

**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 CAPE	Fourth Respondent
and	
WOMEN'S LEGAL CENTRE TRUST	Amicus Curiae

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

I, the undersigned,

THULARE SEKHUKHUNE

do make oath and state that:

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1. I am an adult male police officer with the rank of Major General in the South Africa Police Service (SAPS) and hold the position of Component Head: Crime Research and Statistics from 1 March 2015. I am stationed at the SAPS head office in Pretoria and was appointed to guide the SAPS to implement its new approach to information use by *inter alia* assuring that the SAPS police recorded crime statistics complies with the prescripts of "official statistics" as espoused in the South African Statistical Quality Assessment Framework (SASQAF) with the view that they be certified as such by the Statistician General. Such statistics are used inform policy decisions and resource allocation to the SAPS.
2. The contents of this affidavit are true and correct and unless otherwise indicated or clear from the context, fall within my personal knowledge. Where I rely on information provided to me by others, I indicate the source and verily believe such information to be correct and true. Where I make legal submissions, I do so on the basis of advice provided to me by the legal representatives of SAPS, which advice I believe to be reliable and correct.
3. I have read the affidavit of Major General Leon Rabie and confirm the correctness of the contents of this affidavit insofar as it relates to me.
4. I obtained a BSc degree in Mathematics, Physics and Statistics from the University of Limpopo (then Turfloop), then studied for a Master of Statistics from the University of Makerere in Uganda, dissertation is outstanding and

obtained post-graduate diploma (*cum laude*) in Monitoring and Evaluation from the University of Stellenbosch.

5. Prior to joining the SAPS, I worked as a survey statistician for various divisions of Stats SA, including and not limited to economic statistics and the health and vital statistics divisions. I was then appointed in 2003 as a deputy director in the National Statistics System Measurement, standards and capacity assessment division and subsequently as the Manager for the same division in 2009. This role was directly relevant to my current role as I over the period worked across over 22 government departments to help improve the quality of their statistics. An essential outcome of the Stats SA directorship was the creation of the South African Statistical Quality Assessment Framework (SASQAF) and in that role, I oversaw the training and use of this framework in the development of standards covering the entire statistical value chain from the “need” of the data collection processes to the “auditing” phase of the collected statistical data.

6. The purpose of this affidavit is to delineate the manner in which police recorded crime statistics are collected and the standards and processes used to ensure the quality thereof. Secondly, whereas a key contention of the applicants is that policing must be based on population size, the number of murders at a police station and common sense, I demonstrate that despite using a detailed analysis of “how”, “when” and “where” murders take place, additional policing has not been able to reduce the murder rate and the applicant’s hypothesis is thus deeply flawed.



THE COLLECTION, AUTHENTICATION AND ACCURACY OF POLICE CRIME STATISTICS

7. While crime is a social phenomenon and challenging to forecast with accuracy, crime statistics information is critical to enable both proactive and reactive policing and is *inter alia* used to identify emerging crime patterns, hotspots and modus operandi.
8. SAPS's use of crime statistics and crime intelligence is a key component in determining when, where and how police resources are deployed. In this regard, I work in close collaboration with Deputy National Commissioner: Policing, Divisional Commissioner: Visible Policing, Divisional Commissioner: Operation Response Service, Acting Divisional Commissioner: Crime Intelligence, Component Head: Strategic Management. These divisions play the key role in determining the deployment of resources.
9. Since 2011 SAPS has been working with Stats SA to continually improve the quality of processes used to record data for crime statistics purposes. This endeavour culminated in the signing of a Memorandum of Understanding (MOU) between SAPS and Stats SA in April 2015. The MOU is attached hereto as "TS1".
10. Since the coming into effect of the MOU, the Statistician General (SG) constituted a 'clearance committee' to evaluate and authenticate the quality of crime statistics in line with the SASQAF. The main focus of the assessment

was to assess the processes of compiling the crime statistics using selected indicators within the SASQAF dimensions which included methodological soundness, accuracy, comparability and coherence, integrity and timeliness. Each year we have improved the quality of our statistics gathering processes.

