

REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC WORKS, ROADS AND TRANSPORT; ON COMMUNITY SAFETY, SECURITY AND LIAISON

“TAKING LEGISLATURE TO THE PEOPLE” HELD IN THE GOVAN MBEKI LOCAL MUNICIPALITY, GERT SIBANDE DISTRICT, 11 – 15 SEPTEMBER 2017 (DCSSL)

1. INTRODUCTION

The Mpumalanga Provincial Legislature (the Legislature) has a responsibility in terms of Section 118 (1)(a) and (b)(i) of the Constitution of the Republic of South Africa, 1996, (the Constitution) to facilitate public involvement in its legislative and other processes. Sections 114 and 133 of the Constitution, read with Rules 131 and 218 of the Rules and Orders of the Mpumalanga Provincial Legislature (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 Police stations oversighted by the Department of Community Safety, Security and Liaison (the department) and other projects; in the various municipalities of the Province.

2. PURPOSE OF THE “TAKING LEGISLATURE TO THE PEOPLE” PROJECT (TLP)

The purpose of the TLP is to reach out to the communities and to enable the people to have access to the Legislature, especially people who are living in deep rural areas. The Legislature seeks to hear the voice of the people and to ascertain whether provincial government delivers services effectively and efficiently within the respective municipalities.

3. OBJECTIVES OF THE VISITS

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

- 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 (CPF)
 - Comparative crime statistics
 - Progress on the implementation of the Sector Policing at the Trichardt 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.

4. METHOD OF WORK

In preparation for the TLP, the research section conducted pre-site visits to the Municipality. Comprehensive research reports were compiled that informed the Committee's programme for the oversight visits. A joint Public Hearing of the Economic and Social Cluster Committees was conducted at Emzini Stadium on 12 September 2017. On 13 September 2017, the Committee met with the Departmental Management, Govan Mbeki Municipality, Trichardt Police Station; Secunda Cluster and Stakeholder, as well as the Municipal councillors in order to deliberate on the operations of the police station.

5. PUBLIC HEARING

The following concerns relating to the department were raised by members of the public during the public hearing:

- A complaint regarding the poor service by the police officials in the Mzinoni Police Station when community members report abuse and crime was raised.
- Farmers within the municipality are not assisted by the police when they report stock theft.
- A complaint on slow response by police when crimes are being reported due to lack of police vehicles.
- Crime rate in Emzinoni is high due to lack of job opportunities for the youth as well as high substance abuse.

Responses on matters raised by the Public

Lieutenant General BM Zuma, the Provincial Commissioner of Police in the Mpumalanga Province responded to issues that were raised and relating to crime and the conduct of police officials in terms of provision of safety and security services. The commissioner indicated that they are trying their level best to ensure reduction of criminal activities and also indicated that police do close down the taverns that do not have operating licenses, however, most outlets reopen even when they are closed down. The matter should be handled by a number of stakeholders and with the assistance of the municipality and the community at large.

6. OVERSIGHT ON TRICHARDT POLICE STATION

6.1. Background

The Trichardt Police station was established in 1906 and is 111 years old.

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

- The estimate population size is ± 10 000
- The size of the station precinct is 413.65 km²
- Geographical background: the station is responsible for 23 farms, with 604 farm visits and 363 national key point visits, including four (4) mines.

6.2. Briefing by Stakeholders

6.2.1. Department of Community Safety, Security & Liaison

In the presentation by the department, it was reported that the department is mandated by Section 206 (30) of the Constitution of the Republic of South Africa as well as Section 3 (1) (g) and (3) (2) (a)-(c) of the South African Police Act and Section 17(2)(a)(i)-(iv) of the Civilian Secretariat for Police Act, to conduct oversight of the Police Stations, hence, an oversight visit was undertaken between 25 and 26 April 2017 to the Trichardt Police Station.

