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Portfolio Committee on Safety and Security

**Draft Report
Strategic Planning Workshop**

14 – 15 March 2006

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1. Background

The Honourable M. Soty, chairperson of the Portfolio Committee on Safety and Security welcomed all Members and presenters to the workshop, held on the 14 and 15 March 2006. This is the second strategic planning workshop to be held by the Portfolio Committee under the Chair of the Honourable M. Soty.

In the 2005 strategic planning workshop, the Committee focused on process and operational issues in order to improve its monitoring and oversight role. The development of a Station Monitoring Tool was a key outcome that targeted both partnership-building among parliamentary oversight agencies, as well as building Members' capacity for field-based oversight and constituency work.

The issues raised at this workshop will be used to inform the programme of the Committee for 2006. The workshop focused on five areas of work, some of which had been highlighted in the 2005 strategic plan for consideration in 2006. These included:

- Legislative overview for 2006.
- Police training.
- Oversight of municipal police services.
- The future of community police forums (CPFs).
- The station monitoring tool.

The first day of the workshop consisted of presentations on the first four areas, namely legislative overview, police training, municipal policing and CPFs. These included presentations by the SAPS as well as other stakeholders such as the National Secretariat, the Gender Health and Justice Research Unit, the Institute of Criminology at the University of Cape Town (UCT), and the Centre for the Study of Violence and Reconciliation (CSV). Members were also provided the opportunity to question the presenters on issues raised in the presentations.

The second day of the workshop was a closed session for Portfolio Committee members only. During this session, preliminary results of the station monitoring tool were discussed. This was followed by breakaway commissions to discuss issues related to police training, municipal policing and CPFs, in order to identify priorities in each of these areas, as well as a proposed plan of action for the Committee in each instance. Each group also discussed proposals pertaining to the way forward with regard to the station monitoring tool.

1.1. Opening Address

The MEC for Safety and Security in the Western Cape, the Honourable L. Ramatlakane, opened the workshop. The Honourable Ramatlakane stated that 2006 was the year in which the power of the people was mobilised through democratic local government. This mobilisation required:

- Strong partnerships between Parliament, civil society civilian oversight agencies and the various arms of governments, such as the Department of Safety and Security.
- Building and acknowledging the value of oversight and accountability.
- Operationalising problem-solving as an approach.
- Mobilising increased community participation.

The Portfolio Committee on Safety and Security had an important role to play in achieving these objectives. The planned legislative review of the South African Police Services Act was one such process where the Committee was a central reference point to the debates of the past, current challenges, the alignment of the current policing structures and the maximization of the issues mentioned above.

The Honourable Ramatlakane continued, saying that crime, including violence against women and children, continues to plague our society and warrants a comprehensive response. Communities should be mobilised to play a greater role in fighting crime, while the police take the initiative to become agents of change. In many societies the police were often the most trusted of public institutions and this was the goal to which the SAPS had to aspire. In Chile, for example, monthly meetings were held between community structures and the police to review police performance and work together to plan future activities. In South Africa, participation in political and community imbizos present police with golden opportunities to engage with communities in finding ways of fighting crime.

He added that expertise needs to find its way to the point of service delivery. Systems and hierarchies in the police department need to be flattened to ensure that skills are available on the ground where they are most required.

2. Legislative Framework

Commissioner Jacobs of the South African Police Service (SAPS) provided an outline of the legislative programme for the Department of Safety and Security for 2006. These include the following Bills:

- **Firearms Control Amendment Bill:** The Draft Bill was published in the Government Gazette on 24 February 2006. The closing date for public comments is 31 March 2006. The Bill should be introduced in Parliament before the end of May 2006. In response to Members' concern that the re-licencing process for firearms should not be stopped, the presenter stated that the Minister had extended the license period for the first group to 31 March 2006 because of logistical difficulties relating to the holiday season.
- **Second-Hand Goods Bill:** This Bill was published in the Government Gazette in 2003 and 2005. It will be submitted to Cabinet in June 2006.

