

**IS CRIME COMBATING INTELLIGENCE LED AND IS IT EFFECTIVE IN GREATER
KHAYELITSHA? REPORT FOR THE KHAYELITSHA COMMISSION OF INQUIRY**

Dr. Chris Paul De Kock

Independent Consultant and Analyst: Crime, Violence and Crowd Behaviour

TABLE OF CONTENTS

1. INTRODUCTION	4
2. THE CONCEPT OF MORE AND LESS POLICEABLE CRIME	4
a) Crime intelligence/ information	5
b) Crime prevention	8
Daily policing/patrols/visibility	8
Crime intelligence	11
Social and environmental crime prevention.....	12
c) Crime detection	15
d) The distinction between more and less policeable crime	16
3. DIFFERENT CATEGORIES, SUBCATEGORIES AND TYPES OF CRIME	17
3.1) Serious and less-serious crime.....	17
3.2) Contact crime	20
3.2.1) Assault GBH and assault common.....	22
3.2.2) Sexual offences	25
3.2.3) Murder and attempted murder.....	27
3.2.4) Robbery aggravated and common robbery	29
3.3) Contact related crime	32
3.4) Property related crime	32
3.5) Crimes detected as a result of police action.	33
3.6) Other serious crimes included in indexes and reports.....	34
3.7) Other serious crimes <i>not</i> included in indexes and reports.....	36
4. THE CRIME SITUATION IN GREATER KHAYELITSHA.....	37
4.1) Issues of underreporting and non-registration of crime, as well as the availability of detail data at a national level	38
4.2) Greater Khayelitsha's position versus the other plus minus 1135 stations in S.A.....	46
4.3) Crime trends in Greater Khayelitsha.....	48
4.3.1) Less policeable crime trends.....	49
4.3.2) More policeable crime trends.....	51
5) CRIME INTELLIGENCE IN GREATER KHAYELITSHA.....	61
5.1) The norm/ideal at station level.....	61
1) Crime mapping	61
2) Case linkage analysis by making use of the matrix	63
3) Fieldwork to explain the why of crime patterns.....	68
4) Briefing and debriefing of shifts	69

5) Statistical analysis of crime statistics at station level 70

5.2) How does the crime analyst functions manifest in Greater Khayelitsha? 73

5.2) Conclusion on crime intelligence in Greater Khayelitsha 82

6) RECOMMENDATIONS..... 84

1. INTRODUCTION

1. This Report asks the question: Is policing in Khayelitsha effective in reducing more policeable crime? It can be revealed that policing in Greater Khayelitsha is not effective in reducing/preventing more policeable crime – particularly not in the last two financial years (2011/12 and 2012/13) which was released by the Minister of Police.
2. In the second part of the report which is section 5, I will consider whether this failure is due to either: a) a lack of crime intelligence/information; b) a failure to operationalize the information and intelligence into crime combating; and/or c) to execute the daily crime prevention operations.
3. This report is structured as follows:
 - 3.1. Section 2 will spell out the concept of more and less policeable crime;
 - 3.2. Section 3 will provide more clarity on different categories, subcategories and types of crime; and
 - 3.3. Section 4 is a concise description of the crime situation in Greater Khayelitsha with a focus on the more policeable crimes.
 - 3.4. Section 5 will deal with crime information /intelligence at station level.
 - 3.5. Section 6 is the recommendations of this report.

2. THE CONCEPT OF MORE AND LESS POLICEABLE CRIME

4. By far the most social scientists and especially policing experts, criminologist, sociologists and psychologists will agree with the following statements:

- 4.1. Crime in all its manifestations should as far as possible first be prevented, but if it manifest then the perpetrators should be detected and successfully prosecuted.
 - 4.2. The successful prosecution and conviction of perpetrators of crime in all probability also deters potential perpetrators and is therefore one of the prevention tools.
 - 4.3. The police in any country are not the only role player when it comes to crime prevention or even detection, but they are a primary role-player in both.
5. Modern policing today includes a whole range of actions/activities which are all an essential part of crime combatting, which is the primary function of any police service. If a police service does not do crime combatting, which include both prevention and detection, serious questions should be asked about the reason for its existence. This range of activities will be listed here under the headings: a) crime intelligence/crime information, b) crime prevention, and c) crime detection.

a) Crime intelligence/ information

6. Crime intelligence/information should underlie every crime combatting action. In the world today everybody talks about Intelligence Led Policing (“**ILP**”), although the latest development is Problem Oriented Policing (“**POP**”). In both approaches, intelligence/information is the essential element. Crime combatting can only be effective if the what, where, when, how, why, and who of crime are known. To put it differently, for me as the station commander of Khayelitsha to significantly reduce my murder and attempted murder figures, I will as a start have to know what is the types of murders and attempted murders

that I deal with, where and when does each of these different types occur, why does it occur at that point at that time, if possible who is involved in these crimes.

- 6.1. **What crime is occurring?** Not only the legally based categories like murder and aggravated robbery, but also the subcategories can assist in the operationalization of intelligence. For example, in a station like Khayelitsha or Harare murder and attempted murder cannot be combatted effectively without knowing the proportions of these crimes which are generated by social discord /arguments, gang violence, aggravated robbery, taxi-violence, hate crimes like xenophobic and homophobic violence, and vigilante action. Each of these different kinds of murder and attempted murders need different kinds of prevention and even detection responses. I will discuss how the subcategories and variations of different crimes are established (or are supposed to be established) in South Africa in section 5. The same applies to the other crime intelligence actions which are mentioned here.
- 6.2. **Where and when did the crime occur?** Each crime usually occurs in a specific spatial and time pattern and this can differ from precinct to precinct and even within a precinct over time. Police visibility which is not based on these patterns will largely be ineffective. In addition, spatial and peak time data (hotspot and the time of each hotspot) is also crucial for linkage analysis – finding links between apparently unconnected crimes.
- 6.3. **Why did the crime or specific subcategory of this crime occur at that hotspot at that time?** Is there a social and or physical

environmental factor which explains why this spot and time is preferred for this specific crime? Arguments/fights with both assaults GBH and common assaults (sometimes resulting in murder and attempted murder) usually occur at shebeens frequented by different kinds of people who don't know each other and who are already quite intoxicated. It is usually those shebeens/taverns which stay open late and where already intoxicated clients, who left their regular tavern/shebeen, go to for a late-night drink.

- 6.4. Smash and grab incidents where a perpetrator smashes the side window of a vehicle as it stops at a robot and then grabs the laptop on the seat and runs away (this will actually be registered on CAS as a theft out of motor vehicle) will usually occur at peak time traffic at a robot near to an escape route (a dark alley or a metro rail station). In peak time it will be impossible and dangerous for the driver to abandon his/her vehicle and follow the smash-and-grabber.
- 6.5. **How was the crime committed?** It is necessary, as far as possible, to analyse all the modus operandi's of a specific category of crime to: a) warn the public for what they should be on the lookout for; b) know what the police patrols should be on the outlook for; and c) include the commonalities in modus operandi in the linkage analysis.
- 6.6. **Who is the perpetrator of the crime?** As cases in the same crime category occur in a precinct over time, crime intelligence should check to see if there is no repeat of similar modus operandi, target, victim and suspect information. The idea is that if there are commonalities between the different cases, a crime series should be registered which should: a)

be escalated to the cluster/area level to see if the series are not wider than the station; b) be incorporated in to the collection plan of the crime intelligence collectors; and c) the analysis plan of the intelligence analysts.

7. If all of the above actions are followed, there would be a sound intelligence basis with answers to most of the what, where, when, why, how, and who questions for prevention and detection. To execute the above actions and come to answers, the analyst at station level will use: crime mapping and analysis, the case linkage matrix, fieldwork, briefing and debriefing of shifts. These tools will be described in section 5 of this report.

b) Crime prevention

8. Based on all the information/intelligence available a police service should at least take the following crime prevention actions.

Daily policing/patrols/visibility

9. The most basic crime prevention action of the majority of police services in the world today is constant police visibility. Over the past 30 years I travelled through many developed and developing countries, and wherever I travelled I saw police visibility. The visibility in many of these countries is of such a nature that people know that they are being watched and that if they act illegally, or even contrary to good behaviour, there is a high probability that they will be observed by a police official.

10. Visibility should be planned and focused on the basis of the crime hotspots and the peak times. But it should also focus on the “why” explanatory information: Why is the hotspot at that location at that time? For example if the police want to arrest the perpetrator/s it is better not to have visible policing, but to have an observer who could watch the hot spot and a quick reaction force very close by which can strike in the seconds after the crime is committed. So visibility/patrol planning can not only be determined by the time and spatial dimensions but also the what (what crime or subcategory of crime) and why. There are many examples at station level how focused visibility in South Africa has led in a significant decrease in more policeable crime. Even at a cluster, Provincial and National level there are examples of how focused visibility – especially during big events – significantly reduced more policeable crimes. One of the latest ones is the very significant decrease of more policeable crimes like aggravated robbery (and murders and attempted murders as a result of aggravated robbery), common robbery, housebreaking (both residential and business), and theft of motor vehicles during both the Soccer Confederation Cup in 2009/2010 and especially in the Soccer World Cup in 2010/2011. Some of these crimes decreased by up to 40% during these events in the areas where they occurred. This resulted in national decreases of respectively: 7,2%, 4,9%, 6,3%, and 2,9 % in murder, attempted murder, aggravated robbery and common robbery in the Confederation Cup year. In the World Cup year, those crimes decreased by 5,3%, 11,0%, 10,8% and 4,6%.
11. There are some police officers in all police services who are quite sceptical about crime prevention and especially prevention through focused visibility. Their view will always be that when police are visible in a certain area the crime

will just be displaced to another area; the crime is just being chased from one spot to another. I have, over the last 20 years, met many experienced police officers in South Africa and abroad who believe in this type of planned displacement. First, they feel that the whole idea of crime displacement is overemphasised by police officers who are not particularly enthusiastic about their work. Even though visibility does result in displacement, it also disorientates the criminals and drives them into taking chances without properly assessing the risks.

12. Secondly, they support planned displacement: you displace the criminals to where you have an advantage over them and you can arrest them. For example, there are three shopping centres in a precinct where cars are parked unguarded and at all three of them there is theft out of motor vehicles. A clever and hardworking station management will do an assessment of at which of the three centres it will be the easiest to pounce on the thieves and catch them red-handed. They will then convince the other two centres to employ car guards and also increase visibility there while they will lower visibility at the site where they want to arrest the suspects red handed. At the same time they will start to do surveillance at the arrest site to identify the culprits. When they are then ready the so-called tekkie squad will pounce on the identified car breakers and arrest them.
13. Before each shift goes on duty and each shift goes of duty, they should be briefed and debriefed by the station crime analyst who should not only mention the hotspots and peak times of each serious crime, but also provide the possible explanations for these hotspots and peak times as well as the different modus operandi. Armed with this information they should then go and patrol the

street and public spaces. This procedure provides them with information which does not only tell them where to patrol at what time of the day; it also provides possible explanations for why these crimes occur at those spots at that time as well as the modus operandi. When they talk to victims or to members of the public, they are so informed that they can: a) project a professionalism which instils trust amongst the public; b) warn the public in or near the hotspots personally about the modus operandi of the suspects operating there and in this way prevent that they become victims of the crime which is a problem in that hotspot; and c) the professionalism with which they inform the public to be on the lookout for certain modi operandi will in all probability elicit a lot of information from victims and people who stay, work, and move through the hotspot area. This information that the police officers receive from the victims and other people should all be feed into the debriefing of the shift by the crime analyst, since it can fill in the missing gaps of the precinct crime threat.

Crime intelligence

14. The CIAC, today called the Crime Information Office/Officers (“**CIO**”) was formed in the late nineties on all four levels of policing. The CIAC at station level was formed to analyse the crime situation of the station by undertaking docket analysis, crime mapping, case linkage analysis, fieldwork/environmental assessment, statistical analysis and the briefing/debriefing of shifts to determine the exact “what” (not only what crime category, but what sub-category?), “where” (hotspot), “when” (peak time), “why” (why does it occur at that time, at that hotspot) and where possible the “who” (either a more general

description for opportunistic crimes but sometimes specific information e.g. description of suspects, M.O., targets etc.) which will become part of the collection plan of the collectors on organised crime and serial/repeat offenders.

15. The station's operational management should, depending on the size of the station, have a daily or at least weekly Station Crime Combating Forum ("**SCCF**") meeting. During these meetings they should receive a crime briefing or at least an update of previous crime briefings from the station crime analyst, which should then be critically discussed and operationalized by the station's operational management. In short, operationalization involves the understanding of the specific crime challenge, what the police can do and what other role players can do to reduce the threat. The operational management should estimate the time frame and resources needed to address the problem. These discussions should be minuted and particularly the plan of action, the people responsible for each action, and dates of future SCCF'S feedback sessions should be provided. Most importantly of all, a crime challenge/threat cannot be removed from a SCCF minute until it ceases to exist.

Social and environmental crime prevention

16. Universally there is a resistance amongst police officers to do the work of social workers, teachers, and local authority officials. They did not join the police to do this kind of work or to become pen pushers and meeting attendees. Unfortunately, modern policing approaches in a socially complex world increasingly expect the police to play this role because the police are the receivers, analysts and holders of crime information/intelligence. Theoretically

if the police crime analyst and management at local police station level are doing their job and are motivated to do a proper job, there will be nobody in a better position to inform stakeholders and members of the public about the what, where, when, why, how and who of crime. So all role players are dependent on the police information to try and prevent crime.

