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## AFFIDAVIT

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I, the undersigned

**NONTUTUZELO THERESIA MTWANA**

declare under oath as follows:

1. I am a Volunteers and Safety Coordinator at the Violence Prevention through Urban Upgrading (VPUU) project in Khayelitsha.
2. The facts herein fall within my personal knowledge, unless the context indicates otherwise, and are true and correct.
3. I have worked in Khayelitsha since 1989.
4. I have been working at VPUU since 2003. My role is to lead and develop the Safety Volunteers project. I promote voluntary involvement in securing community safety on a sustainable basis. This is done by contracting volunteers to a mutually beneficial arrangement. Voluntary duties aligned to a local safety plan are undertaken within the framework of neighbourhood watches, who report to their local Community Police Forum (CPF), and contribute to perceived and actual safety. Volunteers receive credits for each duty completed which can be exchanged for training. They also contribute incident reports which help identify safety issues before they escalate to crime. 'Old fashioned' mobile patrols, as well as static patrols around key public facilities or in hotspots are encouraged. Volunteers are offered training, and equipment, and are included among those considered for work opportunities when these arise.

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5. A crucial aspect of police-community relations is the relationship between the formal policing system, in the form of South African Police Services (SAPS) and the City of Cape Town's Safety and Security Directorate (SSD), and the informal policing system within Khayelitsha. At VPUU we work within the informal policing system. Before making some proposals with regard to improving the quality of the policing services provided to residents, it is helpful to describe the network of organisations engaged in community policing in Khayelitsha and to outline the difficulties faced by these institutions. The important role-players (apart from SAPS) are:
- a. The CPFs;
  - b. The Neighbourhood Watches;
  - c. The Street Committees (SCs); and
  - d. The SSD.
6. After discussing the role of community policing in Khayelitsha, I shall turn to consider a number of management and administrative inefficiencies that I have encountered in my work with the police. The final part of this affidavit deals with issues arising in policing informal settlements.

### **COMMUNITY POLICING FORUMS**

7. The three police stations in Khayelitsha (Harare, Site B and Lingeletu West) all have CPFs. CPFs are groupings made up of representatives from SAPS and community structures, including the neighborhood watches set up by VPUU.
8. My own observation has been that the functioning of each CPF is dependent on who participates in it. CPFs tend to be dominated by political parties and organizations. The Harare CPF is dominated by African National Congress (ANC) members. The Site B CPF has more members from Congress of the People (COPE). The Lingeletu West CPF appears to be unaffiliated with any particular

political party – that is to say, the individuals within the CPF may support political institutions (there are two political parties and two civil society organisations that are represented in it), but the CPF itself has not taken on a political character.

9. Being politically unaffiliated as a CPF has a number of benefits. When it comes to focus and stability, the Lingeletu West CPF is more stable and focused on community safety than the other stations. I believe that this is due to the fact that it is politically neutral, and consequently, the individuals on the forum focus on improving safety and security within their community, and direct political considerations tend not to influence their decisions. However, there is a sense that issues aired in politically dominated CPFs will quickly be reported to the dominant political party and its allies. This makes police hesitant to act contrary to the CPF's political will, despite what might be required, because of the risk that political action will be taken against them.

## **THE NEIGHBOURHOOD WATCHES**

10. The neighbourhood watches are established specifically with the idea of sector policing in mind, which is a concept that SAPS makes use of in Khayelitsha. Harare has four policing sectors. Site B has six sectors, and Lingeletu West has six sectors. Each sector has a sector commander.
11. The neighbourhood watches act as a deterrent to crime, and also respond to crime incidents. Crime incidents are reported to the closest SAPS station within that particular neighbourhood, and this is one of the areas where I have experienced a breakdown in police-community relations, and police inefficiency. Community members are willing to take as much responsibility for community safety as the law allows them, and to volunteer for neighbourhood watches. However, the reports of neighbourhood watches are not taken seriously enough by the SAPS at station level, and not acted upon.

