

REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC WORKS, ROADS AND TRANSPORT; COMMUNITY SAFETY, SECURITY AND LIAISON ON THE PRE-TLP OVERSIGHT VISITS CONDUCTED IN THE PERIOD 27 – 30 JANUARY 2015 AT EMALAHLENI LOCAL MUNICIPALITY, NKANGALA DISTRICT

OVERSIGHT VISIT TO THE VOSMAN POLICE STATION

1. INTRODUCTION

The Mpumalanga Provincial Legislature (the Legislature) has a responsibility in terms of Section 118 of the Constitution of the Republic of South Africa, Act 108 of 1996, (the Constitution) to facilitate public involvement in its legislative and other processes. Sections 114 and 133 of the Constitution, read with Rules 218 and 131 of the Rules and Orders of the Mpumalanga Provincial Legislature as amended (the Rules) directs the Legislature to hold the Executive accountable for the exercising of powers and performance of their functions. Therefore, the **Portfolio Committee on Public Works, Roads and Transport; Community Safety, Security and Liaison** (the Committee) regularly conducts public hearings and oversight visits to projects of the Department of Community Safety, Security and Liaison (the department) and Police Stations in the Province; in the various municipalities of the Province.

One of the instruments that enable the Portfolio Committee to execute their mandate is to undertake oversight-visits to Police Stations in the Province.

2. OBJECTIVES OF THE OVERSIGHT ACTIVITIES

The following objectives determined the oversight visit to the Vosman Police Station:

- To assess progress made on the challenges raised during the Committee's visit to the Police Station in July 2014;
- To assess the functionality of the Police Station with regards to the execution of its Constitutional Mandate;

- To interact and deliberate on the successes and challenges that Police Stations are faced with whilst undertaking their daily operations and with specific reference to:
 - The implementation of the National Crime Prevention Strategy
 - Overall performance of the Police
 - Implementation of the Employment Equity Act, No 55 of 1998
 - All matters related to the Community Policing Forums
 - Comparative crime statistics
 - Progress on the implementation of the Sector Policing at the Vosman Police Station
 - Working relationship between the SAPS management and the labour unions represented at the Police Station
 - *In loco* inspection with specific emphasis on the holding cells and related matters
- To report all the findings and recommendations to the House for the purpose of informed intervention where needed.

3. METHOD OF WORK

The Committee visited the Vosman Police Station in July 2014 and various challenges were identified during the visit. Amongst the challenges were the following:

- 3.1.** The fact that the Station has been functioning without a permanent station commander since April 2013.
- 3.2.** Lack of proper infrastructure for a Station with more than 251 000 residents in its precinct.
- 3.3.** Infrequent electricity supply that has a negative impact on service delivery. One of the challenges raised in this regard was the fact that dockets must either be taken to the Witbank Police Station to be captured or it has to be kept at the Station until the electricity has been restored.

The Committee compiled a report after its visit in July 2014; where-after the report was tabled in the House and circulated to the South African Police Service (SAPS) in Mpumalanga and the Department of Community Safety, Security and Liaison for implementation of the resolutions captured in the report.

The Committee resolved to visit the Station to see what progress was made since its oversight visit conducted in July 2014.

All relevant stakeholders were informed in time of the visit by the Committee; and stakeholders were requested to report on the progress made on the challenges experienced by the Station.

4. OBSERVATIONS AND COMMENTS

The majority of the relevant stakeholders were present during the visit, namely delegates from the Witbank Cluster, Vosman Police Station, local Community Policing Forum (CPF), South African Police Union (SAPU) and the Police and Prisons Civil Rights Union (POPCRU). However, it was noted that there were no representatives from the Head Office of the South African Police Service (SAPS) in Mpumalanga.

The Committee was disappointed to find that only one of the challenges identified during the oversight visit in July 2014 has been resolved, namely the appointment of Brig M Kheswa as Station Commander.

The Station still operates under very challenging circumstances; the electricity supply is still irregular and nothing has been done to alleviate the lack of proper infrastructure.

