5" and the crime statistics released on the 3rd March 2017 which should be taken into consideration when this matter is determined.

Ad paragraph 78

A handwritten signature in black ink, consisting of a large, stylized initial 'O' followed by a series of connected, cursive letters.

137. The human resources distributed to stations are reasonable to service the needs of that station. All police stations require staff to operate. The police do not only police murder but police crime generally. Section 205(3) of the Constitution does not single out murder – it refers to crime.
138. The theoretical and actual or granted posts differ for the reasons explained in my affidavit and by Major General Nelson. This is also dealt with by other deponents who have answered on behalf of the first, second and third respondents. The latest crime statistics show that these deployments are making a positive contribution to policing some crimes albeit not all crimes.

Ad paragraph 79

139. It is denied that the stations where most crime is generated are the least resourced. I have demonstrated that through the stabilisation strategy significant re-deployments were made to the areas generating most crime. Whether or not there is a decrease in crime does not depend solely on the police resources that are deployed to those police stations. The reduction of crime is a collaborative process requiring the co-operation of several stakeholders.
140. There will always be a difference between the theoretical allocation and the actual allocation. The former represents the ideal scenario whereas the granted posts are dependent on the budget allocated to the department.



Ad paragraph 80

141. It is unclear why the applicants contend that the said stations are worse off. There is no comparator that the applicants rely on for such an allegation. In any event, the UN recommendations are made on the basis of an ideal policing scenario without specific regard to the socio-economic and policing requirements of specific countries. The measure of how resources are distributed in the province is not the international guideline. The UN Guidelines constitute no more than a guideline and must be viewed within the context of the country. Countries with low crime rates would have different policing requirements to countries with higher crime rates. The applicants fail to explain how this has been factored into the UN Guidelines upon which they place much store.
142. While the statistics reflected in this paragraph may be correct for the 2013/14 period, they do not however reflect the current position more fully described above.

Ad paragraph 81

143. As pointed out above, the constitutional mandate of the SAPS is to police crime, not just murder. Any assessment of the reasonableness of the allocation to provinces and the distribution of human resources within the provinces cannot be done solely with reference to the crime statistics for murder. All crime is policed and should properly be taken into consideration.



Redpath's theory that murder is the best predictor of actual violent crime is flawed for the reasons explained by Major General Makgato, and the assertions in the paragraph under reply are denied. I furthermore refer to the affidavit of Major General Rabie.

144. Certain murders are difficult to police. It happens in homes, shebeens and taverns or at social gatherings, when people leave social events or return home from work and in a variety of other setting. It can occur between persons who are known to each other or strangers. The major precipitator is usually an argument which spills over into violent crime. This is often fuelled by alcohol and/or illegal substances.

Ad paragraph 82

145. It is admitted that not all crime is reported but this is not necessarily attributable to a lack of human resources.

146. The remaining allegations are denied in so far as they are inconsistent with the answering affidavits filed on behalf of the first, second and third respondents. The integrity of the crime data collected by the SAPS is dealt with in the affidavit of Major General Sekhukhune, and this has helped greatly in resourcing police stations reasonably and adequately. Based on that information, certain policing strategies are adopted and these strategies do not always require the deployment of additional police resources.



147. It is denied that deploying police resources on the basis of reported crime is racially discriminatory or irrational. The problem of underreporting in so-called poor black areas is not a consequence of a lack of police resources. As the applicants themselves realise and accept, there are high reports of contact crime in those areas. The very basis of this application is based on the fact that - on the reported crimes - the SAPS' allocation system is irrational and racially discriminatory. It is not based on there being high levels of unreported crime owing to a lack of police resources. If this is their case (which is denied), then the applicants have failed to produce any evidence demonstrating this. There is no proof that the failure to report crime is based on the fact that there are allegedly inadequate resources at police stations. A decision by a victim not to report the crime may be based on a number of reasons, including that the matter may be considered trivial, that there may be a fear of retribution *etc.* There is no basis to conclude that under reporting only occurs in poor areas.

148. Redpath is unable to give a better yardstick other than certain reported crime. This is not only misguided but shows that she is clueless as to the operation of the THRR and the funded posts allocated to the provinces. I reiterate that there are a number of variables which are taken into account when these processes are implemented, not simply reported crime.

Ad paragraphs 84 to 90



149. There are challenges in policing certain areas to which I have already adverted above. The problems generated *inter alia* by the absence of water and electricity are not resolvable by the deployment of vast numbers of police resources. Policing is complex in areas that are poorly lit, have no proper roads, inaccessible road, no road names, no house numbers and lacking in other infrastructure. The solution is not necessarily the deployment of more police resources but an improvement in the socio-economic conditions.
150. The figures used by Redpath are considerably outdated and of no use in determining the matter.
151. The remaining allegations are denied in so far as they contradict the answering papers of the first to third respondents.
152. The conclusion of Redpath does not accord with the variables that are taken into account when national allocations and provincial distributions are done. It is incorrect that higher levels of water and electricity service provisions are associated with higher levels of police resourcing. The link that Redpath seeks to draw between the provision of water and electricity with police resourcing demonstrates her unfamiliarity with policing. The solution in any event, if Redpath's theory was true (which is denied), is not to increase police resources in areas with no electricity and water but to ensure that such areas are provided with electricity and water. Her flawed theory is furthermore also dealt with in the respective affidavits of Major General Makgato and Major General Rabie.

Handwritten signature and initials in the bottom right corner of the page.

Ad paragraphs 91 to 94

153. The link that Redpath seeks to draw between race and police resource allocation (and presumably the distribution thereof in this province) is simplistic and should be disregarded. She is clearly not an expert in policing and has an impoverished understanding of the many considerations that influence policing. First, race is not a factor taken into account when police resources are allocated to the provinces. It is also not a consideration when the distributions are made to the police stations in the provinces. Redpath's approach is for the SAPS to take into account race and class for purposes of allocating police resources. She essentially requires the SAPS to target the so-called poor black informal settlements for higher police deployments to the detriment of other areas which are also entitled to be policed. Taken to its logical conclusion, Redpath's theory would entail taking the following factors into account when allocating police resources:

153.1. The social status of the community. This would include whether or not the community has electricity or water. Where the community does not have water or electricity, she would deploy more police resources to that area.

153.2. The race of the community. Where the community is largely black, poor and unemployed, her theory dictates that more police resources be deployed in those areas.



153.3. One can never allocate nationally or do provincial distributions on the basis of race, social status and population numbers as adjusted which *in casu* does not appear to have been taken into account by Redpath.

153.4. Allocation on the basis propagated by the applicants with the support of Redpath runs counter to section 205(3) of the Constitution.

153.5. It also offends against the equality clause in the Constitution.

154. The problem of allocating resources based on the social or racial profile of the community or with reference to population numbers as Redpath suggests is not only absurd but unconstitutional. Distributing human resources on this basis ignores the constitutional imperative that the SAPS police crime. This service is rendered to all communities in the country, not those arbitrarily singled out by Redpath. These averments are accordingly denied.

Ad paragraphs 95 to 98

155. These allegations appear to have been gratuitously inserted. This court has no jurisdiction over KwaZulu-Natal. The information relied upon is outdated and takes no account of the latest crime statistics.

156. The allegations contained herein are accordingly denied.

Ad paragraphs 100 to 111

157. The legal contentions advanced in this paragraph are noted and will be



addressed in argument.

158. It suffices for present purposes to point out that the regulations are not under attack, nor do they contradict the SAPS Act, as alleged. The applicants' contention in respect of section 12 of the SAPS Act is tantamount to requesting an opinion from the court. This is impermissible. I reiterate that section 12(3) of the SAPS Act is plainly worded and unambiguous, and no interpretative orders are required.

Ad paragraphs 112 to 117

159. The rationality of the THRR is fully addressed in the respective affidavits of Major Generals Makgato and Rabie. The THRR is a useful tool for assessing the human resource requirements in the SAPS. The theory is sound and rational, and is neither discriminatory nor based on race. None of the variables taken into account when determining the theoretical human resources requirements are discriminatory.

160. These averments are accordingly denied in so far as they contradict what is contained in the first, second and third respondents' answering affidavits.

Ad paragraphs 118 to 123

161. The concessions in paragraph 118 are noted. I deny that there are any anomalies in the distribution process or that the alleged anomalies evidence a



"clear pattern of discriminatory distribution of resources".

162. Major General Rabie has addressed these allegations and while I agree with his response, I nonetheless point out that Redpath seemingly had difficulty understanding how the THRR model operated, and little point would be served by making it available in respect of the other provinces. This will only serve to generate more paper and untested theories by someone who is clearly not an expert on policing. The relevance has in any event not been explained or established. Moreover, and if the applicants genuinely required this document in so far as it pertains to the other provinces, they could have made a request in terms of the Promotion of Access to Information Act, No. 2 of 2000.

163. The applicants have also not established standing to litigate in respect of any other province.

Ad paragraphs 124 to 125

164. These allegations are dealt with in the affidavit of Major General Rabie.

Ad paragraph 126

165. The applicants' approach, in essence, is that the SAPS should allocate police resources by taking into account race and social class. It is not permissible to do that. In the province, the variables taken into account have nothing to do



with race and social class of the community. The third respondent takes a multiplicity of factors into account when distributing human resources in this province. This is a complex process and includes crime patterns, crime trends, crime threats, community reported serious crime, the socio-economic conditions in the area, situational analyses, the need for force multipliers, whether additional capacitation is required, how this may be resourced, the overall policing needs and priorities of the police service in the province *etc.* These variables are sufficient to cover the whole range of policing services offered in the province and the needs of the particular community under consideration. Race, social standing and whether people are rich or poor are not considerations. The application of the factors advocated by the applicants and supported by Redpath would offend against, amongst others, the equality provisions in section 9 of the Constitution.

Ad paragraphs 130 to 134

166. As already stated above the province of the Western Cape, as with every other province, is prohibited from taking into account the race and class of the people for whom policing is provided. The fact of the matter is that there are considerable police resources distributed to high crime areas as I have shown above.

167. The former Provincial Commissioner was incorrect or expressed himself incorrectly concerning the distribution of human resources at provincial level.

Handwritten signature and initials in the bottom right corner of the page.

Section 12(3) makes it plain what the powers, functions and duties of Provincial Commissioners are in this regard.

168. The remaining allegations are denied where they are inconsistent with the answering papers of the first to third respondents.