11. During the 2015/2016 year, an assessment of the SASQAF dimensions not previously used, that is relevance, accessibility and interpretability were added to the criteria already used by SAPS. The assessment by the SG indicated that the SAPS processes complied with most aspects of the SASQAF quality dimensions. The challenges identified in this process were such that SAPS could effect the necessary improvements without any major difficulty to ensure full compliance in the next annual publication. The SG advised that once all the recommendations have been implemented, SAPS may request a full independent assessment to establish its readiness to produce official statistics in terms of the *Statistics Act 6 of 1999*. In my view, all the requirements have been fulfilled and SAPS will request such an assessment of the data collection processes for the 2016/2017 Annual Crime Report

12. In compliance with a 2016 Cabinet decision to increase the frequency of publication, crime statistics will also henceforth be released on a quarterly as well as an annual basis. This will enable government to monitor key targets, in particular with regard to the reduction of reported serious crimes, as determined by the Medium Term Strategic Framework (MTSF). The quarterly release of crime statistics further enhances compliance with the timeliness

dimension of the SASQAF which, in turn, is derived from the United Nations General Data Dissemination Standard (GDDS).

13. To ensure statistical accuracy firstly SAPS uses official statistics, including when reference is made to the population of an area. Secondly, SAPS only counts recorded crimes - either crimes which were reported to SAPS or detected by SAPS. The inclusion of any other data would be a mere hypothesis which is unsound statistically and at odds with the SASQAF model.
14. SAPS bases its crime statistics on data stored on the Crime Administration System (CAS), the computer system that is used to register, manage, control and keep record of every case docket. The process of data collection and storage is governed by National Instruction 3 of 2011: The Registration of Case Dockets on the Crime Administration System (National Instruction) which is annexed hereto as "TS2" and which sets out in detail how this is to be carried out.
15. The process starts when a docket is opened and the information registered on CAS. The statistics are derived from an administrative data collection process, which includes codes being allocated to each crime category. The crime codes are aggregated into a daily summary of serious crime codes used for crime statistics reporting purposes.
16. The purpose of the National Instruction is to ensure that every case docket and enquiry that is opened for investigation is immediately registered on CAS by

utilizing the SAPS Definitions of Crime Manual and as well as the SAPS Counting Rules on Crime of the South African Police Service. Failure to comply with the National Instruction is a disciplinary offence. The National Instruction must even be complied with at stations that do not have access to the CAS – at these stations reported crime must be registered in the Crime Register and the same procedure with the necessary amendments must be complied with.

17. In summary, the National Instruction clearly details the processes that must be followed by each station:

17.1. When a crime is reported at a police station or to a member on patrol, irrespective where the crime was committed, the member receiving the report must -

17.1.1. interview the complainant and, using the Definitions of Crime Manual, ensure that what is alleged to have happened constitutes a crime and if so, take down an affidavit depicting all the elements of the crime and describe in detail what happened by utilizing the “what”, “when”, “who”, “where”, “why”, and “how” principles;

17.1.2. open a case docket and complete it; and

17.1.3. hand over the completed case docket to the Community Service Centre (CSC) Commander for perusal and registration on CAS.

17.2. The CSC Commander is responsible for the performance of all duties of the CSC and must ensure that *inter alia* a comprehensive affidavit is taken, complainants are not referred to another station and all reports



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must receive immediate attention. The CSC Commander must, with regard to the opening, compilation, investigation and transfer of case dockets, inspect and peruse all newly reported case dockets to personally verify that -

17.2.1. a comprehensive and complete affidavit, depicting the detailed circumstances of the crime and all the elements of the crime is included in the docket;

17.2.2. the correct crime code is recorded on the case docket and utilising the Counting Rules on Crime to determine how many and what charges should be registered on CAS; and

17.2.3. the relevant columns of the SAPS 6 Checklist were properly completed and must certify the correctness thereof by placing his or her signature on the appropriate space of the checklist.

17.3. The CSC Commander must further ensure that -

17.3.1. the contents of the complete docket is electronically scanned on the E-Docket system;

17.3.2. the information relating to the case has been correctly captured on CAS;

17.3.3. complete and detailed information regarding the circumstances of the crime have been correctly captured on CAS;

17.3.4. the case docket has been transferred on CAS to the detective service for further investigation;

17.3.5. that a member of the detective service acknowledged receipt for the docket on CAS;



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17.3.6. a case docket that must be registered and investigated at another police station is, as soon as reasonably possible, transferred physically and on CAS to that station;

17.3.7. if the CAS is off line or not in operation, all newly reported case dockets are recorded manually on a SAPS 441 form, so that the information recorded on the SAPS 441 form can be captured on CAS when CAS becomes operational; and

17.3.8. ensure that the case docket is handed over to the data typist or member responsible for the capturing of case dockets on CAS and that the member or data typist is informed what and how many charges to capture on CAS.

