

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

Case number: **Equality Court 03/2016**

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 CAPE Fourth Respondent

WOMEN'S LEGAL CENTRE TRUST Amicus Curiae

SUPPORTING AFFIDAVIT

I, the undersigned,

MARTIN MAKASI

do hereby make oath and declare as follows:

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I. INTRODUCTION

1. I am an adult male currently residing at B787 White City, Nyanga East, Nyanga. I am currently serving as the Chairperson of the Nyanga Community Policing Forum (**Nyanga CPF**), the Third Applicant in this matter.
2. The facts contained in this affidavit are both true and correct, and unless the context indicates otherwise, within my personal knowledge. The submissions of law I make in this affidavit are made on the advice of Nyanga CPF's legal advisors. I believe that advice to be correct.
3. I have been duly authorised to depose to this affidavit on behalf of the Nyanga CPF, which acts in this matter both in its own right and in a representative capacity, on behalf of the residents of Nyanga. I have served on the executive committee of Nyanga CPF since 2010 when I was elected as secretary for the CPF for two terms of 2 years. After this I was elected as Chairperson in 2014 and my term expires in 2019 in terms of the Uniform Constitution.
4. In addition to being the Chairperson of the Nyanga CPF, I have been working at the Department of the Premier for the last ten years in the following positions:
 - 4.1. I am currently employed as the Assistant Director at the Department of the Premier, Directorate Priority

Programme Co-ordination attached to the Human Rights Theme. I have been in this position since 2010.

4.2. From 2006 to 2010 I was employed in the then Directorate of Human Rights focusing on human rights mainstreaming within the Western Cape government, and organizing Commemorative Days programmes, including working directly in the Social Conflict Management Programme.

5. I have also worked at the Department of Community Safety (**DOCS**) for five months in 2005 as Senior Admin Officer responsible for attending CPF meetings and organizing capacity development workshops for the forums and Neighbourhood watch structures. Back then the Community Liaison Directorate was responsible for assisting CPFs with Policing Needs and Priorities (**PNPs**) Session meetings, which is a different system and method from the one implemented in 2009 where Community Safety PNP is facilitated by the Directorate Research and Policy. As the official deployed in a specific area, my role was to facilitate the PNP meetings and compile reports for those meetings. I was deployed mainly in Nyanga, Gugulethu and Central Cape Town.

6. From 1997 to 2004 I worked for an organisation called Urban Monitoring and Awareness Committee (**UMAC**). UMAC is a non-governmental organisation with an interest in policing the prevention of crime and conflict. It has offices in the Western Cape and Eastern Cape, and also undertakes work with national implications.

- 6.1. I worked in the Police Transformation Project and Community Safety Forum from 1997 to 2004 as a field worker responsible for capacitation of CPFs and other community anti-crime structures. My role included facilitating consultative meetings with community structures in order to get buy-in for the Community Safety Forums. I was also responsible for facilitation of workshops for community members and police.
- 6.2. I worked in the Partners in Policing Project in the Eastern Cape. I served in the management of the project at its inception from 1998/99.
- 6.3. In 2000 UMAC seconded me to the Partners in Policing Project full time as the facilitator and trainer responsible for co-ordination of training workshops, identification of trainers and conducting training in almost all the Eastern Cape regions and Police Area Offices in Queenstown, Umtata, Port Elizabeth, Drakensberg and East London. In this role my work focused on training for community policing models facilitated for police officers, Community Safety Forums, Area CPF Boards and Provincial CPF Board. Some of the people who benefited from the training facilitated through UMAC have moved into high echelons of the service, both in the Western Cape and Eastern Cape.

7. This application concerns the irrational and inequitable allocation of police resources to poor and black communities, which results in unfair discrimination. The founding affidavit of **PHUMEZA MLUNGWANA**, deposed to on behalf of the First Applicant, explains the manner in which the resourcing policy impacts on the interrelated fields of race, poverty and crime.
8. The purpose of this affidavit is not to repeat the contents of the founding affidavit. The Nyanga CPF endorses what is stated in the founding affidavit. This affidavit aims to provide this Court with the Nyanga CPF's evidence concerning the impact of the discriminatory distribution of resources on policing and crime levels in Nyanga, and on the work of the CPF. In this affidavit I shall also describe the Nyanga CPF's attempts to address poor police resourcing in Nyanga, and the impact of discriminatory resourcing on community members in Nyanga.
9. The remainder of this affidavit is structured as follows:
 - 9.1. **Part II** describes the Nyanga CPF and its objectives;
 - 9.2. **Part III** summarises Nyanga's community profile, our experience of policing, and the extremely high crime levels in Nyanga.
 - 9.3. **Part IV** will detail the lack of adequate human resources in Nyanga

- 9.4. **Part V** explains the steps taken by the Nyanga CPF relating to the unequal allocation of human resources in Nyanga

II. THE OBJECTIVES OF NYANGA CPF

10. Community policing is a policy and strategy aimed at achieving more effective crime control, reducing fears of crime, improving quality of life, improving police service delivery and police legitimacy, through a proactive reliance on community resources, which seeks to change crime-causing conditions. It allows the police and community to work closely together to solve problems of crime, fear of crime, physical and social disorder, and neighbourhood decay.
11. Section 206(3)(c) of the Constitution provides that each Province is entitled to promote good relations between the Police and the Community.
12. Section 10(1) of the South African Police Service Act, Act 68 of 1995 (**the SAPS Act**) states that '*A Provincial Commissioner shall, subject to the direction of the member of the Executive Council, be responsible for establishing Community Police Forums at the Stations in the Province.*'
13. A Community Police Forum (**CPF**) is established in terms of section 19(1) of the SAPS Act. It consists of a group of people from different communities who, together with police representatives, meet to address safety problems in their area. A CPF also aims at ensuring police accountability, transparency and effectiveness in the community. The Nyanga CPF, like other CPFs, was

established by the Western Cape's Minister of Safety and Security in terms of the SAPS Act.