Ad paragraph 135

169. There is no disagreement between the National Commissioner and the Provincial Commissioner on who has the power and responsibility to ensure equitable distribution of police resources. This is pure speculation on the deponent's part.

170. The process followed in this regard has been explained in some detail, particularly in the respective affidavits of Major General Rabie and Major General Makgato, and is accordingly not repeated.

171. The further allegations which are not consonant with the answering papers filed on behalf of the first to third respondents are denied.

Ad paragraph 136

172. The provincial allocation is distributed to all 150 police stations with due regard to the factors enumerated above. I have dealt with prioritisation of crime, both at national level and within this province.



173. The mandate of the police does not include allocating police resources in a racially discriminatory or biased manner, and these averments are accordingly denied.

Ad paragraphs 137 to 185

174. I deny that the distribution of police resources in this province is done on a racially discriminatory basis. These averments have been responded to in some detail by Major General Rabie with which I am in full agreement.

175. There are numerous allegations in the paragraphs under reply which are wholly inconsistent with the case of the first, second and third respondents, and they are accordingly denied

176. No case has been made out by the applicants for the grant of any relief.

177. Certain contentions in the affidavit of Redpath will now be addressed.

Ad the affidavit of Redpath

Ad paragraphs 1 to 4

178. Redpath's alleged expertise in policing matters is denied. She misses the fact that the Provincial Commissioner has an unfettered discretion in terms of section 12(3) of the SAPS Act to distribute resources in accordance with the

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a cursive name.

policing demands of the province as set forth in that section. The third respondent has done just that in addressing crime in this province. He has taken into account the many variables that impact on policing and how resources are distributed.

179. I wish to emphasise that it would be unlawful to allocate police resources or to provide police services based on the social status and race of people. Redpath's theory would result in an allocation process and distribution of resources which would breach several provisions of the Constitution, including lawful executive action, the right to equality, human dignity, freedom and security of the person, as well as the prescripts of section 205(3).

180. The applicants make no attempt to explain why the breach of these fundamental and constitutionally entrenched rights should be endorsed by this court. That is essentially what they're asking the court to sanction.

181. It is clear from my affidavit that the Provincial Commissioner has put measures in place to reduce crime in this province and that they have been effective as the more recent crime statistics illustrate.

Ad paragraphs 13 to 15

182. The deponent once again relies on outdated information. The 2011 census as updated by Statistics SA is used by the SAPS. Redpath does not appear to have taken the adjustments to the census into account.



183. The data and analysis provided for purposes of the Commission are similarly outdated and of no relevance in determining the application. The remaining allegations are denied where inconsistent with the answering affidavits of the said respondents.

Ad paragraphs 19 to 21

184. An increase in police deployment does not necessarily equate to a reduction of crime. Certain crimes may be reduced whereas others may not. Crime is unfortunately not static and the response thereto has to take this into account.

185. It is for this reason that policing needs to be dynamic, flexible, strategic and responsive. The contents of my affidavit show that the Provincial Commissioner has used his powers in terms of section 12(3) of the SAPS Act in a rational, reasonable and equitable manner to address crime in this province.

186. Redpath once again relies on historic and archaic information which cannot be used for purposes of determining the application. There was far more recent information to hand, yet she chose to use outdated and unreliable figures. This of necessity places a question mark on her partiality.

187. The remaining allegations are either not relevant, alternatively, are denied in so far as they are inconsistent with the answering papers of the first, second and third respondent.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to consist of several loops and a long horizontal stroke at the end.

Ad paragraphs 31, 32 and 33

188. The deponent persists in relying on murder as a predictor of crime on the basis that it is not susceptible to reporting trends. She initially included culpable homicide but then excluded this. This statement is illustrative of her lack of expertise.
189. The contents of paragraph 32 are not a model of clarity and no explanation is tendered for the random hypothesis given in the said paragraph. Redpath makes a paradigm leap which is not only non-sensical but also unexplained.
190. The assertions in paragraph 33 are inexplicable and are not based on any acceptable theory capable of being established. These averments are speculative and unsubstantiated.
191. The contents of these paragraphs are accordingly denied.

Ad paragraphs 43 and 44

192. It is ironic that the deponent makes reference to "*[c]ounting some variables*" when that is precisely what she is recommending to this court.
193. Policing is complex and multi-faceted. Many relevant variables are taken into account when the third respondent distributes human resources in terms of section 12(3) of the SAPS Act. The initiatives implemented since the



Commission have had large scale successes, not only within the three police stations in the Khayelitsha cluster, but also elsewhere in this province. This is borne out by the favourable reduction in crime which is corroborated by the statistics.

Ad paragraph 51

194. Redpath again relies on figures which are considerably outdated and valueless to this court. She also overlooks the issue of onus which rests on the applicants.

195. The most recent crime statistics paint a different picture and these averments are accordingly denied.

Ad paragraphs 79 to 85 and 98 to 104

196. These figures and statistics are similarly outdated. Had the applicants been serious about the relief sought in these proceedings, they could have accessed updated figures.

197. The fact that they chose not to do so appears to be a stratagem to obtain relief to which they are not entitled.

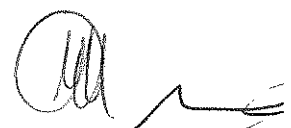


198. Not a single iota of evidence has been produced that as police resources increase, murder rates decrease. This is yet another one of the speculative and unsupported assertions made by the deponent.
199. The issue of piped water, electricity and other situational issues have already been addressed by me. It is not the function of the police to install piped water.
200. The alleged discrimination and any averments which are at odds with the answering affidavits of the first, second and third respondents are accordingly denied. It is a facile exercise to comment on outdated and irrelevant figures, percentages *etc.*
201. Redpath is plainly no expert on policing and the court should reject her evidence. It is biased, untested, not objective and based on random considerations and significantly outdated figures which are completely unusable for purposes of determining this matter.
202. I now deal with the affidavit of Makasi.

Ad the affidavit of Makasi

Ad paragraph 1

203. It is not disputed that the deponent is an adult male and that he is the chairperson of the Nyanga CPF, the third applicant in this matter.



204. I have no knowledge of the remaining allegations which are not admitted.

Ad paragraph 2

205. The truth and correctness of certain of the averments in the affidavit under reply are denied. I also deny that the deponent has personal knowledge of certain of the assertions contained in his affidavit. As will become evident from my answer, the legal advice allegedly received is not correct in all respects.

Ad paragraph 3

206. It is denied that the deponent has been duly authorised to depose to the affidavit on behalf of the Nyanga CPF which allegedly acts in its own right and in a representative capacity on behalf of the residents of Nyanga (which is also denied). I have explained above under the preliminary points why the authority is fatally flawed.

207. Save as aforesaid, I have no knowledge of the further allegations contained herein and do not admit them

Ad paragraphs 4, 5 and 6

A handwritten signature in black ink, consisting of a large, stylized initial 'O' followed by several loops and a long horizontal stroke extending to the right.

208. I have no knowledge of the allegations contained in these paragraphs but do not dispute them for purposes of this application.

Ad paragraph 7

209. It is admitted that this application concerns the alleged irrational and inequitable allocation of police resources to poor and black communities which results in unfair discrimination.

210. These allegations are denied. It is furthermore denied that Mlungwana *"explains the manner in which the resourcing policy impacts on the interrelated fields of race, poverty and crime."* Mlungwana's affidavit has been comprehensively addressed by Major General Rabie and these assertions are accordingly denied in so far as they are inconsistent with the answering papers filed on behalf of the first, second and third respondents.

Ad paragraph 8

211. In so far as the deponent endorses what is stated in Mlungwana's affidavit, his averments are denied in so far as they contradict the contents of the aforementioned answering papers.

212. It is denied that there has been a discriminatory distribution of resources in Nyanga or elsewhere for that matter.



213. While contact crime levels remain high in Nyanga, this is a matter which the third respondent is addressing as described above in my affidavit.

Ad paragraph 9

214. While the structure of the affidavit is not disputed, the remaining allegations which are inconsistent with the first, second and third respondents' answering papers are denied.

Ad paragraphs 10 to 17.7.4

215. These averments are not disputed in so far as they correctly replicate the respective provisions referred to.

Ad paragraph 18

216. While I have no knowledge of the deponent's background and can accordingly not admit it, I deny that he is "*well qualified to give evidence concerning policing needs and priorities in Nyanga.*" From the averments contained in the affidavit under reply, this is manifestly not the case.

217. The duties of the CPFs are admitted in so far as they are consonant with the provisions of the SAPS Act. The remaining allegations are denied.

Ad paragraph 19



218. It is denied that Makasi is authorised to speak on behalf of DOCS.

219. The deponent relies on a report which is five years old and no longer relevant.

220. The remaining allegations are not disputed in so far as they are consistent with the answering papers filed on behalf of the first, second and third respondent.

Ad paragraph 20

221. The community profile referred to herein constitutes uncorroborated hearsay evidence and is denied.

222. While it is correct that Nyanga does have high levels of contact crime, I have explained the many factors that contribute towards it and the multiplicity of interventions implemented by the third respondent acting in terms of section 12(3) of the SAPS Act to address crime in Nyanga and other areas with high crime levels. Notably, there are stations with high contact crime as well as the other three categories of crime. This hugely relevant factor is overlooked by the applicants and Redpath.

223. The secretary of the Nyanga CPF has acknowledged the role of other factors and its contribution towards crime. It has publically acknowledged that the police are doing their job.



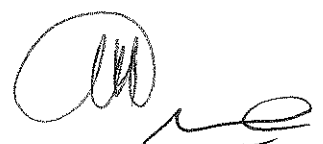
224. I cannot speak about whether reputations have changed or not. I can state with certainty that the crime situation in Nyanga is improving as a result of the third respondent's interventions. Major General Sekhukhune deals with the 2011 census and how this is adjusted year on year, and these averments are accordingly denied where they contradict the first to third respondents' answering affidavits. Makasi fails to explain who exactly constitutes the Council of International Investigators and how they allegedly simplified the crime statistics as the heading of annexure "MM3" suggests.

225. In so far as the deponent is referring to an annexure in the application for leave to intervene, it is apposite to point out that it is a document prepared by the fourth respondent and that much of the data contained therein is historical and have been superseded by subsequent developments in policing in this province.

Ad paragraphs 21 to 32

226. The deponent replicates the mistake of Redpath and the other applicants by relying on outdated information. The issues raised in the paragraphs under reply apply with equal force to several other areas in the Western Cape, all of which are entitled to adequate policing.