5. WITBANK CLUSTER STATION COMMANDER

The Cluster has a total population of around 660 155 residents and is spread over an area of approximately 7130 km². The Cluster consists of six stations, namely Witbank, Vosman, Delmas, Kriel, Ogies and Sundra.

The following is a summary of the matters reported by the Witbank Cluster Commander during the oversight visit:

- 5.1. The Cluster office at that stage consisted of five members; although the Cluster has been allocated 11 members it is operating with a shortage of six members.
- 5.2. The six stations in the Cluster have a total staff complement of 858 members; however, there was a shortage of 99 members.
- 5.3. Although there was a total of 171 vehicles allocated to the six stations in the Cluster; there was a shortage of 56 vehicles in the Cluster.
- 5.4. All stations are accessible by disabled persons; with the exception of the Victim Support Centre in Vosman.
- 5.5. Although all detectives have offices separate from the community service centre where they are able to interview complainants, witnesses and suspects in private; it was noted that the accommodation available to execute this function is not always sufficient.
- 5.6. All stations in the Cluster have Victim Support Centres. These centres are manned by volunteers who are available whenever the need arises. All stations provide volunteers with transport.
- 5.7. There is always a female member available during shifts to assist in crimes against women and children.
- 5.8. Registers to record complaints against police are available at all stations in the cluster. Each complaint is properly registered and investigated; and feedback is given to the complainant as prescribed in accordance with Standing Order 101.
- 5.9. The Domestic Violence Act is properly implemented at all stations in the Cluster. There is a Domestic Violence register in each CSC that comprises of all the relevant documents. All Domestic Violence documents are also available in each CSC vehicle as well as in the vehicles that are used to attend to complaints. The majority of CSC members are trained to deal with domestic violence.
- 5.10. Each station has a Designated Police Officer (DPO) to deal with firearms related matters.
- 5.11. All stations have holding cells and no challenges are experienced in this regard. If the need arises for additional holding cells prisoners are taken to the Bethal Prison in Gert Sibande Region and the Modderbee Prison in Gauteng.
- 5.12. There was only one death in police cells during the previous financial year, namely in the Kriel Police Station.
- 5.13. Although many of the stations in the Cluster have limited space available, all stations have SAPS 13 Stores (exhibits stores). The SAPS 13 Stores for vehicles pose a challenge at most stations since it is difficult to secure these areas properly. The SAPS

13 Stores that accommodate confiscated firearms are available in most stations and the firearms are properly secured. In general, the Vosman Police Station has inadequate space and infrastructure to accommodate the SAPS 13 Stores.

- 5.14. Sector Policing has been established successfully in all stations in the Cluster. All sectors have Sector Managers; Sector Forums are fully functional, meetings are held regularly and proper records are being kept.
- 5.15. Most stations have union representatives who are actively involved in the monthly and quarterly Labour Relations meetings.
- 5.16. The Community Policing Forums (CPFs) are functional in all six stations. CPFs conduct regular meetings and have a good relationship with the Police and communities. The Department of Community Safety, Security and Liaison is very supportive of the CPF's needs and assist where necessary. It was noted that the Cluster CPF also meets on a regular basis.
- 5.17. The safe keeping of dockets is a priority at all stations. Each station has a properly managed docket room where dockets are registered and archived.
- 5.18. The following crimes have been identified as prevalent crimes in the Cluster:
 - a. Murder; Attempted Murder, Robbery Aggravating, Robbery with other weapons including all Trio Crimes (House Robbery; Business Robbery; High-jacking (cars and trucks) and Cash in Transit Robbery; Burglary Business and Residence and Theft and Copper).
- 5.19. The main crime generators are, amongst others, the following:
 - a. Drugs; Liquor; Firearms (illegally carried and legal owned); Illegal Immigration; Public violence; Domestic Violence.

6. VOSMAN POLICE STATION MANAGEMENT TEAM

The VISPOL Commander: Crime Prevention, Colonel NT Mthombeni, led the team from the Vosman Police Station since the newly appointed Station Commander, Brigadier M Kheswa, was on leave at the time of the oversight visit.