14. Every CPF has its own constitution which is based on a uniform constitution. The uniform constitution for CPFs for the Western Cape, which applies to the Nyanga CPF, was attached to our application to intervene in this matter – to avoid unnecessarily burdening the Court, I refer the Court to annexure MM2 in that application.
15. According to clause 5 of the Uniform Constitution, a CPF, once established, is a legal entity which exists as an entity independent and distinct from its members, irrespective of any change in its membership or management. A CPF can institute legal proceedings in its own name, and be cited in legal proceedings in its own name, among other things.
16. The objectives of the CPFs are set out in section 18(1) of the SAPS Act as:
 - 16.1. establishing and maintaining a partnership between the community and the Service;
 - 16.2. promoting communication between the Service and the community;
 - 16.3. promoting co-operation between the Service and the community in fulfilling the needs of the community regarding policing;
 - 16.4. improving the rendering of police services to the community at national, provincial, area and local levels;

- 16.5. improving transparency in the Service and accountability of the Service to the community; and
- 16.6. promoting joint problem identification and problem-solving by the Service and the community.
17. Clause 7.1.2 of the Uniform Constitution sets out the following additional objectives:
- 17.1. *promote co-operation between the South African Police Service, the Local Community, other Law Enforcement Agencies, Community Safety Structures, Victim Support Structures, Community-based Organisations and Institutions and the Municipal Police Service.*
- 17.2. *promote respect for human rights within the ranks of the SAPS, the Local Community, other Law Enforcement Agencies, Community Safety Structures, Victim Support Structures, Community-based Organisations and Institutions and the Municipal Police Service.*
- 17.3. *to negotiate and co-operate with other Institutions at Local, Cluster, Provincial and National Level in order to promote the aims and objectives of the Forums and Boards.*
- 17.4. *mobilise the community and organisations in the community to join the Forums, Sub-Forums,*

Community Safety Structures and Victim Support Structures;

17.5. *assist with the initiation and co-ordination of social crime prevention programmes and projects in conjunction with SAPS, other State Departments, Law Enforcement Agencies, Municipal Police Service and other CPF Structures.*

17.6. *request the Service to account on the achievement of the objectives in terms of Section 205(3) of the Constitution of the Republic of South Africa.*

17.7. In addition to the procedural powers conferred upon CPFs, such as appointing members and dealing with internal grievances, the Uniform Constitution also gives CPFs the following powers and duties:

17.7.1. *to compile a Community Safety Plan for each financial year. The plan must include the inputs of the Sub-Forums. The following process should be followed for the plan to be adopted at a Special Meeting;*

17.7.2. *a Police Priority Needs Meeting must be convened to identify the Police Priority Needs of the precinct. The meeting must*

be attended by all the role players in the precinct;

17.7.3. *a report on what was achieved in terms of the previous Community Safety Plan must be supplied;*

17.7.4. *with the identified Police Priority Needs, the meeting must draft a Community Safety Plan for the new financial year*

18. It follows that as a member of the CPF and due to my past experience, detailed above, I am well qualified to give evidence concerning policing needs and priorities in Nyanga. As already stated above, in my capacity as an employee of DOCS I was tasked with facilitating the development of Police Priority and Needs. I worked in Nyanga, Gugulethu and Cape Town Central for the five months that I was employed by DOCS. Since joining the Nyanga CPF in 2010 I have participated on an annual basis in the development of the Policing Priority and Needs in Nyanga. I have also attended a number of PNP sessions organized by the Department of Community Safety. CPFs are expected to raise community safety issues and develop a cluster community safety plan during such sessions.

19. As is stated in the multiple Policing Needs and Priorities of the Western Cape, the Department of Community Safety's strategic objective is to increase safety in the province and in order to achieve this objective, the Department focuses on effective civilian oversight over the South African

Police Service and other law enforcement agencies (among other issues). In seeking to fulfil its objective in this regard, the Western Cape Department of Community Safety annually facilitates the identification of PNPs as part of its oversight function over the police service in the Province. The main objectives of the PNPs are to inform the Minister of Community Safety in the Western Cape of the identification of PNPs in the Province, *to guide and influence the formulation of policing priorities at provincial and national level in respect of identified Provincial PNPs, to assist the Community Police Forums (CPF's) to monitor the implementation of identified PNPs at local police station level and to increase safety in the Western Cape. The PNPs are used as a tool to measure the efficiency and effectiveness of the police and ensure that the police are responsive to the needs and priorities of the communities they serve.* [Report on the Identification of Policing Needs and Priorities in the Western Cape 2011/12: Department of Community Safety].

III. NYANGA COMMUNITY PROFILE AND CRIME LEVELS

Nyanga Community Profile

20. Nyanga (also known by its isiXhosa name 'the moon') is one of the oldest townships in South Africa located on the Cape Flats. When Nyanga was established in 1946, it was designated exclusively for Black people in order to reduce the huge influx of migrants in Langa location. In 1984, a community profile stated that Nyanga was viewed by residents of Langa and Gugulethu as being crime-ridden. This reputation has not changed.

21. The population remains predominantly black, making up 98.8% of the residents. According to the Census of 2011, Nyanga had a population of 57 996 in 15,993 households. 57 295 of Nyanga's residents are Black Africans. However, according to the Policing Needs and Priorities Nyanga SAPS Cluster Report for 2015/16, in 2011 the population of the area covered by the Nyanga Police Station was 200 913. A copy of the cluster report is attached to the application to intervene as annexure MM3.

22. Nyanga is one of the poorest townships in Cape Town. In 2001 its unemployment rate was estimated at around 56% and HIV/AIDS is a huge community issue. The Census of 2011 recorded that 45.53% of the labour force of the population in Nyanga was unemployed and 74% of households have a monthly income of R3 200 or less. An extract from the census report which confirms the information above marked MM4 is attached to the application to intervene.

23. Nyanga has a population density of 18 775 persons per km², with the average household size being 3.63 persons. Of the 15 993 households, 46.4% are classified as female-headed households. The largest percentage of the population is made up of those aged between 25 and 29, at 6.3% for both males and females, respectively. The second largest percentage of the population is between the ages of 20 and 24, with 6% for both males and females; and the third largest percentage of the population is between the ages 0 and 4 years old, of which 6% is male, and 5.9% is female. In total, 60.7% of the population in Nyanga is between the ages of 0 and 29 years old, making the population a predominantly young one.

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24. According to Statistics South Africa (STASSA), 69% of the Nyanga population have received the following categories of schooling: 3% have no schooling; 11.6% have some primary schooling; 5.3% have completed primary schooling and 49.1% have some secondary schooling; 25.3% have completed matric, with the remaining 5.8% having received some higher education, although it is uncertain what percentage of this 5.8% would have completed a higher education qualification.

Crime levels in Nyanga

25. In a document titled 'Crime in Cape Town: 2001 – 2008,' and made available via its website, the City of Cape Town noted that '*violent crime tends to be concentrated in the poorest parts of the city with a small number of police districts accounting for a disproportionate amount of crime.*' Nyanga is a true embodiment of this statement.
26. According to crime statistics, Nyanga has consistently been rated as one of the worst police precincts in the Western Cape Province for over a decade with a disturbingly high number of reported violent crimes. Over the last 10 years crime statistics indicate that Nyanga has also experienced very high rates of contact crime. The Nyanga police precinct has consistently accounted for one of the highest murder rates over the past 10 years. It also has accounted for one of the highest number of reported rape cases in Cape Town over the last 10 years. A breakdown of reported crimes in Nyanga over the last decade in Table 1 (an extract from Crime StatsSA) below indicates

that crime is increasing from 8360 reported crimes compared to 9464 reported crimes in 2016.