17.4. The Detective Service Centre (DSC) Commander has the responsibility to ensure that -

17.4.1. all newly reported case dockets are effectively and efficiently investigated;

17.4.2. all newly reported case dockets are collected or received timeously from the CSC and that receipt for these case dockets are acknowledged on CAS;

17.4.3. he or she inspects the case dockets personally and provide guidance with the investigation by writing detailed instructions in the investigation diary;

17.4.4. he or she allocates the dockets to detectives performing duties in the DSC, for immediate investigation;



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17.4.5. all crime scenes are immediately visited and that proper investigation and enquiries are conducted on and in the immediate vicinity of the crime scene;

17.4.6. the affidavit of a complainant, victim and witness is obtained;

17.4.7. known suspects are traced and apprehended and that concerted efforts are made to identified and trace unknown suspects;

17.4.8. all possible steps are taken to complete the investigation of newly reported case dockets during the tour of his/her duty;

17.4.9. all case dockets on which the investigation was fully completed and on which there is no further investigation, are physically closed off and correctly adjudicated on CAS;

17.4.10. all other case dockets that require further investigation are immediately and not longer than twenty-four (24) hours transferred to and handed over to the Detective Service Commander for allocation to detectives; and

17.4.11. detailed crime reports are compiled on all serious or sensational reported crimes, that the crime reports are immediately forwarded to the relevant Provincial Nodal Point or War Room and that a copy of the crime report is filed under the "B" clip of the case docket.

17.5. The Management Information Official (MIO) is responsible for the daily CAS audits and the verification of the information captured on CAS with the information contained in the physical case docket. He or she

performs these duties under the direct command of his or her Station Commander. In terms of the National Instruction, the MIO must —

17.5.1. conduct daily CAS audits by utilising the “Daily CAS Audit” proforma form;

17.5.2. verify the information contained in the case docket with the information captured on CAS for correctness and if necessary effect the necessary changes;

17.5.3. ensure that case dockets that were transferred to and from other stations are transferred, received and acknowledged on CAS;

17.5.4. provide the daily CAS audit report to the station commander for discussion and rectification during Station Crime Combating Forum (SCCF) meetings; and

17.5.5. ensure the data integrity of CAS by continuous checking, auditing, updating and rectification of information on the system.

17.6. The Crime Information Official (CIO) is responsible for the daily management, collection, analyzing and interpretation of crime information in the station area. This official should be the “crime expert” of the station and therefore always be knowledgeable about the “what”, “where”, “when”, “why”, “who” and “how” aspects of each priority crime category reported in the station area. The CIO must —

17.6.1. conduct daily case docket analyses and systems audit to collect information regarding reported crime;

17.6.2. compile a Crime Pattern Analysis and Crime Threat Analysis on the reported crimes;



17.6.3. ensure that all crimes are mapped on either the geographic information system (GIS) or a municipal map, in the latter case, with pins or with a marker pen on plastic sheets covering the maps;

17.6.4. ensure that the matrix (spread sheet) linked to the GIS is completed for each identified priority crime of the station. The National Instruction emphasizes that the matrix (spreadsheet) on the GIS should not only be used to link cases, but that it also contains useful operational information for the purposes of crime prevention;


17.6.5. ensure that a complete and correct map of crime is always available on the GIS and to report any problems/mistakes immediately to the station commander;

17.6.6. identify flashpoints or hot spots in the station area on each category of crime; and

17.6.7. establish the relationship between the flashpoints or hot spots and certain geographical features (e.g. highways, open areas or patches of veld, the location of train stations, taxi-ranks, shebeens, taverns, nightclubs, etc.).

