

Authority (NPA) and will address the issue of coordination between various role players.

### **3.3. A response on SAPS Domestic Violence Training: Ms D Smythe – Gender Health and Justice Research Unit**

Dee Smythe of the Gender Health and Justice Research Unit identified the following positive aspects of police training on domestic violence:

- SAPS training materials were generally thorough and detailed.
- Emphasis was on the social context of domestic violence and included examples of SAPS members as perpetrators and on atypical relationships.
- There were serious attempts to incorporate real life examples and not just black letter law.
- There seemed to be a genuine commitment within the SAPS to address domestic violence.

#### **Challenges**

She, however, identified the following as some of the challenges in this area as follows:

- There is insufficient attention given to how to deal with children who may be victims, perpetrators, affected persons and witnesses.
- The high number of domestic violence case withdrawals.
- Dealing with challenges in other agencies including:
  - NPA case withdrawals.
  - Justice and the unavailability of the form in official languages.
  - Health and the poor quality of J88s.
  - Social Development with regards to insufficient Places of Safety.
- Dealing with perpetrators in the SAPS.
- Debate over the measurement of improvement.
- Dealing with ancillary offences under the Firearms Control Act and the very low levels of seizure recorded.
- Few applications by SAPS members on behalf of victims and children.
- Poor identification of cases where there is a domestic relationship especially atypical relationships.
- Very few dockets referenced a history of abuse (16%).
- The SAPS 508(a) and (b) forms are confusing.

#### **Recommendations**

Ms Smythe's recommendations included:

- The urgent need for national instructions on how to deal with vulnerable children and inclusion of this in the training curriculum.
- The need for cross-cutting training such as linkages between domestic violence and firearms control.
- Revision of SAPS 508(a) and (b) forms.

- The need for ongoing in-house review and training relating to the practical implementation of the prescribed procedures e.g. in relation to forced entry into a premises and discretion to arrest.
- Station Commissioners should play a pivotal role in providing oversight supervision and support and required specific training in this regard.
- Identifying complainants at high risk of intimidation and providing appropriate support.
- Strict compliance with standing orders when closing dockets.
- The need for instructions on investigations of *prima facie* cases regardless of complainant withdrawals.
- Members need to understand the reasons and relevancy of documentation namely to ensure compliance with section 2 of the DVA, establish a history of abuse by the perpetrator, and provide a clear statistical picture of the extent of the problem.

#### **3.4. A response on SAPS training Curriculum: Dr E. van der Spuy – UCT Institute of Criminology**

Dr van der Spuy of the UCT Institute of Criminology provided input on the historical changes that have occurred in police training prior to and after 1994. Prior to 1994, police training was characterised by drill and parades. There was a hierarchical interaction between students and trainers. Learning was by rote. Field training was neglected and in general a paramilitary model of policing was espoused.

During the period 1992 to 1996, new police training for democracy was introduced and received significant investment locally and from the international donor community. New mechanisms such as an International Training Committee and a Multi-National Implementation Team were established. Recruitment, selection and training were revamped. New philosophies of human rights, community policing and the principle of probationary training were introduced along with new training methodologies. In 1995, 1 760 new recruits were introduced to the new system. However, in 1996 a moratorium was placed on further training. There was a significant closing of ranks and as access to the training establishment in SAPS was tightened so questions began to be asked about whether the reformist movement that had characterised the earlier years of the democracy had been lost.

#### **Challenges**

Key challenges identified by the presenter included:

- Training needed to be seen against the greater complexity in society and competing demands on the police. These competing demands and complexities are translated into a number of different policing approaches including:
  - Combat and intelligence-led policing.
  - Policing by objectives.
  - Community policing.

- Proactive service delivery.
- Reassurance policing seeking to address the fear of crime.
- Each of these philosophical approaches to policing required a different approach to training. Police training needed to be multifaceted, holistic, contextual and realistic. Since 9/11 there was a strong return internationally to combat policing. In addition advances in technology drove greater intelligence-driven policing. These are the three strongest competing philosophical demands on policing, namely, combat policing, intelligence-driven policing and community policing.
- The large number of recruits receiving training impacts on quality. Quality trainers, who had depth and sophistication of knowledge and experience, were critical to the success of the new training programmes.
- The gap between the theory and the practice. Often good training is unlearned when recruits are posted to stations and fall under the police sub-culture and the existing practice.
- Differing local contexts of policing also impact on the form training should take. Development policing in a well resourced urban centre was significantly different from that of a less well resourced rural station. These issues also needed to be built into training programme.