The following is a summary of the demographics of the Vosman precinct:

- The estimate population size is 251 651
- The size of the station precinct is 2801 km²

- Geographical background:
 - Formal and informal residence; however, the majority of the area comprises of informal settlements.
 - The types of businesses in the precinct include the KG Mall, various tuck shops operated by foreigners, industrial businesses, mines and farming.
 - About 60% of the area consists of informal settlements where the infrastructure is very poor; and many people are engaged in informal trades.

6.1. Infrastructure

The Acting Station Commander again highlighted the severe challenges faced by the Station in its daily operations; namely the following:

- 6.1.1. There is a severe lack of infrastructure to provide for the needs of the members at the Station.
- 6.1.2. The continuous power failure at the precinct is an ongoing problem and has a negative impact on the daily activities of the station. The only generator available to provide electricity is in a very poor condition since it is not being maintained by the national Department of Public Works. Although numerous correspondences were sent to the Provincial Head Office with regards to the poor condition of the generator there has been no permanent solution up to now.
- 6.1.3. The CSC does not provide for privacy to victims during interviews; and the community must stand during interviews. The CSC is too small for the number of people visiting the station per day.
- 6.1.4. The detectives do not have a sufficient interview room. There is no identity parade facility available. The office space available, compared to the number of detectives, is inadequate.
- 6.1.5. The current crime office poses a health risk for the detectives who occupy it; since the area also houses the station's technology equipment and the PSX Box for Telkom.
- 6.1.6. The archives are accommodated in a garage where the space storage is totally inadequate. Dockets, dating since 1996, are filed in the two single garages. Rain

regularly floods the storage facility; and because the garage doors are without any shelter the storeroom is inaccessible during these times.

- 6.1.7. The current boardroom is an informal wooden structure with limited space and no air-conditioning.
- 6.1.8. The Victim Support Centre is inaccessible for persons who are disabled.
- 6.1.9. The SAP 13 Store does not have enough space available to store the exhibits. There is also no proper shelving to ensure storage of exhibits in formal sequence.
- 6.1.10. Firearms are kept at the Witbank Police Station due to the lack of secure storage.
- 6.1.11. There is a need for a strong room with a proper steel door and safety gate.
- 6.1.12. There is no walk in safe available.
- 6.1.13. Exhibits are kept in two different store rooms, namely in a steel container and in one detention cell.
- 6.1.14. There is insufficient space to store and secure stolen vehicles.
- 6.1.15. There is no fire break around the area where stolen vehicles are kept; and random veld fires pose a danger to the stolen vehicles stored there.

6.2. Crime Profile

- 6.2.1. The main crime generators in the area are foreign businesses, drugs and drug trafficking, and domestic violence / social economic development.
- 6.2.2. The trio crimes are business robbery, house robbery, carjacking / truck hijacking.

6.3. Staff Component

6.3.1. The actual personnel strength is 224; and constitutes as follows:

- Service Centre 47
- Crime Prevention/Vispol 85
- Intelligence 02
- Support Services 13
- Detectives 45
- Civilians 32

6.3.2. There are seven reservists at the Station.

6.3.3. Thirteen critical posts were unfilled at that stage, amongst them two Group Commanders at the Detectives; IMC Commander; DFO; Fleet Manager and a cleaner post.

6.3.4. It was noted that some of these critical funded vacant posts have been vacant for a long period of time and that it impedes on service delivery.

6.4. Training

6.4.1. The Station Commander completed the Station Management Learning Programme.

6.4.2. Although the majority of the detectives completed the Detective Learning Programme; there is a need for other detectives to complete the Introduction to Crime Investigation Course and the Specialised Detective Training Course.

6.5. Disciplinary and Grievance

6.5.1. Only one grievance was lodged in the period January to December 2014; and the matter was resolved.

6.5.2. 26 disciplinary procedures were instituted over the past year.

6.5.3. There was no member suspended without pay at that stage.

6.5.4. One member was suspended for three months due to dealing in drugs; however, the person was back on duty at the time of the oversight visit.