227. Statistics SA have been updating their 2011 census yearly and the SAPS relies on these figures. Makasi does not appear to have taken this into account. Murder cannot be used as the sole determinant as to where police



resources are located. According to the deponent, the murder rate in Nyanga has reduced (see paragraph 28).

228. It is worthy of reiteration that one has to take cognisance of where murders are most likely to occur and the role which alcohol and/or drugs play in this regard. Consequently, illegal liquor outlets are being targeted as well as drug houses. Additionally, the illegal possession of firearms and ammunition is also being targeted. These factors have resulted in a measure of success. It would be unrealistic however to expect an inherited problem to dissipate overnight. Areas such as Nyanga are relics of the apartheid era. Since democracy, the SAPS through its leadership, has constantly evaluated and assessed policing to make it as effective as possible within the available resources. These are strategic exercises, the implementation whereof can be costly as annexure "PLV4" hereto bears out.

229. These averments are accordingly denied where they are inconsistent with the first to third respondents' case.

Ad paragraph 32

230. The deponent does not have personal knowledge of these averments which is based on uncorroborated hearsay and denied. Not a single CAS No. has been supplied, nor is this confirmed on oath.

231. Nyanga had the highest rate for murder in 2015 and 2016 but this figure reduced by 7% in 2016 and this appears to be stabilising.



Ad paragraph 33

232. I have outlined the generators of crime in my affidavit and these averments are not disputed where they are consistent with the answering papers.

233. As part of rendering an effective police service, several of the precipitators are being targeted and this has produced some favourable results.

Ad paragraphs 34 to 39

234. These allegations are not disputed insofar as they are consistent with the papers filed on behalf of the first second and third respondents.

235. I point out that the murder statistic for 2016 is incorrect and Makasi fails to take cognisance of the fact that a number of crimes in Nyanga in fact reduced.

236. The annexures and tables are significantly outdated, and the accuracy thereof is not accepted.

237. I do not consider it necessary to annex the crime statistics for the entire country since they are not relevant to this matter but point out that the deponent's statistics relating to the countrywide situation is denied in light of their unexplained source. There is no guarantee that the extrapolations are correct, nor are they confirmed on oath.



Ad paragraphs 40 to 42

238. The issue of the THRR and the distributions at provincial level have been traversed in the answering papers filed on behalf of the first to third respondents and are accordingly not repeated.
239. There is no dispute about the human resources distributed to Nyanga which I've already addressed in my affidavit.
240. Any averment in the paragraphs under reply which are in conflict with the answering affidavits is denied.

Ad paragraphs 43 to 50

241. Makasi, once again relies on outdated information and annexures. He has furthermore not been entirely forthright with this court.
242. It is admitted that Nyanga is a Brigadier station with three component heads as alleged in paragraph 44 and that it is responsible for policing the specified six areas.
243. Its current operational staff component appears from annexure "PLV2" hereto. The satellite station is located in Browns Farm and the third respondent is attempting to source land for a fully-fledged police station to service the Samora Machel/ Weltevreden areas in Nyanga.



244. The new recruits have now been trained and Nyanga has benefited considerably as set out above in my affidavit. It also benefits from the satellite station and the other force multipliers.
245. Many stations lose staff on account of transfers, injuries, death, promotions etc. These vacancies have to be filled and this is the preserve of the third respondent. It is not for the deponent to dictate how the provincial commissioner should fulfil his statutory function in terms of section 12(3) of the SAPS Act.
246. Much of the information contained in paragraph 50 relates to matters going back 4 years. Every station has a crime information officer (CIO). The former Provincial Commissioner did not describe the station as a “*dumping ground*” but pointed out that it was “*being seen*” as such. Perception and reality should not be conflated as Makasi attempts to do. Lieutenant General Lamoer also pointed out what remedial steps were being taken to address this perception which Makasi conveniently omits to insert into his affidavit.
247. No police station is a dumping ground. There are labour practices in place within the SAPS to ensure that members perform their functions. Where there is a failure to do so, members are disciplined, not “*dumped*” in Nyanga.
248. Most of the vacancies at Nyanga have been filled. In addition to the new recruits, experienced police officers are appointed at the station and the



satellite station in Browns Farm. These measures have borne fruit hence the reduction of some crime rates in Nyanga. These measures will continue for as long as they are required.

249. The remaining allegations which are inconsistent with the answering papers of the first to third respondents are denied.

Ad paragraph 51

250. It is denied that there is anything irrational or discriminatory as regards the allocation of resources. This is certainly not demonstrated on the papers.

Ad paragraph 52

251. It is the prerogative of the Provincial Commissioner to act in terms of section 12(3) of the SAPS Act, and it is inappropriate for the deponent to seek to usurp this function.

252. The steps taken at Nyanga to stabilise the station have paid off with positive results and while there is always room for improvement, a problem which has been in existence since before democracy cannot be undone overnight. One should furthermore not lose sight of the many situational factors and socio-economic conditions which foster crime.

Ad paragraph 53

A handwritten signature in black ink, consisting of a large, stylized initial 'J' or 'G' followed by a horizontal line and a small flourish.

253. Shift commanders in most police stations with high crime rates work under strained conditions. It serves no purpose to rotate staff from one position to another where they will be similarly affected.
254. It should also be emphasised that police officers aren't pawns who can simply be shifted around at will. There are labour issues that have to be adhered to.
255. Fatigue and habituation to crime are not uncommon phenomena in the policing sphere and the well-being of the members is something which is taken seriously at both the national and the provincial levels.

Ad paragraphs 54 to 63

256. I re-iterate what has been said above *apropos* the improved policing in Nyanga and the intention to establish a second fully-fledged station. Much of the information contained in the paragraphs under reply is outdated and of no use in resolving the present matter.
257. There is no dispute about commissioned and non-commissioned officers. There are many non-commissioned officers who have been in the SAPS for years with a wealth of policing experience. The ELCs who graduated since August 2016 have been placed at a number of stations, many with high crime levels. They perform operational duties and are paired with more experienced staff.



258. The remaining allegations are denied where they are inconsistent with the first to third respondents' case.

Ad paragraph 64

259. Nyanga police station is fortunate indeed to have detectives stationed in such close proximity to it. Not all stations have this facility within 2 km thereof. This facilitates detectives attending rapidly to crime scenes, and the collection and preservation of evidence.

260. The remaining allegations are denied.

Ad paragraph 65

261. The contents hereof are admitted.

Ad paragraphs 66 to 77

262. The deponent again introduces largely outdated material. Many of the complaints raised in the paragraphs under reply have been resolved.

263. Nyanga has been prioritised for stabilisation and improvements in policing will continue until this objective has been achieved.

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a series of connected loops and a final horizontal stroke.

264. The remaining allegations are denied where they are not consonant with the papers filed on behalf of the first, second and third respondents or the quoted references.

Ad paragraphs 78 to 91

265. These averments are largely repetitious of what has been said by other deponents for the applicants.

266. The responses of the first, second and third respondents are accordingly repeated *mutatis mutandis*.

267. The hearsay upon which the deponent relies is objectionable and should not be permitted. The UN Guidelines cannot be grafted onto a country without considering the peculiar demographics *etc* of that country.

268. Redpath's information is outdated, of no assistance and cannot be used as a platform for the third applicant to attempt to make out a non-existent case.

269. Many of the ratios provided have changed materially since this application was launched and should not be taken into consideration by this court. The operational members appear from annexure "PLV2" hereto.

270. All allegations in Makasi's affidavit which conflict with the case of the first, second and third respondents are accordingly denied.

Handwritten signature and initials in the bottom right corner of the page.

Ad paragraphs 92 to 118

271. Many of these averments have been overtaken by the improvements at the Nyanga police station, the establishment of the satellite unit, its prioritisation for stabilisation and the additional resources which have been deployed to the station by the Provincial Commissioner.
272. These improvements are ongoing and will continue for as long as necessary.
273. It is correct that there is regular interaction between the SAPS and the CPF. This, coupled with the visible improvements at Nyanga rendered it completely unnecessary to bring this application. Moreover, no attempt was made to engage in terms of the Intergovernmental Relations Framework Act, No.13 of 2005, notwithstanding that the third applicant is an organ of state.
274. The remaining allegations are denied in so far as they contradict the respondents' case.

Ad paragraph 119

275. The SAPS would welcome any improvements in areas such as Nyanga which would lessen the crime rate. Some examples would be the provision of lighting or better lighting, the enhancement of basic infrastructure *etc.*

Ad paragraphs 120 to 123

276. The alleged staff shortages at Nyanga are denied. I repeat what has been stated above concerning the additional resources deployed to the station and the prioritisation thereof.
277. The third applicant has made no attempt to exhaust all available internal remedies, as alleged. The distribution of resources is for the third respondent to decide upon, not the third applicant.
278. Nyanga has been adequately resourced within the available means. Save as aforesaid, the remaining allegations which are in conflict with the answering papers of the first, second and third respondents are denied.

Ad paragraphs 124, 125 and 126

279. The respondents are fully aware of their constitutional and statutory obligations and have implemented it to the best of their ability. These efforts have brought about positive results in reducing crime which are borne out by the latest crime statistics.
280. Save as aforesaid, any allegation which is inconsistent with the respondents' answering affidavits is denied.
281. No case has been made out for the relief sought.

A handwritten signature in black ink, consisting of a large, stylized 'M' or 'N' inside a circle, followed by a smaller signature or set of initials below it.

Conclusion

I submit that for the reasons aforestated, this application is singularly lacking in merit and falls to be dismissed with costs, including the costs attendant upon the employment of three counsel.

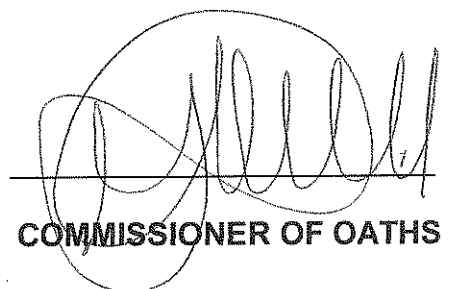


PRESTON LANCE VOSKUIL

I hereby certify that on the 13th day of **MARCH 2017** in my presence at **CAPE TOWN** the deponent signed this affidavit and declared that he: -

- (a) knows and understands the contents hereof;
- (b) has no objection to taking the prescribed oath;
- (c) considers this oath to be binding on his conscience and uttered the words:-

"I swear that the contents of this affidavit are true, so help me God."