The following are the observations that were made during the departmental oversight, as presented to the Committee:

- (i) No losses were reported for the 2016/17 financial year.
- (ii) The detention cells were not operational due to health conditions and suspects are currently detained at Secunda Police Station; the serving of food to detainees is covered under the Secunda Police station.
- (iii) SAP 13 is available and well managed, with items correctly marked and stored.
- (iv) **Training**
 - Members have not been trained on Station Management Learning Programme. The Station commander was requested to submit the training request to the provincial office, which has subsequently been submitted. The approval will be granted and training plans will thereafter be developed.
- (v) **Sector Policing**
 - Sector one was initially not fully operational because there was only one (01) member assigned. The Station Commander has addressed the matter and the Vispol commander is currently attending CPF meetings.
- (vi) Trichardt CPF is functional and monthly meetings are held.
- (vii) **Victim Support**
 - There is a Victim Support Facility that is fully resourced available at the Station and it is functional 24/7.
 - There are ten (10) trained volunteers at the facility and one (1) DVA co-ordinator.
- (viii) **Domestic Violence**
 - The Station does not record domestic violence incidents as required by the National Instruction on Domestic Violence (7/1999).

- The total number of incident forms equals the number of incidents recorded in the SAPS 508(b) register.

6.2.2. Police Station Management

Mrs Hlatshwayo made a presentation on behalf of the Police Station Management to the committee. The following was noted:

(i) Staff Component

The actual personnel strength is **34**; out of the **43** granted personnel and this constitutes the following:

- Police Officials **25** : 16 males and 06 females
- Public Act Personnel **09** : 04 males and 05 females

(ii) Assets

- Fixed assets: there are 12 offices in place.
- Movable assets: The station has seven (7) vehicles, of which one (1) is at the garage and the two (2) are more than 300 000 km. There are fifteen (15) computers and two (2) of those do not have the network points.

(iii) Infrastructure

Severe challenges faced by the station relating to the infrastructure and affecting the station in its daily operations were highlighted; namely:

- The police station is 111 years old and has been on lease ever since.
- There is a severe lack of infrastructure to provide for the needs of the members at the Station. Most buildings were constructed with prefab or asbestos, which have not been maintained (e.g. detective offices, barracks and kitchen).
- The CSC is too small and does not provide for privacy to victims during interviews and the detectives do not have an interview room. There is no identity parade facility available. The office space available, compared to the number of detectives, is inadequate.

- The current boardroom is an informal wooden structure with limited space and no air-conditioning.
- The SAP 13 Store does not have enough space available to store the exhibits. There is also no proper shelving to ensure storage. The store room and station store general is made of zinc.
- The Victim Support Centre is in a bad condition since it is an old park home.
- There is insufficient space to store assets and secure stolen vehicles. The perimeter fence is damaged and members' protection is non-existent.

(iv) Crime Profile

The most prevalent crimes that were recorded are 62 house breakings, 62 general thefts and 51 residential burglary.

The possible contributory factors to the crimes are:

- Poverty and unemployment
- Abuse of liquor substances
- Influx of job seekers from other provinces and neighbouring countries
- Foreign nationals.

(v) Functionality of the station: Successes and challenges

The following successes relating to reduction of crime statistics for the 2016/17 financial year were noted:

- Contact crime : 15.28%
- All other serious crime : 19.33%
- Crime against children : 16.67%
- Crime against women : 35%
- The station scored 108% on crime for unlawful possession and drug dealing.

The following successes relating to reaction time were noted:

- Alpha complain station target was 18:46 and the score was 10:09
- Bravo complain station was 10:08 and the score was 4:09
- Charlie complain station was 9:45 and the score was 7:59.

The following successes relating to awareness campaigns were noted:

A total of 24 campaigns were conducted during the 2016/17 financial year, which included:

- Two (2) crimes against women
- Three (3) school safety
- Four (4) sexual offence
- Four (4) substance abuse
- Four (4) vulnerable groups
- Three (3) community safety.

Successes relating to conviction rate were noted on serious crimes such as:

- Murder
- Rape
- Fraud
- Assault GBH
- Theft.

The following challenges relating to detection rate were noted:

- Contact crime : 67.14%
- Property related : 12.50%
- All other serious crimes : 36.08%
- Contact related : 50%
- Crime against women : 90.91%
- Serious crimes : 33%

(vi) Other general challenges

The Committee also noted the following challenges as presented by the Station Management:

- There are no clear direction markers around the station.
- No easy access for people with disability.
- Toilet facilities are not in a good condition.
- The station only consists of four (4) detectives, which creates pressure of overwork.
- The general maintenance of the station is in a bad/dire condition, and the building is old as it was built in 1906.