12. Consequently, if SAPS supported the work of neighbourhood watches more effectively, with skilled sector managers and sufficient resources, issues around crime and violence could be tackled at a neighbourhood level, and ultimately make Khayelitsha sectors more manageable for SAPS.
13. Each neighbourhood watch consists of a group of volunteers who go on patrols at night over weekends, as those are the most dangerous times in Khayelitsha. The neighbourhood watches function in the same way in both formal and informal areas in Khayelitsha. Volunteers are divided into groups of between 6 and 12 people, and each patrol generally patrols a specific policing sector.
14. In Harare we currently have approximately 155 volunteers who are patrolling consistently. Site B has approximately 200 volunteers, and Lingeletu West has approximately 80 volunteers. They start at 6pm on weekend nights. There is a briefing, and patrolling begins at 8pm. Shifts end at 2am.
15. Briefings are conducted by neighbourhood watch coordinators, and very rarely by police officers. This is one of the ways in which police officers and CPFs fail to support the neighbourhood watches. If sector commanders conducted the briefings, the message would be clear that patrolling is not a social event, but a response to crime, and the watch would be given sufficient information to patrol effectively.
16. The SAPS, through their intelligence service, are supposed to brief the neighbourhood watch coordinators regarding the current crime trends, what areas are the most dangerous at which times, so as to guide the patrols. These briefings of the coordinators, however, do not usually take place. It is left to the neighbourhood watch itself to decide where the priority areas are, which leads to patrols that are not well directed. Often patrols take place almost entirely independently of the police and the framework that governs the police, instead of operating together with the police and within the proper legal framework.

17. SAPS officers do not like to walk with the patrols, and usually leave the neighbourhood watches to their own devices. The primary reason that we have been given by SAPS for the refusal to go on patrol with the watches, is a lack of resources. I have in the past proposed that police reservists patrol with the watches, but have been told by SAPS that they do not have the budget to have reservists walking with the community members.
18. Without a police officer on foot with the neighbourhood watches, volunteers lose interest, as they are too scared to walk Khayelitsha streets at night without police support. If an incident occurs a patrol has to call a sector commander or station on their own cell phones at their own expense, and immediate support is rarely forthcoming.
19. A further difficulty is that priorities differ – SAPS will receive an instruction one weekend to clamp-down on drunken driving, resulting in their officers being allocated to road-blocks, and no-one is available to support the neighbourhood watches. The SAPS seem to be driven by priorities and strategies which do not include the community policing structures.
20. Neighbourhood watches are often dependent on the goodwill of individual police officers, and are not assisted by stations or sector commanders as a matter of course. You are fortunate if you have an officer on duty at a particular time that is helpful – only then will you, as a neighborhood watch volunteer, get a quick response to any calls that you make. It is as if a favour is being done by the police, not a duty, when an officer responds to your call.
21. In Lingeletu West the sector commander supports the volunteers. The sector commander has been able to build up a relationship with the community because he has been a commander in that area for a long time. When the neighbourhood watch calls the sector commander, there is a quick response. I believe that this is because the sector commander is an experienced person with the rank of captain,

and because he has been working in the area for long enough to get to know the volunteers and his area.

22. The SAPS within Khayelitsha fails to acknowledge the important role played by neighbourhood watches, the potential these neighbourhood watches have for reducing the policing burden in a community that is spatially difficult to police, and do not sufficiently support the work of the neighbourhood watches.

## **STREET COMMITTEES**

23. The SCs also play a role in informal policing in Khayelitsha. SCs are seen as *"belonging"* to SANCO, and all SCs in Khayelitsha are seen as falling under it. However, SCs should serve all community members, regardless of their political affiliation. Individuals that serve on SCs are either hand-picked or elected by the people who live on a particular street. From the street level, they go up to be represented in a block, which comprises approximately four to five streets.
24. From blocks, area committees are formed. In some areas the committees are inactive. The reason for inactivity is mostly that there are affiliations within the committees with known criminals that reside in that area. Often such known criminals will even be the elected chairperson of the street, because other residents are afraid of him. In this way, a known criminal becomes a street committee chairperson sitting in an area committee with no followers from his own street.
25. Some streets have residents that have been staying in that street for a very long time, and those are streets where people have formed relationships within their own streets. These SCs operate well, and their boundaries have become settled over time.

26. The problematic areas are the informal settlements, where SCs operate in a less structured way. If a SC here wants to have more members, they will simply “give” themselves a bigger area which they will claim as their own. So their boundaries are unclear.
27. SCs deal with all sorts of community complaints, ranging from marital abuse to housing issues to abandoned children. They sometimes even divide themselves into specific portfolios. For example, one member of the SC will become responsible for women’s issues, and street residents will be encouraged to report things such as domestic violence to that particular resident.
28. SCs see themselves as the key people that have to decide what needs to be done, and tend to interfere with the work of the neighbourhood watches. If it does not suit a SC, for whatever reason, to have a neighbourhood watch in a particular neighbourhood, they will reject the neighbourhood watch, and even assault them, and prevent them from doing their work. The neighbourhood watches do not receive support from SAPS in this regard, and no concerted effort is made to coordinate the efforts of the SCs and neighbourhood watches.
29. Generally, the SCs have an excellent base in Khayelitsha. I would estimate they are functioning in between 50% and 70% of Khayelitsha. SC blocks do not, however, align with police blocks. Here again there is great need for alignment and coordination.
30. The relationship between SAPS and the SCs is poor. The SCs are not integrated into community policing structures, except to the extent that SANCO is represented on the CPFs, and the police only meet with the SCs during Imbizos, which are called at the behest of SAPS itself.
31. If one could align police blocks with street committee blocks, and if the police paid attention to nurturing and supporting SCs to operate within the legal framework, SAPS would have immediate access to a powerful community resource.