17. The station commander and his/her management should, if they receive a proper regular briefing of the crime analyst, be in a position to identify those social and environmental factors/features which generate or are conducive to crime. Although the police may not be in a position to address the specific factor or feature, they should be able to identify it and hand it over to the relevant role-players.
18. For example, 10 years ago the commuters arriving at Denneboom metro rail station in Mamelodi took a short cut through a very dense piece of veld next to the station on their way home. This, especially in the evenings, created a very dangerous situation for commuters and especially females, and there were indeed a lot of rapes. The station commander asked the local authority to either fence off the piece of veld or to cut the grass so that there is no hiding place for rapists. In the end, the local authority regularly burnt down the veld which stopped rapes in this location.
19. Similarly, in Alexandra, Johannesburg there was a street bordering an informal settlement with many toilets. When ladies went there in the middle of the night, rapist were waiting. Many years back the late Minister Steve Tshwete visited Alexandra and when he received a crime briefing he was informed about this. He personally intervened and convinced the Metropolitan Council to move the toilets closer to the shacks. This had the result of a very significant decrease

in rape in Alexandra. The late Minister after that became a very strong supporter of the idea of analysis and even on various occasions asked the SAPS management to strengthen the Crime Information Analysis Centre (“**CIAC**”).

20. It should be emphasized that not only government departments from local to national level should be requested/mobilised on the basis of the crime information to address factors/features which generate or are conducive to crime. All NGOs that claim that they are there to fight crime should be mobilized. Over the years through crime intelligence analysis it became very clear that there is a very strong relationship between shebeens/taverns and crime. It was established that at a small minority of shebeens/taverns that stay open very late, attract already intoxicated clients who do not know each other, it those shebeens that become the hotbed for all kinds of assaults and even attempted murders. But those are by far the minority; most shebeens and taverns are places where regular customers and friends gather after a hard day’s work and relax around a few drinks. When they then go home they are relaxed. If the few problematic shebeens are identified, the police should hand the information over to the Community Police Forum (“**CPF**”) who should, with the help of the local churches, women’s organizations and other relevant role-players deal with the problematic shebeens/taverns.
21. Last but not least the police should use the crime information and the analysis of this information to inform the people in the precinct about the hotspots, peak times and modi operandi. I have already referred to the patrol officers who should be so informed that they can inform victims and other people in the hotspots to be on the lookout for certain modi operandi and caution them of certain behaviour that may be risky. They should do it in such an informed and

professional manner that they should always generate respect amongst the public. But all other communication channels should be used to inform all anti-crime role-players and interest groups. Schools should be visited to tell children about drugs and why and how they should not become involved in crime. Business forums should be informed about the crime threats they face and how they can overcome them. Parents should be informed about the dangers their children face and how they, in partnership with the police, can overcome these dangers.

c) Crime detection

22. Crime detection is mainly a detective function and I was never a detective although the CIAC which I headed between 1995 and 2013 was located at the Division Detective Services for the years 1995-1999. Crime detection involves a whole range of actions to identify and arrest the perpetrators of those crimes which could not be prevented and then to see the case through the court process. The detection process includes: proper statement taking and if necessary re-taking; proper crime scene management including the forensics (DNA samples, ballistics, blood spatters, drug samples etc.), finger, foot/boot/shoe and tyre print taking and crime scene photos; and talking to the informers to try to find as many reliable witnesses as possible. When a suspect is arrested he/she will be subjected to in-depth interview and, if necessary, this should be repeated until the investigator is either satisfied that he/she will not get any more information, or that the suspect is actually not a prime suspect.
23. There are two important aspects to highlight here:

- 23.1. If proper prevention is done, the docket load per detective will decrease significantly with a resultant improvement in the quality of investigation and the increase of convictions with its own preventive value.
- 23.2. It should never be forgotten that each serious crime in South Africa is not committed by a new criminal. Put differently only a very small percentage of the people are responsible for the largest percentage of serious crime – there are many repeat criminals. If dedicated case linkage analysis is done, the dockets showing commonalities will be linked and clustered under the same detective or task team of detectives and this will result in both improved detective work and a faster detection result.

d) The distinction between more and less policeable crime

24. I have described a wide range of policing actions, from crime prevention strategies, to the crime intelligence/information actions underlying those and if crime still occurs, the detection of the perpetrators. The question that arises is: Can all these actions be applied to all categories and subcategories of crime?
25. The answer to this is a definite No! Some crimes occur in such private/corporate spaces that the police will only hear about them when they are handed over for police investigation. In those cases there will be no prevention or even opportunity for prevention.
26. The pure logic of this is that the crimes where the police do not even have an opportunity to prevent should be called less “policeable” crimes while those where the police can potentially use all the actions provided above should be

called more policeable crime. If the police should be measured/evaluated they should preferably be measured against the more policeable subcategories where the whole range of policing actions can be employed and maximum prevention can be effected so that there is a clear reduction of crime.

3. DIFFERENT CATEGORIES, SUBCATEGORIES AND TYPES OF CRIME

27. To refer to crime as just crime, for example: “the crime in Khayelitsha is up in this year.” is like saying “all animals have legs.” It is just too general and meaningless and will never provide a basis for any action; especially focussed effective action like crime combating. To really produce systematic and significant crime reduction, the police require a detailed, in-depth understanding of this general notion of crime. Analysis is needed and the essence of analysis is to break up this broad, general and meaningless concept of crime to its smallest possible parts and to come to an understanding of how the whole fits together in order to formulate specific combating strategies for each part.

3.1) Serious and less-serious crime.

28. Most police services in the world will, at least, distinguish between serious and less serious crime. They may even decide that they are only reporting statistics on a few of the serious categories to the public.
29. The newly formed SAPS during 1995 decided to regard the following list of common law crimes as serious with the implication that the other are less serious – not that they are not serious at all. The twenty five serious crimes are:

1) CONTACT CRIMES (CRIMES AGAINST THE PERSON).

- a) Murder.
- b) Attempted murder.
- c) Total sexual offences.
- d) Assault with the intent to inflict grievous bodily harm.
- e) Common assault.
- f) Robbery with aggravating circumstances.
- g) Common robbery.

2) CONTACT RELATED CRIME.

- h) Arson.
- i) Malicious damage to property.

3) PROPERTY RELATED CRIME.

- j) Burglary at residential premises.
- k) Burglary at non-residential premises.
- l) Theft of motor vehicle and motorcycle.
- m) Theft out of or from motor vehicle.
- n) Stock- theft.

4) CRIMES DETECTED AS A RESULT OF POLICE ACTION.

- o) Illegal possession of firearms and ammunition.
- p) Drug-related crime.
- q) Driving under the influence of alcohol and drugs

5) OTHER SERIOUS CRIMES INCLUDED IN INDEXES AND REPORTS.

r) All theft not mentioned elsewhere.

s) Commercial crime.

t) Shoplifting.

6) OTHER SERIOUS CRIMES USUALLY NOT INCLUDED IN INDEXES AND REPORTS.

u) Culpable homicide.

v) Public violence.

w) Crimen injuria.

x) Kidnapping.

y) Neglect and ill-treatment of children.

30. The decision to identify the above 25 crime categories as serious was actually intended to focus more police attention on these crimes, not to ignore the other crimes as not serious at all. Furthermore the idea was never to use this broad group (which in 1995 counted roughly 2.5 million crime counts) as an indicator of policing efficiency or crime reduction. It was (and remains) a total mix bag of crimes some of which should actually increase when police inefficiency improves, while others should decrease. Some cannot be prevented by conventional policing, while others can be prevented by conventional policing. The degree of seriousness of these 25 crimes also varies too much. Shoplifting and crimen injuria can never have the same seriousness weight as murder,

attempted murder and sexual offences and specifically rape. Unfortunately this grouping of crimes (serious crime) has been used as a performance indicator for SAPS.

3.2) Contact crime

31. During the years following 1995 it became very clear that the 25 crimes should actually be sorted into the different crime types indicated in capital letters above according to some of their essential characteristics of policeability and seriousness.
32. The first category which was identified, was contact crime (crime against the person – 1 a) to g) above). We identified these crimes because they are extremely serious in their impact (loss of life and limb, generating fear and insecurity and psychological trauma) and South Africa had levels of these crimes which were either the highest or amongst the highest in the INTERPOL community. It was decided that violent crime was primarily South Africa's problem.
33. During the first month of 2004 Government decided that contact crimes should decrease by 7-10% per category per annum for a period of ten years. This period started with the 2004/2005 financial year and ended with the current financial year of 2013/2014. This goal was set to move South Africa to the middle range of the INTERPOL spectrum on all seven contact crimes. As such the reduction measurement for each of the seven contact crimes was methodologically correct.

Later, in the current Medium Term Economic Framework (“**MTEF**”) of 2009/10 to 2013/14, the measurement started to develop into a collective measurement of all seven categories with the aim to reduce it by 4-7%. This is incorrect for the following reasons:

- 33.1. Crimes which are more policeable and less policeable, are measured together;
 - 33.2. Crime categories of very different sizes are measured together;
 - 33.3. Crime categories of different degrees of seriousness are measured together; and
 - 33.4. Crime categories with different levels of reporting are measured together.
34. To illustrate the impact of this improper method: During the crime statistics releases of both the 2011/12 and 2012/13 financial years SAPS spokespersons and specifically the National Commissioner (General Phiyega) was very upbeat about the progress of SAPS in crime reduction because for example “contact crime” (1 (a) to (g) in the above list), which ANC administrations since 1994 identify as the most serious crime type were on the decrease as a group/type with respectively a -2.3% and a -1.0% decrease for 2011/12 and 2012/13. Conveniently the public were not told that:
- 34.1. This type of crime according to government’s own targets should actually have been reduced by between 4 to 7% for each of the two years – strictly the decrease should be 7% per annum for the 5 year MTEF

period to achieve the 35% MTEF target. The -2.3% and -1.0% decreases are a far cry from these targets – at least between three and seven times lower. According to government's own targets the SAPS clearly failed during the last two financial years.

34.2. They also did not indicate that where in 2011/12 the decrease was at least -2.3%, in 2012/13 it was only -1.0%.

34.3. That contact crime is a very large mixed bag of crimes which differ in terms of policeability, size, seriousness and reporting levels. So it will be difficult to distinguish between the contribution or non-contribution of each contact crime category. In the two years when contact crime decreased by -2,3% and -1,0% the decrease was caused by decreases in assault GBH and assault common. These are very large categories that are primarily affected by reporting behaviour and not heavily influenced by policing. These are less policeable crimes. They can very well come down because of underreporting and not because of improved policing.

35. In the sections that follow, I consider the seven different categories of contact crime to try and illustrate their diversity and even internal diversity. I shall indicate that virtually every crime category has both more and less policeable crime subcategories and that this should be determined in every station and incorporated in their operational plans.

3.2.1) Assault GBH and assault common

36. By far the majority (90% +) of cases of assault GBH and common assault will occur in private spaces where the police are not usually present (except when it occurs in a police member/s own private space). It will come to the attention of the police only after it occurred. That is when the policing of these cases starts. It should start with proper statement taking by highly selected and trained police officials especially where it concerns children and women victims and where relevant proper medical and forensic testing/examination is crucial. Because the perpetrator is usually known to the victim/complainant the arrest should be quite speedy and the total process of prosecution should be done as quickly as possible to prevent unnecessary trauma to the victim. The victim should at all times be supported by the police and other relevant authorities to avoid family and other pressures to withdraw cases. The whole idea with these less policeable crimes is to obtain convictions which are the only real prevention through deterrence.
37. Assault GBH and assault common, especially the domestic variety which include assault of children, are not only subjected to withdrawal of cases as a result of family pressure, but internationally the reporting levels of these crimes can be very low because of the same family pressures and economic dependency. These reporting levels can also fluctuate very significantly and especially according to the economic circumstances (when the economy deteriorates the reporting levels decline and when the economy improves the reporting levels increase) and the gender orientation of the police members receiving the complaints of assault at police stations. In a male dominant station where the majority of the members also grew up in a patriarchal community, the female victims of assault may not receive the support that they should get.

They may even receive a very negative and antagonistic reception including being told that there was no crime because the scriptures say a wife must obey her husband and if not she should be punished, or that she is actually the reason for the fight. At some of these stations, the police may even go and fetch the husband/boyfriend perpetrator to negotiate a settlement but then indirectly endanger the victim because during the next fight the perpetrator may act drastically to prevent the victim from reporting the assault to the station and causing him embarrassment. Because of the fact that the gender composition and orientation of a station may change over time, reporting and even registration of these assaults can fluctuate over time.

38. For example, during the late 1990's I saw many sudden increases (in the order of 30%) in assaults in stations where female station commissioners were appointed for the first time in the station's history. Suddenly the community and especially the female community members, thought that the new female commander will treat them with more sympathy and respect and in some of these stations that did indeed happen. Reporting skyrocketed for a certain period, while in other stations reporting rates remained constant. Area Commissioners sometimes penalised those new female station commanders because their assaults were skyrocketing, where they should have rewarded them for their improved relations with the community and especially females.
39. Assault, both GBH and common, which were 358 802 cases in 2012/13 in South Africa, which was 58.1% of all contact crimes, are less policable, and a decrease may in all probability indicate less confidence in the police because of reduced reporting, not a decrease in assaults.

3.2.2) Sexual offences

40. Analysis of sexual offences found that plus minus 75% and 12% of all sexual offences are respectively rape and sexual assault. Only 4% – all the sex work related crimes – are generated by police action. Respectively 6% and 5% of the sexual offences are attempted sexual offences and other contact sexual offences.¹
41. In this short discussion the focus will only be on the 75% of sexual crimes that are rape cases. As with all the other common laws the law on sexual offences does not provide the circumstances and or motivation for the crime. So accordingly: “Rape is the unlawful and intentional sexual penetration of a person without his or her consent.”²
42. The analysis of rape case dockets over the past decade revealed that in at least 70% of these dockets the crime occur between victims and perpetrators who knew each other (girlfriend- boyfriend, acquaintances, within the family circle, where especially children are raped by step fathers, fathers, uncles etc.). But there is also a growing number of stranger rapes like: rapes occurring during another crime; gang rape as part of gang initiation rituals or as part of hate crimes (like the so-called corrective rape of gays and the so-called “stuck up, too smart for us girls”); rape of sex workers. There is opportunistic stranger rape of victims, by repeat rapists in environmental circumstances which are conducive to rape e.g. a shortcut through tall grass and bushes from the taxi rank to a shopping centre. The perpetrators of these repeat rapes may be serial

¹ South African Police Service *An Analysis of the National Crime Statistics* (2012 Pretoria) 16-17.