6.2.3. Community Policing Forum (CPF)

The chairperson of the CPF, Mr Van der Merwe stated that they have established two (2) CPF sectors which are functional and the sectors include twenty-three (23) farms which are apart from each other. It was also indicated that the CPF lacks adequate members as they presently have only nine (9) active members.

6.2.4. Labour Matters

A delegate of the union indicated that there is only one (1) union represented in the station, namely POPCRU.

The following were presented as challenges faced by the workers:

- The police station is understaffed which results in officers being compelled to work alone. The situation puts the official on duty under danger/threat, since there is no backup should anything happen.
- The Station has a high rate of sick leaves due to understaffing and members are constantly under duress due to being overwork.
- There is only one (1) entrance to the station, which means there is no alternative escape in case of danger or emergency.
- The whole station is sharing one (1) toilet with the community and it is constantly blocked, which creates a health hazard.
- There is only one (1) member who is responsible for social crime and this put his life in danger.
- The accommodation provided is not conducive as there are holes in the walls. Furthermore, people need to pay rent based on those conditions.
- The shortage of vehicles is a major challenge as police officers cannot patrol the areas that they are assigned to.
- The Department of Public Works, Roads and Transport is not maintaining the police station accordingly as there are very high trees which needs to be cut down and they could easy fall onto the station.

7. INPUTS AND OBSERVATIONS BY THE COMMITTEE

The Committee was impressed by the level and quality of the presentations made by the respective stakeholders and the fact that the police station was actually performing well despite the challenges that it was facing. The Committee also noted that a functional Community Policing Forum (CPF) structure is in place, regardless of the few of members currently in place. Moreover; the CPF is not inclusive and is mainly run by AFRIFORUM, which is regarded as a political organization. The matter needs to be resolved and all races residing in the area must be included in the policing forum.

The committee urged and requested both the MEC and the Office of the Provincial Commissioner as well as the management of the station, to try and resolve most of the challenges presented; more especially the concern regarding the *non-deliberate* contravention of basic labour rights of the Police Force who are required to work under a conducive environment in order to be able to provide proper and expected services to the community. The committee further resolved that, as much as the most issues that were raised are a prerogative of the National Department of Police, there are some pertinent issues that can be resolved between the station management, Secunda Cluster, PC and the Secretariat (i.e. the provincial department).

The matter of the condition of the station infrastructure; notwithstanding the infrastructure where police official are accommodated, was noted with serious concern. It became evident to the committee that there is an urgent need for a new proper police station that will meet the CSC criteria and allow the appropriate functionality of the police station. The committee also raised a concern on the fact that the police station has been leased since its establishment. The department was thus directed to investigate the matter, and also establish who the police station is leased from as well as why this has been the case for so many years. The department must also find out how much the lease costs and why the matter has not been resolved to date. The department was thus directed to make a proper request to the National Department of Police on behalf of the station and come up with a plan to assist with regards to the issues of maintenance. The Committee further indicated that the Legislature officials will constantly visit the station and liaise with relevant officials to monitor the implementation of some of the matters and progress thereof.

The Committee further noted with concern the following:

- Both male and female staff members who are accommodated at the staff quarters shared the same bathroom, which poses a danger and is regarded as an infringement of their rights.
- During the visit, it was noted that the National Flag of the Republic of South Africa was not hung in the police station; the Committee regarded this as a deliberate move by the white people residing in the area, given the background of the town and the matter was treated with the contempt it deserved. The reason that was provided for by the management was that the flag pole was not working and needed to be repaired; this reason was regarded as vague and was not considered by the committee. The management was directed by the committee to ensure that the flag should always be hoisted as required and to be applied to government-designated flag stations as a matter of urgency.