COMMISSIONER OF OATHS

YVETTE ISAACS
 Practising Advocate of the High Court of **South Africa**
 Members of the Cape Bar
 Keerom Street Chambers
 Keerom Street
 Cape Town



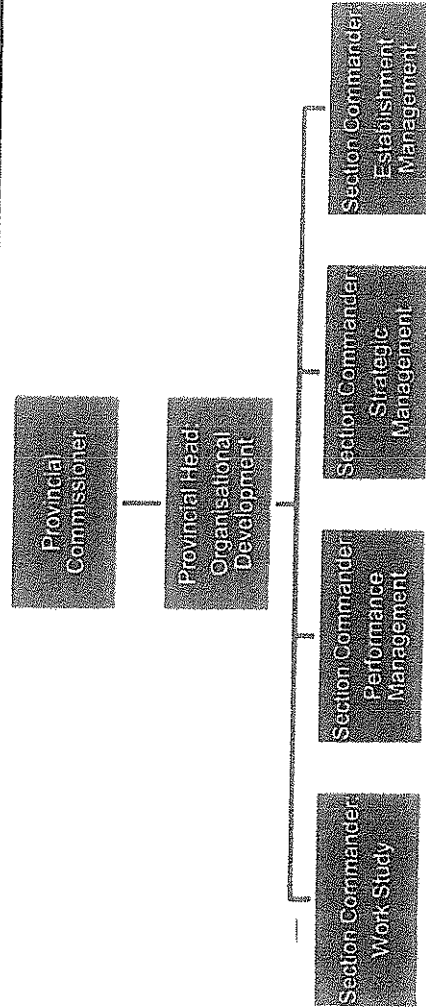
"PLV1"

JOB DESCRIPTION

SECTION A: JOB INFORMATION SUMMARY

STANDARDISED JOB TITLE	PROVINCIAL HEAD : ORGANISATIONAL DEVELOPMENT AND STRATEGIC MANAGEMENT		
RANK, INITIALS AND SURNAME	BRIGADIER PL VOSKUIL	PERSAL NUMBER	0474362-8
JOB TITLE	PROVINCIAL HEAD: ORGANISATIONAL DEVELOPMENT	PROVINCE/DIVISION	WESTERN CAPE
LEVEL	13	STATION/SECTION/UNIT	ORGANISATIONAL DEVELOPMENT AND STRATEGIC MANAGEMENT

ORGANIZATIONAL PLACEMENT



[Handwritten signature]

[Handwritten initials]

PURPOSE OF THE POST

To render an effective management advisory service to the Provincial Commissioner in order to address crime effectively, in accordance with the relevant Head Office mandate.

KEY PERFORMANCE AREAS

1. The rendering of a management information function to the Provincial Commissioner and the effective facilitation of the Strategic Management process in the Western Cape Province.
2. The optimization of efficiency and the effective facilitation of performance measurement in the Western Cape Province.
3. The effective facilitation of staff establishment process in the Western Cape Province.
4. Maintain the combating of crime through maintenance, provision, distribution and presentation of Crime Statistics.

SECTION B: KEY PERFORMANCE AREAS AND TASKS

TASKS	TASK OUTPUTS
<p>KPA 1: The rendering of a management information function to the Provincial Commissioner and the effective facilitation of the strategic management process in the Western Cape Province.</p> <p>1.1. Maintain an organizational profile for the province.</p> <ul style="list-style-type: none"> • Obtain information from Provincial Components. • Analyse information received from Provincial Components. • Compile Provincial Organizational Development and Strategic Management. • Develop Cluster and Station Organizational Profile template. <p>1.2 Provide a strategic overview of the effectiveness of policing in the province.</p> <ul style="list-style-type: none"> • Prepare graphic and other management presentations: <ul style="list-style-type: none"> ○ For the Provincial Commissioner and Deputy Provincial Commissioners and PCCFs- or as requested to crime levels within the province. • Manage feedback reports (decision templates) and presentations to: <ul style="list-style-type: none"> ○ National Management Forum ○ Portfolio Committee ○ Standing Committee ○ Board of Commissioners ○ Additional Presentations requested <p>1.3 Conduct Strategic planning and monitoring for the province.</p> <ul style="list-style-type: none"> • Facilitate information sessions in order to communicate the provincial Performance Plan to Provincial Office, Clusters /Stations. • Compile and distribute Provincial and Station Performance Plans. 	<p>1.1. Organizational profile for the province maintained in terms of Regulation 16A.</p> <p>1.2 A strategic overview of the effectiveness in terms of policing in the province provided in terms of National Instruction 1/2000 - Service Delivery Improvement Programme; Promotion of Administrative Justice Act 3 of 2000, Minimum Information Security Standards (MISS) document and Standing Order (G) 194 – Confidential Reports.</p> <p>1.3 Strategic planning and monitoring conducted for the province in terms of Regulation 13 (3)a and b.</p>

<p>1.4 Facilitate the Strategic Management process in the Western Cape.</p> <ul style="list-style-type: none"> • Compile and implement a Provincial SDI Plan • Compile and implement Stations SDI plans • Ensure that the Service Delivery Charters (SDC) is displayed at all Provincial Components • Compile and display Service Delivery Charters for the Provincial Components • Compile quarterly monitoring reports • Compile and distribute an annual report of the previous financial year • Ensure and coordinate the effective implementation of registered projects. 	<p>1.4 The Strategic Management process effectively facilitated in terms of National Instruction 1 of 2000 - Service Delivery Improvement Programme, Standing Order (G) 231.</p>
<p>1.5 Develop a Risk Register for the province and submit the following:</p> <ul style="list-style-type: none"> • A Risk Matrix • A Risk register • Risk Assessment reports • Update the risk register • Conduct risk assessments 	<p>1.5 A risk register developed and the following submitted/completed in accordance with Strategic Management prescripts for the province:</p> <ul style="list-style-type: none"> • Risk Matrix • Risk Register • Risk Assessment reports • Updated Risk Register • Risk Assessments dealt with in terms of the Risk Management Framework.
<p>1.6 Implement an Anti-Corruption Strategy for the province.</p> <ul style="list-style-type: none"> • Develop an Anti-Corruption Strategy for the province. • Sensitize personnel on Anti-Corruption • Submit quarterly reports of reported cases of corruption • Conduct an annual Provincial Risk Assessment on corruption and fraud. 	<p>1.6 An Anti-Corruption Strategy developed and implemented for the province and reports submitted for reported cases of corruption in terms of Corruption and Fraud Prevention Plan.</p>
<p>1.7 Oversee research and development initiatives within the province.</p>	<p>1.7 Research applications / projects within the Province coordinated in accordance with National Instruction 1/2006 and Regulation 16 a.</p>

KPA 2: The optimization of efficiency and the effective facilitation of the performance measurements in the Western Cape Province.	
TASKS	TASK OUTPUTS
<p>2.1 Maintain processes for the investigation into functions and, if required, establishment of structures to support the aims of the Province (and Service).</p>	<p>2.1 Processes for the investigation into functions maintained and, if required structures to support the aims of the Province (and Service) established in terms of Minimum Information Security Standards (MISS) document, Information and Communication Technology Security Policy and Standards, Registry Guidelines, National Instruction (NI) 3 of 2011 – Registration of Case Docket on Crime Administration System (CAS), Standing Order (G) 392 – Crime Information SAPS 6 (Crime Return) and Efficiency Index System.</p>
<p>2.2 Develop and maintain organizational structures within the province.</p> <ul style="list-style-type: none"> • Review and maintain the fixed establishment at Station level. 	<p>2.2 Organizational structures developed and maintained by reviewing the fixed establishment in terms of Regulation 13 (2)b.</p>

<p>2.3 Institutionalize use of the Efficiency Index in the province.</p> <ul style="list-style-type: none"> • Provide Performance Assessment Results to Management at Provincial, Cluster and Station level. • Provide training to Performance Chart Users in the province and provide support to Clusters / Stations when requested 	<p>2.3 The use of the Efficiency Index institutionalized in the province in terms of Regulation 16a and Education, Training and Development Policy, Regulation 14 and National Instruction 1 of 2000 - Service Delivery Improvement Programme.</p>
--	--

<p>KPA 3: The effective facilitation of staff establishment process in the Western Cape Province.</p>	
<p>TASKS</p>	
<p>3.1 Develop and maintain organizational structures within the province.</p> <ul style="list-style-type: none"> • Review and maintain the post establishment. <p>3.2 Ensure the optimization of staff establishment within the Western Cape Province.</p> <ul style="list-style-type: none"> • Manage and control post and organizational structures on PERSAL. <p>3.3 Coordinate requests for Job Evaluations within the province.</p>	<p>TASK OUTPUTS</p> <p>3.1 Organizational structures within the province developed and maintained in terms of Regulation 13 (2) b.</p> <p>3.2 The optimization of staff establishment within the Western Cape Province managed in terms of Regulation 13 (2)b and Regulation 16 a.</p> <p>3.3 Requests for Job Evaluations within the province dealt with in terms of National Instruction 1/2000- Service Delivery Improvement Programme, PFMA and Act 1of 1999.</p>

<p>KPA 4: Maintain the combating of crime through maintenance, provision, distribution and presentation of Crime Statistics.</p>	
<p>TASKS</p>	
<p>4.1 Contribute to the combating of crime through Maintenance, Provision, Distribution and Presentation of Crime Statistics.</p> <p>4.2 Advise Management on the accuracy and quality of available crime information.</p> <p>4.3 Development and Maintenance of Crime Information Officials (CIO's) on station level.</p> <p>4.4 Provision of Provincial Standby duty reports.</p> <ul style="list-style-type: none"> • Crime analysis and reporting on Provincial selected crimes 	<p>TASK OUTPUTS</p> <p>4.1 Reports based on crime statistics for a specific area and time period compiled (Contact crimes, including Crimes dependent on police action for detection, property related and other serious crimes) in terms of SAPS Act 68 of 1995 – as amended, MISS document and SAPS Information and Communication Technology Security Policy and Standards.</p> <p>4.2 Crime data validated through correlation of crime reports, Crime Administration System (CAS) and docket analysis in terms of SAPS Act 68 of 1995 – as amended, Justice Crime Prevention and Security (JCPS) Provincial priorities and National Crime Combating Strategy (NCCS).</p> <p>4.3 The CIO performance and capacity on station level monitored in terms of Education, Training and Development Policy, Regulation 14.</p> <p>4.4 Provincial standby duty reports in terms of crime analysis on Provincial selected crimes provided in terms of National Strategic Intelligence Act 39 of 1994 – as amended, Service Delivery Improvement Program, and Standing Order (G) 392 – Crime Information (SAPS 6), Agreement 3 of 2006 - Performance and Reduction of Crime and SAPS Information and Communication Technology Security Policy and Standards.</p>