The Bill should be introduced in Parliament at the end of the second quarter, or beginning of the third quarter, of 2006.

- **South African Police Service Amendment Bill:** This Bill provides for the deployment of SAPS members in peacekeeping missions and for the insertion of the Crime Intelligence Division in the Act. It also provides for a total review of the SAPS Act. The Bill will be submitted to Cabinet by 6 November 2006. The Ministry for Safety and Security is driving the review of the Act.
- **National Key Points Amendment Bill:** This Act has been transferred to the Minister for Safety and Security from the Department of Defence. The present Act is limited to National Key Points, but is being reviewed in order to broaden the scope to cover special events and places of importance. In addition, the Act needs to be customised to take into account the fact that the police play a different role in respect of security issues to that of the SANDF. The Bill will be submitted to Cabinet by November 2006.
- **Regulation of Private Security Industry Regulation Bill:** The Private Security Regulatory Authority (PSIRA) approached the Minister with a number of proposed amendments to the Act. The Department has also identified other amendments that should be made. A review of the Act is still to be completed, but should be submitted to Cabinet by 6 November 2006.

The following Bills are also of interest to the Committee:

- **Prohibition of Mercenary Activities and Prohibition and Regulation of Foreign Military Assistance Bill:** This Bill is currently before the Portfolio Committee on Defence.
- **Sexual Offences Bill:** Once tabled, this Bill will be referred to the Portfolio Committee on Justice and Constitutional Development
- **Legislation on Human Trafficking:** The South African Law Commission (SALC) has been working on the human trafficking legislation for more than 5 years and should soon finalise their findings. Such legislation will be referred to the Portfolio Committee on Justice and Constitutional Development.
- **Certain Conventional Weapons Bills** (e.g. landmines): These are with the Portfolio Committee on Defence.

The ratification of certain Conventions and Protocols were also on the programme because of the impact they might have on domestic legislation. These include:

- The Convention on Terrorism.
- The Nuclear Terrorism Convention.

3. SAPS Training

Commissioner Singh from the SAPS provided an overview of the transformation of training in the SAPS. The Commissioner outlined the main training courses on offer, and identified some key challenges in the area of police training. Commissioner Geldenhuys from the SAPS provided input on training on the Domestic Violence Act. Dee Smythe of the Gender Health and Justice Research Unit provided input from civil society on the SAPS training relating to the Domestic Violence Act, while Dr Elrena van der Spuy of the UCT Institute of Criminology provided input from civil society on SAPS training in general.

3.1. The SAPS Training Curriculum: Commissioner Singh - SAPS

One of the key challenges, post 1994, was to transform the police from an oppressive force to a civilian police service. The changes had to be effective within an environment of amalgamating eleven police agencies. Importantly, SAPS training had to adapt to the changes in the education, training and development environment, specifically the implementation of the Outcomes Based Education, the SAQA Act and the Skills Development Act.

Accordingly, a new approach to training was developed. Training was informed by a workplace skills plan, which emphasised empowerment and the elimination of unfair discrimination. It was informed by a need to update knowledge of legislative changes, improve standards, uplift skills and improve service delivery to the community.

The main tenets of the new human resource management strategy is that all competence and skills programmes are combined to form a learning path in support of the career paths in SAPS. Learning paths include education, training and developmental interventions and opportunities to enable members to achieve the required level of competence. Specific competencies will be developed within a structured framework emphasising competence for current or future posts.

Key areas for training were identified as problem-orientated policing and a human rights focus. The training methodology seeks to build competencies, and consists of lectures, case studies, role-plays, simulations and group work focusing on 'Training for Reality'. Courses are modular in design and presentation. All learning programmes are needs-based and are being aligned to unit or organisational standards, leading through credit accumulation to a qualification on the National Qualifications Framework (NQF).

The Commissioner provided an overview of the various training programmes. These include:

- **Basic Training Learning Programme:** This includes field training spanning 18 months, provided under the guidance of Field Training Officers. Students are posted to stations and follow a structured programme where theory is applied under guidance.