#### **Recommendations:**

Dr van de Spuy recommended as follows with regard to police training:

- Police training should be opened up again to public input and scrutiny.
- The Committee should assist in stimulating public debate on this issue.
- The police should provide scope for a critical assessment of police training and encourage substantive research to engage with external challenges and internal constraints.

### **3.5. Discussion**

The following are some of the issues raised by Members with regard to police training:

- Level of entry and criteria for selection of recruits: The age for recruits is between 18 and 30 years. The entry level is matric and possession of a driver's license. Recruits had to pass a psychometric assessment and to be physically fit.
- The benchmarking of training against international standards: The SAPS training is benchmarked on international best practices. Currently, there is a strong partnership with the Swedish Police in the training arena.
- Tools used to determine the impact of the training: Two monitoring instruments for performance management are used. These are individual performance agreements, which were accessed on a quarterly basis and station performance charts. Tools to monitor the effectiveness of the training include evaluating the trainer, relevance and content of training, supervisors



for trained personnel together with impact studies conducted on specific learning areas.

- The review of practice in terms of the Domestic Violence Act: There is a 5-day specialised training on Domestic Violence for the training of trainers which will be rolled out to other provinces. The SAPS have indicators to identify problematic areas regarding the Domestic Violence Act.
- Police culture and competing priorities: Competing priorities as well as the demands of a complex society are a reality. These are recognised in the curriculum development. Trainees are not left on their own after training. They do practicals for 12 months in which 3 trainees are accompanied by a field trainer at all times.
- New training areas: These include, the emerging role for the SAPS on the continent and abroad in support of peace keeping operations, assistance in the policing of major events (such as the Cricket World Cup in the Caribbean next year), the functions being taken over from the SANDF in respect of borderline policing and new roles for the SAPS in disaster management.

#### **4. Municipal Policing**

Assistant Commissioner Mmutle of the SAPS presented on the structures, training regulations and challenges around municipal policing. It should be noted that David Bruce of the Centre for the Study of Violence and Reconciliation (CSVR) prepared a civil society response on municipal policing but had to leave the meeting before he could deliver his presentation. A copy of his presentation was made available for Members and is summarised in this report.

##### **4.1. Structures, training regulations and challenges in municipal policing: Assistant Commissioner Mmutle - SAPS**

The municipal police are regulated by:

- Constitution of South Africa, 1996 (Act No 108 of 1996)
- South African Police Services Act, 1995 (Act No 68 of 1995)
- Local Government Systems Act, 2000 (Act No 32 of 2000)

The function and powers of the Municipal Services as defined in SAPS Act 1995 in Sections 64E and 64F and include:

- Traffic policing.
- Policing of municipal by-laws and regulations.
- Prevention of crime.

The National Commissioner must determine national policing standards and training standards in addition to prescribed training for traffic officers and any failure of adherence to these standards by the Municipal Police Services shall be reported by the National Commissioner to the Minister.

The following Table provides a breakdown of all established municipal policing services. These include the Durban, Johannesburg, Tshwane, Ekurhuleni, Cape Town, and Swartland Metro Police Departments.

**Table 1: Breakdown of municipal police services in South Africa**

Place	Durban	Cape Town	Johannesburg	Tshwane	Ekurhuleni	Swartland
Members	1 142	798	2 202	586	457	58
Non-members	1 029	1 383	737	898	818	24
Vacancies	1 168	94	?	1 610	581	18
Vehicles	795	1 089	1 232	537	537	23
Area (square km)	2 500	2470	1 644	2 292	1 189	4 400
Budget (million)	R550	R361	R670,5	R422,9	R254,9	R7,3

In terms of reporting lines, the Chief of the Municipal Police Services reports to the City Manager, who in turn reports to the Mayor or Council, who is in turn accountable to the Department of Provincial and Local Government and the relevant MEC. Oversight Committees are established in terms of the SAPS Act. In addition, the ICD also have a mandate over the Municipal Police Services.

In terms of training, recruits must undergo training for a traffic officer prescribed in the Road Traffic Act. Other training modules presented by a SAPS accredited training institution complement this. An in-house training programme was developed to ensure incumbents are able to carry out their tasks in a professional manner and includes firearm skills, practical survival techniques and physical education.