Table 1: Reported crimes in Nyanga

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
8360	7265	7878	7092	6498	6863	8202	9373	9284	9006	9464

a. Murder in Nyanga

27. Nyanga is one of the most dangerous places in Cape Town and the township is commonly known as the “murder capital” of South Africa. Nyanga has been referred to as the murder capital for over a decade. In the Nyanga Safety Audit Report of 2007/2008 it was noted that when the then Minister of Safety and Security Minister, Charles Nqakula, was releasing crime statistics during June 2007 he identified Nyanga Policing precinct as South Africa’s murder capital. The same sentiments have been repeated over and over about Nyanga because of its murder rate.

28. Nyanga had 300 reported murders in 2015, the highest number in the entire country. The next highest was Inanda in KwaZulu-Natal which had 179 murders. Though the current figures for 2016 report that the number of reported murder cases currently stands at 279 in Nyanga, the precinct still has the highest reported number of murder to date. The number of reported murders in Nyanga accounted for 16.6% of all reported murders in South Africa in 2016.

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29. Nyanga has consistently over the last ten years experienced extremely high rates of murder in the precinct. Crime statistics demonstrates that for a decade or more Nyanga has consistently had the highest (or one of the highest) rates of murder in the country. The statistics of murder reported in Nyanga from 2006 to 2014 are indicated below in Table 2 (an extract from Crime StatsSA):

Table 2: Murder rates in Nyanga

2006	2007	2008	2009	2010	2011	2012	2013	2014
284	303	266	208	217	198	233	262	305

30. The Shadow Report on Safety Information – Murders in the Western Cape, A case study (2012) stated that

Although the Western Cape Province has 149 police precincts, according to the 2010/2011 crime statistics the ten police stations recording the most murders account for more than 44.1% (1020) of the total number of murders in the Province. This is corroborated by Forensic Pathology data showing that the said ten police stations accounted for 45.1% (1011) of the murders recorded by the Department of Health: Forensic Pathology Unit during 2011/2012.

Nyanga police precinct occupies the first position on both these lists. Nyanga police precinct has in fact recorded the highest levels of crime in the province and in the country during the past five years. [page 8]

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31. The shadow report further noted that Forensic Pathology data identified that five of the ten police stations referred to above that have consistently been amongst the ten police stations at which most murders were recorded. These stations are Nyanga, Gugulethu, Khayelitsha, Milnerton and Mfuleni. Table 3 below (an extract from the shadow report mentioned above) indicates that from 2009 to 2011 Nyanga consistently recorded the highest number of murders according to forensic pathology data.

Table 3: Forensic Pathology Murder rate data Western Cape

2009			2010			2011		
2360			2276			2344		
Unknown			Unknown					
544			191					
1	Nyanga	188	1	Nyanga	178	1	Nyanga	206
2	Gugulethu	118	2	Gugulethu	126	2	Khayelitsha	186
3	Khayelitsha	104	3	Khayelitsha	117	3	Harare	140
4	Harare	68	4	Harare	90	4	Gugulethu	125
5	Milnerton	61	5	Mitchells Plain	70	5	Kraaifontein	95
6	Philippi East	58	6	Kraaifontein	65	6	Delft	89
7	Mitchells Plain	55	7	Mfuleni	60	7	Mitchells Plain	76
8	Kraaifontein	52	8	Langa	58	8	Mfuleni	67
9	Delft	50	9	Milnerton	57	9	Bishop Lavis	56
10	Worcester	47	10	Delft	56	10	Lwandle	48

32. The rate of murders in Nyanga does not seem to be improving as there were 11 reported murders from 01 to 12 October 2016 at Nyanga SAPS – which is almost one murder reported per day over this period.

b. Other Violent crimes

33. As we noted as the Nyanga CPF in a document named Murders in Nyanga police Precinct and Policing Regime compiled by the CPF in 2015, which I

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have attached marked **MM1**, most murders are preceded by cases of attempted murder, assault with intent to inflict grievous bodily harm, common assault street robbery, hijacking, house and business robbery. As will be seen below, Nyanga has very high rates of reported violent crime, which explains the high rate of murder in Nyanga, given the correlation between interpersonal violence and murder.

34. Nyanga had 351 reported sexual offences in 2016; the highest number reported both nationally and provincially. The sexual offences reported in Nyanga accounted for 13% of all reported sexual offences in South Africa in 2016. In 2015 Nyanga had 292 reported sexual offences, the highest in the Province, and the fifth highest nationally. A breakdown of reported sexual offences in Nyanga over the last 10 years in Table 4 (an extract from Crime StatsSA) indicates that the precinct consistently has experienced alarmingly high rates of sexual offences.

Table 4: Reported sexual offences in Nyanga

2006	2007	2008	2009	2010	2011	2012	2013	2014
402	374	338	296	386	368	398	413	330

35. Nyanga had 198 reported attempted murders in 2016, the fourth highest in the country and the second highest in the province. The reported attempted murder rates in Nyanga accounted for 11.3% of all reported attempted murders in South Africa in 2016. In 2015 Nyanga had 178 reported attempted murders, placing the precinct as the sixth highest in the province.

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A breakdown of reported attempted murders in Nyanga over the last 10 years in Table 5 (an extract from Crime StatsSA) indicates that the precinct consistently has high rates of reported attempted murders. The breakdown is as follows:

Table 5: Reported attempted murders in Nyanga

2006	2007	2008	2009	2010	2011	2012	2013	2014
163	225	152	144	149	142	163	210	175

36. In 2016 it was reported that Nyanga had 1053 reported cases of assault with the intent to inflict grievous bodily harm, which places the precinct as the fourth highest nationally, and the highest provincially. The reported assault with the intent to inflict grievous bodily harm cases in Nyanga accounted for 10.5% of all such cases in South Africa in 2016. Nyanga had 878 reported cases in 2015 of assault with the intent to inflict grievous bodily harm, the highest in the Province and the sixth highest nationally. Statistics for the last 10 years indicate that Nyanga again consistently experiences high numbers of assault with the intent to inflict grievous bodily harm cases, as indicated in Table 6 (an extract from Crime StatsSA) below:

Table 6: Reported assault with the intent to inflict grievous bodily harm in Nyanga

2006	2007	2008	2009	2010	2011	2012	2013	2014
1135	1058	941	985	925	990	1046	952	920

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37. Nyanga had 1503 robbery with aggravating circumstances cases reported in 2016, placing the precinct as the second worst nationally, and the highest number of reported cases provincially. The reported robberies with aggravating circumstances in Nyanga accounted for 12.6% of all such cases in South Africa in 2016. In 2015 Nyanga had 1242 reported robberies with aggravating circumstances, the third worst in the Western Cape and the third worst in the country. This number has been consistently high over the last 10 years, as can be seen below in Table 7 (an extract from Crime StatsSA).

Table 7: Reported robberies with aggravating circumstances in Nyanga

2006	2007	2008	2009	2010	2011	2012	2013	2014
1037	954	897	659	676	623	879	885	983

38. An analysis of all reported crimes in Nyanga in the categories provided for above indicate that Nyanga police station has had one of the highest reported crime rates in the province on these categories compared to other police precincts for the last 10 years. It is clear from these statistics that Nyanga has consistently had high volumes of reported murder and violent crime for the past 10 years and longer.