17.6.8. (4) The CIO also must do field work and this includes –

17.6.8.1. visiting flashpoints or hot spots at peak times of occurrence of identified crimes to identify environmental factors (both physical and social) that may cause or be conclusive to the specific crime being committed in that area. Photographs of these features



must be taken to be presented during the briefing of the Station Commander during Station Crime Combating Forum (SCCF) meetings;

17.6.8.2. interview people at these flashpoints or hot spots (as well as victims and witnesses) to determine why these localities are conducive to these specific crimes. The interviewing of victims, witnesses and other persons a few days after the incidents could reveal an additional wealth of information;

17.6.8.3. visiting of crime scenes that are possibly linked to any series of crimes that were identified through linkage analysis;

17.6.8.4. interviewing all the investigating officers of a crime series in order to alert them regarding possible linkages of their cases and to obtain more details and information which could serve to confirm or deny the linkages between specific cases; and

17.6.8.5. interviewing of suspects or suspects already in custody, within the constraints of the law and in consultation with the investigating officers.

17.6.9. The CIO must also brief members on shifts or reliefs (both in the CSC and on patrol duties) before they report on duty and debrief them when they report off duty. The briefing sessions must include information pertaining to flashpoints or hot spots and peak times of occurrence of the identified crimes. It should also focus on commonalities or common characteristics of cases and descriptions of suspects and suspicious vehicles. The National

Instruction requires that the CSC personnel must be present in order to address problems that the CIO experiences with the correctness and completeness of the capturing of crime information on CAS.

17.7. The Detective Service Commander (DSC) is responsible to ensure that an effective and efficient investigation of crime service is rendered at the station and must –

17.7.1. ensure that detectives performing duties at the DSC timeously receive and acknowledge newly reported case dockets from the CSC;

17.7.2. ensure that all newly reported case dockets are promptly investigated and that all attempts are made to finalize the investigation of these dockets during the preliminary investigation phase;

17.7.3. receive case dockets for further investigation from the DCS and the allocation of these case dockets to detectives in the investigation sections for further investigations;

17.7.4. conduct twenty-four (24) hour inspections on case dockets to ensure the speedy investigation and compliance with instructions in case dockets;

17.7.5. complete the relevant columns of an authorised checklist, the updating and verifying of information on CAS for correctness and

to place his or her signature on the appropriate space on the checklist in the case docket;

17.7.6. close case dockets on which the investigation is finalized and the correct adjudication on CAS of all these closed case dockets; and

17.7.7. brief the Station Commander during SCCF meetings on newly reported crime and the status of the investigation of case dockets.

17.8. Finally, at station level, the Station Commander is responsible and remains accountable for the correct registration and transfer of case dockets and for the effective investigation of all case dockets under investigation at his or her station. The Station Commander must ensure that the Occurrence Book and the Information Book is not used for the registration of criminal cases and that all crimes reported at his or her station are only recorded and captured on CAS (or on form SAPS 441 when the CAS is offline).

18. More recently, to enhance the current quality checks, Crime Information Management and Analysis Centre (CIMAC) managers at station level are tasked to continually conduct intensified quality checks on daily reported crimes. This process is monitored and evaluated from provincial and national levels through monthly and quarterly quality checks to improve the collection of reliable and comprehensive crime statistics. In addition to this process, the clearance committee will, in accordance with the MOU between Stats SA and the SAPS, assess the quality of crime statistics utilizing the SASQAF before



each annual release of such statistics. Previously the assessment of crime statistics relied on the process of compiling the crime statistics, using selected indicators of the SASQAF dimensions, namely methodological soundness, accuracy, comparability and coherence, integrity and timeliness. Since the 2015/2016-year relevance, accessibility and interpretability were added to these requirements to ensure that the crime statistics proceed from national statistics towards qualifying as official statistics and meeting the minimum quality standards required.

19. The statistics used are based on the 'Counting Rules on Crime of the South African Police Service' and as such SAPS statistics represent the number of crime charges or counts and not the number of registered docket. The docket is the source document for recording an offence and a case docket can contain a single count of a particular offence or multiple counts of an offense or several offences. The offences moreover can involve one victim or complaint or multiple victims. Where multiple offences are committed during a single crime incident, each offence will be recorded in addition to the primary offence. These additional counts also form part of the crime statistics.