The regulatory framework for training standards was explained and it is envisaged that quality assurance will be exercised by SAPS National Training to ensure adherence to national standards. There is an effort underway to align municipal police training with SAPS qualifications (SAQA). SAPS will train members from MPS to present training in Policing Subject Matters.

Municipal police and SAPS coordinate their efforts through a variety of structures and processes. On a national level this includes the National Forum for Municipal Police Services, Quarterly Meetings with the National Commissioner of the SAPS, involvement in SAPS National Management Meetings, Municipal Police Chiefs Forum and SAPS/Municipal Police Services Nodal points.

### **Challenges**

Key challenges that were identified in this area include:

- The SAPS Act currently does not limit the establishment of Municipal Police Services to Metropolitan Councils only. The Act should be amended to contain this restrictive clause.

- Although the National Commissioner is held accountable for policing in South Africa as a whole, Municipal Police Services can be established irrespective of whether the National Commissioner supports it or not.
- Members of Municipal Police Services make up a small portion of local government employees. Unions are not geared to deal with the peculiarities of such a service with regard to strikes etc.
- The municipal police are governed by a variety of different pieces of legislation and the overall challenge resulting from the different pieces of legislation is to find a way to harmonise these across the different functions performed by municipal police. In addition, certain sections in the legislation are unclear and impact on how municipal police carry out their work. For example, municipal police may arrest but cannot detain an arrested person nor do they have investigative powers but are often the first on the scene and have access to valuable information to assist the investigation.
- Significant disparities are evident across the different municipal police departments

#### **4.2. A response to Municipal Policing: Mr D. Bruce – Centre for the Study of Violence and Reconciliation (CSVR)**

##### ***Challenges***

The presentation was prepared by David Bruce of the Centre for the Study of Violence and Reconciliation (CSVR). It highlighted the following 8 areas as key challenges:

- **Role Clarification in terms of crime prevention:** The three mandates of municipal police (traffic law enforcement, by-law enforcement and crime prevention) means that there is overlapping physical jurisdiction and crime prevention mandates with the SAPS. In addition, the crime prevention mandate is poorly understood. Municipal police either believe that crime prevention occurs primarily through traffic and by law-enforcement roles or that their broad crime prevention role is comparable to SAPS. However, the crime prevention role of SAPS is itself not clearly defined.
- **Traffic:** The role of the MPS includes preventing road deaths and accidents, ensuring flow of traffic, law enforcement (speeding, rules of the road and checking licenses) and licensing. The question remains as to whether traffic enforcement has suffered as a result of role diversification from 'traffic police' to 'municipal police'.
- **By-law enforcement:** In terms of by-law enforcement the role of MPS includes law enforcement against people trading on pavements and at traffic lights as well as beggars collecting money from passing motorists. What needs to be established is what the social impact of such enforcement is as well as the impact in terms of crime prevention. By-law enforcement also raises the issue of overlapping physical jurisdiction and mandates with SAPS (e.g. noise complaints).
- **Regulating and policing demonstrations:** There are concerns that the municipal police services are in violation of the Regulations of the Gatherings Act in relation to processes for the authorisation of gatherings, as well as in



relation to the fixing of times that marches are permitted to last, intimidation by police and arbitrary arrests. It may be that Municipal Police Services should receive training on the content of the Gatherings Act. In addition, their capacity to play a role in public order policing needs closer investigation and attention.

- **Reporting and use of indicators:** Problems have been identified with the reporting mechanisms and use of indicators by the municipal police services. Specific reference was made to the quarterly report of the Johannesburg Municipal Police Department (JMPD). Most of the statistical detail in the reports related to income received, and the statistics on mandates and activities were unclear. Reports provide neither benchmarking strategies nor information or analysis as to statistical trends. Reports provide no feedback information on whether performance targets for previous operations were achieved and information on corruption suggests that the JMPD views corruption as an issue and not a concern.
- **Corruption:** Corruption is a worldwide problem in policing. MPDs are regarded as having massive scope to abuse their powers due to their traffic enforcement role because of the 'consensual element' to corruption (cheaper than paying fines and it may be initiated by road users). The presentation revealed that there is also evidence of the JMPD soliciting bribes, resorting to forms of extortion and targeting areas where pickings are likely to be better. It is felt that anti-corruption measures are not rigorous in conceptualisation or implementation. There appears to be major challenges in supervision and accountability, which raises the issue of management and supervisory systems.
- **Oversight:** The oversight system includes local level oversight and broader oversight systems (national and provincial executive and legislative systems and ICD). At local level, challenges include developing meaningful reporting and indicators and the mandate/role, composition and resourcing of civilian oversight committees.
- **Implementation in other municipal areas:** Municipal police are primarily established in metropolitan areas, meaning that such services will not be available in smaller municipalities. The fact that municipalities have to carry the cost of MPS could also prove to be a disincentive to set up such services. It is assumed that MPS strengthen crime fighting capacity at local level but this is difficult to demonstrate. This is further compounded by the lack of clarity about their role in crime prevention and the complexities raised by role duplication.