² South African Police Service *Crime Definitions to be utilized by police officials for purposes of the opening of Case Dockets and the registration thereof on the Crime Administration System Pretoria, Crime Definitions* (2012, V.001. Issued by Consolidation Notice 2/2012) at 65.

rapist or just repeat rapist who use the circumstances to rape as much as they want. Serial rapists are mainly raping for the psychological reward of it and they plan it in such a way that they actually show the public and the police that they are too clever to be caught. Furthermore they will mostly leave some evidence of their deed, in most cases the body of the victim. A serial rapist will often also murder his victim.

43. Serial or repeat rape (which is also stranger rape) have a more negative impact on society than non-stranger rape and these are actually more policeable. For example:

43.1. Serial or repeat rape should be identified through operational case linkage analysis by using the matrix on the Business Intelligence System (BIS) at station level. When possible repeat and/or serial rape is identified it should be escalated to cluster level where again it should be checked against rape cases of the total cluster and if there are linkages at that level, a cluster series should be escalated to the province. Cases which get linked should be given to one investigator or investigation team. Furthermore, possible serial and repeat rape can be included in the intelligence collection plan. When the repeat rape mostly occurs in a certain hotspot and the environmental scan clearly indicates that there are certain conducive environmental factors at that hotspot, the station commander should report those facts to local government who should take steps to remove them. The public should also be warned of rape hotspots and possible repeat offenders.

43.2. One of the most dreadful manifestations of rape is gang rape. Mostly gang rape will be used as an instrument to “teach somebody a lesson”.

It is used to show a young female “what she should really be and that she should never forget where she comes from”. Worldwide research indicates that gang rape is usually perpetrated by groups of young males with their own self-image challenges who feel that the victim (who in many cases grew up with them such as a childhood girlfriend of one of the group) should be brought back to reality. In many instances alcohol and drugs also play a part to provide the necessary courage, after which group dynamics take over, especially de-individualisation and anonymity. A gang rape is in many cases not a once off occurrence. If they do it once they will in all probability do it more and more. Now clearly, different from a boyfriend rape girlfriend scenario, the police should be in a position to immediately identify and distinguish gang rape through case linkage analysis and when it occurs for the first time they should task intelligence collection to try and establish the identity of the gang members.

44. So although most rape cases involve victims and perpetrators who know each other and are therefore less policeable, there are forms of rape like gang, repeat and serial rape which are actually more policeable/preventable and where the whole range of policing methodology should be used.

3.2.3) Murder and attempted murder

45. The definition of murder, according to SAPS. 2012. P.156. is: “Murder consists in the unlawful and intentional killing of another human being”. While attempted murder is described in SAPS. 2012. p.154 as “Attempted murder consists in the

commission of an unlawful act with the intention of killing another human being but which does not result in the death of that human being”.³

46. Both murder and its failure can be the result of many different motives. To mention a few:

- Murder as a result of assault which is generated by an argument.
- Murder as a result of taxi violence/competition.
- Murder as a result of intergroup conflict (e.g. factions, clans, parties, sects).
- Murder as a result of self-defence.
- Murder as a result of hate crimes (e.g. xenophobia, homophobia, racism).
- Murder as a result of robbery.
- Murder as a result of vigilantism.
- Murder as a result of supernatural believes (e.g. multi-killings, witch- craft killings, Satanism).

47. Over the past decade the Crime Research and Statistics component of Crime Intelligence (for the longest part since 1994 known as the CIAC –Crime Information Analysis Centre) did a lot of docket analysis on murder. Originally most of these studies indicated that as many as 80% of all murders are social in nature. As with assault GBH and common assault and rape most of these murders occurred between people who know each other having an argument about liquor/drugs, money, sex and/or family affairs, which get so heated that it

³ Ibid.

spills over into a physical fight (assault), particularly if alcohol and drugs are involved and then somebody gets killed (murdered).

48. In the more recent national murder docket analyses⁴ it was identified that a larger proportion of murders that were not social in nature were coming to the fore. For example, it was found that during 2007/2008, 65.4% of murders were due to social factors (mainly due to arguments 77%), while 15.9% of murders were as a result of another crime, mostly aggravated robbery. Respectively 4.8%, 1.2% and 0.9% of murders were as a result of vigilantism, gang-related violence and taxi violence. Separate analysis of attempted murder indicated that most attempted murders are generated during other crime, and particularly during aggravated robbery.
49. Logically it is clear, as in the case of assault and sexual offences, that there were different generators, conducive conditions, motives and explanations for the 32 622 murders and attempted murders in South Africa during the 2012/2013 financial year. Furthermore these generators, conditions, motives etc. will differ from station to station as the land use, socio-economic, cultural and demographics of stations also differ and it is essential for each station management to have a full and proper understanding of each category of crime in their area.
50. In short, murder and attempted murder are generally less policeable, but there are certain types of those crimes that are policeable.

3.2.4) Robbery aggravated and common robbery

⁴ See, for example, SAPS *Annual Report 2008/2009* (2009, Pretoria, SAPS Strategic Management) at 10-11.

51. Robbery aggravated is defined in SAPS, 2012 (p.173.) as: “Robbery with aggravating circumstances is the unlawful and intentional forceful removal and appropriation in aggravating circumstances of moveable tangible property belonging to another.”, while the common robbery (p.174.) definition is exactly the same but it does not include the words “in aggravating circumstances”. These two crime categories are the first two on the list of serious crime categories at the beginning of this section, which can be described as “fully more policeable”.
52. Yet again as with all the previous categories already discussed and those which will follow, these common law crimes did not distinguish different subcategories based on different motives, modus operandi, targets etc. But as a result of operational needs, aggravated robbery at least, are registered under different codes on the Crime Administration System (“**CAS**”). These are:
- House robbery (also known as robbery at residential premises);
 - Business robbery (also known as robbery at business premises);
 - Carjacking;
 - Truck hijacking;
 - Robbery of cash- in –transit (also CIT robbery); and
 - Bank robbery.
53. In the last few years a seventh subcategory was formed through exclusion. All the cases which were not in the six with specific sub-codes listed above, were seen as public /street robbery.
54. Although the seven subcategories of robbery aggravated contribute to an improved understanding of this category of serious crime at strategic level (national and provincial), it cannot replace the necessity of operational analysis

at especially station, but also cluster level. For example, robberies can only be successfully combated if the following sort of questions can be answered at station level:

- 54.1. For carjacking, is carjacking in this station aimed at 1) exporting of vehicles, 2) cloning of vehicles, 3) "chopping up of vehicles", 4) joy riding of vehicles, 5) as getaway vehicles; or 6) for street racing or any other activities? When the vehicles are recovered where are they recovered?
 - 54.2. What type of business is robbed in this station area? Is it spaza shops, shebeens, corner cafes, cell phone shops, supermarkets and/or jewellery shops? Are these shops in CBD's, shopping malls, smaller shopping centres or in residential units in residential areas? What is robbed: cash, cell phones, jewellery, laptops or other items? Who owns these shops: locals or foreigners?
 - 54.3. When do street robberies occur? With what kind of weapon? Under what conditions does it become fatal?
55. All this information and much more is necessary to plan daily policing activities against these crimes. There is nobody better placed than the station CIO/CIAC/Crime Analyst. One fact which is crystal clear is that robbery aggravated and common robbery, does not like assault (90%), rape (70%), murder (65%) and attempted murder (55%), have a social/ private component which makes conventional policing difficult. Virtually all these aggravated and common robberies can be policed with the full spectrum of conventional policing methods. When conventional policing does not reduce robberies of both kinds, the police need to return to their plans, because they either do not have the

correct intelligence, they did not operationalize it correctly, or the operational units on the ground did not follow the plans.

3.3) Contact related crime

56. Over the years docket analysis indicated that by far the majority of malicious damage to property and arson cases are connected or even form part of dockets of assault GBH and common assault. A common scenario is this: The perpetrator and the victim has an argument over money, sex (infidelity), family issues, liquor/drugs etc. Thereafter the argument becomes very heated and a physical fight follows which may include one of the assaults, malicious damage to property and/or arson. This has become a very typical scenario in for example informal settlements in South Africa where there is an argument between a husband and wife (boyfriend and girlfriend) and it then develops into a fight where one of the two pour paraffin on and into the shack and set fire to it which often result in a fire which erase hundreds of shacks.
57. Contact related crimes are, as the crimes with which they are associated, namely assaults, are less policeable.

3.4) Property related crime

58. Property related crime includes: housebreaking/burglary; residential and non-residential/business; theft of motor vehicle; theft out of and from motor vehicle and stock theft. All of these crimes are, similar to aggravated robbery, more policeable. The whole range of policing methodologies should be used to first prevent and if it still occurs, to detect and take it successfully through the court.

If reduction is not achieved they have to go back to the drawing board of analyses, operationalization and resource utilization.

3.5) Crimes detected as a result of police action.

59. The three crimes, namely: illegal possession of firearms and ammunition, drug-related crime and driving under the influence of alcohol and/or drugs, should increase when police are actively doing intelligence collection, stop and search operations and roadblocks. These crimes would remain undetected were it not for the police action.
60. But it should also be emphasized that all three of these crimes may also increase as a result of real increases. To explain: in a certain year 20 kilogram of cocaine is seized on the road from an airport on five different dates. If in the next year five road blocks on similar dates are done on the same single road and 40 kilogram of cocaine is seized this in all probability indicates that there was an increase in drug inflow at that entry point. Unfortunately this deduction cannot be made nationally. To do that, all roadblocks and stop and search operations for whatever period for whatever area will have to be exactly the same (actually the dogs and the officers manning a roadblock and even the weather conditions will have to be exactly identical).
61. Since these dockets are opened by the police and it has to increase to count in the positive for a station, it is common to find that the station police will launch an anti-drug operation to net so many people that the case dockets should increase. Police will drive/move down the street and arrest anybody with the smallest quantity of drugs (a person with one stop of dagga for own personal

use). The question then arises that although the figures for drug related crime had grown dramatically since 1995, is this a indication that South Africa are really winning the war against drugs? It does not seem so, and if that is the case it does not augur well for the decrease in property related crimes, and robbery which are often generated by drug dependency.

3.6) Other serious crimes included in indexes and reports

62. These include all theft not mentioned elsewhere, commercial crime and shoplifting. Strictly speaking these crimes, which may have a very negative influence on the economy of any country, cannot primarily be policed by the police. The police cannot patrol the supermarkets of a country to identify perpetrators of shoplifting. This is usually done by security guards, surveillance systems and the clients. Shoplifters will be arrested by security guards on the basis of information provided by shoppers or what they see or hear on the surveillance systems in the supermarket. After the arrest, a case will be opened at the nearest police station and only then it becomes the responsibility of the police (for investigation and prosecution).
63. It is also common sense that the police cannot police the cyberspace or the company files/systems and prevent commercial crime from occurring. Again the companies and financial institutions have their own financial/forensic auditors and when they discover a crime they will investigate to the point where they will either take the appropriate action on their own or report it to the police who will have to prepare the case for the court.

64. When it comes to the single largest serious crime category namely, all theft not mentioned elsewhere (16.7% of all serious crime), it is a real mix bag of crime which includes everything from an old pair of dentures to an aircraft engine worth millions of rand or meters of copper cable which supply power to a few Johannesburg suburbs with a resultant power failure which cost businesses millions. Although “theft other” includes important subcategories, for example theft of non-ferrous metals and gold (illegal mining), analyses in the past revealed the majority of the 362 816 cases are relatively worthless/petty. Although it should on the other hand be remembered that what is petty for the one person may be extremely important for another. Sometimes a very old “brick cell phone” with lots of cello tape to keep it in one piece and a very old rusted bicycle can mean the difference between work and unemployment/hunger. For the person in Khayelitsha it has the same meaning and worth as the iPhone and the Porsche for a person in Sea Point. Furthermore this category of crime is also very vulnerable to insurance fraud because it is difficult to determine whether an item was in fact stolen. Since most of the items stolen under “theft other”, are small items people can very easily misplace/lose them thinking that it was stolen.
65. It was decided not to include this group of crimes in the analyses in section (3) since it is truly less policeable and occurs mostly in areas (shops, companies, banks, private residences) which the police cannot enter to patrol. These are also not the crimes which will dominate the crime profile of the type of station in Greater Khayelitsha. On a national level, 16.7%, 4.2% and 3.3% (a total of 24.2%) consists of other theft, commercial crime, and shoplifting. By contrast, only 9.1%, 2.3% and 2.5% (a total of 13.9%) of the Greater Khayelitsha crime

profile consists of these crimes. Like the general trend these crimes are also on the increase in Khayelitsha.

3.7) Other serious crimes *not* included in indexes and reports

66. The table at the beginning of this section, namely the five crimes (u) culpable homicide, (v) public violence, (w) crimen injuria, (x) kidnapping and (y) neglect and ill-treatment of children are mentioned as other serious crimes which are not included in indexes and reports. But every year when the crime statistics are released it is included on the SAPS website www.saps.gov.za. Reasons why it was not included were the following:

66.1. Most of these crimes consists of less than 4 000 cases per year and they will literally disappear in the pool of high numbered crimes. This was the case in 1995 when this decision was taken, and it is even the same today. In 2012/2013 respectively 1 783, 2 758 and 4 333 cases of public violence, neglect and ill-treatment of children and kidnapping were reported to SAPS (kidnapping for the first time in 2012/2013, since 1994/1995 pass the 4 000 mark-in 2011/2012 it was 3 874.). Altogether these five crimes only contributed 2.3% of all the serious crime in South Africa.