SECTION C: JOB REQUIREMENTS

JOB REQUIREMENTS

SKILLS

The post requires advanced skills in:

Strategic capability and leadership – ability to give direction to teams in realising the organisation's strategic objectives and impact positively on team morale, sense of belonging and participation.
 Programme and project management – ability to establish broad stakeholder involvement and communicate the project status and key milestones. Defines roles and responsibilities for project team members and clearly communicates expectations.
 Financial management – ability to demonstrate knowledge of general concepts of financial planning, budgeting and forecasting and how they interrelate and manage and monitor financial risk.
 Change management – ability to perform analysis to determine the impact of changes in the social, political and economic environment, as well as keeps calm and focused during times of change or ambiguity.
 Knowledge management – ability to use appropriate information systems to manage organisational knowledge and use modern technology to stay abreast of world trends and information.
 Service delivery innovation – ability to consult clients and stakeholders on ways to improve the delivery of services and communicate the benefits of service delivery improvement opportunities to stakeholders.
 Problem solving and analysis – ability to explain potential impact of problems to own working environment and demonstrate logical problem solving approach and provide rationale for proposed solutions.
 People management and empowerment – ability to seek opportunities to increase personnel contribution and level of responsibility and supports and respect the individuality of others and recognizes the benefits of diversity of ideas and approaches.
 Client orientation and customer focus – ability to develop clear and implementable service delivery improvement programmes and identify opportunities to exceed the expectations of the customers.

QUALIFICATIONS

- Grade 12 or equivalent.
- Tertiary qualification or equivalent.
- National Qualification Framework (NQF) Level 6.

TRAINING

- Strategic Capability and Leadership.
- Programme and Project Management.
- Financial Management.
- Change Management.
- Knowledge Management.
- Service Delivery Innovation.
- Problem Solving and Analysis.
- People Management and Empowerment.
- Client Orientation and Customer Focus.
- Communication.
- Honesty and Integrity.
- Human Resource Planning.
- Budget Management and Control.
- Public Finance Management.
- Diversity Management.
- Human Rights and Policing.
- Safety, Health and Environmental Management.

STATUTORY/ORGANIZATIONAL REQUIREMENTS

- Valid driver's licence.
- Sign a Performance Contract.
- Security Clearance up to the level of Top Secret.

JOB REQUIREMENTS

Communication – ability to express ideas to individuals and groups both in formal and informal settings in an interesting and motivating way.
 Honesty and Integrity – ability to conduct self in accordance with organisational code of conduct and admit own mistakes and weaknesses and seeks help from others where unable to deliver.
 Building a successful team – ability to use appropriate methods and a flexible interpersonal style to help build a cohesive team; facilitating the completion of team goals.
 Managing conflict – ability to deal effectively with others in an antagonistic situation; using appropriate interpersonal styles and methods to reduce tension or conflict between two or more people.
 Leading through vision – ability to keep the organization's vision and values at the forefront of associate decision making and action.
 Planning and organising – ability to establish courses of action for self and others to ensure that work is completed efficiently.
 Quality orientation – ability to accomplish tasks by considering all areas involved, no matter how small, showing concern for all aspects of the job; accurately checking processes and tasks; being watchful over a period of time.
 Aligning performance for success – ability to focus and guide others in accomplishing work objectives.
 Delegating responsibilities – ability to allocate decision-making authority and/or task responsibility to appropriate others to maximize the organization's and individuals' effectiveness.
 Information monitoring – ability to set up ongoing procedures to collect and review information needed to manage an organisation or ongoing activities within it.
 Build strategic working relationships – ability to develop and use collaborative relationships to facilitate the accomplishment of work goals.
 Strategic decision-making – ability to obtain information and identify key issues and relationships relevant to achieving a long-range goal or vision, committing to a course of action to accomplish a long-range goal or vision after developing alternatives based on logical assumptions, facts, available resources, constraints and organisational values.
 Decision-making – ability to identify and understand issues, problems, and opportunities; comparing data from different sources to draw conclusions; using effective approaches for choosing a course of action or developing appropriate solutions, taking action that is consistent with available facts, constraints and probable consequences.
 Meeting participation – ability to use appropriate interpersonal styles and methods to help reach a meeting's goals while considering the needs and potential contributions of others.
 Negotiation – ability to negotiate in a spirit of cooperation and collaboration with the aim of negotiating an amicable outcome that include all parties' concerned on a win-win basis.

JOB REQUIREMENTS

PERSONAL ATTRIBUTES

The post requires attributes which will ensure the following:

- Tact – courteous, diplomatic, comforting and respectful when attending to the problems or difficulties people experience.
- Trustworthy – keeps confidence.
- Committed – willing to go an extra mile.
- Disciplined – adherence to rules and regulations.
- Self-confidence – belief in oneself.
- Creative – design and conceptualise imaginative and resourceful solutions.
- Empathy – compassion for people's situations.
- External actualisation – potential or capacity to follow; to adhere to rules and regulations; to accept and subject oneself to external figures and symbols of authority.
- Observant – pay special attention to detail.
- Adaptability – flexible approach.
- Innovative – introduce and apply new ideas and concepts.
- Impact – creating a good first impression, commanding attention and respect and showing an air of confidence.
- Frustration tolerance – the potential or capacity to cope with frustration, the ability to handle one's aggression or feelings of resentment and irritation with situations or others.
- Self-motivated – inner drive to succeed.
- Energetic – dynamic and vigorous approach.
- Tenacity – willing to persevere.
- Honesty – present undistorted truth.

EXPERIENCE

Prescribed managerial experience.

WORKING CONDITIONS/ENVIRONMENT

Office and field.

EQUIPMENT/TOOLS

SECTION D: JOB DESCRIPTION AGREEMENT

I **PRESTON LANCE VOSKUIL** (full name) understand what is expected of me as an incumbent in this post and I concur with it.

COMMENTS:

SIGNATURE OF INCUMBENT OF THE POST

original signed.....

COMMENTS:

SIGNATURE OF SUPERVISOR

original signed.....

JOB DESCRIPTION AUDITS			
CAPTURED BY	RANK, INITIALS AND SURNAME	SIGNATURE	DATE
<u>Station:</u>			
<u>Provincial Office:</u> First Level Job Description Audit			
<u>National Office:</u> Second Level Job Description Audit			

"PLV2"

STATIONS	Allocation August 2016	Allocation January 2017	JUNE 2016 actual operational members	JAN 2017 OPERATIONAL minus STABILIZATION MEMBERS
Athlone	22	22	118	154
Atlantis	24	0	152	169
Bellville	25	8	207	226
Bishop Lavis	32	10	175	214
Cape Town	41	16	404	418
Delft	18	32	164	193
Elsiesrivier	30	0	143	178
George	28	0	205	226
Grassy Park	18	14	109	125
Guguletu	30	0	162	194
Harare	41	51	149	225
Khayelitsha	37	7	206	232
Kleinvele	32	30	114	153
Knysna	9	10	136	156
Kraaifontein	47	0	196	232
Kuilsrivier	17	20	119	125
Lentegeur	19	16	121	142
Manenberg	36	0	132	178
Mfuleni	35	28	142	196
Milnerton	31	12	131	170
Mitchells Plain	40	10	403	443
Nyanga	41	60	217	303
Oudtshoorn	18	3	217	235
Paarl	24	0	178	203
Paarl East	13	0	118	132
Parow	25	13	123	136
Somerset West	19	10	117	135
Stellenbosch	14	15	148	162
Table View	26	20	85	121
Worcester	8	0	270	276
Beaufort West	11	9	123	144
Belhar	7	16	52	86
Brackenfell	0	0	34	82
Ceres	7	0	109	115
Claremont	0	8	122	125
Conville	3	2	92	97
Diep River	1	5	51	69
Durbanville	0	2	105	101
Goodwood	1	3	98	100
Grabouw	2	4	67	76
Hermanus	10	3	108	116

Kirstenhof	1	3
Langa	0	0
Lansdowne	1	6
Lingulethu West	12	10
Lwandle	13	13
Macassar	3	0
Malmesbury	3	4
Muizenberg	7	16
Philippi	0	1
Philippi East	0	23
Plettenberg Bay	8	3
Ravensmead	7	12
Sea Point	3	16
Steenberg	6	6
Strand	10	4
Vredenburg	15	4
Wellington	1	2
Woodstock	1	2
Wynberg	5	2
Albertinia	1	0
Ashton	0	0
Barrydale	4	0
Bellville South	0	0
Bonnievale	0	0
Bothasig	1	2
Bredasdorp	13	0
Caledon	5	0
Calitzdorp	0	0
Camps Bay	0	0
Citrusdal	3	6
Clanwilliam	5	8
Cloetesville	0	1
Da Gamaskop	1	0
Darling	7	0
De Doorns	5	0
De Rust	0	0
Doringbaai	0	4
Dysselsdorp	2	0
Eendekuil	1	0
Elandsbaai	4	2
Fish Hoek	11	0
Franschhoek	1	0
Gansbaai	8	0
Genadendal	8	0
Gordons Bay	7	0
Graafwater	5	0
Great Brak River	1	0

60
95
73
114
59
56
87
72
105
91
90
111
99
96
107
92
92
117
142
23
43
26
58
37
43
54
91
27
38
37
34
51
72
22
44
27
17
28
22
17
41
28
38
37
27
22
31

60
88
80
108
71
49
92
76
105
113
99
114
90
108
115
108
88
121
139
25
42
31
59
36
45
68
98
27
36
42
45
51
68
29
42
27
22
31
23
25
41
28
45
43
32
24
31