39. For the benefit of the Court I have given a breakdown of some of the contact crimes reported in Nyanga for the last 10 years. A detailed analysis of crime in Nyanga in 2016 in comparison with other worst performing police precincts

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in the Western Cape is attached here marked **MM2**. I have also attached marked **MM3** a detailed analysis of murders and other violent crimes in Nyanga in comparison with other worst performing police precincts in South Africa in 2016.

IV. LACK OF ADEQUATE RESOURCES IN NYANGA

40. There is no doubt in my mind that the allocation of human resources in Nyanga, like in Khayelitsha and other demographically similar stations in the Western Cape, is irrational and discriminatory. The nature of the discrimination is dealt with in the founding affidavit in this application and need not be repeated, save to state that Nyanga police station, and others similar to it, are allocated significantly fewer members than stations of similar size in affluent, historically white areas, while we are faced with extraordinarily high levels of violent crime. This contributes to the poor service delivery that the community members of Nyanga have to live with every day.
41. The theoretical and actual allocation formulae utilised by SAPS have been discussed in detail in the First Applicant's founding affidavit – I will therefore not repeat these, as this will unnecessarily burden the papers. For ease of reference I refer the Court to Part V of the founding affidavit which should be read as incorporated in this affidavit.
42. It is submitted that the most basic question with regard to human resources is: Are there enough officers at the Nyanga Police stations? There is some disagreement about the adequacy of the allocation of human resources in

Nyanga with the SAPS provincial management arguing that Nyanga has been allocated the full component of the RAG. We submit that this is not the case and even if it were so, these allocations are grossly inadequate, given the high level of contact crimes, particularly murders in Nyanga.

43. The lack of adequate resources in Nyanga has been documented in a number of reports that I provided to this Court in the application for Nyanga CPF to intervene in this matter. The information that I rely on in this affidavit in relation to the shortage of resources at the Nyanga Police Station comes from my own experience, the reports previously provided in the intervention application, and the reports I am attaching now.

43.1. Police Oversight Report of 2012/2013, attached marked **MM4**.

43.2. Analytical report on the Oversight visit conducted by the Portfolio Committee on Police to the Nyanga and Philippi Stations dated 24 August 2014 attached marked **MM5**.

43.3. Policing Priorities and Needs of Nyanga Cluster Report for the 2015/2016 period already attached to the application to intervene as **MM1**.

43.4. A report of the Portfolio Committee on Police Oversight, dated 31 October 2014, compiled after the Portfolio Committee conducted a visit to Nyanga Station on 27 August 2014. The report is attached as

MM7 to the founding affidavit in the intervention application;

43.5. The Portfolio Committee on Police Briefing Report, dated 10 September 2014, drafted following the oversight visit to Nyanga Police Station, attached marked MM8 to the founding affidavit in the intervention application;

43.6. The briefing, on 10 September 2014, by the then Provincial Commissioner on the Nyanga Oversight visit – attached marked MM9; and

43.7. The Nyanga CPF Presentation to Portfolio Committee of 12 April 2016 – attached marked MM10 to the founding affidavit in the intervention application.

44. Nyanga Police station is a Brigadier level station with a satellite station in the Samora Machel informal settlement. Nyanga station has three heads of component, namely VISPOL (meaning visible policing) head, Detective Branch head and Support head.

45. Nyanga station is also responsible for policing Crossroads, Browns Farm, Samora Machel and Zwelitsha informal settlements. Nyanga precinct is currently divided into six sectors serviced by one fully fledged Brigadier Station. The sectors are divided as following:

- 45.1. Brown's Farm
- 45.2. Old Cross road
- 45.3. Nyanga East

- 45.4. Sweet Home Farms
- 45.5. Heinz Park
- 45.6. Samora Machel

46. It was noted in the Police Oversight Report of 2012/2013 that the ideal number of sectors for Nyanga should be 10, as the precinct of Nyanga consists of about 25 square kilometers that includes Nyanga, Cross Roads, Sweet Home Farms, Samora Machel, Browns Farm and Heinz Park.

47. The lack of human resources was highlighted in group discussions that were held when the Department of Community of Safety engaged with the community of Nyanga, in the development of the Policing Priorities and Needs of Nyanga Cluster Report for the 2015/2016 period (**the Cluster Report**).

48. The lack of adequate human resources was identified as a key concern for Nyanga in the Cluster Report, which specifically states that:

Organisational concerns include a shortage of human resources in the SAPS. Although there are some new recruits at police stations, it will take two years before they are fully trained. In the meantime, police officials are leaving the Service. SAPS need to find effective ways to manage with limited resources. Duty arrangements and absenteeism create a drain on existing human resource allocations at police stations. [Page 31].

49. When the current Nyanga CPF executive took office in around 2014 we identified some key challenges in Nyanga which negatively impacted on

policing at community level. As the CPF we have engaged the local police management, Provincial Management and National Management about the plight of crime and policing in Nyanga, without any significant success.

50. Some of the issues we have engaged with SAPS include:

50.1. That the Nyanga Station is a dumping ground for poor performers.

50.1.1. This was the perception of the Nyanga CPF because a number of unwanted police members from other stations are deployed to Nyanga.

50.1.2. This perception of Nyanga was confirmed by the previous Provincial Commissioner, Lamoer, in his presentation to the Portfolio Committee of Police when requested to respond to the findings of the oversight visit in annexures MM9 of the application to intervene.

50.2. The allocation of resources to the Nyanga station, especially (this information was compiled by the CPF during our annual general meeting in 2013):

50.2.1. The capacitation of the Crime Intelligence Office (**the CIO Office**). The CIO office should analyse crime information and

advise the station commander and management on strategies to address crime in relation to their crime analysis. The current post structure is unclear since the structure for the CIO office is not reflected on the resource Allocation Guide of the station. To my knowledge, this office in 2013 lost Lieutenant Colonel Masiza who was transferred to Crime Intelligence without replacement; Warrant Officer Dlepu was promoted to Captain Level at Milnerton and was not replaced; and Sergeant Mxokozeli was transferred to Bishop Lavis without replacement. These transfers left the office with three members, which severely compromised the ability of the station to analyse crime.

50.2.2. The Capacitation of the Management Information Office (**MIO Office**) which assists the Station Commander in monitoring the implementation of the strategic planning of the station. In 2013 there were two posts vacant, a Lieutenant Colonel and a Warrant Officer.

50.2.3. The Command and Control Office had only 10 warrant officers that could be utilised by VISPOL in 2013. The warrant officers are utilised as second in command at the relief shift at the satellite stations, at the Child Protection Unit (CPU), and two are deployed as sector commanders. At least 5 of these warrant officers do not have capacity to command a Community Service Centre (CSC) relief. The appointment of these warrant officers hinders service delivery and discipline as they cannot command senior officials. The CPF has suggested that it is necessary to exchange the warrant officers with experienced members from other stations.