66.2. Culpable homicide, although extremely serious, particularly in the South African context with its high number of fatal motor accidents, is universally not seen together with other serious violent crime because there is no intention. It is the: “unlawful, negligent causing of the death

of another human being”.⁵ Thus, in line with international practice, we decided during 1995 not to group it with violence against the person (contact crime).

- 66.3. Again in line with international practice, *crimen injuria* was not included in indexes and reports because it is a crime which mainly occurs together or as part of either common assault or assault GBH. The same also applies to kidnapping where the vast majority of kidnappings in South Africa occur as part of another crime, especially car and truck hi-jacking and house robberies, where some of the victims may be taken to an ATM to draw money.
67. These crime categories will also not be included in the analysis of Greater Khayelitsha since there were only 351 cases in 2012/2013).

4. THE CRIME SITUATION IN GREATER KHAYELITSHA

68. In this section, I provide a short and concise analysis of the serious crime situation in Greater Khayelitsha over the past decade. This period cover the financial years between 2003/04 and 2012/13 (this is the period 1 April 2003 to 31 March 2013, although it should be emphasized that 2003/04 is actually the baseline year in this analysis). This analysis will try to answer the following critical questions:

- 68.1. How serious is the crime situation in Greater Khayelitsha compared with the other approximately 1135 stations in South Africa?

⁵ See SAPS 2012 (n 2 above).

- 68.2. How serious is the crime situation in Khayelitsha and Harare stations, as the two larger stations of Greater Khayelitsha, compared with the other plus minus 1135 stations in South Africa?
- 68.3. Are the crime trends in Greater Khayelitsha over the past decade a sign of increased success against crime or a sign of failure? To formulate it differently: Did SAPS succeed against its own targets to reduce crime and specifically the more policeable crime? This must also be seen against the background that the Greater Khayelitsha was declared one of the 14 Presidential stations towards the end of the nineties and one of the priority stations for the implementation of the National Crime Combating Strategy (“**NCCS**”) in 2004/2005. The aim of the NCCS was to reduce each category of contact crime by 7 to 10 % per annum for the next ten years which actually ends in this current financial year 2013/2014.
- 68.4. How do the crime trends in the greater Khayelitsha compare with those in the province of the Western Cape and South Africa as a whole?
- 68.5. Can the crime situation in Khayelitsha be fairly described as one where SAPS has lost control over the situation and the community has to fend for themselves?

4.1) Issues of underreporting and non-registration of crime, as well as the availability of detail data at a national level

69. Before the crime situation in Khayelitsha is provided it is necessary to bring the following matters to the attention of the reader.
70. First, crime figures, universally, are only those which are reported to the police; that is the same in South Africa and Khayelitsha. The under-reporting of crime

to any police service in the world is a nightmare for crime analysts because what may seem as an increase or decrease of crime, may in fact be due to a decrease or an increase of under-reporting. The real problem of under-reporting is not the static difference between crimes reported and those not reported; that can be determined by victim surveys, as it is indeed done by very extensive and scientific Victims of Crime Surveys (“**VOCS**”) over the past three years. The problem is actually that the reporting levels of crime can fluctuate differentially for different crime categories, subcategories, areas of jurisdiction, and over very short periods of time. There is a whole range of factors which determine reporting behaviour including: public perceptions of and trust in the police; the current socio-economic situation; gender equality; family pressure etc.

71. The results of a survey done in Khayelitsha by Mthente Research and Consulting Services,⁶ for the Commission and which did include a few questions on victimization and the reporting of crimes to the police reveals that the underreporting of common robbery, armed robbery and housebreaking: residential was respectively 42.6%, 39.2% and 21.3%. That is actually lower than the national levels of underreporting identified by the Victims of Crime Surveys of Statistics SA.⁷ The Mthente research report also identified significantly different underreporting levels for the three precincts which make up Greater Khayelitsha. For example, for common robbery the under-reporting levels for Harare is 52.5%, Khayelitsha is 36.7%, and for Lingeletu West 20.0%. But then for a related but more serious crime, namely armed robbery, the underreporting for Harare is 32.5% and for Khayelitsha it is 48.2%. This

⁶ *Community perception survey into policing in Khayelitsha* (February 2014) at 35.

⁷ Statistics South Africa *Victims of crime survey* (2012) Statistical release P 0341.

illustrates the point made above that it makes the task of the crime analyst very complex and difficult.

72. The underreporting data above immediately raises the question do people in Harare see common robbery as less serious than armed robbery and that is why they bother less to report common robbery but then, why do we find the exact opposite in Khayelitsha?⁸
73. Second, again when victims of crime report crime to the police it is a universal problem that the police do not register all the counts of crime. The unregistered crimes thus never become part of the crime statistics. This happens especially in countries where the police are fighting the crime statistics, and not fighting the crime **with the crime statistics**.
74. In South Africa the non-registration of crime can occur mainly as follows:
- 74.1. The officer in the Community Service Centre convinces the victim that no crime occurred, or that it is better not to report the crime because it may have very negative consequences for the victim, or that the police can do nothing because the victim does not know the suspects or cannot provide a proper description of the suspect. This form of under-registration and the extent of it can only be determined with a kind of exit poll of people who have attempted to report crimes.
- 74.2. The officer in the Community Service Centre only registers the cases on the Incident Book/Occurrence Book (the manual registers in the CSC)

⁸ Unfortunately the Mthente research report raises methodological questions which cannot be addressed in this report, but should get serious attention. Just one example is the fact that when it comes to the much more voluminous social contact crime like assault GBH and common assault the Mthente report only got respectively 24 and 14 respondents which indicated that they were the victims of these crime which is very questionable-even more so if one look at only two respondents who indicated that they were the victims of sexual offences.

and does not open a docket indicating the crimes and the counts of each on the front page of the docket.

- 74.3. The officer in the CSC opens a docket in front of the victim, but despite the statement containing various crimes and counts of crimes he/she only indicates some of those crimes on the front-page of the docket.
- 74.4. The officer in the CSC registers the docket on CAS (Crime Administration System), but only registers certain crimes and counts of crimes appearing on the front page of the docket.
75. The non-registration of crime like the non-reporting of crime is also not a constant phenomenon and can have a very significant influence on crime trends. Like the problem of under-reporting, this makes the interpretation of crime trends difficult and complex. If there is pressure on the police to perform in terms of their statistics and it is difficult to achieve reduction through policing, there is a higher probability of the above types of manipulation. Unfortunately, only the police are in a position to measure the extent of under registration.
76. In August 2012, while I was still in the employ of the SAPS and responsible for crime statistics and research, I wrote a report, titled "Serious crime in Khayelitsha and surrounding areas". This report was attached to the report of the SAPS Inspectorate which is before the Commission. On pages 1-3 of that report I provided the results of data validity checking that indicated that it may have contributed to the increase in crime in some of the stations in the Greater Khayelitsha area. On page 3 of the report I concluded that: *"this office succeeded in pushing the national error rate down from more than 30% to about 10%. The unfortunate consequence of such an action is that crime statistics will increase, even without any real increase in crime."*

77. Three, in section 2 and 3 I indicated that the analysis and resultant explanation of crime can only be done if the subcategories of crime can be clearly distinguished. For researchers outside the police this is impossible unless they have a cooperation agreement with the SAPS. Even then, it will in all probability be limited to a docket analysis together with Crime Research and Statistics.
78. At a national and provincial level, even within the SAPS, it is complicated since you only have the dockets and function 8.1.1.1 on the Business Intelligence System and if the data on these systems is not reliable analysis may lead to invalid deductions. That is why it was constantly emphasised in sections 2 and 3 that to really understand the what, where, when, why, and who of crime, analysis must be done at station level.
79. Four, there is an ongoing debate amongst crime analysts about which crime measure should be used in what circumstances. Basically the debate concerns when should we use the raw figures/frequencies, the ratios, and/or the quotients. The experts on these measures and crime mapping call these: counts, rates and location quotients.⁹ It is strange, but typical of the academic debate that scholars can spend so much time on this argument because each of these measures has its own uses.
80. Crime counts/figures/frequencies indicate the real amount of crime in an area. And because crime goes with people there will always be a tendency that the more people, the more crime. So crime counts tell us about the concentration of crime because of the concentration of people, but not only that. If a

⁹ PL Brantingham and PJ Brantingham 'Mapping Crime for Analytic Purposes: Location Quotients, Counts, and Rates' in D Weisburd and T McEwen (eds.) *Crime Mapping and Crime Prevention* (1998, vol 8. Willow Tree Press).

government has to decide how it is going to allocate resources to combat crime it will have to use crime counts. Brantingham and Brantingham state:

“Violence counts are, unsurprisingly, tied to city size. Vancouver, the largest city and largest policing jurisdiction in the province, ranked first in violent crime counts. Surrey, the second largest jurisdiction, and Burnaby, the third largest, ranked second and third in violent crime counts respectively..... These are the hot spots where police and the rest of the justice system will have to deal with a large number of violent crimes and criminals, and where the medical system and insurance schemes will have to deal with large numbers of victims.”¹⁰

81. I explained this to SAPS Management when I joined the police in August 1995. Resource allocation has to be according to the hotspot station distribution.
82. Where crime counts tell us about the concentration of crime as a result of the concentration of people, crime ratios/rates tell us more about the concentration of the generators, causes and conducive conditions of crime in general, as well as of specific crimes. As the Brantingham’s tell us, crime rates *“are used to assess the risk of crimes occurring to particular types of people in particular locations or at particular times... . Crime rates are particularly useful in planning prevention campaigns and in assessing the impact of changing social conditions of the risk of crime.”¹¹* If one wants to do research in order to explain a specific crime phenomenon, it would be advisable to select precincts with high rates/ratios of that phenomenon and compare it with precincts with the lowest rates/ratios of the specific phenomenon.

¹⁰ Ibid at 274.

¹¹ Ibid at 266.

83. More generally rates/ratios are used to equalise differences in population size in space or in time. If one wants to compare crime in different countries and states/provinces with different population sizes, or analyse the crime trends of a growing population over two decades it is definitely appropriate to use ratios/rates.
84. The use of rates/ratios to equalise population growth and differences in size of population can actually only be used at a more macro level (e.g. country, state and province) because here mobility is relatively low and population size more stable. When crime ratios are used at a city/town/precinct level it is plagued with the problems of unreliable population figures, but especially high mobility between precincts in one city.
85. For example, I am certain that, if ratios/rates for theft: other are calculated for the precincts of South Africa, O.R. Tambo International will (in all probability) be first, followed by the larger CBD stations (like JHB Central, Pretoria Central and Durban Central). The same will apply for theft out of motor vehicles and even theft of motor vehicle. Hundreds of thousands of people move through O.R. Tambo International on a daily basis and become the victims of theft: other at the airport, or “discover” it at the airport after an extensive tour through South Africa. They could have lost the property or it could have been stolen at any point over an extensive period, but they report it at the airport because they need a case number in order to claim from their travel insurance back home. An abnormal number of these crimes are registered at O.R. Tambo International, but the airport has no permanent/residential population. A high count/number of thefts (the numerator) is divided by a small (virtually none) population (the denominator) which will result in a high ratio.

86. The same will apply in CBD stations which on a daily basis are flooded with hundreds of thousands of people who work or visit it for business during the day and are either the victims or the perpetrators of crime in the CBD. In the end a high count of thefts, motor vehicle theft, or theft out of or from motor vehicle (numerator) is divided by a relatively small population (although CBD's became more populated during the past 20 years they still have smaller resident populations than suburbs and townships). That will result in high rates/ratios.
87. The problem with these high ratios is that they reflect a high risk of crime and a high presence of generators and conducive conditions of the specific crime which, because of a highly mobile population, is actually false. It was these problems with crime rates/ratios at a micro/local level which motivated criminologists and other social scientists to look at other measurements of crime that can provide an indication of risk and the concentration of generators and conducive conditions for the specific crime at any level of jurisdiction.
88. They found it in the quotients or location quotients which Brantingham and Brantingham describe as the: *"LQC's provide a measure that helps identify whether a specific crime pattern is disproportionately high or low in a particular place or location. While LQC's should not be used without considering counts and rates, they do provide a relative or contextual view of crime and should prove helpful in understanding crime patterns and in developing priorities and approaches in crime prevention."*¹² If one scrutinizes the formula, it is clear that a quotient is nothing else than a station crime profile which this author has used

¹² Ibid at 280

for many years to identify stations and provinces which have a disproportionate category of crime.

89. In this crime analysis of Khayelitsha, in line with international practice, both crime counts and profiles/quotients will be used. No ratios/rates will be employed since my analysis occurs on station level.

4.2) Greater Khayelitsha's position versus the other plus minus 1135 stations in

S.A.

90. Table 1(ANNEXURE A) lists the top 30 stations for certain selected serious crimes from the station with the highest number of that specific crime, to the station with the lowest number of that specific crime. The table is based on the statistics for 2012/2013. The stations of Khayelitsha, Harare and Lingeletu-West were clustered together as Greater Khayelitsha, but if one of those three stations was itself in the top 30 stations depicted in Table 1, it was separately included in Table 1. In a column of Table 1, therefore, Greater Khayelitsha (which is strictly speaking not a station) and Khayelitsha and Harare stations, which are two of the three stations of Greater Khayelitsha, can all be found.
91. The top thirty positions were listed because the lowest ranking of Greater Khayelitsha was 23, for burglary at non-residential premises.
92. The following deductions can be made from Table 1:
- 92.1. Greater Khayelitsha takes up national position number one (1) for:
- 92.1.1. murder;
- 92.1.2. attempted murder;
- 92.1.3. sexual offences;

92.1.4. assault GBH; and

92.1.5. robbery with aggravating circumstances.

92.2. For assault common it take up position number three (3) and for common robbery position eight (8). For burglary at residential premises, and burglary at business premises Khayelitsha take up positions 11 and 23 respectively.