Groot Drakenstein	1	0
Heidelberg	3	0
Hopefield	2	2
Hout Bay	3	2
Kensington	1	9
Klapmuts	1	0
Klawer	5	2
Kleinmond	8	0
Kwanokatula	1	4
Kwanonqaba	6	4
Laaiplek	0	0
Ladismith	7	0
Laingsburg	7	0
Lambertsbaai	5	0
Langebaan	4	0
Leeu Gamka	3	0
Lutzville	1	2
Maitland	0	2
Mbekweni	0	0
McGregor	2	0
Melkbosstrand	0	2
Montagu	3	0
Moorreesburg	8	0
Mossel Bay	8	0
Mowbray	1	0
Murraysburg	2	0
Napier	4	0
Nuwerus	4	0
Ocean View	9	15
PA Hamlet	6	0
Pacaltsdorp	0	0
Philadelphia	2	1
Piketberg	4	0
Pinelands	0	12
Porterville	3	0
Prins Albert	2	0
Rawsonville	0	0
Redelinghuys	4	4
Riebeeck West	2	0
Riversdal	3	0
Riviersonderend	4	0
Robertson	0	0
Rondebosch	2	3
Saldanha	5	0
Saron	3	0
Simons Town	5	0
St Helena Bay	5	0

29
41
25
48
35
31
15
24
46
66
27
70
33
23
22
33
26
50
75
27
26
47
44
60
48
28
23
22
48
52
44
28
43
43
43
38
47
17
33
50
25
101
54
45
26
32
27

29
43
29
55
37
34
25
31
47
70
26
72
41
29
27
33
26
53
75
28
26
48
51
68
47
28
28
26
67
56
43
27
45
51
47
37
47
24
36
49
31
100
53
48
28
30
32

(Handwritten signature)

Stanford	6	0
Still Bay	1	0
Strandfontein	3	4
Struisbaai	6	0
Suurbraak	4	0
Swellendam	9	0
Table Bay Harbour	0	5
Thembaletu	3	7
Touwsrivier	7	0
Tulbagh	3	0
Uniondale	5	0
Van Rhynsdorp	3	0
Villiersdorp	3	0
Vredendal	10	0
Wolseley	2	0

23
26
31
23
28
66
45
79
22
62
49
21
45
63
34

30
27
34
27
32
69
43
91
28
65
52
27
50
76
36

 NE



**Western Cape
Government**
Community Safety

"PLV3"

2nd Floor, 35 Wale Street, Cape Town, 8001
Telephone +27 4836548 Fax +27 214836412
PO Box 5346, Cape Town, 8000
amanda.dissel@westerncape.gov.za

REFERENCE:
ENQUIRIES: Amanda Dissel

**Task Team on the implementation of the recommendations of
the Khayelitsha Commission of Inquiry**

DATE: Thursday 10 November 2016

VENUE: Basement Boardroom, Department of Community Safety

TIME: 11h00 – 16h00

DRAFT AGENDA

1.	Opening and Welcome	Maj Gen Brand	5 min
2.	Review and adoption of minutes of 20 October 2016	Chairperson	10 min
3	Matters arising from Minutes 3.1. Report to the National Commissioner and Premier. 3.2. Vigilante study 3.3. Update on recommendation 12 3.4. EPP updated 3.5. Monitoring and Oversight team 3.6. Recommendation 14: DVA update 3.7. Information technology 3.8. IPID update 3.9. AHR presentation		20 mins
	NEW Matters		
4	Recommendation 20: Backlogs in national chemical laboratories	Department of Health (to be confirmed)	
5	MOU between SAPS and DoCS		
6	Makhaza police station		
11	Way forward		



BETTER TOGETHER

Task Team on the Implementation of the recommendations of the Khayelitsha Commission of Inquiry

DATE: 10 November 2016

TIME: 11h00-16h00

VENUE: basement Boardroom, 35 Wale Street, Cape Town

No	Name & Surname	Department/Directorate	Contact No	Email	Signature
1.	Gideon Morris	DoCS	021 483 7811	Gideon.Morris@westerncape.gov.za	
2.	Amanda Dissel	DoCS	021 483 6548	Amanda.Dissel@westerncape.gov.za	
3.	Thabo Shaku	DoCS	021 483 6542	Thabo.Shaku@westerncape.gov.za	
4.	Dr Gail Super	DoCS	021 483 6373	Gail.Super@westerncape.gov.za	
5.	Major-General Brand	SAPS	021 360 2390	BrandJ@saps.gov.za	
6.	Lieutenant-Colonel Smit	SAPS	082 522 3287	WCESSS@saps.gov.za	
7.	Phumeza Mlungwana	SJC	074 417 8306	phumeza@sjc.org.za	
8.	Major-General Mbeki	SAPS	0722972557	mbekifelix@saps.gov.za	
9.	B Mafaki	SAPS	0798941246		
10.	Brig M Nkwitshi	SAPS	021 6302363	NkwitshiM2@saps.gov.za	
11.	Mbuyiseli Boqwana	KDF	0713538747	mbuyiseli@gcis.gov.za	
12.	Mrs Francina Lukas	CPF Cluster Chairperson		Francina.Lukas@capetown.gov.za	
13.					
14.					
15.					

[Handwritten signature]



**Western Cape
Government**
Community Safety

2nd Floor, 35 Wale Street, Cape Town, 8001
Telephone +27 4836548 Fax +27 214836412
PO Box 5346, Cape Town, 8000
amanda.dissel@westerncape.gov.za

REFERENCE:
ENQUIRIES: Amanda Dissel

Task Team on the implementation of the recommendations of the Khayelitsha Commission of Inquiry

DATE: Thursday 10 November 2016

VENUE: Basement Boardroom, Department of Community Safety

TIME: 11h00 – 16h00

Present:	Department/Directorate
Major General JJ Brand	SAPS
Lt Col Teresa Smit	SAPS: OD
Col Jojo	SAPS: Legal Services
Mr Gideon Morris (GM) (Chairperson) (left early)	DOCS (HOD)
Ms Amanda Dissel (AD)	DOCS
Adv Yashina Pillay (YP)	DoCS
Mr Thabo Shaku (TS)	DOCS (Community Police Relations)
Ms Phumeza Mlungwana	SJC
Apologies	
Brig Hosking	SAPS, Khayelitsha
Brig Voskuil	SAPS
Major General Thembisile Patekile	SAPS
Major General Mbeki	SAPS
Dr Gail Super (GS)	DOCS
Mrs Francina Lukas	CPF Cluster Chairperson

Minutes

1.	Opening and Welcome	Maj Gen Brand	5 min
2.	Review and adoption of minutes of 20 October 2016	Chairperson	10 min
	- Minutes read and	Proposed by AD and adopted by TS	

	adopted.		
3	MATTERS ARISING FROM MINUTES		
3.1.	Report to the National Commissioner and Premier.	Still outstanding. AD will draft this report once the Task Team has completed going through the recommendations. AD to draft report to NC and Premier and to Standing Committee	20 mins AD, SAPS
3.2.	Vigilante study	GS has met with Brig Hosking. She will continue with the study mid-January 2017.	AD
3.3.	Update on recommendation 12	<ol style="list-style-type: none"> 1. AD reported on her meeting with DCAS and DSD and the Premier's office to plan a workshop on youth gangs around schools in the New Year. AD is in process of drafting a concept document for that. 2. Mr Morris: gave feedback on progress on the National Anti-Gangsterism Strategy. After meetings at DEVCOM, Prov Cabinet, Provincial ... committee Province has agreed to adopt the Nat gang strategy as way forward. Independent analysis is also of the view that this document is very broad and general. Prov Cabinet and Prov Joints have agreed to establish a priority committee to start building on what needs to be done. Khayelitsha will then become the pilot site for the new strategy to be implemented. 3. On 2nd December there will be an interdepartmental expert workshop. This will be inclusive of all government stakeholders. Will also invite SJC. The aim will be to start developing local action plans. 4. AD's meeting could then become an element of the action plan. 5. There is a link with the priorities sub-forum on Youth – lead is Adv Michaels and education. Oscar Apollis has said he would be there. He was asked to invite the SGB and school principals. So that by the time DoCS is ready with the gang strategy. 	AD GM GM
3.4.	EPP updated	DoCS held a capacity building workshop CPF on 29 October. Western Cape Liquor Authority made a presentation Has to stand over for when the CPF reps are here. Students: Khayelitsha did provide a list of stations – all three.	

As at 18 November 2016

At Prov Joints the issue of the CPF functionality was discussed and it was agreed that DoCS and SAPS need to work together to make it more effective. HOD presented an overview of the EPP. HOD agreed to meet offline with Gen Patekile and Gen Julia for a briefing. What ever is agreed would then go out as an instruction to SAPS station and cluster commanders explaining the roles and responsibilities. This aims to establish agreement on how to determine whether a CPF is functional or not.

HOD handed over report from finance which indicated that DoCS has paid R1,2 mill for this year to all the CPFs in the various stations. (get copy).

Unfortunately, Lingeletu West and Khayelitsha are not doing well and are not submitted the required reports.

- One also needs to find out what the CPFs are doing with the money they earn. The Station Commander needs to work with them on this.
- DoCS also want to look at the Matching Grants as a project of the CPF. All grants have to be paid in accordance with auditing standards.
- We are still open to debate on the EPP. We have received it since then to make it simpler.

Previously uniform constitution: the SC had to report to Deputy PC when CPF was not functioning and then CPF was disbanded. Law is clear that if they are not functional then they must be disbanded and DoCS will facilitate the re-elections.

DoCS is holding discussions with the provincial CPF Board on a new constitution for CPFs but it will take time to show some progress. The Board is spending some time dealing with relationships and expectations. Constitution must cover the whole purpose of the CPFs.

This will help us to hold them accountable.