50.2.4. Addressing the needs of all the Sectors, especially sectors 3 (Browns Farm) and sector 5 (Samora Machel). In 2013, Browns Farm needed 8 additional members per shift which means 32 members to cover the four shifts of patrolling. In 2013, Samora Machel needed 4 additional members per shift

which means 16 members to cover the four shifts of patrolling.

50.3. When I was appointed Chairperson of the CPF and took office together with the new executive of the CPF in 2014, it was reported that VISPOL had 48 vacancies and the Detective Branch is in need of 10 investigators. This was re-emphasized by the then Police Commissioner Lamoer during his presentation on the 10th of September 2014 in the National Portfolio Committee. We are still not clear whether these vacancies were filled accordingly with members with the requisite experience or not. In the recently held *imbizo* in Nyanga, SAPS promised the community in attendance 60 more members at the beginning of December 2016. As to what experience these members will have and whether they will actually be deployed to Nyanga will remain to be seen.

50.4. The allocation of extra members to the Philippi Browns Farm satellite station.

50.5. The construction of a planned second police station.

50.6. Deployment of specialised units at Nyanga station.

51. In the next paragraphs I address the irrational and discriminatory allocation of resources under the following four headings:

51.1. Leadership of the station

- 51.2. Staffing generally;
- 51.3. Detectives; and
- 51.4. Police to population ratios.

Leadership of the Station

52. As the CPF we have argued that there is a need to have a deputy station commander who will relieve the burden currently being carried by the Station Commander and perform certain routine tasks. The CPF therefore suggests that a competent and experienced deputy station commander be appointed, which will go a long way in allowing the Station Commander to concentrate on priorities and strategic management of the station.

53. Additionally, as a CPF we have found that Shift Commanders who have worked at the Nyanga station and have worked with violent crimes over a long period of time, have become desensitised and have therefore lost a sense of urgency and motivation. This is worsened by fatigue. As such, as the Nyanga CPF we have recommended that there be a rotation of Shift Commanders working in Nyanga after 4 years, or other suitable periods, to avoid this from happening.

Understaffing generally

54. In the Police Oversight report of 2012/2013, the staff establishment in all components of SAPS (VISPOL, Detectives and Support) was 292 including civilians. The total number of commissioned officers at the Nyanga Station was 37, with two hundred and six non-commissioned officers.

55. It should be noted that commissioned officer is a mid-level officer rank of the police hierarchy in South Africa. The sub-categories of commissioned officers are:

- 55.1. Colonel – This is the highest level in the category of commissioned officers.
- 55.2. Lieutenant Colonel – Takes the command in the absence of colonel, this is a mid-level commissioned officer rank.
- 55.3. Major – Leads the team of captains and lieutenants and subordinate to the category of lieutenant colonel.
- 55.4. Captain – A rank higher to lieutenant.
- 55.5. Lieutenant – Lowest rank in the commissioned officer category.

56. Whereas non-commissioned officers are the lowest category in the police, in the following categories:

- 56.1. Warrant Officer;
- 56.2. Sergeant – The mid-level non-commissioned officer ranks and handles the team of constables for law and order.
- 56.3. Constable – The lowest level rank in the police.

57. In the 2012/2013 oversight report, it was recommended that:

24
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- 57.1. The three vacancies in Human Resource Management should be filled;
- 57.2. Within sector policing, additional personnel based on the fact that Nyanga was the murder capital in the country.
58. In 2014 Nyanga Station had 292 allocated staff members with 285 actual members. 30 staff members have either been transferred, received promotions or resigned. 10% of the members take leave over weekends, and 5% of the members work on night shifts. There were 19 visible policing unit members that were working elsewhere as a result of transfers and promotions.
59. In 2014 during an oversight visit, the Portfolio Committee found that there was a shortage of detectives which was attributed to the fact that some of the Nyanga detectives were stationed at other units and have not been replaced. Some detectives were seconded to other units including South African Social Security Agency, the Taxi Violence Unit, the Tactical Response Team and the Operational command centre.
60. The new upgraded Resources Allocation Guide (RAG) puts the total allocated staff at 293 with 93 detectives on the fixed establishment.
61. The Committee noted that the station recently experienced a problem with sick leave of detectives when many of them took sick leave within one week, creating problems for the investigation of cases.

62. Following this visit the Committee made a number of recommendations. One of the recommendations was that the Provincial management must allocate more members to the Nyanga station.

63. The Nyanga CPF forwarded correspondence to the Provincial Office highlighting the shortages in the support components of the station. At the time when we sent the correspondence [in year], the shortages were 50% for Human Resource Management, 33% for Supply Chain Management and 33% for Finance. The Provincial office informed us that they would advertise the posts, which did not happen. Accordingly, the CPF sent additional correspondence asking the Provincial Management to fill these posts with members from other stations that could spare such members.

Detectives

64. It is worth noting that the Detectives branch unit of Nyanga Station is located at Group 40 building in Eiseleben Road, which is roughly 2km away from the Nyanga police station itself. This results in obvious inefficiencies and adversely impacts on service provision.

65. According to SAPS in many of their annual reports, detectives serve to facilitate the investigative work of the South African Police Service, including providing support to investigators, in terms of forensic evidence and the Criminal Record Centre.

66. The 2010/2011 Annual report of SAPS states that the strategic objective of the detective services within SAPS is to contribute to the 'successful prosecution of crime, by investigating, gathering and analysing evidence, thereby increasing the detection rate of priority crimes.' It goes on to state that the Detective Services Programme encompasses four sub-programmes:

- a. *Crime Investigations accommodate detectives at police stations, who investigate crimes of a general nature.*
- b. *Specialised Investigations provides for the prevention, combating and investigation of national priority offences including the investigation of organised crime syndicates, serious and violent crime, commercial crime and corruption.*
- c. *The Criminal Record Centre provides for an effective and credible Criminal Record Centre/Local Criminal record Centre service in respect of crime scene management/processing and the provision of criminal history and related information.*
- d. *The Forensic Science Laboratory funds forensic science laboratories, which provide specialised technical analysis and support to investigators regarding evidence.*

67. As the Khayelitsha Commission noted, 'Within the detective services there are four parameters that are measured: the detection rate, the cases to court rate, the conviction rate and the "ready" rate. Some of the parameters are scored on the basis of national targets. So, for example, in respect of crime prevention there is a national target to reduce some crimes between 4% and

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7% annually and the extent to which that is achieved is scored on the performance chart.' [Page 60]

68. At the time of the visit of the Portfolio Committee in 2014 it was found that the remaining detectives were investigating 10 643 cases being investigated. The Police Portfolio Committee during its oversight visit found that Nyanga had sixty-three (63) detectives allocated, yet the Station required at least 71 detectives. The number of detectives had actually decreased as the 2012/13 Police Oversight Report noted that there were 68 detectives at the Station. The Committee, during its oversight visit, stated that the new upgraded Resources Allocation Guide (RAG) puts the total allocated staff at 293 with 93 detectives on the fixed establishment. I remind the Court that the documents related to the Portfolio Committee Oversight visit and reports tabled following the visit are attached to the founding affidavit in the application for intervention as MM7 – MM10.
69. The Portfolio Committee found that, of the allocated detectives, seven had either been transferred, received promotions or had resigned, and yet they were still on the staff establishment.
70. The remaining 56 detectives were investigating 9 000 dockets. The Committee, during the oversight visit, was informed that because of the massive shortages, detectives at the Nyanga Station manage high numbers of dockets.