93. If it is accepted that the Greater Khayelitsha which is referred to here, is the same area as the Khayelitsha which was split up into three stations, namely Khayelitsha, Harare and Lingeletu-West in July 2004, then it is shocking to compare the 2012/13 rankings to those in the 2002/03 Annual report of SAPS.¹³ That Report reveals that, in 2002/3, Khayelitsha was number one for murder, assault GBH, and rape. But for attempted murder it was in position number 3 because positions 1 and 2 were taken Nyanga and Galeshewe stations. And for aggravated robbery it was in position 5 because positions 1 to 4 were taken up by: Hillbrow, Johannesburg Central, Durban Central and Kwa Mashu. The situation in Khayelitsha has deteriorated over the past decade; today the same Greater Khayelitsha area is number one on murder, attempted murder, sexual offences, assault GBH, and aggravated robbery.
94. To split a massive high crime precinct into smaller stations is a positive step towards improved policing. But if those who split the old Khayelitsha believed that by just splitting the presidential station the crime problem would disappear, they made a grave mistake. Table 1 indicates that on murder in 2012/13 both the present-day Khayelitsha (Site B) and Harare stations occupy positions 4 and 6 respectively, they are “beaten” only by Nyanga and Inanda (KZN).

¹³ SAPS *South African Police Services. Annual Report 2002/03* (2003) at 28 to 40.

95. On attempted murder, Khayelitsha (Site B) and Harare occupy 5th and 23rd positions respectively. On sexual offences Harare and Khayelitsha (Site B) occupy 24th and 27th positions. When it comes to assault GBH and common assault, Khayelitsha (Site B) respectively occupy 23rd and 25th positions, while Harare did not appear in the top 30. Khayelitsha (Site B) with a 4th position on robbery aggravated was “beaten” by its neighbour Mitchells Plain in second position and by Pinetown in third position. Harare found itself in a 18th position.
96. It is interesting to see that, although some of them had become smaller, many of the other old 14 Presidential Stations, still feature in the top 30 stations in Table 1. For example, in the case of murder: Inanda (3), Kwa Mashu (10), Mitchells Plain (17), Alexandra (22), and Kwazakele (28) all feature. In the case of attempted murder: Mitchells Plain (3), Kwa Mashu (13), Inanda (14), Alexandra (21), and Kwazakele (30) still appear. While in the case of aggravated robbery: Mitchells Plain (2), Kwazakele (9), Inanda (19), and Alexandra (23) remain on the list. The old Khayelitsha (Greater Khayelitsha) is not the only Presidential station which is still among the top 30 hotspot stations in South Africa; but it is the worst of the group.

4.3) Crime trends in Greater Khayelitsha

97. In table 2(ANNEXURE A) the percentage increase/decrease for each crime category per financial year for Greater Khayelitsha, Western Cape and South Africa are provided. The table reflects the “crime trends”. The reader should be reminded that in section 2 and 3 it was made clear that only the more policeable crime trends will be analysed here. In this table assaults and sexual offences

are not included, because more than 90% of the assaults and 70% of the sexual offences are less policeable. However, I indicated in section 3.1 that Greater Khayelisha is quite high on the national list on these less policeable crimes. So at least some indication should be provided on these trends.

4.3.1) Less policeable crime trends.

Assault

98. Assault GBH in Greater Khayelitsha decreased from 2003/04 to 2008/09 by 60.1% – that is a 12.0% average decrease per year over a five year period. This was a higher annual crime reduction than the 7 to 10% reduction target set by government. However, from 2008/09 to 2012/13 assault GBH increased again by 20.6%, with most of this increase occurring in the two soccer years namely 2009/10 (Confederation Cup) and 2010/11 (World Cup). In the last two years, 2011/12 and 2012/13 the increases were only respectively 0.9% and 3.3% respectively.
99. As already indicated in section 2 it is difficult to explain increases and decreases of a less policeable crime like assault GBH because it can be significantly influenced by reporting and even registration behaviour. So the very significant annual drop of 12.0% per annum during the period 2003/04 to 2008/09 may have been the result of the pressure on police officers to reduce a crime over which they actually did not have much control and a population which increasingly had less trust that the police would assist them with assault. This mistrust could also be stimulated by the less sympathetic attitude of the police when it came to the registration of these crimes.

100. Interestingly enough the common assault trend is very similar but at a much lower level than the assault GBH level. Between 2003/04 and 2008/2009 there was an 18.4% decrease in common assault. That is an average annual decrease of 3.7%, below the 7 to 10% reduction target. Then there was an increase of 13.2% during the Confederation Cup year (2009/10) and, unlike assault GBH, a decrease of 20.5% during the World Cup year (2010/11). Common assault increased by 17.5% between 2010/11 and 2012/13.
101. This trend that both assault GBH and common assault increased in Khayelitsha between 2010/11 and 2012/13 (taken together they increased by 11.0%) is not in line with a 6.7% decrease in these crimes across South Africa as a whole. The question that needs to be asked, but will be extremely difficult to answer, is whether this trend was a result of: (1) more fights in the community because of economic stress during the past two years; (2) more vigilante actions which meted out punishment in the form of beatings; (3) more sympathetic service by the police to the victims of particularly domestic violence; or (4) some combination of those causes.

Sexual offences

102. On sexual offences and particularly rape in Khayelitsha there is not much that can be said since rape figures for stations are not provided on the police website and since the Criminal Law (Sexual Offences and Related Matters) Amendment Act ,2007(Act No.32) was only implemented in December 2007 the data can't actually be compared over a long period. From 2010/11 to 2012/13 the sexual offences stayed unusually stable.

4.3.2 More policeable crime trends

Murder and attempted murder

103. As already indicated in sections 2 and 3, at least 65% of murders and 55% of attempted murders in South Africa are as a result of interpersonal arguments which become violent (assault) and then develop in attempted murder and murder. Murder, and also attempted murder, are dominantly less policeable crimes which should have been dealt with in 4.2.1, but here it will be dealt with in this intermediate section between less and more policeable crimes for the following reasons:

103.1. With its national 65% and 55% social and less policeable proportions it is already clear that there are 35% of murders and 45% of attempted murders which are in all probability more policeable. They are different from assault and fall more on the boundary between more policeable and less policeable.

103.2. In the case of Greater Khayelitsha, I have already conducted some analysis of murders and attempted murders in a report while I was still in the SAPS. The title of that report was: "Serious crime in Khayelitsha and surrounding areas". It was written in July-August 2012 and attached to the Tshabalala Report which is before the Commission. The analysis used function 8.1.1.1 of the BI system to evaluate the 359 murder and 264 attempted murder dockets of the 2011/12 financial year. The results appear on page 19 in table 6 of that report and indicate the following:

- 103.2.1. Of the 359 murder docketts, in 154 (42,9%) the motive for the murder could not be established from function 8.1.1.1. Although this is high it should be remembered that in murder cases the victim is unfortunately diseased and cannot provide a statement. In an area like Khayelitsha bodies are unfortunately often just discovered the next morning.
- 103.2.2. Of those where there was a known motive the percentage distribution was as follows:
- 103.2.2.1. Murder as a result of an argument – 44.9%
 - 103.2.2.2. Murder as a result of aggravated robbery – 24.9%
 - 103.2.2.3. Murder as a result of vigilantism – 24.4%
 - 103.2.2.4. Murder as a result of attacks on foreigners – 4.9%
 - 103.2.2.5. Murder as a result of gang violence – 1.0%
- 103.2.3. Of the 264 attempted murder docketts of 2011/12 in Greater Khayelitsha the motive for the attempted murder could not be established in 74 cases (28.0%). Of those where there was a known motive the percentage distribution was as follows:
- 103.2.3.1. Attempted murder as a result of aggravated robbery- 52.1%
 - 103.2.3.2. Attempted murder as a result of an argument – 25.8%
 - 103.2.3.3. Attempted murder as a result of attacks on foreigners -15.8%
 - 103.2.3.4. Attempted murder as a result of vigilantism – 4.2%

103.2.3.5. Attempted murder as a result of gang violence –
2.1%

103.2.4. Given the fact that this analysis for Greater Khayelitsha for 2011/12 indicates that social/interpersonal arguments only generated 44.9% and 25.8% of murders and attempted murders respectively, and that the majority of murders and attempted murders are actually more policeable, it is fitting to analyse these two categories here.

103.2.5. The quotients for murder and attempted murder in Greater Khayelitsha were 1.53 and 1.16 respectively. This indicates that in this area murder is 53% overrepresented and attempted murder 16%, if it is compared to the more policeable contact crime in the Western Cape.

104. Murder in Greater Khayelitsha increased by 20.1% between 2003/04 and 2006/2007. That is at an average annual increase of 6.7% where it should have decreased annually by at least 7.0% year-on-year. From 2006/07 to 2009/10 murders in Greater Khayelitsha decreased by 32.6%, an annual average decrease of 10.9% which beat the target of the NCCF. From 2009/10 to 2012/13, murder again increased in Khayelitsha by 22.1%, or 73% increase per annum, instead of the targeted decrease of -7,0%.

105. This tendency in Khayelitsha differs from the provincial tendency, but especially from the national one. Provincially there was only a 1.5% increase in murder between 2003/04 and 2006/07. In fact, there was a 5.6% decrease between 2004/05 and 2005/06, and then two increases of 2.6% and 4.8% in the following two years. The Western Cape then enjoyed a 21.1% decrease (7.0% annually)

between 2006/07 and 2009/10. Between 2009/10 and 2011/12 there were no significant change. However, there a significant jump of 12.2% in 2012/13 instead of the 7.0% decrease. Nationally murder, with the exception of 2006/07 when it increased by 3.5%, steadily decreased from 2003/04 to 2011/12 by 21,3%, which translate to a 2,7% decrease per annum. Then in 2012/2013 there was a 4,2% increase.

106. The question that should now be asked is: How is it possible that Khayelitsha could have a period with an annual increase of 6.7%, then a period with a decrease of 10.9% per annum, followed by another period with a 7.3% annual increase, while the province did not show the same fluctuations, and the country (with the exception of 2006/07) showed a constant decrease up to 2011/2012? What was done in Greater Khayelitsha during 2006/07 to 2009/10 to ensure an annual average decrease of 10.9%, and what was not done in the periods 2003/04 to 2006/2007 and 2009/10 to 2012/13?
107. And maybe especially what was not done provincially and nationally in 2012/13 when murders increased by 12.2% and 4.2% respectively? And that transpired shortly after the significant decreases of the Confederation and World Cup years of 2009/10 and 2010/11 when murder (-7.2% and -5,3%), attempted murder (-4,9% and -11,0%) and aggravated robbery (-6,3% and -10,8%) all decreased significantly.
108. The question can be asked if the Crime Combatting Forums really monitor these trends at least monthly and ask these kind of questions. It seems that that they are so busy with the general scorecard on a daily and weekly basis and that they just want to be in the green for today and this week that they lose

sight of the bigger picture. They are busy with the individual tree and lose sight of the forest and, in the process, they get lost.

109. A further problem is that especially since the start of the 2009/10-2013/14 Medium Term Economic Framework (MTEF) period, the focus shifted from the individual crime categories to the broad groups of crime types (e.g. contact crime). If the National Commissioner during the two releases of crime statistics since her arrival in SAPS can be optimistic about the decreases in contact crime, while murder, attempted murder and aggravated robbery respectively increased by 2.0%, 5.6%, and 4.4% nationally, what do we expect the Provincial and Station Commissioner to do if their murder, attempted murder and aggravated robbery increased as follows over the last two years?

	Greater Khayelitsha	Western Cape
Murder	14.2%	11.6%
Attempted murder	52.0%	51.7%
Robbery aggravated	58.1%	36.6%

110. Attempted murder in Greater Khayelitsha decreased from 395 cases in 2003/04 to 179 cases in 2008/09, which is a decrease of 54.7% or an annual average decrease of 10.9% which was higher than the 7-10% target of the NCCS. Then, from 2008/09 to 2012/13, it increased by 91.1% from 179 to 342 cases, which is an average annual increase of 22.8%, instead of the 7.0% decrease of the government target. The increases for the last three financial years in Greater Khayelitsha were 19.7%, 17.3% and 29,5% for 2010/11, 2011/12 and 2012/13.

111. This was basically in line with the trend in the Western Cape. Again, with the exception of 2006/2007, attempted murder in the Western Cape decreased constantly from 3 633 cases in 2003/2004 to 1 707 cases in 2009/2010. That is a decrease of 53.0%, or an average annual decrease of 8.8% per annum - well within the 7-10% decrease target. Then, from 2009/10 to 2012/13, there was an increase of 92.1% which is an annual increase of 30.7%. The increases in the last three years in the Western Cape were 26.7% in 2010/11, 7.7% in 2011/12 and 40.9% in 2012/13.
112. Nationally, attempted murders decreased systematically from 30 076 in 2003/04 to 14 859 in 2011/12. That is a 50.6% decrease or an annual average decrease of 6.3% which was just below the government target of 7.0%. In 2012/2013, attempted murder suddenly increased by 10.1% in South Africa as a whole.
113. Again the same questions as with murder should be asked with regard to attempted murder: Did the stations, cluster and province monitor attempted murders on at least a monthly meeting at the CCF and identify that – especially in 2012/13 – there were increases of 29,5%, (Greater Khayelitsha), 40.9% (Western Cape) and 10.1% (South Africa) in attempted murder? And did they realise that they are very far from any target and ask themselves what is the explanation for this?

Robbery

114. Robbery aggravated (1 932 cases in 2012/13) for Greater Khayelitsha increased by 13.1% during 2004/05 despite the fact that it was the first year of the Government's 7-10% contact crime reduction plan. It should also be

emphasized that the three stations of the old Khayelitsha were separated in July 2004 and this could have had an effect on the data.