20. The Standards and Compliance Unit in my component continually develops standards, policies, procedures and standard operating procedures to ensure that the crime statistics are recorded accurately. By means of an example if cases are investigated and the evidence collected suggested that the crime did not occur, such cases are closed as unfounded. In terms of the policy



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developed to ensure accurate statistics, the unfounded cases will thus be excluded from the crime statistics published annually.

21. Furthermore, the Crime Quality Assurance Unit further facilitates the accuracy of the statistics by auditing the statistics at the station level and this includes spot checks at police stations. I attach as "TS3" an example of a quality assurance check inspection currently in progress in the Western Cape.
22. The data stored on the CAS system is accessible at both the provincial and national level and is normally used to deploy for operational purposes and special interventions like Operation Festive Season and Operation Paseka amongst others.
23. At the provincial level this data together with crime pattern analysis, amongst other factors is used to prioritize policing in the province. This data is also used to determine where special units of the SAPS needs to be deployed for a specific operation or for longer periods. This data also assists a Provincial Commissioner to determine how resources are to be deployed to police stations across the province in terms of section 12 of the *South Africa Police Service Act 68 of 1995*.
24. At the national level, the data collected and loaded on the CAS is analyzed and forms an essential component in the computation of the THRR and actual allocation of SAPS members and resources to a province.



25. On a monthly basis crime statistics are shared and discussed at the National Crime Combating Forum (NCCF) which is chaired by the Deputy National Commissioner Policing. At this meeting strategies and interventions are developed to ameliorate crime combating initiatives. From these interactions, additional deployments are assigned to different operational divisions to either provide additional information pertaining to observed increasing patterns and to develop strategies to combat undesirable trends.
26. Crime statistics are also discussed at various quarterly strategic sessions of the various operational divisions to help these divisions monitor, plan and improve their intervention strategies. Amongst these are visible policing, detective services and crime intelligence.

THE IMPACT OF CRIME INTELLIGENCE AND STATISTICS ON MURDER AND OTHER VIOLENT CRIME

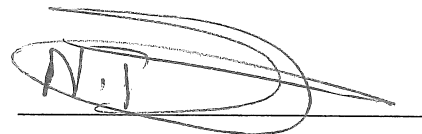
27. A key contention of the applicants is that policing ought to be based primarily on a population: police ratio, that areas with higher murder rates must be provided with additional police personal as the incidence of murder correlates with other incidents of violent crime and that in the alternative, a common-sense approach needs to be used. This is too blinkered an approach and is not feasible as it does not address and consider the underlying roots causes of the phenomenon of crime.



28. I am advised that the affidavits of other SAPS officials demonstrate clearly the extent to which additional resources have been added to areas such as Lingelethu-West, Khayelitsha, Harare and Nyanga since the Khayelitsha Commission made its findings. These further affidavits will also show the extent to which the recommendations of the Khayelitsha Commission have been complied with.
29. Despite the aforementioned, the incidence of murder has increased or remained at the same high levels despite the increased police resources to these police stations. I attach herewith as "TS4" the annual reported crimes for Lingelethu-West, Khayelitsha, Harare and Nyanga for the period 2010 to 2016.
30. It is also significant to note that the incidence of murder remained the same or increased notwithstanding the detailed analysis of where murders took place, the day of the week, the time-period and even which instrument was used in the murder. I attach herewith as "TS5" the analysis and crime pattern for murder, attempted murder, aggravated robbery, sexual offence and assault with intent to commit grievous bodily harm for Lingelethu-West, Khayelitsha, Harare and Nyanga stations for the period April 2015 to March 2016.
31. That the aforementioned occurred despite the increased use of resources to a large part confirms that crime is a social phenomenon and increased policing does not necessarily prevent its occurrence. Thus, while the increase of visible policing in Nyanga over the December 2016 period had an impact on property

crime which decreased, for the same period, contact crime, including murder increased in Nyanga.

32. The above confirms that what Redpath proposes is but a theory of how policing should work, that it has no basis in praxis and that policing is a far more complex phenomenon.




THULARE SEKHUKHUNE

I hereby certify that on the 17th day of **FEBRUARY 2017** in my presence at **CAPE TOWN** the Deponent signed this Affidavit and declared that he: -

- (a) knew and understood the contents hereof;
- (b) had no objection to taking this oath;
- (c) considered 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

brenton joseph
member of the cape bar

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