70.1. The Committee was informed that detectives with the most dockets were investigating 600 cases each. In

the Police Oversight report of 2012/2013 it was reported that the highest case load carried by a detective was 930 dockets.

70.1.1. The Police Oversight Report noted the branch Commander informed them that the 930 dockets were a combination of serious individual dockets.

70.1.2. The 930 dockets were carried by a detective who is a project leader for purposes of "control and co-ordination."

70.2. The officer with the fewest, assigned to a specialised gang project, carried 45 dockets. In the Police Oversight report of 2012/2013 it was reported that the lowest case load carried by a detective was 2 dockets.

71. During the oversight visit of Nyanga Station, the CPF informed the Portfolio Committee that we had engaged with the office of the Provincial Commissioner about the detectives who had been booked off sick and they undertook to investigate and get back to the CPF. We did not receive any feedback on this.

72. The Portfolio Committee was also informed by the then Acting Station Commander that *'the head of detectives did not take up his post after his appointment as he had applied for leave at the Delft police station where he was stationed prior to him coming to the station. He did report to the Nyanga*

Station Commander to inform him that he was on leave and will take up his post when he returns from leave.'

73. The Acting Station Commander also informed the Portfolio Committee that the

'shortage of detectives was attributed to the fact that some of the Nyanga detectives were placed at other units and have not been replaced. Some of the detectives have been seconded to other units such as the South African Social Security Agency (SASSA), the Taxi Violence Unit, TRT and the Operational command centre. There are also twelve others who have left the station through retirement, death and promotion who have never been removed from the staff establishment. They are in the process of having these individuals removed from the establishment.'

74. The Committee oversight visit concluded that Nyanga Police Station had inadequate detectives allocated to it and recommended that 15 additional detectives be allocated to the station.

75. The Police oversight report of 2012/2013 reported that:

- 75.1. 23 395 offences were reported to the Nyanga Station;
- 75.2. 34 261 were brought forward;
- 75.3. 15 073 cases were taken to court;
- 75.4. 2304 were withdrawn at court;
- 75.5. 1345 resulted in convictions.

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76. I am informed that the South African Law Commission (now South African Law Reform Commission) Research Paper 18 on Conviction rates and other outcomes of crimes reported the following in eight South African police areas:

'From the perspective of a victim of crime, it makes no difference if the system fails them at the stage of the police investigation, the prosecution in court or because of a disjointed interaction between the two. It is therefore important to measure the effectiveness of the criminal justice system as a whole rather than artificially isolate its constituent elements. For this reason, it is useful to measure the numbers of convictions compared with the number of cases reported to the police to get a sense of how effectively the police and prosecution authority work together to hold perpetrators of crime accountable for their actions.'

77. From this context then, of the 23 395 reported crimes, 1345 cases resulted in conviction, which means only 5.7% of the reported cases resulted in a conviction. While it is acknowledged that this also points to a poor criminal justice system, it also points to poor detective work, and we submit that this is seriously impacted by the number of cases that each detective is carrying.

Police to Population Ratios in Nyanga

78. I am advised that according to the SAPS Strategic Plan (2014 – 2019) the United Nations average police to population ratio is 220:100 000. South

Africa's police to population ratio is 279:100 000. That translates to roughly one police officer for every 358 citizens.

79. According to the expert evidence of Jean Redpath, Nyanga has only 143.82 police officers: 100 000 people (1 police officer for every 695 people). That is the third lowest in the Western Cape, after Harare and Lwandle. It is significantly below the average allocation of 283:100 000.
80. In the Western Cape there are 40 police precincts with a police to population ratio that is above the United Nations' norm and 76 that are above the SAPS police to population ratio.
81. Critically, nine of the ten stations with the highest number of murders in the Province have police to population ratios of more than 1:450 and Mitchells Plain has a police to population ratio of 1:438. These stations are:

- 81.1. Harare,
- 81.2. Nyanga,
- 81.3. Delft,
- 81.4. Mfuleni,
- 81.5. Kraaifontein,
- 81.6. Gugulethu,
- 81.7. Khayelitsha,
- 81.8. Philippi East, and
- 81.9. Bishop Lavis

82. All of the areas for which these stations are responsible are inhabited by mostly black people (African and coloured) of low income and have high contact crime rates. The Khayelitsha Commission came to a similar conclusion after analysing police to population ratios in 2014. The Commission noted that the fifteen police stations with the lowest police to population ratios were all socially disadvantaged areas and many of them with a high level of crime. The Commission therefore concluded that:

'The residents of the poorest areas of Cape Town that bore the brunt of apartheid are still woefully under-policed twenty years into our new democracy and are often the police stations with the highest levels of serious contact crime.' [Page 449]

83. Nyanga is an example of a poor area seriously affected by contact crimes.

84. In addition, half of the police stations in the Western Cape are operating at less than the average for the national police to population ratio of 1:358. Most of the stations under the ratio of 1:358 are in socially disadvantaged communities inhabited by black and coloured persons.

85. Even if the theoretical allocation is considered, Nyanga is the second worst resourced police station in the province. It would then have a ratio of 205:100 000 – still significantly below the national average. That is despite the fact that Nyanga has some of the highest serious crime rates, especially murder, in the entire country.

86. There is no doubt that lack of human resources affects the ability of the police to carry out their mandate.

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87. Jean Redpath stated in her expert testimony before the Khayelitsha Commission (which forms part of her evidence in this application) that if murder was used as the determining factor in the allocation of resources, the number of police personnel allocated to an area should be roughly 8.3 times the number of murders which occur in the area. The number of murders generally increases with population. On this basis Nyanga with 300 murders would be allocated 2 490 police personnel. Instead, it has only 292 allocated members.

Effect of under resourcing

88. The effect of the serious shortage of resources allocated to Nyanga compared to privileged areas in Cape Town is serious. Crimes cannot be investigated or prevented. There are serious delays in responding to urgent calls to the police station – sometimes those calls are not answered at all. As a result, people in Nyanga do not feel safe. People do not trust the police. Indeed, the rates of contact crimes are likely to be far higher in Nyanga than the crime statistics suggest, because the rate of under-reporting is so high.