115. In 2005/06 there was a decrease of 2.3%, followed by an increase of 32.3% in 2006/07. That was the year of the security guard strike during which crime in general, and specifically robbery aggravated, increased.
116. After that in the following four years 2007/08 to 2010/11 the robbery aggravated decreased by -12.8%, - 24.4%, -12.6% and -2.2% in each year respectively. After the Confederation Cup year 2009/10 and the World Cup year 2010/11 the next two years saw very significant increases of 28.6% and 23.0% for 2011/2012 and 2012/2013 respectively. These last two increases in Khayelitsha were more significant than the increases in the Western Cape as a whole. In the province robbery aggravated increased by 12, 6% and 21, 4% for 2011/12 and 2012/13 respectively. In South Africa robbery aggravated increased by 0.3% and 4.6%. Clearly the police in Khayelitsha should have already during in 2011/12 start to ask the question why this more policeable crime – which is perceived by an average of 50.0% of South Africans as the most common crime in their area, and by an average of 51.0% as the most feared in their area – seems to escalate out of control.
117. As I stated previously, the police in a station should constantly go back to their operational drawing board if a more policeable crime escalates by these percentages despite their current plans. The question can indeed be asked: What has the SCCF been doing for more than two years while this high impact more policeable crime is spiralling out of control? But then the same question can also be asked about the province as a whole with, respectively, a 12.6%

and 21.4% increase in robbery aggravated in 2011/12 and 2012/13 and even the country.

Common robbery

118. A very similar tendency can be identified when it comes to common robbery (506 cases in 2012/13). After a total decrease of 70.3% between 2004/05 to 2010/11, it increased by 47.1% over the last two years of 2011/12 and 2012/13. Like aggravated robbery, this is a more policeable crime and people may experience the two kinds of robbery in very similar ways.
119. Over the 2011/12 and 2012/13 financial years these two types of robbery taken together increased by 55.7% instead of decreasing by 14% as the Government target specify. Not only two years of reduction was lost but actually in total at least five years, including the two very good years of crime reduction during the Confederation and World Cup years (2009/10 and 2010/11).

Housebreaking

120. According to both the Victims of Crime Surveys of 2011 and 2012, the highest proportion of respondents (just above half of the two surveys) felt that house breaking is the most common and feared in their areas. This is not surprising because house breaking is the second most voluminous of all crime categories after "theft other". In addition, South Africans cannot always distinguish between house breaking (burglary) where people are not confronted by those who take things from their house, and house robbery where people are indeed confronted by the robbers and forced to hand over certain property.

121. Over the years 2004/5 to 2006/7, house breaking: residential decreased by 36.8% (an average of 12.3% per annum). However, in the next three years it increased by 22.5%, then in the following two years it stabilized at plus minus 1104 cases per year. In 2011/12 it stayed roughly constant in all three jurisdictions. During 2012/13, house breaking: residential in Greater Khayelitsha, Western Cape and South Africa increased by 14.1%, 11.2% and 6.8% respectively.
122. So strictly speaking the only real decreases in burglary/housebreaking: residential was in the period 2004/5 to 2006/7 and in the World Cup year (2010/11). The question should be asked why there was a decrease in those years, while in the rest of the years – and especially in 2012/13 – there was either no reduction or significant increases.
123. The total number of housebreaking: residential incidents should have stood at about 600 cases in 2012/13; instead it was on 1261. Furthermore it should be emphasised that in an area like Khayelitsha the majority of businesses are spaza shops and shebeens and that sometimes these are also run out of residences which are also used for residential purposes and which sometimes lead to some incorrect registrations.
124. Burglary: business in Greater Khayelitsha only decreased on three occasions since 2004/5: (a) in 2004/5 by -33.9%; in 2007/8 by -36, 2%; and in 2011/12 by 16.0%. In all the other years, it actually increased with the effect that from 2004/5 to 2012/13 it increased by an amazing 770.7%; from 41 cases in 2004/5 to 357 cases in 2012/13.

Theft of or from motor vehicles

125. Theft of motor vehicle, of which there were only 244 cases in Greater Khayelitsha in 2012/13, decreased very significantly between 2009/10 (405 cases) and 2012/13. That is a 39.8% total decrease, which is an average annual decrease of 13.3% – far above the -2,0% per annum Government target.
126. This is also in line with decreases in the province of the Western Cape and South Africa. Except that, in the Western Cape, there was an increase of motor vehicle theft of 6,2% in 2012/13.
127. The decrease in motor vehicle theft can actually be explained by two main factors: a) an improvement in the security systems of vehicles, which makes it systematically more difficult to steal vehicles, with a resultant increase in carjacking; and b) more focus on the scrapyards by police. Analysis by Business Against Crime (BAC) found that motor vehicle thieves target the older models without security systems and these vehicles are mostly targeted for their spare parts. They are destined for the chop shops which are sometimes situated in scrapyards or supply parts to scrapyards.
128. Both in South Africa and the Western Cape there were steady increases in theft out of and from motor vehicle since 2008/2009. Respectively in S.A. and the Western Cape there were 27.5% and a 38.4% increases in this crime in the in the period 2008/09 to 2012/13. So there was an annual average increase of 6.9% in SA, and 9.6% in the Western Cape. These increases were probably generated by an increase in economic hardship with the result that people steal to survive, or they commit insurance fraud to supplement their income. Analysis done by the Crime Research and Statistics Component of Crime Intelligence of theft out of and from motor vehicle dockets in 2012 indicated that another contributor in the increase of this crime was the fact that increasingly the

criminals were using a remote control gate opener to block out the owners of vehicles when they lock their vehicles. The result is that the thieves can then take whatever they want without locking the vehicle. On the other hand it also stimulates insurance fraud-especially PC's.

129. Out of line with SA and the Province, in Greater Khayelitsha there was only a spike of this crime in 2009/10 (of 93,0%) and then a decrease of 14.8% over the next three years.

5) CRIME INTELLIGENCE IN GREATER KHAYELITSHA

5.1) The norm/ideal at station level

130. According to all instructions and training of the CIAC (Crime Information Analysis Centre), since 2008 officially called the CIO (Crime Information/Intelligence Office), the functions of the CIAC/CIO at station level are:

- 130.1. Crime mapping;
- 130.2. Case linkage analysis;
- 130.3. Fieldwork;
- 130.4. Briefing and debriefing; and
- 130.5. Statistical analysis.

131. I address each function in turn.

1) Crime mapping

132. Crime mapping is used to determine the exact location of crime and specifically concentrations of crime, called crime hotspots. Crime mapping has internationally virtually become a full social science discipline. It is done in stations with the size and crime status of the three Khayelitsha stations, by using a Geographic Information System (GIS) which is on top of the CAS (Crime Administration System). As case-dockets with crimes and counts of crime are registered on the CAS, and the address of the crime is entered correctly on the CAS, the different crime counts will be geocoded on the GIS. So on an hourly basis the station crime pattern is available on the GIS.
133. More importantly, the crime pattern can be viewed for whatever period (say for: the latest 24 hours, the last month, day pattern versus night pattern etc.) and the crime pattern can also be correlated with a whole range of geographic and physical features, like: freeways, primary and secondary routes, land use patterns (industrial area, CBD, informal/township/suburban residential area, green strip/park area) rivers/streams and mountains/hills. In the case of SAPS the police station and cluster are in a position to add as many features as they want. For example, they can include the position of all liquor outlets and places where alcohol is consumed, or the position of all bed and breakfast places and especially where foreign visitors stay.
134. When it comes to crime mapping the analyst in CIAC/CIO has to:
 - 134.1. Regularly (at least once a day) check the GIS mapping against the registration of crime to ensure that the pattern of crime is a true reflection of all reported crime;
 - 134.2. Identify patterns of crime (hotspots, line formations and random patterns). Each of these patterns already provide some explanatory information.
 - 134.3. See if there is any association between the crime spatial distribution and the geographical and physical features as these associations may already explain some of the crime patterns.

135. It should be emphasized that informal settlements pose specific challenges when it comes to both manual and GIS crime mapping. Because informal settlements usually does not have clear streets and street addresses it is very difficult to pinpoint a crime to a specific address. This makes GISing difficult if not impossible. But on the other hand, it must be recalled that large proportions of the three stations which form Greater Khayelitsha are formal built-up residential areas where street numbers and addresses should not be a problem.
136. Even the informal/squatter area should not be an insurmountable problem. Right from the implementation of GIS more than a decade ago, provision was made to plot crime as precisely as possible by using aerial photography, on a grid with blocks of 250 meters by 250 meters and positioning by a hand held Geographic Positioning System (GPS). That it is possible to GIS crime in informal settlements was illustrated by an initiative in Cato Manor, Durban in KwaZulu Natal by the eThekweni Metropolitan Police. Crime mapping is one of the three non-negotiable functions of crime analysts at station level.

2) Case linkage analysis by making use of the matrix

137. A second non-negotiable function of the CIO/CIAC at station level is to scrutinise all case dockets per crime category to see if there are any commonalities in terms of victims, targets, perpetrators or Modus Operandi (MO). This is done with the help of a linkage matrix per crime category. This is actually nothing more complicated than a spreadsheet with columns for at least the following features:

137.1. Pin number which refers to the chronological order in which the specific crime occurred;

137.2. CAS number which refers to the docket number;

- 137.3. Date and time particulars (which will usually include real date and time, but then also hour, minute, day in week, date in month and month in year);
- 137.4. Victim particulars which is very important, because it provides information on human targets, but also on repeat victimization which may indicate exceptional risk or possible victim involvement in crime which should be addressed;
- 137.5. Where possible, especially in the case of contact crime like robbery, as much information on each perpetrator as possible.
- 137.6. Target data if the victim was not the target (for example in hi-jacking or motor vehicle theft the type(4x4), brand(Jeep), model (Cherokee, short wheelbase), colour(white), year(2010) etc.);
- 137.7. Instrument used to commit the crime; and
- 137.8. A short description of the MO of the crime.
138. Figure 1 is a hypothetical example of a grid for one month on carjackings in Khayelitsha. From that grid it can be deduced that there is, in all probability, a group of three hi-jackers usually wearing blue beanies, one with a mark on his face, using a shiny pistol hijacking brand new Toyota Quantum's (12 seaters). This crime series will be escalated to cluster level where it will be checked for links with other cases in other stations and it will become part of the collection plan of the Intelligence Collectors.
139. The analyst at station level should, on a 24 hour basis, check the correctness and completeness of all the information per case docket on the matrix. It should be checked against the statement/s and other information in the docket. In the same process each crime count should be checked against all the crime counts of the same crime category for a time period which is determined by the annual total figure of the crime category for the year.

140. If there are commonalities between the specific new count and a count which occurred in the past, a crime series should be registered. If a crime series for such commonalities was already registered the new count will be added. All crime series should be escalated to cluster level to check whether it links up with other cases in the other stations of the cluster. If this is the case, it will be a 'cluster series' which should then be escalated to the province to check if it links up with cases with similar/common denominators in other clusters of the province. If indeed that is the case, the provincial series will be escalated to national level for further linkage analysis. Linkage analysis and the escalation of series to the next level of policing is of paramount importance to identify common repeat offences at a more local level, serial murder and/or rape offences, and potential organised crime threats.
141. The matrix/spreadsheet on the Business Intelligence System (BIS) is not only used for case linkage analysis on the matrix to identify repeat offences, series offences and potential organised crime threats. It also generates the time patterns of crime, specifically peak times which are of cardinal importance for shift planning. It can also provide a lot of explanatory information which is necessary to identify the more specific 'what' of the crime category (what kind of murder? - social, intergroup conflict, as a result of robbery, hate crimes, and vigilantism) and the 'why' of the specific pattern of crime.

FIGURE 1: CASE LINKAGE MATRIX OF CAR JACKING IN A TYPICAL STATION-HIPOTHETICAL

PIN.NR.	CASE NR.	CRIME ADDRESS	TIME	VICTIM PARTICULARS.	SUSPECT PARTICULARS	M. O.	TARGET	OTHER REMARKS.
47	CAS Khayelitsha 0047/05/2012	C/O Apple & Tindle str., Khayelitsha in front of Mamas Tavern.	23h15 on Wednesday the 5th of May 2012	Mr. P. Tsabalala Driver of Mabosa Taxis.	3 B males, with blue beanies one with a shiney pistol and a mark on his cheek.	The three men wait inside the tavern and when mr. Tsabalala leave they quickly follow and as he get into the taxi the man with the mark in his face press a firearm against the victim's head and pull him out of the taxi. The other two jump in, start and drive away while the one with a mark disappear down an alley.	Brand new white Toyota Quantum.12 seater Fitted with whitewall tyres and mags.	Similar Quantum was also hijacked at same tavern with similar M.O. two months earlier
127	CAS Khayelitsha 0127/05/2012	N2 between Off ramp 3 and Off ramp 4 Direction Cape Town.	Approximately 0h50 on Friday the7th of May 2012	Dr R.Pillay	2 B males.	Dr Pillay was on his way to an emergency at the Red Cross Children's Hospital when his car hit an object on the N2.He pulled off and as he walked around the vehicle two men appeared out of the dark pointing a long gun to him. They tied him up and then drove away with his car.	A 12 year old BMW 540.	These are the type of vehicle that are usually used in heists as a ramming vehicle.
307	CAS Khayelitsha 0307/05/2012	Corner of Modderdam and Epping rd.Next to the AL SHEIK mosque.There is a place where taxis usually rest between peak hours.	11h45 on Tuesday the11 th of May 2012	Mr.Frans Masemola driving his own taxi	3B males with blue beanies one with a shiney pistol and a mark on his right cheek	The three suspects armed with the shiney pistol confronts the victim which had a nice nap point the firearm in his face drag him out of his taxi and drive away.	Brand new white Toyota Quantum 12 seater, fitted with mags.	It seems that there is a group of hijackers focusing on Quantums. It seems that they have a running order for these vehicles which in all probability are taken to another part of the county and used as taxis.
906	CAS Khayelitsha 0906/05/2012	In front of nurses residences Khayelitsa Hospital	18h00 on Friday the 14th of May 2012.	Me. Fikile Mduli take her friend and colleague to the nurses residences	2 B males, with blue overalls and red balaclavas.	As me Mduli drop her friend her telephone rings and her friend get out of the car and move to the foyer of the	A six year old red VW Polo	In all probability the car was hijacked to be used in another crime like business robbery.

