

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

MONDAY, 14 FEBRUARY 2011

TABLE OF CONTENTS

TABLINGS

National Assembly and National Council of Provinces

1. Minister of Finance 185
2. Minister of Justice and Constitutional Development..... 185
3. Minister of Water and Environmental Affairs 185

COMMITTEE REPORTS

National Assembly

1. Police..... 186
-

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

- (a) Municipal Budgets for the 2010 Medium Term Revenue and Expenditure Framework (MTREF), in terms of section 16 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).

2. The Minister of Justice and Constitutional Development

- (a) Convention on Cybercrime, tabled in terms of section 231(2) of the Constitution, 1996.
- (b) Additional Protocol to the Convention on Cybercrime, concerning the Criminalisation of Acts of a Racist and Xenophobic Nature committed through Computer Systems, tabled in terms of section 231(2) of the Constitution, 1996.
- (c) Explanatory Memorandum to the Convention on Cybercrime and the Additional Protocol to the Convention on Cybercrime, concerning the Criminalisation of Acts of a Racist and Xenophobic Nature committed through Computer Systems.

3. The Minister of Water and Environmental Affairs

- (a) Report and Financial Statements of the Bushbuckridge Water Board for 2009-2010, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2009-2010.
 - (b) Report and Financial Statements of the Lepelle Northern Water for 2009-2010, including the Report of the Independent Auditors on the Financial Statements and Performance Information for 2009-2010.
-

COMMITTEE REPORTS

National Assembly

THIS REPORT REPLACES THE REPORT OF THE PORTFOLIO COMMITTEE ON POLICE PUBLISHED IN ATC No 157- 2010 ON THURSDAY, 9 DECEMBER 2010, P. 4312

1. The Portfolio Committee on Police, having conducted an unannounced oversight visit to Inanda Police Station in KwaZulu-Natal Province through a sub-committee of the Portfolio Committee, reports as follows:

1. INTRODUCTION

A Sub-Committee of the Portfolio Committee on Police undertook an unannounced oversight visit to Inanda police station in KwaZulu-Natal Province on 9 June 2010, following reports of the theft of 87 firearms from the station.

The purpose of the oversight visit was to properly find facts on the allegations of theft of 87 firearms from section 13 stores. The Committee also looked at the physical infrastructure, records and management of the stores, and assess service delivery at the police station, using selected sections of the SAPS Monitoring Tool.

2. DELEGATION

- 1) Ms LS Chikunga (ANC) - Chairperson and leader of Delegation
- 2) MS A Van Wyk (ANC)
- 3) Ms D Kohler Barnard (DA)
- 4) Mr J Michaels (Committee Secretary)
- 5) Ms N Dollie (Senior Researcher)

The following individuals were also in attendance: Provincial Commissioner and the Station Management team.

3. KEY FINDINGS AND OBSERVATIONS ON THE LOSS OF FIREARMS

Upon arrival at the police station, the Committee discovered that the person responsible for the Section 13 stores, where exhibits were held, was not in the office and had the keys in his possession. However, members of the Provincial Crime Prevention Unit (specifically Firearms, Liquor and Second Hand Goods – FLASH) were scrutinising the records of the stores.

3.1 Construction of new police station

The station management reported that, during the construction of the new police station, all exhibits, including firearms, were stored in drums and moved to two satellite police stations for safe-keeping. Subsequently problems arose with the management of exhibits.

3.1.1 Observations

Members were of the view that if this process had been better managed by the Station Commander and the store commander then the losses would not have occurred. A procedure should have been put in place during the construction to ensure that losses could not occur during and after this process. The fact that this was not done points to poor management at all levels.

3.2 Provincial Office

The Provincial Crime Prevention Unit, or Firearms, Liquor And Second Hand Goods (FLASH), is responsible for monitoring the intake of firearm exhibits in and out of all police stations in the province. They receive monthly reports from all 185 police stations in KZN. From these reports they are supposed to pick up discrepancies where these are apparent. In addition, they are responsible for investigating when losses are reported from SAPS 13 stores.

Initial checks are done telephonically, and only if the relevant station officials cannot account properly, do they follow up with an audit. In 2009/10 they completed 15 audits. When problems are found during the audit, these are reported. FLASH members admitted that they had not been able to pick up problems at the Inanda station because the written reports were relied on and were not properly scrutinised. It was stated that the performance of the Inanda station looked good on paper, as the high inputs (firearms received) correlated with high outputs (firearms sent through to the provincial office). Approximately 20 firearms exhibits are recorded at the station each month.

According to the Provincial Inspectorate in both 2008 and 2009 discrepancies in the reports from the station were identified. These discrepancies were reported to the Station Commander and the National Office. However, no further action was taken and there was no follow up.