## THE CITY'S POLICING FUNCTIONS

32. There are several City policing units operating in Khayelitsha, notably the Metro Police, Law Enforcement (which includes the Land Invasion unit), the Traffic Police and several are specialist agencies, such as the gang unit, neighbourhood safety officers and the liquor bye-law unit. The Metro Police has its own Khayelitsha regional office. Law Enforcement has an office at the Khayelitsha Resource Centre, which is also the base for the Khayelitsha Traffic Police. These are all in addition to the three SAPS police stations. It is not possible, in the eyes of the community, to separate the City forces and the SAPS, given the way in which their operations blend into one another on a day-to-day basis.
33. There is often tension between the SSD and the SAPS. Due to this tension, the community members themselves feel that the brunt of policing is to be borne by the informal policing sectors, whilst at the same time the informal policing structures are *"pulled in all directions"*.
34. The SSD, for example, makes financial resources available for special projects. They also do training with the neighbourhood watches, and the neighbourhood watches get equipment from them. As part of a project to protect ambulances, in one instance, a neighbourhood watch received four radios and four bicycles. The impression thus was created that there were more resources available for this project than the other neighbourhood watches falling under SAPS or CPFs. Due to lack of dialogue and transparency on the issue, some of the volunteers on the other neighbourhood watches lose interest.
35. The tension is exacerbated by communication problems - the Metro Police have agreed that neighbourhood watches can have radios that can communicate directly with their base headquarters, which SAPS will not allow. However, the Metro have limited response capability and are not

structurally integrated into the neighbourhood watch patrol system – so you end up with a telephone that rings the wrong number in an emergency.

## **COORDINATION OF COMMUNITY POLICING**

36. In summary, the informal policing entities within Khayelitsha, such as neighbourhood watches, SCs and to a certain extent, CPFs are not properly supported, or fully integrated into formal policing structures. The SAPS officers responsible for general law enforcement only become involved in community policing when called upon to do so. They do not see themselves as an integral part of the broader community safety network, and are content to leave community safety issues to the communities themselves, whilst not providing adequate support.

## **MANAGEMENT AND ADMINISTRATIVE INEFFICIENCIES IN POLICING**

37. The formal policing system in Khayelitsha suffers from a number of managerial and administrative short-comings. There is a pressing need to investigate the various management hierarchies within SAPS, from the national to the provincial to the station level.
38. There is a particular need to investigate the requirements and qualifications for becoming a police manager at various levels, and especially at station and sectoral level. I believe that the only way to ensure the best possible relations between the police and the communities they serve, is to ensure that police managers are highly qualified and experienced individuals with the skill to truly manage police-community relations.
39. My experience in Khayelitsha has shown that only when the VPUU neighbourhood watches, and other forms of informal policing, are supported by truly skilled and

experienced sector commanders, or station commissioners, can they become truly effective.

40. The performance of any police structure, whether formal or informal, is largely dependent on the quality of individual persons responsible for its management, and that person's ability to coordinate policing efforts, and to build relationships with the community. In our experience, these skills are often lacking in officers serving in Khayelitsha.
41. I turn now to consider the specific administrative and organizational inefficiencies that I have encountered in my work.

### **RESOURCE ALLOCATION INFORMATION SHARING**

42. Determining proper resource allocation for policing in Khayelitsha includes an investigation of how many police officers there are for a given number of community members. The way in which this ratio is determined is not known to the public, and as long as we do not know the ratio, and how it is calculated, we cannot challenge either the ratio itself, or the way in which it is calculated.
43. Information such as this is necessary to inform the interaction between SAPS and neighbourhood watches, CPFs and other informal policing structures, where SAPS has an opportunity to make communities aware of what is required constitutionally, and what police directives say, and what the available resources are at station level. It is only when we have free access to this information at a local community level that we can start to advocate for better police-community ratios, and increased resources. No policing system can be effective if it is under-resourced, regardless of how effective an individual police officer in Khayelitsha may be on her or his own.