				every day and then drive to her home in Bellville		residence. The next moment she hears two loud shots rang out. She turns around just in time to see the two B males with blue overalls jumping into Fikile's car. Her friend was lying in a pool of blood. She died shortly afterwards.		
1047	CAS Khayelitsha 1047/05/2012	176 Mew road.Red Door Jazz Club.	23h30 on Monday 17 th of May 2012	Mr S Tshnane	3 B males, one short and fat the other two long and thin.	The three was waiting in the drive way next to the Club in a dark spot while mr Tshnane was locking up the premises. As he unlock his brand new BMW 4 SERIES the men came out of the dark and point their firearms to him and demand the keys and drove away.	Brand new metallic blue BMW 4 SERIES	Vehicle in all probability taken on order to be cloned.
1378	CAS Khayelitsha 1378/05/2012	Blue Seas Shopping centre R 201	15h00 on Saturday the22 of May 2012	Me. G.Olifant	2 B males, One walking with a limp, pointing the firearm and cursing a lot.	The suspect with the limp poses as a car guard walk with the driver to his car and then suddenly draw a fire arm and demand the keys.	A three year old VW Polo. Blue in colour.	VW Polo often taken for their engines
1783	CAS Khayelitsha 1783/05/2012	Modderdam Rd near the intersection with R 201	14h00 on Thursday the27th of May	Mr.D.Masile	3 B males, with blue beanies one with a mark on his cheek and with a shiney pistol..	They stop an empty taxi at Mandela primary and two get into the seat just behind the driver while one get into the front next to the driver. Near the intersection they press the fire arm at the back of the drivers head tell him to stop and get out while the one in front shift to behind the steering wheel and drive off.	Brand new Toyota Quantum 12 seater.	There is a high probability that the Toyota Quantums were all hijacked by the same group supplying them to a buyer somewhere else in S.A.

3) Fieldwork to explain the why of crime patterns

142. Universally crime analysts should not be office bound and only rely on the information in the dockets and on the systems to do their Crime Threat Analysis/Crime Pattern Analysis (CTA/CPA). They are supposed to do fieldwork (the third non-negotiable function) which includes the following:

142.1. visiting hotspots and specific crime scenes to do physical and social environmental scans;

142.2. interviewing/talk to victims, people who live around hotspots/frequent hotspots; and

142.3. interviewing investigators of those crimes that link up with one another.

143. All of this is done to try and explain specific crime patterns. An excellent example of the key importance of fieldwork is a real case in South Africa many years ago. The CIAC reported to a Station Crime Combatting Forum (SCCF) over a period of six weeks that there was a stretch of street of about 300 meters where there is a line concentration of theft from motor vehicle (where engine parts were literally removed from vehicles). The station commander (who chaired the SCCF) had some heated arguments with the CIAC members because on the stretch of street that the GIS was indicating the thefts, there was a very strict no stop rule which was also strictly imposed. So how, he asked, could engine parts be removed in an area where vehicles cannot even stop? This station commander was one of those who, wrongly, did not allow the CIAC members to do fieldwork so they could only present what they analysed

on the systems. After another SCCF where the same issue came up, the station commander took the CIAC members to the stretch of street which was clearly marked with red paint and where the traffic officials were busy fining a motorist for stopping in the red demarcated area. One of the analysts noticed that the building covering the one side of the stretch of road was a government building. When they went back to office, they drew all the theft out of motor vehicle docket for that stretch of road and worked through them one at a time. They discovered that the complainant in all the cases was the government department that owned the building. Moreover, all of the cases occurred over weekends in the department's parking garage on the second and third floor of the building facing the stretch of road. The CIAC and the station commander then went back to the relevant department and inspected the parking garage and the security arrangements. They discovered that, because of a lack of security, some employees of the department were stealing motor vehicle parts from the parked vehicles over weekends. This example illustrates the importance of regular fieldwork in order to understand crime patterns. It also illustrates the importance of proper linkage analysis; if that had been done correctly from the start, it should have indicated a common complainant/victim.

4) Briefing and debriefing of shifts

144. The CIAC should brief and debrief each and every shift as they go on duty, and when they come off from duty. They should present the crime patterns, peak times, modus operandi, suspects, and explanations of the crime patterns to the shift that go on duty

and emphasize what they should be on the lookout for while on duty (indeed, the CIAC's are part of the duty). It should be remembered that each member (functional and public service personnel) in a station has two eyes and two ears to see and hear and that this is a very important source of intelligence. The daily briefing and debriefing sessions respectively create the framework ('collection plan') and conduit for the collection and feedback of information which will help to fill in the gaps in the analyst's CTA/CPA.

145. The briefing and debriefing sessions also ensure continuity between shifts. If a specific shift identifies a relevant fact or pattern, it is communicated to the next shift so that they can also be on the lookout for that specific fact or pattern. For example a patrol vehicle identify the same suspicious parked red VW Golf without number plates and tinted windows at two different locations during the same nightshift and they convey the message to the CSC. Later in the shift, the CSC receives two burglary complaints. When they check the location of these two burglaries, it is very near to where the Golf was spotted. This will now be mentioned at the debriefing and the next shift will be informed at their briefing. When they spot the red Golf parked they will wait unseen until the users of the Golf return. They will then do a stop and search and if they found house breaking instruments and or stolen goods they will arrest the suspects.

5) Statistical analysis of crime statistics at station level

146. This function of the crime analyst is only the fifth one and it is not even described as a non-negotiable function. This is done deliberately since this author strongly believes in

the dictum that a police service should fight crime with crime statistics, and not fight crime statistics. Where the performance of police services are measured against the decrease and increase of crime statistics they become obsessed with statistics to the point that one would think that they are statisticians.

147. This was the problem with COMSTAT in New York. In New York under Commissioner Bratton the chances were extremely high that crime statistics would be manipulated to look good because police officers were presented with two options: Fail to reduce the statistics and face ridicule in front of your colleagues and resultant transfer, demotion and even suspension and firing; or reduce the statistics, either through manipulation or actual reduction. Actual reduction is not always possible, or is not possible in a short period of time. Usually the only and easiest way out of the dilemma is to reduce statistics through manipulation.
148. During my eighteen years in the police service as head of CIAC/later Crime Research and Statistics, I always emphasized that the analyst at station level is not a statistician at all. These analysts are only trained to do a few elementary calculations to be used in his/her CTA/CPA. They were trained to do: a) percentage and raw figure increases and decreases, b) proportion calculation to calculate the station crime profile, c) ordering from highest to lowest or lowest to highest; and d) the pitfalls of elementary statistics like the calculation of percentages with low N-values and periods of comparison. Their primary, non-negotiable functions are mapping, linkage and fieldwork. Statistics is just a tool to help them with the compilation of the CTA/CPA.
149. It should be emphasized that the functions of the crime analyst described above, which in South Africa should be performed by CIAC/CIO, are the most basic functions that

can be expected from an analyst. Crime analysts who are really sharp, smart, and filled with passion for their vocation will find and use many more methods and tools (techniques) to drill into the possible explanations for crime in a specific setting.

150. I belong to an international informal network of expert crime analysts called ECCA (Environmental Crime and Crime Analysis) which meet annually somewhere in the world. I have attended the 1998 workshop in Barcelona (Spain), 1999 in Pretoria, 2000 in Perth (Australia), 2011 in Durban, and 2013 in Philadelphia (USA). Each and every time, I am surprised by the sophistication and advancement of crime analysis as it is practiced in the world today. The workshop in Philadelphia in 2013 at Temple University – which is the home of the main architect of intelligence led policing, Jerry Radcliff – illustrated strongly, that: 1) crime analysis had become such a vocation for police officers (many sergeants and captains) that many of them presented papers based on the research done at precinct level for their Ph.D. studies; and 2) that police services in countries like the USA, Great Britain, Australia, Norway and Nederland are working hand in hand with researchers and academics to come to a more informed understanding of crime at a local precinct level.
151. In any police service which claims that they are intelligence-led or problem-orientated, crime intelligence/information will form the operational basis of policing (every minute of it). The information generated by the analyst at station level, through the basic functions described above, should literally lead all the policing in a station (including the crime intelligence gathering /collection function.). Now the question is what is happening at the three stations which form Greater Khayelitsha.

5.2) How does the crime analyst functions manifest in Greater Khayelitsha?

152. To answer this question this analyst's legal team requested a sample of: 1) Crime Threat Analysis (CTA) and Crime Pattern Analysis (CPA) documents for the periods January to March 2012 and 2013 for all three stations and 2) Station Crime Combatting Forum (SCCF) minutes for the same periods and stations through the Commission. Up to the 25th of April 2014 the CTA and CPA documents for both periods as well as the SCCF minutes for the period January –March 2013 were not received. For Khayelitsha Site B, with the exception of a few, nearly a full set of SCCF minutes for 2012 were received. For Harare only seven SCCF minutes were received of which two namely 03/05/2012 and 15/10/2012 were not for the period requested. For Lingeletu-West minutes were received for the whole of 2012 but there are quite large gaps for example between 21/02/2012 and 06/03/2012 and between 13/03/2012 and 17/04/2012.
153. While it is unfortunate that the CTA and CPA documents were not provided, this does not make the findings which follow invalid. The crime presentations and discussions at the Station Crime Combatting Forums of the three stations should definitely reflect the crime analysis of the crime analysts (CIO/CIAC) at these stations.
154. In this report all the minutes received for January to March 2012 and a sample of those received in the remaining nine months of 2012 were analysed. That was a total of 58 SCCF minutes. The results are summarized in Table 3(ANNEXURE A) From table 3 the following can be deduced:
- 154.1. In all of the 58 minutes no mention is made of a CTA/CPA.

- 154.2. In all of the 39 minutes of Site B and Harare there is no reference to crime hotspots and peak times. In the case of Lingelethu-West there are references to hotspots, but not specific mapped hotspots. It refers to whole CAS blocks and grouped crime categories such as contact crime. The information is so general that it is actually of no use at all. There is also no mention of peak times.
- 154.3. Logically there can be no explanation for hotspot and peak times in the hotspots if they are not identified, so in the 39 minutes of Harare and Site B there is no explanation. Even in the 19 minutes of Lingelethu-West where there are references to “hot blocks”, there is no explanation for these. This is to be expected because the blocks are too large, the grouping of crimes so general, and the peak times unknown so that explanation will be impossible. This just confirms that Lingelethu-West is also not doing proper crime analysis (CTA/CPA) according to the norm as described in 5.1 above.
- 154.4. In all of the 39 minutes of Site B and Harare no mention is made of linkage analysis or the results of linkage analysis. Again Lingelethu-West refers to linkages as a standing point in their “standard agenda” and “standard minutes”. In many cases there is just a blank next to these points and if there is an entry it would just say Lingelethu –West CAS 768/05/2012 is linked to CAS 456/05/2012 with no explanation of why and how it is linked. If two and more cases are linked on MO, suspects, victims and/or targets it should be explained to the SCCF. That linkage may just trigger, especially amongst detectives, memories of similarities in the past (maybe the suspect/s was in custody for a

period and is now back in the community). Furthermore it was stated in section 5.1 that repeat victims may indicate that the victim is constantly at risk or that the victim may be the suspect. For example a young business executive becomes the victim of carjacking for the third time in four months. The crime analyst draws the three dockets and discovers, after reading them again and discussing this with the detectives, that:

154.4.1. **Scenario A:** the victim highjacked at different addresses (not one hotspot), which are not well-known addresses for carjacking, at different times and, each and every time it seems that not even a hair on the victim's head was touched and according to the investigator it did not even seem that the victim was traumatized and

154.4.2. **Scenario B:** the victim was actually hijacked at three different occasions at basically the same hotspot of carjackings in a two hundred meter stretch of a road which is very well known as a pick up point for streetwalkers/sex workers.

154.5. These scenarios and their probabilities should be discussed at the SCCF and the following type of decisions should be taken, with different units tasked to operationalise the information /intelligence:

- 154.5.1. In Scenario A, the probability of insurance fraud is very high and the detectives and intelligence should be tasked to check if: 1) a vehicle with the same registration particulars has left the country a few days before it was hijacked; 2) the victim indeed used the vehicle up to the time that he/she claimed it was hijacked; and 3) were the vehicles insured at the same insurance company, etc.? Strictly speaking this crime series should be escalated to cluster level which will be in a much better position to legally check all of the above and other issues.
- 154.5.2. If it is Scenario B, the station operational management which are all represented in the SCCF will have to look at different options what to do about the hijacking hotspot which is in all probability connected to the sex work activity in the hotspot. The robbers are probably using the natural magnet that the sex workers form for their rich clients driving luxury vehicle and having cash on them. Ideally, they should have already done something because this is the third hijacking of the same victim over a period of 4 months. The options are:
- 154.5.2.1. Increase police visibility at the hotspot at the peak time so that the robbers' risk also increases and the sexworkers' clients are too afraid to visit the site.
- 154.5.2.2. Place plainclothes members near the hotspot to do observation and to raise the alarm, when the hi-jackers

pounce, to a rapid response unit which is hidden a block away.

154.5.2.3. Warn the public about the hotspot, the reasons why it is a hotspot, and the dangers of visiting such a hotspot. Potential clients can even be warned that it is a serious offence in terms of Section 11 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 to engage the sexual services of adults for financial or other rewards, favour or compensation (see SAPS.2011.p.103-104).