- **Detective Learning Programme:** This programme includes both the basic training component, as well as and specialised training in various areas. There are currently two training academies at Paarl and Hammanskraal. The course is 14 weeks and during 2004/05, 1349 members were trained. In 2005 to date, 791 members have been trained.
- **Management Training:** This comprises several levels, including management training programmes geared at station commissioners, training for middle managers, training for detective branch commanders, management training for senior management of the rank of Director upwards, training for crime prevention heads, basic management training for junior supervisors and for supervisors, and operational commander training for functional middle to senior managers.

Challenges

The presenter identified the following key challenges in the training arena:

- Capacitating of the trainer corps to understand and execute the learner based ideology.
- All trainers must be trained as assessors and some as moderators to assess learners against unit standards.
- Priority attention must be given to trainers presenting in the Basic Training Learning Programme.
- A skills audit needs to be undertaken to support addressing of training needs.
- E-Learning to provide technology-aided education to deliver training within the organisation more effectively.

3.2. Domestic Violence Act Training: Commissioner Geldenhuys - SAPS

The Domestic Violence Act came into operation on 15 December 1999. In respect of each case reported to the SAPS involving domestic violence, a detective is assigned to conduct a full investigation and present the docket to the public prosecutor. Failure by a member to comply with an obligation imposed in terms of the Act constitutes misconduct. Disciplinary proceedings are instituted against members, who fail to comply with their obligations, unless the ICD directs otherwise.

During 2005, 273 complaints were received against police officials allegedly not complying with their duties in terms of the Act. In most of these cases, disciplinary action was taken against members. In the rest of the cases, the ICD instructed that no disciplinary action was necessary. Provincial and National Evaluation Services conduct regular inspections at station level to ensure compliance by members with the obligations imposed by the Act and National Instructions.

Training on the Domestic Violence Act is to ensure compliance with the Act and the National Instructions on Domestic Violence, as well as to ensure that

members develop the necessary skills to enable them to deal with incidents of domestic violence in a sensitive, professional and efficient manner.

The Commissioner detailed the number of people in the SAPS, who have received training on domestic violence. These include:

- With the implementation of the Act, 1 771 commanders and trainers from every station and area were trained as trainers. These trainers were responsible for training the remaining members in their respective provinces and divisions.
- Since 2000, training on Domestic Violence forms an integral part of the Basic Training Programme for new recruits. During 2005/06 11 000 new recruits underwent the Basic Training programme, which included training on domestic violence.
- 70% of all members attached to the Family Violence, Child Protection and Sexual Offences Units have completed specialised training, including the handling and investigation of cases involving domestic violence.
- A specialised 5-day course on the handling of Domestic Violence incidents was developed and implemented during 2005. This course was piloted in the Eastern Cape. 24 trainers representative of the 9 provinces have been trained during 2005 on how to present the course and these trainers will present the training throughout the country in 2006.
- As part of in-service training, 1 568 members were trained on the handling of domestic violence incidents during specialised courses on domestic violence in 2005.

Challenges

Commissioner Geldenhuys identified the following challenges in terms of training on domestic violence:

- Further intensive training is required to properly deal with domestic violence incidents. This was currently being addressed by the development and implementation of the 5-day course, which includes role-play and the use of video material.
- Increased gender sensitivity among police members is also required to properly deal with domestic violence incidents. This was currently being addressed through workshops and training on diversity and gender issues.
- The community was still not fully aware and sensitised to the protection afforded by the Act. Communication and Liaison Services had developed a communication strategy, which focuses on raising awareness of the protection afforded to victims of domestic violence. This includes posters, printed material and promotional items, radio talks and imbizos.
- There are still problems of coordination between different state departments and the non-governmental organizations (NGOs) that deal with domestic violence incidents. An integrated training programme involving staff from all parties within the Criminal Justice Cluster is currently being developed under the auspices of the National Prosecuting