In response to the matters raised, the MEC apologized to both the police station and the Committee for the poor working conditions that the staff is facing in the station and committed to ensure that all the concerns that were raised are dealt with accordingly. He also indicated that the small matters such as issues of toilets amongst others will be addressed by the department and the Provincial Commissioner's Office without awaiting a MINMEC meeting. He further requested that when issues arise, the staff must interact with the management and the department in order to resolve them amicably and as a matter of urgency, without having to reach the level of the Portfolio Committee. He further resolved to make sure that the relationship with CPS is strengthened and that there is a need to appoint more police officers.

8. FINDINGS EMANATING FROM THE OVERSIGHT VISIT

After the deliberations, the Committee made the following findings:

- 8.1. 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 detention cells were not operational due to health conditions and suspects are currently detained at the Secunda Police Station.

- c. The whole station is sharing one toilet with the community and is constantly blocked, which creates a health hazard.
 - d. The Victim Support Centre is not suitable and also inaccessible for persons with disabilities.
 - e. The SAP 13 store is inadequate to store docket.
- 8.2. The police station has been under lease since its establishment.
 - 8.3. There is a shortage of vehicles and police officers cannot patrol the areas they are assigned to.
 - 8.4. There is a shortage of manpower to operate police duties and provide services to the surrounding areas.
 - 8.5. The high rate of sick leave taken by members due to understaffing and stress due to officials being overworked is a matter of concern.
 - 8.6. The working conditions existing at the Station are an infringement of the basic labour rights and there is a need to address those challenges without delay.
 - 8.7. Both male and female staff members who are accommodated at the staff quarters share the same bathroom, which is regarded as an anomaly.
 - 8.8. Although the CPF structure is in place and functional, there is a need for more members within the structure to assist with the running of the policing work.
 - 8.9. The CPF is not inclusive and mainly run by AFRIFORUM which is regarded as a political organization.
 - 8.10. The SA flag is not hoisted in the police station, and the Committee regards this as a deliberate move by the white people residing in the area, given the background of the town.

9. RECOMMENDATIONS

The following recommendations emanating from the oversight were made by the Committee:

- 9.1. 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 Trichardt Police Station; the

Provincial Mpumalanga Police Service Head Office must, without delay, embark on a process to improve the infrastructure and all challenges identified at the Trichardt Police Station. The MEC and Provincial SAPS should escalate the need of a suitable police station structure at Trichardt with MinMec. Furthermore, a progress report must be submitted within 30 days after tabling of this report.

- 9.2. The department should investigate why the police station has been under lease for so many years, and also establish who the police station is leased from and why this has been the case. The department must also find out how much the lease costs and why the matter has not been resolved to date. A comprehensive report as well as the plan to resolve the issue as a matter of urgency must be submitted within 30 days after tabling of this report.
- 9.3. An acceptable number of vehicles must be allocated to the Station to ensure that police officers are able to patrol the areas assigned to them.
- 9.4. The Station management need to come up with means of strengthening the organizational structure and employ more people as well as fill vacancies that are open.
- 9.5. The Station Commander must conduct a survey 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.
- 9.6. 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.
- 9.7. The staff members who are accommodated at the police station must be removed from the quarters as a matter of urgency (within a matter of a week after the report is tabled) and the management must provide the staff with both the suitable accommodation as well as transport while the place is under renovation.
- 9.8. The Provincial Department of Community Safety, Security and Liaison must continue to liaise with the CPF management at the Trichardt Police Station to ensure that the CPF is increased and also identify the capacity building needs of the CPF; and further ensure that it provides the relevant training as well as working tools to them.
- 9.9. The CPF must be inclusive of both black and white (as well as other races) members of the community.

9.10. The South African National Flag must be hoisted as a reflection that the precinct is a government Police Station, within a week after tabling of this report; as guided by DIRCO and the Southern African Vexillological Association.

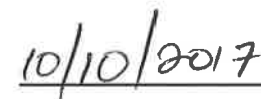
10. CONCLUSION

The Chairperson of the Portfolio Committee, Hon GC Shabalala, extends her appreciation to Members of the Committee, the MEC and departmental officials, Provincial Commissioner and the Cluster commander, all stakeholders and the support staff of the Legislature for their participation during this oversight visit to the community of the Govan Mbeki 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 November 2017** and thereafter on quarterly basis.



HON. GC SHABALALA (MPL)



DATE

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