89. There is a clear pattern in the allocation of police resources within the Western Cape, which unfairly privileges rich, historically white areas, over poor, historically black and coloured areas. The distribution of resources is not only discriminatory, it is irrational, because the areas with the highest burden of crime are afforded the fewest police per population.

90. In addition to the unfair distribution of resources within the Western Cape, the evidence shows that the Western Cape is amongst three provinces that receives an allocation of members that is significantly below the national average, evidenced by the testimony of Brigadier Rabie in the Khayelitsha Commission [Pages 5318 and 5321]. Brigadier Rabie's testimony has already been attached to the founding affidavit of Phumeza Mlungwana. Brigadier Rabie estimated that 94% of established posts in the Western Cape are filled, compared to an average of 106% nationwide. Some provinces are staffed up to 125%. I refer the court to page 5318 of the same testimony.

91. The Khayelitsha Commission was informed by Brigadier Rabie (page 5318) that SAPS initiated a normalisation project to address the problem of unequal resources. In 2012, 60% of incoming constables were assigned to the Western Cape to attempt to address the problem. However, as Brigadier Rabie acknowledged: "*if you take into account the analysis that we've done it is obvious that [the Western Cape is] lagging behind in terms of getting [it] on par with the other province*" [page 5325 of the testimony].

V. STEPS TAKEN BY THE NYANGA CPF RELATING TO THE ALLOCATION OF UNEQUAL HUMAN RESOURCING IN NYANGA

a. 2012 Letter to the Safety and Security Standing Committee

92. Though this letter was written in my personal capacity, it was informed by my experience as a member of the community of Nyanga, as well as the Nyanga CPF. In this letter I noted that the concerns hindering policing in Nyanga

were a poorly resourced detective branch, lack of a specialised detective team to work on murder and attempted murder docket cases in gang related violence cases since 2006, and the absence of a well-managed Community Service Centre. This led to a number of developments highlighted below. This letter dated 18 April 2012 is attached hereto marked **MM6**.

b. Nyanga Community Safety Initiative

93. The Nyanga CPF has on numerous occasions engaged with the Minister of Police, the National Police Commissioner, Provincial and local levels of government regarding, among other things, the lack of resources in Nyanga police station. I shall set out some of the attempts that the CPF has made, from 2014 to date, in its effort to improve the resourcing of the Nyanga Station.

94. On 21 July 2012, the Nyanga Summit was held at Zolani Centre. The Nyanga Summit was the brain child of the Minister of Community Safety to provide local community members a space and opportunity to raise and suggest solutions to address safety and security in their areas, and contribute towards increasing safety in the province.

95. Nyanga CPF was one of the attendees and presenters at the Summit, together with the Western Cape Government, National Governments (Department of Justice, Correctional Services, SAPS, Social Development and Culture and Sports), City of Cape Town, and the Independent Complaints Directorate.

96. The underlying purpose of this summit was to provide local community members with an opportunity to raise and suggest solutions crucial to addressing safety and security in their areas and ultimately the province.

97. SAPS members were present and gave accounts of their experience of crime and policing in Nyanga. Some of the factors highlighted included:

97.1. the role played by SAPS in ensuring that every community is safe;

97.2. how resources are deployed to Nyanga Police station;

97.3. that Nyanga station was one of the 23 priority stations in the Western Cape;

97.4. Nyanga was the murder capital of both the province and the country; and

97.5. Brown's Farm Sector 3 had been identified as a problematic area in Nyanga (and is still a problematic area in 2016).

98. Some of the key challenges of Nyanga highlighted at this summit included high crime rates, exacerbated by alcohol use, and informal settlements that hinder police visibility. These challenges were compounded by the conduct of police, leading to communities repeatedly complaining about poor SAPS response times.

99. Nyanga CPF also presented at the summit, with a view to highlight some of the social problems that hinder policing in Nyanga. Some of these challenges included:

- 99.1. Lack of community cohesion;
- 99.2. Lack of civil responsibility;
- 99.3. Organisational bankruptcy where the civil institutions in Nyanga are perceived as weak, short-sighted and lacking in vision;
- 99.4. Nyanga is a community in transit as some residents have not been living there for long;
- 99.5. Unregulated informal settlements;
- 99.6. Gangs.

100. These were raised in order for stakeholders to understand the social context of Nyanga when developing safety intervention plans so as to ensure that these interventions do indeed bring change to Nyanga.

c. June 2012 Imbizo

101. On 19 June 2012 an *imbizo* was held at Zolani Centre in Nyanga. The *imbizo* was initiated by the Provincial SAPS to have an opportunity to engage with the Nyanga Community on service delivery challenges. Nyanga CPF attended the pre-meeting for the *imbizo* where the Provincial SAPS management was told that, among other things, Nyanga police station needs more resources to be able to improve service delivery of the Station. It was at this meeting where the then Provincial SAPS Commissioner Lamoer noted

that Nyanga station had an over-supply of resources and he committed to re-look into the issue relating to the resource allocation. A report of this *imbizo* is attached marked **MM7**.

d. January 2013: Letter to National Commissioner of Police

102. Following the *imbizo*, on 24 January 2013 a letter was addressed to the then National Commissioner of Police, General Phiyega. In this letter the Nyanga CPF gave a brief description of Nyanga Station, breakdown of sectors, population, and the high levels of crime among other things.

103. This letter focused specifically on the issue of the resource allocation to the Nyanga Station. It had been stated at the 19 June 2012 *imbizo* mentioned above that Nyanga station was at that point fully staffed according to the resource allocation guide. The CPF in this letter informed the National Commissioner that it seriously disputed this allegation and asked the National Commissioner to (in relation to human resources):
 - 103.1. Commission a work study/appoint a team from National office to assist in determining if this was indeed the fact and, if not, how it was going to be rectified with clear timelines;
 - 103.2. Deployment of specialised units to Nyanga station i.e. FCS, TRT and Dog Unit;
 - 103.3. Availability of photographers, crime scene experts and other related units when needed;
 - 103.4. Re-prioritization of construction of the police station in Samora Machel.

104. A copy of the Nyanga CPF's letter is attached marked **MM8**. There was no response to it.

e. May 2014: Meeting with SAPS Provincial Management

105. In May 2014, 17 detectives were booked off on sick leave and there were steps taken towards taking disciplinary action against them. The Nyanga CPF intervened arguing that the detectives were absent because they were over-worked and demoralised due to their complaints not being attended to.