There was a general discussion around how to make CPFs more functional. CPFs currently aren't reporting on the EPP and it is not clear what their activities and impact is apart from that. However, MINMEC reports indicate that CPFs are functional without this being clearly substantiated. One of the concerns is around the election of CPF members and that this seems to be based on political reasons. SAPS pointed out that at Mitchells Plain a system was introduced where CPF sub-forums were elected from street committees, and then



		<p>representatives of this would form part of the main CPF. This helped to reduce the political nature of the process.</p> <p>DoCS has now escalated it to SAPS national. There is no clear direction on how to understand functionality and measurement of functionality.</p> <p>In reference to para 7(b) of the minutes of 20/0/2016 (that DoCS look at providing support to NHWs through the CPF at schools on the same basis as the Nelson Mandela Project in Nyanga), it was noted that Gen Brand has given Mr Shaku a list of priority schools so that TS can plan for the implementation of a similar project.</p> <p>TS reported that he did introduce Ms Lukas to the interns and she saw their office in the Cluster offices. But since then there has been no engagement from the CPF.</p> <p>DoCS's approach is that we train the interns, and the CPF must be able to work with them. However, the correct supervision has not been given to the interns by the CPFs with the result that they are not assisting the CPFs.</p> <p>AD to provide Dr Naledi's details to TS.</p> <p>The Provincial Board and the Cluster Board need to deal with the operations of CPFs. DoCS has now developed an EPP for the cluster.</p> <p><u>Way forward:</u> SAPS to speak to their CPFs and find out what the difficulties are with the EPP. HOD to continue with discussions with the PC to define roles and responsibilities.</p> <p>SAPS: need a communication strategy on what the role of the CPF is. Various meetings with key role players such as school principals and ward councilors.</p>	<p>TS</p> <p>AD</p> <p>SAPS HOD</p>
3.5.	Monitoring and Oversight team	<p>The Team has been established and met twice. They have looked at the various forms that SAPS has to maintain oversight of the relevant functions listed in Recommendation 3. SAPS provided a DoCS with a template and a copy of the documents. DoCS will peruse these. A follow up meeting will be held in Khayelitsha on 6 December 2016 at 8h00.</p>	SAPS, AD and Deon Oosthuizen
3.6.	Information technology (para 10)	<p>b) Ms Lukas not here to report on whether she had provided the Commissioner of Oaths forms to the CPFs. <u>Follow up next meeting</u></p> <p>Commissioner of oaths: some of the pastors can apply, and other matters. This will be tabled in the Priorities committee and see if Business forum can</p>	<p>FL</p> <p>Gen Brand</p>

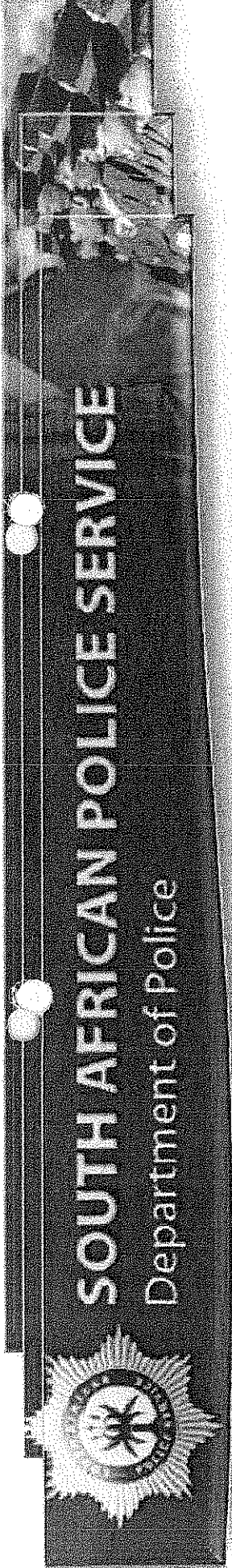
		<p>AHR approach, liquor outlets are being given extended trading hours. Cited the example of Uys tavern whose license was extended till 4 in the morning. DoCS needs to find out how that happened.</p> <ul style="list-style-type: none"> - At CPF meeting on 29 Oct a WCLA person was there to educate the CPF on the licensing process. - Also invite someone from Game Changer or Laurine Platzky. - In Khayelitsha, it is Col Raboliba who should be representing SAPS on the local AHR meeting. - There will be a relaxing of zoning – DoCS has spoken to the City around this. - At next meeting we should invite the liquor authority. Want someone from Liquor inspector to advise us how they are dealing with illegal outlets and legal outlets. Khaye will have a dedicated liquor inspector in the next month – for all the AHR areas. They will be helping with the upstream prosecution. The few legal outlets who are selling to illegals. SAPS DLO must also be brought on board and the CPF chairpersons. - SAPS is currently collaborating with the City Liquor enforcement. Will now include the Liquor inspector as well. - Dir Roberts from the City has called a meeting of the AHR team. The inspector will fit in with the planning. He will lead on the operational side. New regulations also allow the metro to be involved. 	<p>SAPS</p> <p>AD,</p> <p>SAPS</p> <p>WCLA</p>
	NEW MATTERS		
4	Recommendation 20: Backlogs in national chemical laboratories	AD had sent an email to the Provincial representative of the national chemical laboratories, but had not received a response. She has since obtained the contact details for the national office and will send an email to them asking for an update.	AD
5	Recommendation 17: MOU between SAPS and DoCS	<p>a) HOD has spoken to Gen Phahlane (acting national commissioner) – the MOU is now with him. The next report to submit to parliament needs to be highlighted. Possibly the premier should call a meeting with the acting National Commissioner. HOD will follow up with Adv JC Gerber.</p> <p>b) HOD. The signing of the MOU has now been overtaken by events and the Act and the Ombudsman.</p> <p>c) It was agreed that the next session do a full analysis on the difference</p>	<p>AD</p> <p>SAPS</p>

		between the Act and the MOU. AD will ask Adv Gerber and Col Jojo to do an analysis of how the Act covers the recommendations and what are the gaps – Recommendation 17.	
6	Khayelitsha Priorities Committee	<p>a) SAPS reported on the stakeholder meeting hosted by MEC Plato in Khayelitsha on 3 November 2016. That meeting gave support to the Priorities Committee. The MEC undertook to ensure that all Departments were represented at the meeting.</p> <p>b) DoCS needs to prepare a letter to all the HODs outlining what is required. (GM). DoCS should track the participation of those meetings, as well as whether the departments are doing what they have committed to doing.</p> <p>c) There needs to be a terms of reference for each sub-committee. This is already there. Each priority committee should prepare a short presentation for the Priorities committee 11 Nov. Problem with the Department of Education, which is one of the critical role players.</p> <p>d) SAPS are concerned that they should not be the lead department for the priorities. They should be doing policing operations. DoCS and the other departments should be driving this.</p> <p>e) Should use the meeting tomorrow to discuss who the chairpersons are. Where prov departments are to chair, HOD will prepare a letter to their HODs to confirm their nominations, etc. Then have a session with them to ensure they all have a common understanding on how things are done. Priority committee supposed to be for chairpersons.</p> <p>f) HOD – could also put it on the agenda of the IGC and Gen Brand could come and present there.</p>	<p>YP, AD, HOD</p> <p>HOD</p> <p>HOD</p>
6	NHW	<p>a) HOD – we are looking at rolling out the accreditation process to further NHW in Khayelitsha.</p> <p>b) Murray Williams (DOCS) presented an overview of DoCS's new approach to accreditation and support to NHWs.</p> <p>c) DoCS is developing an Accreditation guide.</p> <p>d) There will be an accreditation panel appointed – chaired by Simeon George. Where there is no contestation that NHW will be approved.</p> <p>e) At previous meeting there was an agreement that we need extend the NHW model in schools to Bolomko High. TS has</p>	<p>TS,</p>

As at 18 November 2016

		<p>moved ahead and started with forming an agreement. They will fall under under LW CPF. In Mbekweni they had been able to form a partnership with the CPF because they had a very strong intern who could do the administration. Perhaps we can do this now (see also para 3.4 above).</p> <p>f) Conflict with the city around what NHW are being paid? We need clarify this with NHWs. MEC launched the walking bus also in Town Two. SAPS: need to talk to the Vispol commanders. Eg, Col Mtakati has started a patrol group in Site C. need to convert to a NHW.</p> <p>g) Therefore 3 possible sites: Enkanini in Harare, Bolomko (LW) and Site C (Site B). Murray Williams needs to facilitate a meeting with SAPS, City and leadership of these groups to come to an agreement on the safety plans. What they do, etc. need to have some measurable outcomes so that we can link payment to particular outcomes.</p> <p>h) SAPS need to document their operational process. SAPS</p> <p>i) Col Jojo, we need to discuss this together with station commanders so that they don't undermine the process. Or the chairpersons of the CPF. SAPS will arrange a meeting and will invite MW and Ayesha Fortune – possibly to CCCF, as well as to cluster board meeting. SAPS</p> <p>j) When Provincial Commissioner sends out the circular, then we should also send out the forms for accreditation.</p> <p>k) DoCS has also created some awareness around NHW at the PNPs.</p>	
7	<p>Policing of informal settlement areas</p>	<p>a) On 27 October 2016 SAPS held an imbizo in Site C. They talked about the NHW concept.</p> <p>b) We need to start looking at how to police liquor outlets. – role of NHW there</p> <p>c) Community mobilization</p> <p>d) SAPS is currently busy with the draft strategy around this. Community mobilization; partnerships with NHW and increasing patrols. In some areas you have more access to vehicles, while in others you have to walk. But it will also include the policing of liquor outlets. SAPS will provide Task team with a draft in the meantime. Province was asked to develop a strategy.</p> <p>e) PM – also need to focus on updating the sector profiles of informal settlement areas.</p> <p>f) Patrols</p> <p>g) In the regs to the WC Liquor Act there is a notice of illegal trade. In the past the liquor</p>	

		inspectors didn't respond to these issues. Now they must issue this notice and then file this with SAPS.	
8	Way forward	h) PM asked what is the way forward once the Task Team has finished reviewing the recommendations. It was agreed that there will be a quarterly report to Provincial Commissioner and standing committee (Rec 3) and every 6 months to the Premier. That will be continuous.	
9	Next meeting	6 December 2016 09h00 – 12h00 Subject to confirmation Items to be discussed: <ul style="list-style-type: none"> - Update on policing of informal settlements - MOU: legal services to be invited - FCS unit - AHR 	



"PLV4"

ENHANCING OF THE PUBLIC ORDER POLICING CAPACITY WITHIN THE SAPS

BRIEFING TO THE PORTFOLIO COMMITTEE ON POLICE

A handwritten signature and the initials 'Fe' are located in the bottom right corner of the page.