#### 4.3. Discussion

The following were the key issues raised by Members:

- **Ranks used by heads of municipal police chiefs:** It was explained that with the exception of Chiefs, all other ranks are in line with those of SAPS. The National Commissioner in terms of the Act decides the ranking structure. The rank of Chief is equivalent to Assistant Commissioner in the SAPS structure.

- Members questioned statistics regarding resources (vehicles, staff, policing areas, etc), especially the high number of administrative staff. The response was that the nature of municipal work requires a high level of administrative capacity (processing fines, issuing car licenses, etc) and that most people were actually absorbed from the previous traffic departments and that they opted not to become law enforcement officers but to continue as administrative staff. It was suggested that some regulation be put in place to regulate the ratio of resources in the metro police departments.
- The mandate of municipal police to exercise crowd control: Crowd Management and Public Order policing is the responsibility of SAPS. However, since municipal police are often the first to arrive on a scene, they need to be able to respond effectively and within the boundaries of the law, especially to minimise the potential for law suits against the State. The intention is to train municipal police not to take over the function of crowd control from SAPS but rather to ensure that they have the knowledge to do it effectively and complement the SAPS. The main mandate of municipal police is to enforce traffic laws. However, two additional responsibilities in terms of crime prevention and by-law enforcement were added to their mandate and it is possible that the additional duties may dilute their primary function and that this area should be revisited.
- Municipal police are the subject of many complaints from the public, which to some extent may tarnish the image of SAPS. The Chief of Police reports to the Municipal Manager and the Act provides for oversight committees to deal with complaints. It was further stated that while there may be allegations levelled at municipal police, generally municipal police aim to add value to the work of SAPS. They often work together on road blocks, manage public events, assist with accident investigations and effect the arrest of dangerous suspects at roadblocks.

A comment was made that despite the presence and efforts of municipal police, road accidents do not seem to dissipate and it is uncertain whether municipal police are needed at all. A further comment related to whether the Municipal Police budget would not be better utilised to support work by SAPS

## **5. Community Police Forums (CPFs)**

Mr Temba Mathe and Mr Rob Chetty of the National Secretariat for Safety and Security presented on Community Police Forums (CPFs).

### **5.1. Community Police Forums in South Africa: Mr T. Mathe & Mr R. Chetty – National Secretariat for Safety and Security**

The legislative and policy framework within which CPFs operate are:

- Section 18-23, the SAPS Act.
- SAPS Interim Regulations for Community Police Forums and Boards (issued 11 May 2001).



- The White Paper on Safety and Security.
- The Community Policing Policy ('Green Book').

The following is a summary of some of the current debates with regard to CPFS:

- There is variation in the levels of functioning of CPFs in South Africa, ranging from the well resourced CPFs in some affluent urban areas to poorly resourced ones where CPF members struggle to organise themselves and hold necessary meetings.
- Activity levels of CPFs are fluid, with CPF programmes changing continuously as community representation and police station management changes.
- There is an ongoing call for dedicated state funding for CPFs, with many claiming that the current level of state support has left these structures poorly placed to garner participation and support from communities and local role-players and organisations, and to mobilise participatory community crime reduction strategies.
- Key challenges are to:
  - Ensure that the police service deepens the ethos of the consultative policing style required for community policing.
  - Ensure that CPFs are sustained and their crime-prevention activities strengthened.
  - Align CPF work with the sector policing approach.
  - Broaden collaboration around issues of community safety and therefore, ensure greater consultation between communities on the one hand and CJS and other role-players on the other.
- The question of what constitutes a 'community' needs to be re-visited. Two options were discussed:
  - To further entrench the establishment of community policing sub-forums where communities are 'sectorised' according to their location, type of settlement and their particular policing needs.
  - To continue to attempt to aggregate the sub-forum activities into a broader station CPF where the needs of all can be considered by each other thereby promoting more holistic community development rather than a fragmented approach which may further entrench the pursuit of narrow interests and a neglect of more needy sectors of communities.

