

Reports and any correspondence made from the Cluster Commander to the Provincial Commissioner's office for the period 2010 to 2012 on matters relating to the Commission's terms of reference.

CLUSTER COMMANDER

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Verw. / Ref.	
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OFFICE OF THE CLUSTER COMMANDER
KHAYELITSHA CLUSTER
WESTERN CAPE

2012.02.06

The Provincial Commissioner
South African Police Service: Western Cape
Private Bag X 9004
CAPE TOWN
8000

**COMPLAINT IN TERMS OF SECTION 206 (5) (a) OF THE CONSTITUTION OF THE
REPUBLIC OF SOUTH AFRICA AND SECTION 66(2) OF THE CONSTITUTION OF THE
WESTERN CAPE: SOCIAL JUSTICE COALITION AND OTHERS**

1. This office was requested to comment on the above mentioned complaint in which the Provincial Commissioner, S A Police Service, Western Cape is one of five respondents.
2. Comment herewith, as follows:
 - 2.1 This Cluster office, Khayelitsha was made aware of the existence of the complaint and the subsequent request for the establishment of a commission of inquiry in December 2011.
 - 2.2 Pursuant to this steps were taken to engage the applicants in an attempt to identify the exact nature of the complaints, as well as to agree to an interim solution to the alleged problems that exist.
 - 2.3 In furtherance of this objective an invitation was extended on 2011-12-02 to the applicants to attend a meeting at Khayelitsha Cluster on 2011-12-06 so that the allegations contained in the report could be made more specific, as it is difficult if not impossible for the S A Police Service to comment on or defend itself against the vaguely framed points in the complaint. It would have been particularly useful if specific cases in which problems were experienced could be singled out, or certain problematic individuals or instances be identified, or a specific time period or geographical area of the greater Khayelitsha area be identified. As it stands, the complaint is loosely worded, without mention of specific cases or dates, times, places or complainants.
(Attached copies of invitation as per annexure A)

- 2.4 Not one of the applicants attended the envisaged meeting and as a result the points were never discussed. Although the Provincial Chairperson of the Community Policing Forum and the Provincial Head: Legal Services, Brigadier [REDACTED] were in attendance, as were representatives of this office, Major General [REDACTED], Brigadier [REDACTED] and Colonel [REDACTED] it did not take the process forward at all since nobody in attendance had an inkling of what the complaints actually entailed.
- 2.5 The Community Policing Forum chairman (Provincial) confirmed that they, as the official channel between the community at large and the S A Police, were uninvolved in the compilation of the complaint and unaware of the exact and specific nature of it.
- 2.6 As things stand at the moment this office, and indeed the organization as a whole, find themselves unable to defend itself against the vague and generally framed allegations contained in the report. Moreover, the report appears to be inconsistent with itself, for example in paragraph 55 it is stated that "crimes such as burglaries, theft and robberies are rife and are often not reported to the police because they do not receive the necessary attention." This is an interesting example of circular logic, as it stands to reason that unreported crime will not receive police attention, for the simple fact that it is UNREPORTED. In Paragraph 59, however, the drastic increase in reported crime is highlighted, and is cited as proof of the "breakdown of policing in Khayelitsha". The applicants therefore appear to rely on conflicting and irreconcilable points of view to support their contention that policing has broken down.
- 2.7 In the absence of specific reference to cases this office finds itself unable to meaningfully comment on the complaint. Given the absence of a time frame in which these alleged problems were experienced, it is also uncertain whether the current management structures at Khayelitsha SAPS and Cluster are the ones responsible for the perceived problems. It is important to know whether it is alleged that the current management or its predecessors were the cause of the problems, not only for this office to meaningfully comment on the allegations but also for the intended commission of inquiry to be able to adequately assess and investigate the state of affairs both 'before' the problems appeared, and 'after' new management came into effect.

COLONEL
DETECTIVE COORDINATOR: KHAYELITSHA CLUSTER
[REDACTED]
[REDACTED]