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I, the undersigned,

PATRICK NJOZELA,

do hereby make oath and say:

1. I am the Head of Policing Complaints Centre ("the PCC"), a subdirectorate of the Directorate: Monitoring and Evaluation of the Department of Community Safety (DOCS) in the Province of the Western Cape. I joined the DOCS during July 2006 in the position as Assistant Director. After three months I was appointed Acting Head of the PCC and was subsequently appointed as head. I also worked as a investigator at ICD from 1998 to 2005, and I was appointed as acting Assistant Director for investigations at ICD in 2005. I left ICD in 2006.

2. The facts contained in this affidavit falls within my personal knowledge, save where the context indicates otherwise, and are both true and correct.

3. The PPC monitors policing conduct at the 149 police stations pursuant to s 206(3) of the Constitution of the Republic of South Africa.

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4. The key aims and objective of the PCC are –
 - 4.1 to monitor police conduct;
 - 4.2 to improve levels of service delivery in policing agencies;
 - 4.3 to promote accountability and transparency within police agencies;
 - 4.4 to monitor dominant patterns and trends at local stations and specialised units;
 - 4.5 to ensure that effective and efficient services are rendered to communities by policing agencies;
 - 4.6 to provide police management with information regarding performances of their respective policing agencies;
 - 4.7 to report on good service / compliments to policing agencies.

5. Various methodologies were adopted to measure complaints against policing agencies, namely:
 - 5.1 The service delivery poster campaign / complaints lodged with the Ministry or DOCS.
 - 5.2 The SAPS radio control 10111.
 - 5.3 Complaints lodged directly at police stations.
 - 5.4 Complaints lodged with the ICD/IPID.
 - 5.5 Complaints lodged with MPD.
 - 5.6 Complaints lodged with MPS.

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6. Since I have been employed in the PCC there have been a number of complaints arising from the three police stations in Khayelitsha have been made. I also point out that there have been a number of complaints in relation to other police stations.
7. The PCC investigates and/or monitors relevant investigations regarding service delivery complaints levelled against members of police agencies. Complaints are mainly received against members of SAPS and to a lesser extent against members of the Metro Police Department (MPD) and Metro Police Service (MPS). The DOCS has also extended its mandate to include members of the Provincial Traffic Services.
8. The complaints management process of the PCC is designed to undertake a review process every quarter on police service delivery levels.
9. During the period 1 April 2004 until about 2010 DOCS also received data regarding complaints lodged directly at police stations. In addition DOCS had access to complaints lodged with ICD.
10. The DOCS in relation to the complaints received, compiles quarterly reports detailing the complaints and these reports have been provided to the Commission for the relevant periods. These quarterly reports

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document *inter alia* the levels of satisfaction or dissatisfaction regarding the services provided by SAPS and the MPD and until 1 June 2013 it also included the Swartland Metro Police Service ("SMPS") which has now been disbanded.

11. The majority of complaints relate to issues such as lack of communication, poor communication, poor investigation, poor response, complaints against management or members, members, unacceptable behaviour and acts of criminality. These complaints are less about resources, but more about attitude and values the members of law enforcement agencies have in relation to members of the public.

12. The service delivery poster campaign was initiated in December 1998 as a way to gauge and get complaints against members of policing agencies, in particular SAPS at that juncture. The posters were displayed at police stations across the Western Cape encouraging individuals and communities to contact DOCS with regard to their service delivery complaints. These posters should be displayed in the client service centres where they are visible to members of the public. The service delivery poster campaign also makes provision for members of the public to report incidents whereby SAPS delivered an excellent service.

13. Prior to 2010 members of the PCC dealt with complaints received via e-mail, fax, media, personal interviews conducted at the office,

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personal interviews conducted outside the office, complaints received after hours and telephonic complaints. The PCC conducts a preliminary investigation which involved obtaining information directly from members of SAPS, and on the basis thereof conduct any intervention/mediation depending on the merits of the complaint and/or refers the complaint to other bodies that may have jurisdiction. Initially the response to the complaint was also monitored. The DOCS also did unannounced visits of police stations.

14. The PCC exercised its discretion as to whether matter should be referred to SAPS.
15. After the complaints had been dealt with and the officials of the PCC are of the opinion that members of SAPS have breached their policies and there is evidence of misconduct, a formal submission is forwarded to the Police Management for further investigation / intervention.
16. Upon finalisation of the cases, the DOCS and/or Ministry of Community Safety is informed in writing of the outcome thereof and they in turn informs the complainant in writing thereof.
17. Subsequent to 2010 the levels of co-operation between DOCs and the SAPS changed. From that point onwards consent was required from the office of the Provincial commissioner before investigations could be conducted and even prior to inspections of police stations being

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conducted. In relation hereto it was made clear that only only SAPS nodal point investigate all service delivery complaints. This resulted in DOCS being unable to access police stations and relying only on the provincial inspectorate of SAPS for investigation and feedback.

18. The reports prepared by DOCS prior to 2010 were more comprehensive than those prepared thereafter due to information no longer being accessible to DOCS and joint meetings ensued with senior and middle management of SAPS, representatives of the ICD and representatives of SAPS.
19. In my view this joint approach was the best model in which the relevant stakeholders got together to deal with complaints in relation to complaints lodged against members of SAPS. For example if complaints were duplicated to different stakeholders.
20. These meetings no longer take place.
21. ICD at that juncture was still dealing with service delivery complaints. The current position is that the PCC in the DOCS investigates service delivery complaints. In addition the Provincial Secretariat is also mandated to deal with service delivery complaints.
22. Currently, the DOCS only investigates complaints that are lodged directly with the DOCS and not complaints lodged elsewhere.

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23. The PCC also gauged the complaints received via the SAPS radio control (10111). Members on duty at the radio control record these complaints. They comprise of complaints against the radio control personnel and against members of various police stations and units. At the end of each month these complaints, after being recorded, are forwarded to DOCS Safety Police Complaints Centre. Designated members of the Department ensure that these complaints are captured in the database for quarterly reporting.
24. This is regarded as a special unit and whilst DOCS investigated those complaints prior to 2010, thereafter DOCS no longer deals with those complaints.
25. The complaints that were lodged by the SJC were not lodged with the PCC and were not subject to any investigation by the PCC.

Conclusion

26. I have dealt with complaints for many years. It is about enhancing service delivery and preventing corruption, rather than protecting the members. Complaints have to be dealt with thoroughly and without delay.

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PATRICK NJOZELA

I certify that the deponent acknowledged to me that he/she knows and understands the contents of this declaration, that he/she has no objection to taking the prescribed oath and considers it to be binding on his/her conscience.

Thus signed and sworn to before me at CAPE TOWN on this the 12th day
of ~~NOVEMBER~~ 2012. *December 2013*



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