6.5.5. The types of misconduct by members varies but the following constitutes the average:

- Domestic Violence
- Reckless and negligent driving
- Absent from duty without leave
- Fail to take an instruction
- Desert post
- Assault
- Dealing in dagga
- Rape and assault
- Assisting inmates to escape
- Under the influence of alcohol while on duty

- Pointing of a firearm
- Murder

6.6. Leave / Absenteeism

- 6.6.1. The Station reported a high rate of sick leave. There were, for instance, 10 members with less than 10 days sick leave left for the rest of the year; 15 members did not have any sick leave days left for the rest of the year.
- 6.6.2. It was reported that there is an average of six members on sick leave every day. The problematic periods for sick leave are during the Easter period and December holiday.

6.7. Resources / Operational Equipment

6.7.1. The Station reported shortages in the following equipment:

- Handcuffs
- Torches
- Pepper spray
- Hand radios
- First aid kits for vehicles

6.7.2. There is a lack of basic crowd control equipment such as shields and helmets.

6.8. Vehicles

6.8.1. A total of 53 vehicles are allocated to the Station; but there is still a need for 12 additional vehicles.

6.8.2. The ratio of operational personnel to vehicles was reportedly as follows:

- | | |
|---------------------|-----|
| 6.8.2.1. Detectives | 2:1 |
| 6.8.2.2. VISPOL | 5:1 |

6.8.3. The average mileage per vehicle is 200 000 km.

6.9. Victim Support

- 6.9.1. There is a Victim Support Facility available at the Station and it is functional 24/7.
- 6.9.2. There are five female volunteers at the facility; however, they have not been trained yet.

6.10. Domestic Violence

- 6.10.1. The Station has an adequate number of members who are trained in domestic violence matters.
- 6.10.2. The relevant domestic violence documentation is available in each vehicle.
- 6.10.3. The list of all organisations which offer counselling and related support services to complainants of domestic violence is available in the CSC, Victim Support Centre and all Domestic Violence files.

6.11. Holding Cells

- 6.11.1 There were no deaths in custody during 2014; however, there were two escapes in the period under review.
- 6.11.2. Disciplinary steps were taken against the three members who were involved in assisting with the escapes. One member was given a final written warning and disciplinary hearings were still pending at that stage for the remaining two members.

7. COMMUNITY POLICING FORUM (CPF)

The Chairperson of the CPF in the Vosman Police Station reported the following on the performance of the CPF:

- 7.1. The structure has five (05) executive members and the deputy chairperson is an SAPS member.
- 7.2. There are 12 functional sub-structures and it was noted that few needed to be revived.
- 7.3. The CPF meets once per month and proper records are kept of the attendance and of the matters discussed.
- 7.4. The executive members attend the sub-structure and community meetings on a regular basis.

- 7.5. The community remains the main priority and a forum have been established where the community can register complaints.
- 7.6. The Department of Community Safety, Security and Liaison provides the CPF with the required support where necessary.
- 7.7. In-service training for CPF members is conducted when required.
- 7.8. A neighbourhood watch was established in some of the residential areas.
- 7.9. The structure is closely involved in all relevant police activities like roadblocks etc.

8. LABOUR UNIONS

- 8.1. Delegates from both unions were present during the oversight visit, namely SAPU and POPCRU.
- 8.2. Both unions reportedly have a good working relationship with the new Station Commander and his management team.
- 8.3. It was noted that the working relationship between the labour unions and the management team improved significantly since the appointment of the new Station Commander.
- 8.4. Some of the challenges that the Station are faced with were reiterated, namely as follows:
 - 8.4.1. There is only one cleaner and one draughtsman appointed; and the lack of enough cleaners infringes on service delivery since members must clean their own offices.
 - 8.4.2. The irregular supply of electricity and the poor condition of the generator available to the Station pose a serious challenge.
 - 8.4.3. The fact that there is an allocation of 100 dockets per detective makes it difficult to for detectives to do justice to each case.
 - 8.4.4. The existing vehicles allocated to the Station are old and have more than 200 000 km mileage.
 - 8.4.5. The poor condition of the roads in the precinct makes it difficult to provide efficient service to communities.
 - 8.4.6. The poor numbering of houses in residential areas impedes on the response turn-around time.