106. This led to two meetings with SAPS provincial management on 17 and 28 May 2014. One meeting was led by Acting Provincial Commissioner Major General Burger and the other meeting led by General Molo in his capacity as Head of Detectives in the Province, where the following were discussed (among other things):

106.1. The RAG reviews leading to the fixed establishment process.

106.2. The Provincial SAPS insisted that Nyanga Station had enough personnel but stated that Province will relook at the allocation, and compare the quality of service to the number of personnel. As the CPF we did not agree that Nyanga station had enough personnel.

f. July 2014: Engaging with Portfolio Committee on Safety and Security

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107. In July 2014 the CPF engaged with the Chairperson of the Portfolio Committee of Safety and Security about the policing situation in Nyanga. This engagement led to the CPF being invited to sit in parliament on or about 10 September 2016 while General Lamoer presented his response to the parliamentary oversight visit described below and we were afforded an opportunity to engage with his presentation.
108. The CPF also engaged with Parliament on 27 August 2014 during their oversight visit to Nyanga Police Station, where we informed the Portfolio Committee on Police about the lack of resources to the station. The Tabled report dated 31 October 2014 is already attached as MM7 to the founding affidavit. To avoid unnecessarily burdening the Court I will not attach this report but simply refer to it. I refer to paragraph 2.1.2 of the report, which highlights the information we presented during the engagement with the Portfolio Committee during their oversight meeting, and request that it be read as if incorporated into this affidavit.
109. Following this visit the Committee made a number of recommendations. One of the recommendations was that the Provincial management must allocate more members to the Nyanga station.
110. On 10 September 2014, the CPF presented to the Portfolio Committee on Police where we appealed for additional resources to be provided in order to improve service provision by SAPS in Nyanga, including the construction of a second police station in Samora Machel or Browns Farm.

g. October 2014 letter to Minister of Police

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111. On 30 October 2014, a letter was addressed to the office of the Minister of Police. This letter is attached marked **MM9**. In this letter the CPF noted that it had engaged with the SAPS at the provincial level without much success as such it had decided to escalate its concerns to the Minister office.
112. The CPF asked for the Minister to engage with the CPF itself, community organisations, leaders and local SAPS members on additional resources, poor service delivery, high levels of crime in Nyanga East and the request for a second police station to be constructed.
113. There was no response to this letter.

h. April 2016: March and Memorandum to General Jula

114. On 27 April 2016 the Nyanga CPF together with the Community members of Nyanga East held a march that was aimed at voicing the Nyanga community's frustration with crime, especially against women and children being killed in their homes, as well as the quality of policing when these murders occurred in Nyanga, as compared to when they occur in other areas, for example the much publicised murder that occurred in Tokai Forest.
115. Following the march, a memorandum was handed over to Major General Pathekile, Deputy Provincial Commissioner of Western Cape. This memorandum is attached marked **MM10**. In this memorandum some of the demands made included the need to:

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- 115.1. increase the number of police officers by filling all existing vacancies and provide material resources, vehicles and office equipment;
- 115.2. establish as a matter of urgency a multi-disciplinary investigating team to investigate and ensure conviction in all the gang related murders in Nyanga, New Cross Roads and Gugulethu.

i. April 2016 Presentation to Portfolio Committee on Police

116. In April 2016 the CPF presented to the Portfolio Committee of Police on the issues relating to the Nyanga Police Station including the lack of adequate resources for the station. The presentation that was made to Parliament was attached the founding affidavit in the intervention application as MM10.

j. Cluster *Imbizo*

117. In April 2016, the CPF also participated at the Cluster *Imbizo* held at Sinethemba High School in Browns Farm. The issue of inadequate resources for the Nyanga Station and the need for additional members to be allocated to the station were raised with Lieutenant General Jula. Lieutenant General Jula noted, like General Lamoer had before him, that Nyanga had adequate resources in terms of the RAG. As the CPF, we disagree with this, especially considering that the 293 personnel allocated to Nyanga include support staff and those who have departed.

k. On-going meeting with SAPS Nyanga and other stakeholders

118. At a local level the CPF constantly meets with the SAPS every last Wednesday of the month on a monthly basis for joint meetings which are attended by the Station Commander, head of VISPOL and Detectives to discuss some of the challenges faced by Station.
119. The Nyanga CPF has and continues to work with the City of Cape Town in developing the Nyanga Integrated Safety Plan and its implementation. The purpose of the Nyanga Integrated Safety Plan engagements is to ensure that Nyanga SAPS and the CPF work on a joint safety and security implementation plan based on the existing crime map populated by the community structures and the SAPS crime pattern analysis, among others.
120. One of the desired outcomes of the Nyanga Integrated Safety Plan and its implementation was the discussion of the resources of the station. The lack of resources, including personnel shortages, is also highlighted as areas requiring the intervention of SAPS.
121. The CPF summoned the Nyanga station management for a meeting and the CPF specifically asked to put a proposal and submit it to the Provincial office of SAPS. The proposal noted concerns relating to (among other things):
- 121.1. We suggested that Police deployment at the Cape Town International Airport and the Nyanga rail station should assist in crime prevention duties in Nyanga;
 - 121.2. Allocation of graduate students to the CSC under command which would allow CSC members to be included in the shifts;

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121.3. The police officer allocated to the Nyanga rail station to assist with sector policing when the last train has left the station;

122. This proposal was submitted to Province and we have seen some changes, but there are still inadequate resources.

123. It is apparent from the above outline that the CPF has exhausted all available internal remedies to bring the critical question of inadequate resources at the Nyanga Police Station to the attention of the relevant stakeholders. As can be seen from my account above, these efforts have included engaging with the Respondents themselves, with little or no success.

VI. CONCLUSION

124. Section 205(3) of the Constitution requires the Respondents to prevent, combat and investigate crime, to maintain public order, to protect and secure residents and their property and to uphold and enforce the law. For people living in Nyanga, these words are just hollow promises. For many years we have been subjected to a plague of violent crime, which, if it is to be reversed, requires drastic action. Despite the best efforts of the CPF, the Respondents have failed to deal with this epidemic of violence and it has become clear that they are either powerless to do so or resigned to allowing it to continue.

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125. The "business as usual" approach adopted by SAPS is not going to turn around violent crime in Nyanga. As a starting point it is necessary to acknowledge the extent of the crisis we face and that our needs for policing are greater than the needs of those who live in security and comfort. The second step required to deal with the situation is to ensure that the allocation of police resources prioritises those whose need is greatest. The Respondents do not do this, as has been demonstrated by Dr Redpath. It is for this reason that the Nyanga CPF supports the implementation of a Court supervised process which will ensure a rational and non-discriminatory allocation of police resources, as provided for in the notice of motion.

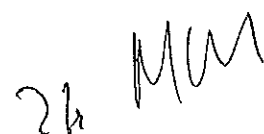
126. I accordingly pray for the orders sought in the notice of motion.



MARTIN MAKASI

I hereby certify that on this 10th day of **OCTOBER 2016** in my presence at **CAPE TOWN**, the deponent signed this affidavit, swore and acknowledged that he:

- a. Knows and understands the contents of this declaration;
- b. Has no objection to taking the prescribed oath;
- c. Considers the oath to be binding on his conscience;
- d. and uttered the words "I swear that the contents of this declaration are true, so help me God."



H. J. W. Hildebrand

COMMISSIONER OF OATHS

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