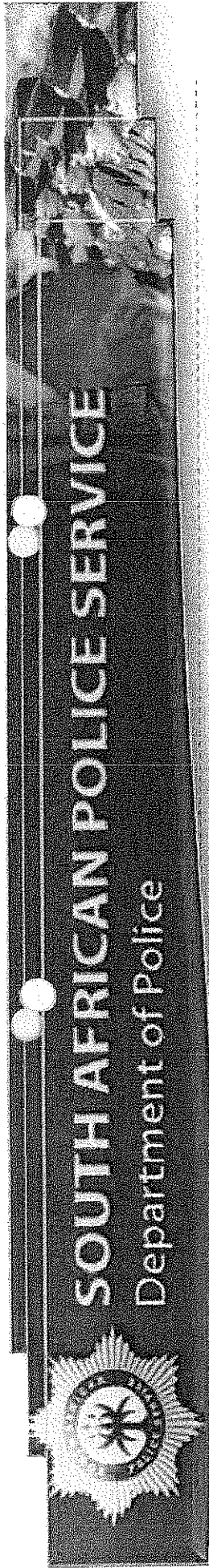
3 September 2014



PURPOSE

- ▶ To brief the Committee on the State of Public Order Policing and plans to enhance Public Order Policing within the South African Police Service in order to mitigate the current and future situation in respect of crowd management and violent protest actions in the Republic.

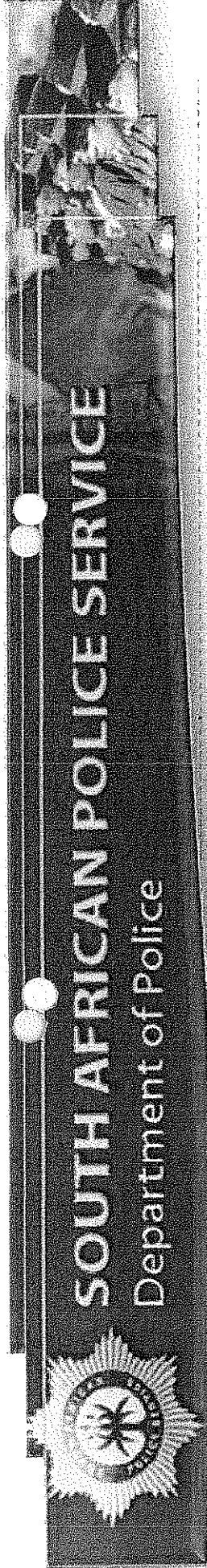
[Handwritten signature]



FACTORS GIVING RISE TO THE ENHANCING OF POP WITHIN SAPS

- ▶ The Republic is currently experiencing an upsurge in violent incidents which is requiring urgent additional interventions from SAPS. It is anticipated that this upsurge against state authority will not decline in the foreseeable future, due to the current climate of service delivery and related protest actions. This has been reinforced by the NICOC stability assessment. Although SAPS POP actions have been largely successful in containing these incidents, and the use of force has been limited, the situation requires a renewed focus.
- ▶ Section 17 of the Constitution of the Republic of South Africa makes provision for the right to assemble, demonstrate, picket and present petitions peacefully and unarmed, while Section 8(4) of the Regulation of Gatherings Act, (205 of 1993) places an obligation on the convener and marshals to take all reasonable steps to ensure that participants are unarmed. Section 205 (3) of the South African Constitution (No 108 on 1996) further defines the main functions of the South African Police Service (SAPS) as, among others, to maintain public order.

A handwritten signature in black ink, appearing to be 'S. M. M.', is located at the bottom right of the page.



FACTORS GIVING RISE TO THE ENHANCING OF POP

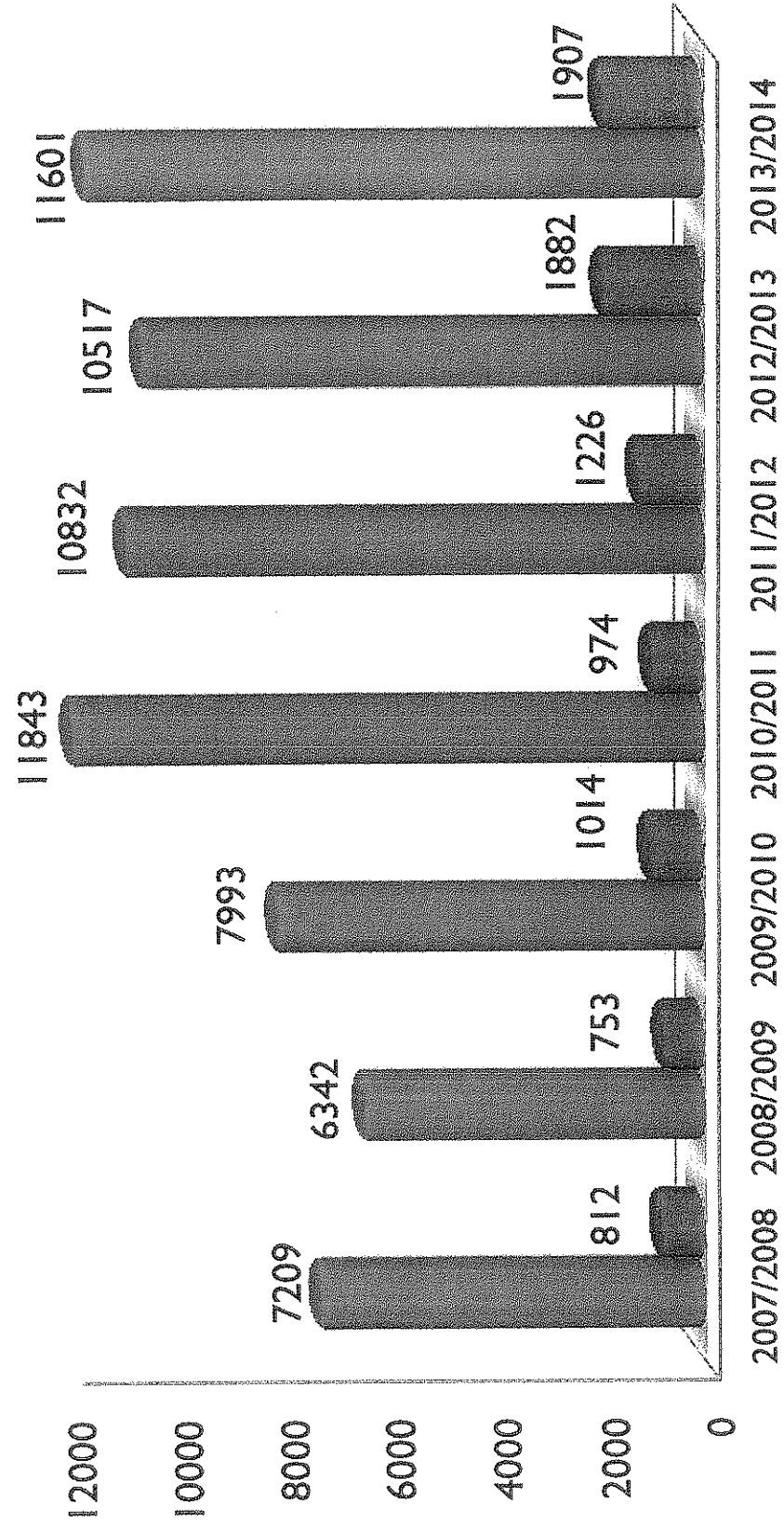
WITHIN SAPS (continued)

- ▶ During the 2013 State of the National Address (SONA), the President instructed the Justice, Crime Prevention and Security Cluster (JCPS) to put measures in place at National, Provincial and Local level to ensure that any incidents of violent protest are acted upon, investigated and prosecuted.
 - ▶ These measures include:
 - ▶ Enhanced cooperation between the SAPS, NPA and DoJCD in terms of prosecutions
 - ▶ The review of all dockets pertaining to public violence
 - ▶ The imposition of prosecutions in all cases where a prima facie case is proved
 - ▶ The NATJOINTS also established a Stability RSA Priority Committee to manage immediate security threats to stability focussed on **NICOC priorities**, such as:-
 - ▶ Labour issues, especially mining section
 - ▶ Political intolerance
 - ▶ Service-delivery protests
 - ▶ Anti-foreigner sentiments
 - ▶ Transport Sector
 - ▶ Education Sector
- And has issued several instructions to all role players, including municipalities through CoGTA, to address service delivery issues

A handwritten signature in black ink, appearing to be 'S. N. S.', is located at the bottom right of the page.



UNREST AND PEACEFUL RELATED INCIDENTS FROM 1 APRIL 2007 TO 31 MARCH 2014



■ Peaceful ■ Unrest



BRIEF HISTORY OF POP

**PRIMARY : CROWD
MANAGEMENT**
**SECONDARY :
CRIME
COMBATING AND
PREVENTION**

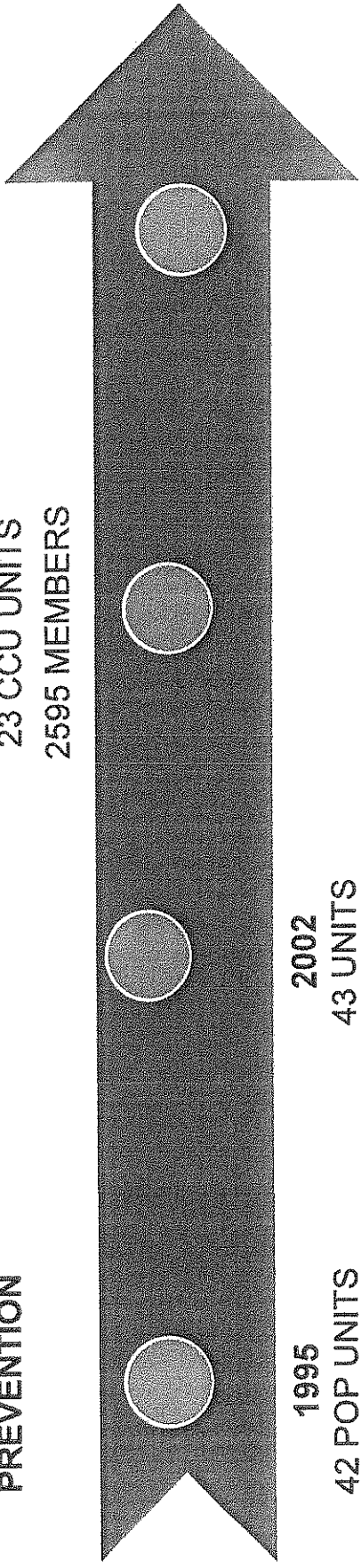
2011
31 POP UNITS
4197 MEMBERS

2006
23 CCU UNITS
2595 MEMBERS

2002
43 UNITS
7327 MEMBERS

1995
42 POP UNITS
11 000 MEMBERS

**ACCU : CRIME COMBATING
AND PREVENTION**
**SECONDARY : CROWD
MANAGEMENT**



A handwritten signature in black ink, located at the bottom right of the page.