9. DEPARTMENT OF COMMUNITY SAFETY, SECURITY AND LIAISON

- 9.1. It was noted that the department has a good working relationship with both the Cluster and Station Commanders.
- 9.2. The department provides training where necessary.

10. FINDINGS

After the deliberations, the Committee made the following findings:

- 10.1. It is clear that the Station has a magnitude of challenges that must be addressed without delay; which include the following:
 - a. The lack of proper infrastructure.
 - b. The continuous power failures that impact negatively on the daily activities of the Station.
 - c. The archives and dockets are stored in two single garages which is inaccessible during the raining season.
 - d. The Victim Support Centre is inaccessible for persons who are disabled.
 - e. The SAP 13 store is inadequate to store exhibits.
 - f. The lack of fire breaks poses a risk to the stolen vehicles stored in the precinct.
 - g. There is a high rate of sick leave among members at the Station.
 - h. There is a shortage of vehicles and operational equipment.
- 10.2. The appointment of the Station Commander had a positive impact on most of the daily activities of the Station.
- 10.3. The high rate of sick leave taken by members is a matter of concern.
- 10.4. The Committee was advised by the Legal Adviser for the Legislature that some of the working conditions existing at the Station border on the infringement of human rights and that it must be addressed without delay.
- 10.5. Although there were no deaths in custody during 2014; two escapes took place in the period under review.

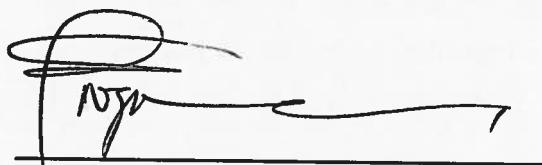
11. RECOMMENDATIONS

- 11.1. In order to ensure that the buildings are in terms of the set norms and standards for a police station with the population and size of the Vosman precinct; the Provincial Mpumalanga Police Service Head Office must, without delay, embark on a process to improve the infrastructure and all challenges identified at the Vosman Police Station. Furthermore, a progress report must be submitted within 30 days after tabling of this report.
- 11.2. The Provincial Mpumalanga Police Service Head Office must ensure that the working conditions for members do not infringe on the members' rights as contained in the Constitution. A progress report on how the working conditions for members will be improved must be submitted within 30 days after tabling of this report.
- 11.3. The Station Commander must conduct a study to ascertain the reasons for the high rate of sick leave at the Station; and a report indicating the findings, as well as measures to be implemented to address this situation, must be submitted within 30 days after tabling of this report.
- 11.4. The Provincial Department of Community Safety, Security and Liaison must continue to liaise with the CPF management at the Vosman Police Station to identify the capacity building needs of the CPF; and ensure that it provides the relevant training to them.
- 11.5. The MAM structure in the Emalahleni Local Municipality that has still not been revived since the last oversight visit to the Station must be revived without delay. A progress report must be submitted in this regard by 30 September 2015.
- 11.6. A detailed report on the circumstances that led to the two escapes out of holding cells during 2014 must be submitted within 30 days after tabling of this report; and the report must reflect what disciplinary steps were taken against any member that may have been involved in these escapes.

12. CONCLUSION

The Acting Chairperson of the Portfolio Committee extends his appreciation to Members of the Committee, departmental officials, all stakeholders and the support staff of the Legislature for their participation during this oversight visit to the community of the eMalahleni Local Municipality, in enhancing the oversight role of the Legislature. The Portfolio Committee tables this report to the House for adoption with its recommendations.

Unless otherwise stated, the department should provide progress reports on all issues raised to the relevant Portfolio Committee by 30 September 2015 and thereafter on a quarterly basis.



HON PS NGOMANA (MPL)

12.08.2015

DATE

ACTING CHAIRPERSON: PORTFOLIO COMMITTEE ON PUBLIC WORKS, ROADS AND TRANSPORT; COMMUNITY SAFETY, SECURITY AND LIAISON