Nationally, the CPF establishment stands at approximately 97%. The following Table illustrates the current national establishment of CPFs per province:

**Table 2: National CPF establishment**

Province	Total Number Of Stations	Number Of CPFs Established	Number Of CPFs Requiring Establishment
Eastern Cape	192	192	0
Free State	108	108	0
Gauteng	127	126	1
Kwazulu-Natal	185	184	1
Limpopo	87	86	1
Mpumalanga	90	88	2
Northern Cape	83	83	0
North-West	93	70	23
Western Cape	144	139	5
<b>TOTAL:</b>	<b>1109</b>	<b>1076</b>	<b>33</b>

### **Challenges**

Key challenges faced by CPFs include:

- **Funding And Resources:** There is no legislatively entrenched or uniform process of funding and resourcing of CPFs. There have long been calls for greater clarity on how CPFs should be maintained financially. The following areas of funding and resourcing require consideration:
  - **Remuneration for CPF members:** There are calls for the remuneration of CPF volunteers for their role in promoting community police relations and their participation in community-based crime prevention activities.
  - **Indemnity:** There is currently no indemnity provision for death or injury to CPF members when travelling in a police vehicle or on CPF business.
  - **Reimbursements:** There is currently no provision for reimbursements for expenses incurred by CPF members while performing their duties, e.g. travel expenses and telephone calls.
  - **Funding for running costs:** These involve costs for telephone, fax, computers, ID badges and bibs, stationary and transportation to local CPF meetings. These costs are presently borne by Provincial Departments of Safety and Security and the SAPS. There is no uniformity of approach among the provinces. The argument has been that the autonomy of CPFs is compromised if they remain dependent on the SAPS for funding.
- **Project Funding:** This includes funding for marketing of the CPF, Anti-Crime Campaigns, Social Crime Prevention Projects, capacity-building costs, e.g. training workshops, materials, etc. Provincial Departments of Safety and Security and the SAPS presently provide funding for projects. There is no uniformity of approach among the provinces.
- **CPF Capacity Building:** CPFs require increased levels of capacity-building and training in order to properly fulfil their roles. In particular, CPFs require assistance to market the concept of community policing to the broader

community and to engage communities effectively in crime prevention activities. This also has financial implications.

- **CPF-Community Relations:** The following are key problems in relation to the community:
  - A high rate of community apathy and a lack of civic duty.
  - Lack of participation of more affluent people.
  - In most CPFs, the black poor are in the majority. Where the rich get involved, they tend to pursue narrow self-interest.
  - Business contributions towards CPF activity have thus far been minimal, ad hoc and uncoordinated.
  - Farm worker participation is at a low level across the country. Greater participation of the youth should also be encouraged.
  - Conflicts within communities sometimes spread into CPF activities fragmenting the structure.
- **Intersectoral Collaboration:**
  - There is a lack of support for the work of CPFs by other government departments and from local and district municipalities.
  - There is some collaboration between CPFs and community-based organisations and NGOs.
  - The participation of hitherto absent role-players needs to be increased. There is also the possibility of pursuing the institutionalisation of participation of other criminal justice system (CJS) departments in consultative structures through the introduction of appropriate policy and legislative provisions.
- **CPF-Police Relations:**
  - **Sector Policing:** The division of policing areas into sectors, each with a 'sector crime forum,' complements the establishment and functioning of representative and effective CPFs since these sector crime forums together with CPF sub-forums could ideally form the basis for the establishment of broader CPF structures. In practice, communities reported that they are not being consulted on the demarcation of station areas into sectors. Communities would also like to be involved in the appointment of sector managers. Sector policing needs to be strengthened and the necessary resources devoted to the strategy. There needs to be greater consultation between the police and community on all aspects of its implementation. CPF members need to be informed about developments relating to sector policing and empowered to conduct their activities in line with the sector policing approach, particularly the interface between sector crime forums and Community Police Sub-forums
  - **Poor levels of policing:** Poor policing infrastructure is not conducive to the establishment of a CPF that can sustain itself, much less have an impact on policing. Poor station management and low morale, poor station resources and racially skewed policing adversely affect the functioning of CPFs. Successful CPFs require