154.5.2.4. Inform the Provincial Commissioner at the Provincial Crime Combating Forum (PCCF) which can then potentially raise at the NCCF (National Crime Combating Forum) that hotspots of prostitution/sexwork are creating optimal conditions for hijackers and street robbers. If sexwork can be decriminalized and be confined to certain safe spots, it will not only protect the sexworkers themselves but also the clients and the public at large.

154.6. If in the 39 minutes of Site B and Harare not a single linkage is identified, and in some of the Lingeletu-West minutes linkages with no discussion and explanation are mentioned, then it follows that in none of the 58 sets of minutes which was analysed by this analyst is there any indication of the number and nature of the characteristics on which linkages were based.

- 154.7. In none of the 58 minutes is there any indication that Crime Intelligence Collection (also known as Crime Intelligence Gathering) was tasked to gather intelligence based on a linkage/s. The station analysis, or in the case of these three stations, the lack of it, fails to create an intelligence collection plan.
- 154.8. There is not a single indication in any of the 58 minutes that the shifts were briefed and debriefed about emerging MO's, explanations for hotspots and peak times, and suspects before and after going on duty or coming off duty. The result is that the members in these three stations do not focus their eyes and ears on the relevant issues and contribute towards the CTA/CPA.
- 154.9. The CPA/CTA, which is never even mentioned in the 58 minutes, is not a live and growing crime assessment, like a growing snow ball rolling down the slope covered with snow. In these three stations the CPA/CTA is at most a table of statistics-usually just a few case numbers or a few crimes with figures behind it for the past weekend or week. This table is presented in a very boring fashion with the station commander as the chair and most senior person simply remarking that the: "the crime is high", "the crime looks good", "the targets are low for this week". Nobody else responds or tries to at least explain, ask questions about it.
- 154.10. Although not mentioned in Table 3 in Annexure A, my analysis of the 58 minutes also revealed that not a single of the 58 minutes was purely about crime, tasks related to crime, checking if these operational tasks were executed, and evaluating the impact of that on the reduction of crime. Actually in most of these 58 the emphasis is on human and physical resources and

these meetings could just as well be called station management meetings. The original concept of the Crime Combatting Forums (CCF) at each level of policing – station, area (now cluster), provincial and national levels – was implemented in 2000 when National Commissioner J.S. Selebi became the National Commissioner of SAPS. One of his very first concerns was that there was actually no focus on the core business of SAPS as a police service: crime combatting. For his first few years in the SAPS very regular CCF meetings were held which he personally chaired and where any member which wanted to misuse the opportunity to talk about and especially complain about resources were severely reprimanded.

154.11. In the analysis of the 58 sets of minutes it was also discovered that the 39 of Site B was actually titled “SCCF and Station management meeting.” Furthermore only about 20% of these meetings, on average, focus on crime in the precinct.

154.12. One of the most negative findings of this analysis was that out of 46 crime statistics presentations 13 referred to performance (28,3% of all crime presentations). It was especially regarding the crimes heavily dependent on police action that better performance was emphasized. The following are good examples:

154.12.1. Brigadier Dladla: *“We have nine (9) days left until month end. Thank you for the amount of drug arrests made. If the drugs are there keep on with the arrests. We need to push on the drugs and dangerous weapons.”* (minutes of 2012/02/20 p.116).

154.12.2. Brigadier Dladla *“Possession of stolen property – we need nine (9) to qualify for the quarter. We can easily make it. We need to work on our firearms to make the quarter green. We should not allow more than five (5) to come in”* (minutes of 2012/03/01 p.153).

154.12.3. Capt. Van Tonder discusses the comparative stats for the month:

“7 Murder cases- target 11”

“4 Attempted murder –target 4”

“19 Robbery with firearm- target 9”

Etcetera (minutes of 2012/02/23 p.127)

154.13. Essentially there is nothing wrong with having targets, but then the consequences of not achieving them should not be to be ridiculed in front of a whole meeting of whom some is your juniors and to immediately be punished with transfers and a no promotion approach. Because if that happen targets change from a motivator to a threat which will drive the police members at stations to manipulation of crime statistics and to all kinds of tricks to look good. Crime combating meetings should never be about statistics and targets and that no more crime can occur because then we are going to be in the red. Or that if we can arrest somebody for a crime that is generated by police action (e.g. drugs) then it will indicate that we are really working hard. Crime statistics will automatically reduce if we use crime information, which was generated according to functions 1 to 5 above, which include statistics, to fight our crime.

154.14. At least two positive findings of the analysis of the 58 minutes are that:

154.14.1. The station commanders of the three stations themselves attended at least 40 of the 58 meetings (that is 69%); and

154.14.2. From at least some of the minutes it seems as if the station management of all three stations is quite serious about the correct registration of the counts on dockets and the CAS (Crime Administration System). On virtually every SCCF meeting there is an agenda point where the entries in the OB/IB is discussed and if a docket was not opened, or all the counts of crime was not recorded on CAS, or entered correctly instructions are issued how it should be resolved.

154.15. On the other hand it should also be said that the presence of the station commander can, depending his/her management style, inhibit the decision-making process of the SCCF-especially where crime information/intelligence have to be operationalized. I have attended thousands of meetings during the nearly 18 years at the South African Police Service and have experienced how dominant senior officers can chair a meeting to certain death. Junior members are just too afraid to explain or present anything because they do not know what the reaction is going to be. By far the most CIAC/CIO members who should present the CTA/CPA are, at most, a Captain. In South Africa, this is unfortunately made worst, by sensitivities around race and gender.

155. Minutes of meetings are not always the best documents to try and deduct the dynamics of these meetings, especially if they only record decisions. The Lingelethu-West minutes are actually a formal checklist which provide decisions in figures and there were not enough minutes of Harare to come to an impression of the dynamics at that SCCF. In the case of the Site B station it seems that the meetings are mostly a one-way communication from Brigadier Dladla to the rest of the SCCF members: There is not much discussion. It seems that something (say the crime statistics is presented) and that Brigadier Dladla then takes a decision and communicates it to the meeting.

5.2) Conclusion on crime intelligence in Greater Khayelitsha

156. Based on the analysis above, the following conclusions can be drawn.
157. First, the CIO/CIAC at station level either do not compile the CTA/CPA, or if they compile this according to their functions they do not present it to the SCCF. Now if the CIO/CIAC do not compile the CPA/CTA it must be because they are not trained or they are not motivated or a combination of the two. But these officers fall under the command and control of the station commander who should see to it that they compile it according to their functions, and that he/she receives up-to-standard analysis on the what, where, when, why, how and who of crime in their precinct. The station commander is ultimately responsible to ensure that there are trained and motivated CIO/CIAC officers at his/her station providing him/her with a proper information base to do their intelligence-led policing. If the CIO/CIAC is not trained, the station commander should motivate to send them for training, and if they are not motivated and this was addressed in the past with no positive results they should be redeployed and be replaced with trained and motivated members. If the CIO/CIAC was told not to

present the CTA/CPA to the SCCF it is such a serious issue that disciplinary action against those who ordered this should seriously be considered by the Provincial Commissioner.

158. Second, the policing in the three stations which form Greater Khayelitsha is policing by chance and luck and clearly not intelligence led policing which SAPS claim as their doctrine. With the crime information reflected in the minutes of the three SCCF'S it is actually impossible to effectively combat the crime in Greater Khayelitsa and in all probability crime reductions and increases have nothing to do with policing in this area, but are a result of external factors. With the information in the minutes which was not generated according to what is described in 5.1) the three stations will not be in a position to:

158.1. Do planned and focussed visible policing.

158.2. Do planned displacement of crime.

158.3. Provide specific and useful information about the social and physical environment of crime in Greater Khayelitsha to its Government partners (e.g. local authority, transport, justice etc.) and NGO partners so that these partners can assist them in crime combatting and specifically in social crime prevention.

158.4. Allocate linked cases to the same detective or task team of detectives.

158.5. Escalate linked cases (crime series) to cluster level which must then check for linkages between series of the different stations in the cluster and escalate cluster series to Provincial level. These linkages and crime series should form the basis for the collection plan of crime intelligence gathering/collection. If crime intelligence gathering/collection do not have a collection plan, or only

have one which is based on what their superiors want, it cannot contribute to crime combatting and it can politically be manipulated.

159. It was not in the scope of this report to look at how crime information/intelligence is handled at cluster level. When this report was already completed, a Khayelitsha cluster threat assessment for the period April 2012 to March 2013 or the 2012/2013 financial year was provided to me. With all due respect to the compiler of that report (Capt. T.De Vries) this is not the type of operational document the CTA is supposed to be, for the simple reason that it appears or is presented on the 4/10/2013 which is a good six months after the period which it is supposed to cover. At most, it is a bad example of an annual crime report which station and cluster level should not waste their time on. This is actually a function of national and provincial levels. The only interesting aspect of the report is that Capt. De Vries is breaking the murder, attempted murder and robbery aggravated down to its subcategories which show that this can and actually should have happened at station level during that financial year. After receiving the report I again looked at the minutes of the CCCF (Cluster Crime Combatting Forum) of Khayelitsha and came to the conclusion that, as in the case of the SCCF, minutes there is no real sign of operational analysis which produce hotspots, peak times, crime explanations, case linkages and crime displacements which is a further function of the cluster.

6) RECOMMENDATIONS

160. There are quite significant increases in a few fear-generating, more-policeable crime trends in Greater Khayelitsha during the past two to three years. These are aggravated

robbery, common robbery, residential housebreaking, murders and attempted murders which are often a result of such aggravated robbery and the public's reaction to it in terms of vigilantism. There is a high probability that these fear-producing crimes underlie vigilante action, especially if the police are not trusted or do not instil security in the community.

161. Although, as a sociologist, I agree with most of my colleagues that the long term solution for the escalating violent crime problem in Khayelitsha (and hundreds of similar communities in SA) is a more egalitarian society where people are employed, there are equal opportunities for upward mobility, people live in residential areas where housing units are fully served with running water, electricity and toilet, with proper infrastructure including sport, recreational and cultural facilities, where people are in control of their own destiny and where they feel safe and free of fear as the constitution guarantee. Where all of this exists we can expect that people can restore their self-image, be proud and live a lifestyle where the risk of becoming a victim or a perpetrator of crime becomes minimal. But if we are realistic it is clear that to achieve such a dream may take a decade or two or even three and to achieve this egalitarian society needs at least maximum stability. We can never have an attitude that while we are working to achieve this egalitarian dream in Khayelitsha (as just one of hundreds of communities) an annual minimum of 340 people are going to be murdered, and 280 are nearly going to die of which many may be maimed, and disabled for life, 636 are going to be sexually assaulted (at least 75% of those are going to be raped) and nearly 2 000 are going to be robbed. Since this commission really started its proceedings until it is concluded, at least half of the above crimes would have occurred in Khayelitsha.

162. Given all of this, I recommend that the following should at least be done in Khayelitsha as a matter of urgency (within six months):

162.1. The station management of the three stations forming Khayelitsha should be trained and convinced that, although the conditions in which policing is done in Khayelitsha are not easy, dangerous and crime-generating, it is especially important that the police will put in a special effort to create, as far as possible, a crime free community so that the optimum conditions for the growth of a more equalitarian community is there.

162.2. An in-depth on site assessment be done on why there is no proper CTA/CPA (Crime Threat Assessment / Crime Pattern Analysis) in Greater Khayelitsha. The following questions have to be answered urgently. Is CTA/CPA done at the three stations? Is it done according to the five functions and the standards included in that functions? If not why not? Is it a case that the crime analyst at station level is not trained or not properly trained? Is it the case that the crime analysis course provided is not up to standard and does not actually prepare the crime analyst to do what they should do? Is it the case that the crime analyst is not fully motivated and dedicated to their vocation (it is not just a job)? If this is the case why? Is it because of personal circumstances? Or is it the wrong person who was selected for this specific job? Or is it because of the attitude towards the analyst and relationship with management (sometimes the analyst is seen as this outsider disloyal statistician who just tell us how useless we are)?

162.3. Even if an up-to-standard, proper CTA is presented to the station Management (which based on my analyses of SCCF minutes does not occur), they may not be in a position to use it to conduct proper intelligence-led or problem-oriented policing since:

162.3.1. They may not know, or have the appropriate experience, to operationalise the intelligence. If this is the case they will have to be developed to do this.

162.3.2. They may not have the human and logistical resources to execute the intelligence based operational plan. If this is the case, then the three stations of Greater Khayelitsha must receive the necessary resources as the number one crime hotspot in S.A. In line with what Brantingham and Brantingham wrote: “Vancouver [it could just as well be Khayelitsha] the largest city and largest policing jurisdiction in the province, ranked first in violent crime counts ... These are the hot spots where police and the rest of the justice system will have to deal with a large number of violent crimes and criminals”

162.4. It will definitely be very fruitful to do research on how intelligence-led policing and problem-orientated policing can best be executed in an informal settlement environment. This research should: 1) identify the challenges of policing in such areas as Khayelitsha; 2) look at local initiatives to overcome these challenges ,as in Cato Manor; and 3) look at policing in such areas as in for example: Nairobi (Kenya), Sao Paulo (Brazil), and Calcutta and Mumbai (India).

- 162.5. It should be emphasized that both Intelligence led and problem orientated policing approaches necessitate a sharing of the crime threat analysis product with the community, with the exception of the identity type of “who” intelligence. SAPS should, however, guard against a constant release of uncontextualized and uninterpreted raw crime statistics.
163. If an up to standard CTA is in place, and the station management can operationalise it, true focused intelligence-led policing can start in these three stations of Greater Khayelitsha. I believe it can, as during the Confederation and World Cup years, at least stop any further escalation of crime, and start to restore confidence of the community in the SAPS. A good 15 years ago I also participated in discussions around the very same issues and if what was said then was implemented, Khayelitsha would not be in the same crime mess in which it is today.
164. Furthermore if intelligence led and problem orientated policing bear the results in Khayelitsha it can be rolled out to other communities in the same predicament (like Inanda, Kwazakele, Kwa Mashu and Alexandra.)