

COMMISSION OF INQUIRY INTO ALLEGATIONS OF POLICE INEFFICIENCY IN  
KHAYELITSHA AND A BREAKDOWN IN RELATIONS BETWEEN THE  
COMMUNITY AND THE POLICE IN KHAYELITSHA

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NOTICE 4

19 October 2012

PROVISIONAL LIST OF ISSUES FOR PHASE ONE

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## INTRODUCTION

1. This fourth notice issued by the Commission contains the provisional list of issues to be considered by the Commission in Phase One. As set out in Notice 1, the Commission has divided its work into two phases. In each phase, there will be public hearings.
  - a. *Phase One*: Investigation into allegations of inefficiency in the SAPS in Khayelitsha and a breakdown in the relations between the community and the SAPS in Khayelitsha (expected public hearings to last up to three weeks).
  - b. *Phase Two*: Expert evidence on the issues raised in the Commission's terms of reference (expected public hearings to last one week in February 2013).
  
2. The aim of the list is to identify the main issues that the Commission presently thinks it needs to consider in Phase One in order to comply with its terms of reference. The list is provided for the assistance of participants and interested parties, as well as potential witnesses. An inquiry is not a court case, nor does it determine civil or criminal liability. The terms of reference broadly determine the subject matter of the inquiry, but the Commission considers it will be helpful to provide greater detail as to the issues it considers fall within its mandate. New issues may emerge as the process develops. Participants will be given an opportunity at the preliminary hearing which is to be held on 29 October 2012 to identify omissions from this list, or suggest refinements or deletions. The Commission may amend this provisional list of issues by issuing a new list. The list is intended to guide rather than to constrain the evidence that is placed before the Commission.

PHASE ONE: INVESTIGATION INTO ALLEGATIONS OF INEFFICIENCY IN THE SAPS UNITS  
BASED IN KHAYELITSHA AND THE ALLEGATION OF A BREAKDOWN IN THE  
RELATIONS BETWEEN THE COMMUNITY AND THE POLICE

A. CONTEXT

1. The history of Khayelitsha: its establishment, growth and information on its current demographic, social and economic situation.
2. Crime statistics in Khayelitsha since its establishment in 1983 to 2012.
3. Policing in Khayelitsha and in South Africa: general overview and context.

B. POLICING IN KHAYELITSHA

1. The structure and functioning of the South African Police Services in Khayelitsha in the period 1 January 2010 – 31 August 2012.
2. The three police stations in Khayelitsha (Harare, Lingeletu West, and Khayelitsha): staffing, resources, information on charges laid, crimes investigated, and convictions obtained for period at least 1 January 2009 – 31 August 2012; relationships with Community Police Forums and other related matters.
3. The command structure, operations and functioning of other police units operating in Khayelitsha.
4. The law governing the SAPS, including relevant constitutional and statutory framework, regulations, operating procedures, standing orders and instructions.
5. Other informal law and order structures operating in Khayelitsha, including traditional courts, street committees and other informal justice structures.
6. Evidence related to crime based on or related to gender, sexual identity and ethnicity or nationality in Khayelitsha, if any.

7. Evidence relating to the policing of crimes involving children, either as perpetrators or victims.
8. Evidence relating to criminal gangs operating in Khayelitsha, and the policing of such gangs.

**C. EVIDENCE OF INEFFICIENCY IN THE SAPS IN KHAYELITSHA**

1. The eight complaints received by the Premier and forwarded to the Commission.
2. Complaints of inefficiency/other misconduct against officers of the three Khayelitsha police stations or other units of the SAPS operating in Khayelitsha made to IPID/ICD for the period, at least, 1 January 2010 – 31 August 2012.
3. Other evidence of inefficiency received by the Commission.

**D. EVIDENCE OF A BREAKDOWN IN RELATIONSHIP BETWEEN SAPS AND COMMUNITY**

1. Information concerning vigilante attacks on suspected criminals in Khayelitsha (2006 – 2012).
2. Other evidence concerning breakdown in relationships between SAPS and community.