3.2.1 Observations

Members stated that this Provincial Crime Prevention Unit or FLASH seems to rely too much on the accuracy and truthfulness of the reports submitted by the stations, without acknowledging that these written reports could be manipulated to cover up discrepancies and even theft. This Unit should ensure that they did not rely solely on written reports, but also cross-checked the accuracy of the information that they received by visiting the police stations on a periodic basis.

Members questioned why the Provincial Inspectorate failed to pick up on these problems in a timely fashion. Negligence on the part of the Provincial Inspectorate should also be recognised.

Responsibility on the part of the Provincial Office had not been acknowledged. Members were of the view that the Provincial Office ought to have known that there were problems, but, due to its failure to take corrective action, the problem spiralled out of control.

3.2.2 Recommendation

This occurrence presents an opportunity to scrutinise Section 13 stores of police stations in the rest of the province. The Committee thus recommends that teams should be sent to other police stations to ensure that reports sent to the Provincial Office accurately reflect the situation on the ground.

3.3 Firearms Register

No separate firearms register for firearms exhibits was maintained at the station. The last entry on the transfer register was made in November 2008. Thus, for the past two years no separate register had been maintained. It is important to note that, prior to this, a separate register was maintained. The Committee received no explanation as to why it had been decided to discontinue the separate firearms register. The previous store commander said that it was possible that the register was discontinued because the person responsible for that register in 2008 had subsequently left.

Members were concerned that the station did not have a separate Firearms Register, as identified in the standing orders. Members of the station stated that it was the prerogative of the station commander as to whether a Firearms Register was kept or not, and that it was not a requirement *per se* of the standing orders.

3.3.1 Observations

The Inanda police station has a vast number of firearms in their stores (about 5000). It thus seems desirable to have a separate firearm register to ensure the adequate safeguarding of these firearms. Members were concerned that the station had not had this register for the past two years.

Notwithstanding whether the standing orders require a separate firearm register or whether this is up to the discretion of the station commander, in the case of the Inanda police station it would have been a good management decision to keep (or not to have discontinued) this register even if it was not a requirement of the standing orders.

Members expressed their concern about the high number of firearms that were not handed over for destruction.

3.3.2 Recommendation

The high number of firearms in the Section 13 stores necessitates that separate records be kept. Thus the Committee recommends that a separate register be implemented immediately.

3.4 Handover

The current manager of the Section 13 store has been in this position for the past year. It was acknowledged that when he took over the store a proper handover, which would have required a cross-check of all records with the actual firearms in the store, did not occur. According to the current store commander, when he arrived at the police station, the store was in disarray, which was probably why a proper handover did not occur at the time. He began checking the records in August 2009 and compared them with the actual firearms. In May 2010 it was discovered that a total of 87 firearms were missing from the stores.

The previous store commander acknowledged that he did not complete a proper handover to the new store commander. He stated that he had not received a proper handover when he took over the store.

3.4.1 Observation

The process of completing a proper handover in any position is essential, particularly in high-risk positions such as managing a firearms store. The fact that the station commander at the station did not ensure that his managers were following procedures is extremely problematic and points to integral problems around management and control.

3.5 Regular inspections

The section 13 register was checked every day by the Captain or someone of a rank above captain. The problem was that the checks were reliant solely on the paper trail. The exhibits were meant to be signed by the clerk and then checked monthly by the store commander. They were further meant to be checked every three months by the Station Commander.

3.5.1 Observation

Committee members indicated that it was clear that regular inspections of the register and the stores (and cross-checking of the registers) had not occurred over the past few years. This pointed to poor management, as the different levels of inspection should have picked up a problem in good time.

3.6 Disciplinary actions and management issues

The previous store commander (Captain Noko) from whom the current store commander took over was transferred within the Inanda police station to the Crime Prevention Unit. The previous store commander was currently under investigation by the Provincial Commissioner's office.

The previous Station Commander was also currently under investigation. As the most senior manager in the station, he was responsible for ensuring that his management followed correct procedure. He clearly failed in doing this. The previous Station Commander had been removed from his post at the station and was currently working at the Provincial Office.

According to the Provincial Commissioner, a report on what tasks should have been done by the Station Commander was currently being drafted. On completion of the report, disciplinary steps would be taken against the previous station commander if negligence on his part was found.

3.6.1 Observations

Poor management at all levels seems to be the root cause of the problem. According to Committee members it appeared as if no action was taken against management at the station, including the previous store commander and the Station Commander. The store commander remained in a post in the Crime Prevention Unit at the station, and the Station Commander was merely shifted to the Provincial office. The only action taken swiftly was against the lower- ranking clerk.

Members expressed concern that by moving a person (the previous Station Commander) to the Provincial Office, the perception was created that the person had actually received a promotion rather than a punishment for possible mismanagement.

3.6.2 Recommendation

Members recommended that while the disciplinary process (and criminal process, if necessary) continued, the person in question should be suspended. It was important that consequences were seen to occur when such negligence occurred. In this regard, the provincial management needed to act decisively.