### **POLICE CULTURE**

44. My experience with the police in Khayelitsha reflects that there is an insufficient appreciation for the human rights of the people the officers are meant to serve and protect. The constitutional mandate that has been given to the SAPS is, in practice, at odds with what appears to be its chosen role of a police "force" instead of a police "service".
45. I believe that the recent remilitarisation of the police has been counter-productive at a community level, and ultimately will not benefit communities. The SAPS must discard its militaristic culture, and begin to understand its role as a servant of the people. It must engage with the community and work with the community towards prevention of crime and violence.

### **ROTATION OF OFFICERS**

46. We experience a considerable movement of personnel at the management level with the police. The officers are often rotated and there is rarely any attempt from incoming officers to find out what agreements have been reached with community structures by their predecessors. We then have to re-start negotiations from the beginning. You also find difficulties when there are acting station commissioners of the same rank as the people that are reporting to them.

### **SERVICE DELIVERY**

47. Service delivery in police stations is often poor because of a lack of prioritisation – if you have been attacked and are bleeding and go into a police station, you often do not receive urgent attention – this can be because of long queues of people who have come in to sign affidavits or other routine matters. In recent weeks there have been long queues at the Harare police station of people who have come in to have certified copies made. These

administrative issues take up much of time of the police who are then unable to deal with people who need urgent attention.

48. There are also no indicators in place for monitoring and evaluating service delivery. Without such indicators one cannot properly assess service delivery and then implement the measures necessary to improve it.
49. In terms of service delivery at the three SAPS stations, the members of the community that is being serviced by the Harare police station often complain about poor service delivery by the police and their slow response times – but you find few protest marches in this area. Protests occur often in Lingelethu, where there have been a number of demonstrations by NGOs and community members who have demanded the removal of the station commissioner and complained that the police have not been doing their work properly.

### **SPECIALISED UNITS**

50. Specialised police units are important in the context of community policing, particularly those units responsible for crowd control or gang violence. However, these units cannot operate in isolation. Ordinary SAPS officers' work should not end when specialised units are called in to deal with service delivery protests or similar public gatherings where violence could erupt. Specialised units can never replace the officers that work in Khayelitsha on a daily basis.
51. Instead, ordinary SAPS officers should work together with specialised units, to address the incidental crime that can, for example, be perpetrated during violence or large public gatherings.
52. There is an impression that ordinary SAPS officers do not see protests or other comparable public gatherings as creating the potential for incidental crime, such as theft or an assault. In my experience, such officers feel that they are wasting their time in standing by, and monitoring a potentially violent public situation. There

is a perception that once there is a presence of specialised police units, they should be allowed to continue with their "normal work", and that events such as service delivery protests keep them out of their work, when in fact anything that happens within the community is part of their work.

## **INFRASTRUCTURE**

53. Infrastructure is another issue that requires re-consideration. This is clear when one considers the nature of crime in informal settlements, as opposed to formal settlements. All informal settlements experience high levels of violent crime. There seems to be no law that is prevailing in the informal settlements, and many crimes in these areas are more violent than in other areas. I believe that this is because the lack of infrastructure in informal areas. Poor lighting, roads and supply of electricity create more opportunities for crimes to be committed, and less opportunity for policing, simply due to the physical environment.

## **INFORMAL SETTLEMENTS**

54. There a number of important differences in policing between the formal housing areas and the informal settlements: firstly, people feel less secure in their own homes in informal settlements and house-breaking is common.
55. Secondly, the police often cannot penetrate into the heart of informal settlements, which become police free zones. Finally, communication is a problem in informal settlements: radio linkages to informal settlements are often poor and even cell-phone communication is sometimes difficult, so people feel isolated and vulnerable.
56. I have been following in particular two informal settlements that are not within our safe node areas: Enkanini and SST in Town 2 section. Both have

good infrastructure, tarred roads and reasonably well lit streets, yet there is a high rate of house robberies and SST has high levels of domestic violence and rape. So the improvement of infrastructure alone does not necessarily address the high rates of crime in the informal settlements.

57. The frustration with the lack of adequate policing is extremely high in informal settlements, and the vigilante killings in Khayelitsha started in these areas, but it has now moved into the formal areas as well.



**NONTUTUZELO THERESIA MTWANA**

I certify that:

1. The Deponent acknowledged to me that:
  - 1.1 she knows and understands the contents of this declaration;
  - 1.2 she has no objection to taking the prescribed oath;
  - 1.3 she considers the prescribed oath to be binding on her conscience.
2. The Deponent thereafter uttered the words, "I swear that the contents of this declaration are true, so help me God".

The Deponent signed this declaration in my presence at **CAPE TOWN** on this day of **2012**.



**COMMISSIONER OF OATHS**

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