3.7 Current state of the stores (Physical security and order)

Only one person in the store had a key to the safe where the firearms were kept. The safe was secured by a trellidoor, but there were no CCTV cameras in the stores and no linkage from the stores to the Station Commander's office. The stores were very neat and the firearms were clearly marked and identifiable.

3.7.1 Observation

The Committee reflected positively on the manner in which the current stores were managed.

4. KEY FINDINGS AND OBSERVATIONS ON GENERAL OVERSIGHT ISSUES

4.1 Detectives

The key crimes reported at the station were murder, residential burglary, assault and rape. There were 64 detectives at the station. According to the Branch Commander, this number was insufficient to deal with the needs of the station. Twenty detectives were removed from this function (to form part of the crime intelligence office), but their dockets remained with the detectives that were left behind.

There was an adequate mix of experienced and younger detectives at the station. However, seven of the 64 detectives had not been for detective training. The remaining 57 detectives had all completed the Full Detective training course. In addition, a total of seven detectives had completed specialised training in sexual offences, and the Branch Commander had completed the Detective Commander training course. Twenty-seven detectives were trained in the implementation of the Child Justice Act in May 2010.

The Branch Commander reported that there was no shortage of police vehicles, as there were approximately 28 vehicles for use by the detectives at the station. Approximately 1 200 cases were reported at the station each month, of which about 950 were serious cases and the remainder less serious offences. The detection rate was approximately 55% on average for all cases, which was noted to be a slight improvement on the 2009 detection rate. The average conviction rate was stated to be about 57%. The Branch Commander acknowledged that they did face challenges with regard to incorrectly formulated charges, but attempts had been made to deal with this problem by convening morning meetings which were held to discuss the charges. In addition they experienced problems with poor statement-taking, but members were referred to training where necessary.

According to the Branch Commander, dockets had gone missing over the past year, but these had been lost by the courts etc and not by the police. In terms of securing dockets, the station had a court register and had applied for 24 lock-up steel cabinets for the 2010 financial year. They had locks on the office doors and regular inspections and docket audits were done.

The Branch Commander noted that as the station has been identified as a presidential station, it was well resourced and had sufficient equipment, including computers

4.2 Holding Cells

The officer in command of the cells on the day could not identify how many cells were under his command or how many people were currently in the cells. After some deliberation, it was noted that there were only 28 persons in the cells on the day of the visit. It was, however, not established what the capacity of the cells was (though they were clearly not overcrowded and many of the cells were empty).

A possible juvenile was identified in one of the cells alongside adult suspects. He had not seen a probation officer at the time of the Committee's visit. On intervention by a Member, his parents were phoned and his mother came to the police station. While the police were not convinced that he was a juvenile, proper steps should have been taken to ascertain this without question. In addition, some of the suspects in the cells stated that they had not been allowed to make a phone call.

The cells were generally clean and in a good condition, aside for dripping toilets. No escape had occurred and no deaths had been reported in the cells over the past year.

4.3 Sector vehicles

No copies of the Domestic Violence Act were kept in the sector vehicles.

5. MANAGEMENT PROBLEMS AT THE STATION

The acting Station Commander, who was the replacement of the previous Station Commander that was sent to the Provincial Office after the missing firearms were discovered, had only been at the station for a week at the time of the Committee's visit. The acting Station Commander refused to say whether he was 'acting' or whether he had been appointed to the position, stating that this was for the Provincial Office to answer.

In the opinion of the delegation, good management was essential for the effective running of any police station. Disciplined members would follow the good example set by management which needed to be reflected in all areas, both big (i.e. ensuring that proper procedures and processes were adhered to) and small (wearing caps). The Members noted that, as this was a presidential station which had had huge resources pumped into it, it was imperative that the correct Station Commander be appointed to fulfil this important function. The Members believed that the Provincial Office ought to take all necessary steps to ensure that they had faith in the ability of the Station Commander that would be appointed, in order to realise the full potential that existed at the station.

6. INFORMATION REQUIRED

Members indicated that the following information would need to be provided:

- The Provincial Office (FLASH) had to provide the 2009/10 report on findings regarding all police stations in KwaZulu-Natal where discrepancies were noted in the audits or reports.
- The report of firearms coming into the Inanda station and leaving the station had to be provided.
- The report on problems identified in 2008 and 2009 by the Provincial Inspectorate had to be provided and this report ought to identify the person at the National Office who received the report.
- Progress made on the internal disciplinary processes involving the former Station Commander and store commander of Inanda police station should be provided.
- The Committee should be informed when a full-time Station Commander to the Inanda police station was employed.
- The Committee should consider requesting information from the respective Provincial Inspectorates and/or FLASH structures around the country on stations in the provinces where there are either potential discrepancies in firearms statistics or where audits have illustrated that losses have occurred.

Report to be considered